#### **BIRMINGHAM CITY COUNCIL**

#### **CABINET MEMBER AND CHIEF OFFICER**

#### WEDNESDAY, 05 FEBRUARY 2020 AT 00:00 HOURS IN CABINET MEMBERS OFFICE, COUNCIL HOUSE, VICTORIA SQUARE, BIRMINGHAM, B1 1BB

### <u>A G E N D A</u>

# 1PROPOSAL TO REMOVE BOARD PROVISION AT HUNTERS HILL<br/>COLLEGE

Item Description

# 2 DEDICATED SCHOOL GRANT FORMULA 2020-2021

Report of the Director for Education & Skills

# 3 LOCAL PINCH POINT FUND 2019: EXPRESSIONS OF INTEREST – 91 - 114 CITY CENTRE TRAFFIC MANAGEMENT AND BUS PRIORITY MEASURES

Item Description

4 <u>LOCAL PINCH POINT FUND 2019: EXPRESSIONS OF INTEREST –</u> <u>UNLOCKING BIRMINGHAM CROSS CITY BUSES – LINE 2 & 3 ROUTE</u> <u>ENHANCEMENTS</u>

Item Description

# **Birmingham City Council**

## **Report to Cabinet Member for Education Skills** and Culture

Date: February 2020	CONVARDA	
Subject:	PROPOSAL TO REMOVE BOARDING PROVISION AT HUNTERS HILL COLLEGE	
Report of:	Dr Tim O'Neill Director for Education & Skills	
Relevant Cabinet Member:	Cllr Jayne Francis - Education Skills and Culture	
Relevant O &S Chair(s):	Cllr Kath Scott - Education & Children's Social Care	
Report author:	Name: Jaswinder Didially	

Head of Service, Education Infrastructure; Telephone No: 0121 303 8847 E-mail address: jaswinder.didially@birmingham.gov.uk

Are specific wards affected?	□ Yes	⋈ No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	□ Yes	⊠ No
If relevant, add Forward Plan Reference: 00xxx/2018		
Is the decision eligible for call-in?	⊠ Yes	□ No
Does the report contain confidential or exempt information?		⊠ No
If relevant, provide exempt information paragraph number or	reason if cor	nfidential :

#### **Executive Summary** 1

- 1.1 To seek the determination of a statutory proposal:
  - Remove the boarding provision at Hunters Hill College with effect from 1<sup>st</sup> • April 2020.

#### 2 Recommendations

That the Cabinet Member for Education, Skills and Culture;

2.1 Approve, having taken into account the statutory guidance, the statutory proposal to remove the boarding provision at Hunters Hill College.

#### 3 Background

- 3.1 Hunters Hill College is a Birmingham community special school situated outside the City boundary at Spirehouse Lane, Bromsgrove, Worcestershire. The school can offer up to 135 places for pupils with an Education Health and Care Plan (EHCP) for Social, Emotional and Mental Health needs, (SEMH). Of the 135 places available, 32 can accommodate boarding pupils who have an EHCP for a boarding school place.
- 3.2 The school has not admitted pupils with an EHCP for a boarding place for many years. The unit has more recently been used by approximately 31 pupils for evening intervention and short break/respite care due to the fact there are no boarding pupils (pupils with boarding on their EHCP) at the school.
- 3.3 Due to safeguarding concerns that are currently being investigated this service was suspended during the summer and did not open in September 2019. There are no plans to reinstate this facility.
- 3.4 The Local Authority will be giving all parents of pupils who previously received short/break/respite care an opportunity to apply for a referral to request continuing support if they are eligible.
- 3.5 The Local Authority has an obligation to staff and to maintain the residential building although there have not been any boarding pupils for many years. The removal of boarding provision will allow the Local Authority to decommission the residential buildings. The long-term future of the residential building will be decided by the Local Authority.
- 3.6 Both Hunters Hill College and the boarding provision were inspected by OFSTED on September 18<sup>th</sup>/19<sup>th</sup> after a number of complaints were made to OFSTED that raised serious concerns. Following these inspections, both the school and the residential provision received ratings of "inadequate".
- 3.7 OFSTED found that "the arrangements for safeguarding at the school were not effective and at times pupils' safety was at risk because staff did not manage behaviour well." OFSTED found that "there were serious widespread failures at the boarding provision which meant that children and young people were not protected."
- 3.8 The Local Authority has been providing additional support at the school and has placed two new leaders in the school, one in May 2019 and one in September 2019.

- 3.9 Birmingham Education Partnership (BEP) and Birmingham City Council have been working collaboratively and agreed to move forward with proposals to remove the boarding provision.
- 3.10 Following the Ofsted rating of inadequate, Hunters Hill College became subject to a Directive Academy Order (DAO) on 23<sup>rd</sup> October 2019.
- 3.11 The Local Authority are considering options as per the DfE Guidance for Schools Causing Concerns, one of which could include the implementation of an IEB. An academy sponsor has yet to be confirmed.
- 3.12 A condition survey of Hunters Hill College was carried out on 1<sup>st</sup> March 2019 and identified major structural issues with the residential buildings which will require considerable investment to rectify. The closure of the boarding provision at Hunters Hill College will enable the Local Authority to remove the obligation to maintain the residential buildings that are currently unfit for purpose and have become financially unviable.
- 3.13 In compliance with DfE guidance and best-practice, a statutory pre-publication consultation was completed for the proposal between 21st October and 15th November 2019 this was in the form of a pre-publication letter. Two responses were received from parents at this stage one by email and one verbally, both opposed to the proposal. The parents were advised to put their comments in writing during the statutory consultation stage.
- 3.14 In compliance with DfE guidance, a statutory notice and proposal were published between 21<sup>st</sup> November and 19<sup>th</sup> December 2019 (four weeks). The representation period commenced with the publication of a statutory notice in the Birmingham Post.

During the four weeks representation period, comments on the proposal were submitted in writing to Education Infrastructure, via the BeHeard webpages, email or letter. A copy of the full proposal and public notices can be found within **Appendices 1 & 2**.

At the close of the representation period, 21 responses were received regarding the proposal. Of the 21 responses received 10 were opposed,10 were in favour and one had no comments. A detailed quantitative and qualitative analysis of the consultation and copies of the comments received can be found in **Appendix 3** of this report.

- 3.15 A number of detailed responses were received from parents and staff whereby reference is made to pupils being "residential." There are currently no pupils on roll at Hunters Hill College who have the requirement for a boarding/residential place on EHCP. All parents of pupils who previously received short/break/respite care will have an opportunity to apply for a referral to request continuing support if they are eligible.
- 3.16 Details of both the internal and external stakeholders consulted and the means by which both consultations were carried out are detailed in section 5 of this report.

- 3.17 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 that 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 attached (**Appendix 4**). 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.
- 3.18 If the proposals are approved, the boarding provision at the school will be decommissioned and the Local Authority will no longer be under an obligation to staff and to maintain the residential buildings.

#### 4 Options considered and Recommended Proposal

- 4.1 The option of doing nothing would mean that Hunters Hill College will remain as a school with boarding provision and the associated costs and safety concerns highlighted in this report will remain a liability for the city, staff and pupils.
- 4.2 To allow for the closure of the boarding provision at Hunters Hill College will enable the Local Authority to;
  - Address the serious widespread failures at the boarding provision that have been reported by OFSTED.
  - Remove the obligation to staff and maintain the residential buildings that are currently unfit for purpose and have become increasingly financially unviable.
  - No longer allocate £1.1million from the high level funding block at the Local Authority for Hunters Hill boarding provision, where there are no boarding pupils on roll.

#### 5 Consultation

#### 5.1 Internal

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

- All Ward Councillors in Birmingham
- 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 is 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 both 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 pre-statutory consultation period, information about the proposal was publicised to the parents, teaching staff, non-teaching staff. During the statutory consultation period, information about the proposal was publicised to all stakeholders consulted during the pre-statutory period and the following additional consultees:
  - Birmingham Schools;
  - Neighbouring Local Authorities;
  - The Archdiocesan and The Anglican Diocese of Birmingham;
  - Professional Associations and Trade unions
  - All Birmingham Local Councillors
- 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 schools' webpages;
  - On the Birmingham City Council School Notice Board.
- 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

Should the proposals for the closure of the boarding provision not be approved there is a high risk of the following;

An alternative solution would need to be sought to address the following serious issues at the school;

- Ofsted's judgement of "inadequate";
- The School's deficit budget £291,000.
- The buildings are unfit for the original purpose and require a significant level of investment to meet current building standards.

• Safeguarding concerns raised by OFSTED. "There are serious and widespread failures, which mean that children and young people are not protected, or their welfare is not promoted or safeguarded" OFSTED 2019

#### 7. Compliance Issues:

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

- 7.1.2 The proposal to remove the boarding provision at Hunters Hill College is necessary in response to the following issues at Hunters Hill College:
  - OFSTED's judgement that Hunters Hill College is inadequate.
  - OFSTED's findings that "there were serious widespread failures at the boarding provision which meant that children and young people were not protected."
  - The Hunters Hill residential building is unfit for purpose.
  - There have not been any boarding pupils at the school for many years.

#### 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 to remove the boarding provision 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

- 7.3.1 As at December 2019 Hunters Hill College had a financial deficit of £291,000.00. Unviability of maintaining the residential buildings along with the unfilled boarding places is contributing to this deficit. As a consequence of the closure of the residential unit the school will lose £1.1 million high needs funding based on a full year and although the expenditure for the residential unit will also reduce (staffing costs alone equate to £730,000.) there is likely to be an increase in the deficit for Hunters Hill.
- 7.3.2 The £1.1 million funding is allocated from the high level needs funding within SENAR and has been allocated for boarding places of which none exist at Hunters Hill.
- 7.3.3 This proposal will remove the requirement to allocate £1.1million to Hunters Hill College. This £1.1 million will be available to fund high level need places elsewhere in the City.

#### 7.4 Procurement Implications (if required)

Not applicable

#### 7.5 Human Resources Implications (if required)

7.5.1 Any changes to existing terms and conditions of staff or staff reductions resulting from the closure of the boarding provision will be subject to full consultation with the trade unions and teaching associations in line with City Council policy and procedure.

#### 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 these recommendations.

#### 8 Appendices

- 1. Full Proposal Document
- 2. Public Notice
- 3. Statutory Consultation Results
- 4. Guidance for Decision Makers
- 5. Ward 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.
- OFSTED Full Inspection Report 2019 Reference: Hunters Hill College https://reports.ofsted.gov.uk/provider/25/103609
- OFSTED report for Residential special school 2019 <u>https://reports.ofsted.gov.uk/provider/10/SC043050</u>
- Hunters Hill College Non-Building Condition Report March 2019

Item 1



# **Full Proposal Document**

**Hunters Hill College** 

Proposal to Remove the Boarding Provision

#### Introduction

Birmingham City Council, as the Local Authority for Birmingham, is consulting on a proposal to make changes to Hunters Hill College which is one of Birmingham's 27 special schools. The school is located outside of Birmingham, in the neighbouring area of Bromsgrove, and is maintained by Birmingham City Council. Hunters Hill College can offer up to 135 places for pupils with an Education, Health and Care Plan (EHCP) for Social, Emotional and Mental Health needs, (SEMH).

The school has boarding provision on the Spirehouse Lane site.

Туре:	Special School (Local Authority Maintained)				
Name:	Hunters Hill College		DFE:	3307037	
Address:	Spirehouse Lane, Worces	tershire B60 1QD			
Ward:	Linthurst District:		Bromsgrov	/e	
Age Range:	11 -16 years	Capacity:	135		
Last Ofsted:	18/19 September 2019.	Ofsted Rating	Overall Effectiveness: 4.		
	Both the college and		(inadequate - special		
	the residential facility measures)				
	have been inspected.				

#### What changes are proposed?

We are proposing to carry out the following changes to Hunters Hill College:

• Removal of boarding provision

#### Why do we want to do this?

Birmingham City Council, as the Local Authority, is consulting with stakeholders on a proposal to remove the boarding provision with effect from 1<sup>st</sup> April 2020.

- The School has not admitted any boarding pupils\* for many years; For schools with boarding provision, operating with a large number of unfilled boarding places, there can be a risk that they become financially unviable. If a school has a financial deficit, this can impact on staffing, standards and attainment; and, ultimately, the future of the school.
- The provision has recently been used for short breaks/respite only. Due to safeguarding concerns that are currently being investigated, this service was suspended during the summer and did not open in September 2019. There are no immediate plans to reinstate short break/ respite care within the boarding provision at the school.
- The residential buildings are beyond economical repair and no-longer fit for their original purpose.
- Both the College and the residential facility were inspected by OFSTED on 18<sup>th</sup>/19<sup>th</sup> September 2019. Both received an OFSTED rating of "inadequate" The reports can be found via the following links;

Hunters Hill Inspection report for residential special school Hunters Hill College Inspection report for School

#### When will these changes happen?

If the proposal is approved by the decision makers (following full consultation) it is intended that the proposal to remove the boarding provision will be implemented on **1**<sup>st</sup> April 2020.

#### How will this affect pupils at the school?

The Local Authority recognises that there were a number of pupils who had the opportunity for short break/respite care. This was available only because the residential unit was not being used by boarding pupils (Boarding pupil: a pupil who has an EHCP that specifies they need a boarding school place). The short break/respite care was suspended in July 2019 due to concerns about the provision. The Local Authority will be giving all parents of the pupils who previously received short break/respite care an opportunity to apply for a referral to request continuing support if they are eligible.

As there are have not been boarding pupils on roll at Hunters Hill College for many years, there is no evidence that the removal will impact on the level of demand for this type of provision in the city.

#### How will this affect staff?

Any changes to existing terms and conditions or staff reductions resulting from the removal of boarding provision will be with full consultation with the trade unions and teaching associations.

#### Will there be changes to the school building?

There will be no changes to the school building other than the closure of the residential unit which will no longer be accessible to pupils and staff. The long-term future of the residential building will be decided by the Local Authority.

#### What are the project costs for this proposal and how is it funded?

There are no project costs relating to this proposal.

#### Will this definitely happen?

No, there is a statutory process we must follow to make these sorts of changes to schools.

This document is the full proposal for statutory public consultation, referred to as the "representation period". All comments received during the representation period will be forwarded to the decision makers for consideration.

Within two months of the end of the representation period the Council's Cabinet Member for Education Skills and Culture jointly with the Director for Education & Skills will make a final decision.

It is only at that point that we will be able to say with certainty that the school will close the boarding provision.

#### What will happen if this proposal is rejected?

If this proposal is rejected, Hunters Hill College will remain a special school offering boarding provision.

Hunters Hill College will still have to maintain and resource the residential unit even if it continues to operate with unfilled boarding places. This could cause the school to go into financial deficit and could eventually impact on staffing, standards and attainment, and ultimately, the future of the school for all staff and pupils.

#### How can I make my views known?

We welcome comments in writing, by email or via the BeHeard webpage within the four-week consultation period between

#### 21<sup>st</sup> November 2019 to 19<sup>th</sup> December 2019 (Midnight).

Anyone wishing to make comments, support or objections to this proposal may do so through the BeHeard consultation website: https://www.birminghambeheard.org.uk/people-1/huntershill

Or in writing to; Birmingham City Council's School Organisation Team through: Education and Infrastructure PO Box 15843 Birmingham B2 2RT

Or by emailing: <u>edsi.enquiries@birmingham.gov.uk</u> Please include **Hunters Hill** in the email subject

A consultation response form can be found at the end of this document and can be used if anyone would like to send their comments in writing or by email.

#### What happens next?

The dates set out below meet the government requirements for us to consult fully with the people affected by the proposal.

Action	Date
Statutory notice to be published	21 <sup>st</sup> November 2019
Beginning of 4 week consultation period	21 <sup>st</sup> November 2019
End of 4 week consultation period	19 <sup>th</sup> December 2019
Final decision to be made no later than	19 <sup>th</sup> February 2020
Changes implemented	30th April 2020

#### Key dates



Hunters Hill College: Proposal to Remove the Boarding Provision

Thank you for taking the time to send us your thoughts on these proposals.

#### **Consultation Response Form**

Please help us to analyse your response by completing the following:

Your name (optional): \_\_\_\_\_

Your contact details (optional, if you would like a reply)

Are you in favour of the proposal (please circle)? Yes / No / Don't know

Your interest in the proposal (please indicate one of the below):

Pupil	
Parent	
School Governor	
School Staff	
Local Resident	
Local Councillor	
Member of Parliament	
Other (please specify)	

Please provide your comments to the proposal.

# Item 1

BIRMINGHAM CITY COUNCIL Proposal to Make Prescribed Alteration Hunters Hill College

Notice is given in accordance with section 19 of the Education and Inspections Act 2006 and regulation 6 of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 that Birmingham City Council proposes to make a prescribed alteration to Hunters Hill College Spirehouse Lane, Worcestershire B60 1QD. Hunters Hill College is a community special school that can accommodate up to 135 children who have an Education, Health and Care Plan (EHCP) for Social, Emotional and Mental Health needs (SEMH).The school has a boarding provision on the Spirehouse Lane site. There are no boarding pupils in the boarding provision. It is proposed for the school to;

 Remove the boarding provision at Hunters Hill College, Spirehouse Lane Worcestershire with effect from 1<sup>st</sup> April 2020.

This notice is an extract from the complete proposal document. Copies of the complete proposal can be found at <u>www.birminghambeheard.org.uk/people-1/huntershill</u> If you require a hard copy, this can be obtained by writing to: School Organisation Team, Education Infrastructure, PO Box 15843, Birmingham B2 2RT.

Within four weeks from the date of the publication of this proposal, any person may object to or make comments on the proposal by sending their representations through the web site or by writing to the School Organisation Team at the above postal address. The date by which comments or objections must be received is 19<sup>th</sup> December 2019.

Signed: Jaswinder Didially

Head of Service – Education Infrastructure

Date: 21<sup>st</sup> November 2019

Total number of responses:	21
Number in favour or against the proposal:	5.0
In favour	10
Against	10
No comments/objections	1
Method of response:	
BeHeard (website)	18
Email	2
Letter	1
Respondent by type:	
Pupil	1
Parent/grandparent/carer	8
School Governor	1
School Staff Member	6
Local Resident	1
Local Councillor	0
Member of Parliament	0
Other, please specify	4
Comment themes: (counted per mention of total responses*);	Result
Positive feedback from parents and unhappy about closure	8/21
OFSTED rating of Inadequate	5/21
Not meeting pupil needs	3/21
Respite/short breaks are needed	3/21
Closure of boarding provision will lead to closure of school	2/21
School needs to improve	2/21
Respite benefits pupils and families	1/21
Misleading proposal, disagree with content	1/21
Expenditure on this non statutory provision is reducing funds for other pupils who need it.	1/21
Children exposed to risk	1/21
Buildings not adequate for residential pupils	1/21
Would like the school to close	1/21
School generates anti-social behavior for local area	1/21
	1/21

#### Summary Table: Consultation Results: Hunter's Hill - Boarding Provision SOT10160

#### \*Analyst notes:

Of the eight responses from parents, two were from the same respondent who responded by both email and via BeHeard.

Worcestershire County Council responded by email, confirming they had no comments.

Response ID	Type of respondent	In favour of the proposal?	Comments
ANON-JJ7M-2E8D-B	other, please specify: special school head	Yes	The expenditure on non statutory provision is creating detriment to the high needs pot reducing funding to other pupils with EHCPs that need school places The quality of residential provision is inadequate as recognised by Ofsted in its recent inspection
ANON-JJ7M-2E8Q-R	Staff Member	Yes	The provision is inadequate and not meeting the needs of the boys. Too much over familiarity with residential staff without improving outcomes.
ANON-JJ7M-2E83-T	other, please specify: Foster Carer	No	The young boy we have in care with us has been going to residential for the last two years. Which he really enjoys going to. He is very upset that it has been closed this term. He has a great relationship with the careers there, & helps him to mix better with the other young boys there, & learning social skills & interacting with them.
ANON-JJ7M-2E8U-V	other, please specify: School improvement advisor	Yes	The Ofsted report for the residential provision at the school is damning and identifies unsafe, concerning and inadequate practice that the children in the school are exposed to. It is morally not right to expose pupils to further risk.
ANON-JJ7M-2E85-V	Parent	Yes	The Ofsted report for residential homes is appalling
ANON-JJ7M-2E8J-H	Staff Member	Yes	The residential staff are bringing the morale of the school down and have been providing poor support for pupils for a long time. They don't have the skill to meet the boys needs.
ANON-JJ7M-2E8T-U	other, please specify: local school	Yes	the school is disruptive to the community on an evening The Ofsted report is not good and not helping the boys improve
ANON-JJ7M-2E84-U	Pupil	No	Please do not keep my residency closed at my school. I love going to residency 3 nights a week because I have fun playing with my friends. We can't have fun like that in school. My mom proud of me as she says I growing in to a nice young man and I can do more for myself and she proud and I don't get in to many arguments now like before because I'm getting on better with people because of the residency. I was in House but now I'm not. I liked and and was happier but since being in year 9 it's changed. We have no play times like before and a lot of my best teachers not in school anymore. I want it to go back to before playing with my friends after school in the residency and eating tea with my friends Please can it go back to before
ANON-JJ7M-2E8S-T	Parent	No	Definitely not my child Has gained his confidence and social skills from residential. Before this school and for a few months during he wouldn't stay over night anywhere apart from home hunters hill give him the confidence and care to overcome any anxiety he once had . In fact he optionally chooses to stay over now. I know many other boys there have overcome so much and are so happy with there residential care many of whom wouldn't like that taken away.
ANON-JJ7M-2E8P-Q	School Governor	No	The original need for full residential may not be relevant now but the need for and value of respite / short breaks are still very much relevant.
			The residential provision (most recently used for the above respite and short break) has been suspended primarily because of delivery standards and not because of the buildings or concept of overnight stays.
			It may be that capacity is excessive bit retention of a honed down facility is still vital for these challenged children who otherwise will be constantly in potentially difficult home environments in the city.
			Removal of the facility would mean transport costs and challenges will increase and that will only enhance the possibility of the school's existence coming to an end.
			I consider this to be the thin end of the wedge.

ANON-JJ7M-2E8E-C	Staff Member	Yes	The buildings do not provide adequate provision for a residential setting and safety would continue to be compromised. Facilities within each of the homes is inadequate and onsite security would be difficult to guarantee with the amount of open spaces and perimeter fences to protect. The homes need extensive work to bring them up to an appropriate standard and this would take considerable time and be at considerable cost. If youngsters were to exit the homes area then the dangers in the surrounding area with fast roads and potentially dangerous facilities on the rest of the site would mean that the safety of youngsters could not come close to be guaranteed.
ANON-JJ7M-2E8W-X	Staff Member	Yes	There is an absence of objective, meaningful, cred ble data and information to authentically suggest that residence has a positive impact on pupils educational progress and attainment. There are a lot of misguided and emotive claims that can not be substantiated. The provision is expensive and does not offer value for money. The focus of the provision is skewed and the practice within residence is unsafe.
ANON-JJ7M-2E8G-E	Staff Member	Yes	The school needs to improve and the residential staff cant see it and dont want to change for the better.
ANON-JJ7M-2E8Z-1	Parent	No	We need the residency open , the kids love it they go for the restbite, they have a special bond with the teachers & the teachers have a special bond with the pupils. It gives them that special relationship. I think hunters hill is a fantastic school, & they have done fantastic with my son.
ANON-JJ7M-2E86-W	Local Resident	No	the students from this school continue to disrupt the local area with constant running form school and bad behaviour. On one instance I had a pupil try and break into my house while myself and terrified chid were home. This was reported to the police and yet still I see on many occasions pupils roaming freely around the area. the local school park has been vandalised also. I would not only like the boarding school never to reopen but the whole school shut down!
ANON-JJ7M-2E8N-N	other, please specify: Sen school sector	Yes	The school provision whilst needed is out of borough and not good enough quality. A more local provision with respite would be better

From: Sent: To: Subject:

09 December 2019 20:34 Edsi Enquiries Hunters Hill

As a parent I am very concerned that Birmingham City Council want to remove the residency facility. This facility has helped my son form better relationships with his friends and staff. His confidence has grown so much since he started Hunters Hill over 2 years ago. This is credit to the staff that ran the residency provision. My son would never stay over at school due to his low self esteem and lack of confidence. He always had a feeling like he didn't belong in a school setting, but with the hard work of the staff they encouraged him and built his confidence up gradually.

My son has never been great in a classroom setting and could be very anxious and unsettled due to his SEMH. He has the diagnosis of Autism, ADHD, ODD, Dyspraxia and BESD now known as SEMH.

What worked for my son and many other students was that the staff always treated the children as individuals and knew what works and what don't and also what times of the day the students have more or less concentration. Also what situations can escalate if not treated correctly. Having the residency helped relax students because the staff could see the real child out of the classroom setting. Most children with these disabilities struggle in a classroom setting so seeing them in a more relaxed atmosphere helped build social skills and bonded the students and staff relationships. They did lots of extra curricular activities played football, Dodgeball, Basketball etc. They went on outings swimming, cycling, parks, nature trails or simply played games not just computer games but interaction games. This extra curricular setting was needed for these pupils and that's why we chose Hunters Hill as it offered so much to benefit the students. I can honestly say we have only ever had positive experiences with the residency staff and school staff up til this September it has just gone downhill this term since September when he started year 9 because of all the changes. I am not an easily pleased parent I expect the best for my son and if I have any concerns I will voice them. When I do this on the few occasions I had to they were dealt with straight away. At no time can I say I had any concerns, all the Hunters Hill staff gave 100% commitment to the pupils and safeguarding was there top priority. The residency provision may not have been used as what Birmingham City Council say is a boarding school but it did offer respite care to pupils and short breaks. This benefitted the students so much like I have said as it offered respite and happiness to the students. It gave them social skills it gave them independence it gave them friendships and a lot of other positive situations. Not all children stayed over all night they went to the extra curricular activities just for the evening until about 8pm but this still helped them socialise and build relationships. Pupils who did stay overnight went to school the next day refreshed and happy. Not all pupils have a happy and settled home life so respite is crucial for them, also they get proper meals which not every child gets at home. I know it's not the schools whole responsibility for social care but surely working together will reduce poverty, challenging behaviour and many other things that will give a child a better education because they are was happy in year 7 and year 8 and he was learning because of the balance more settled, relaxed and happy. with school and residency. This reduced anxiety and resulted in less challenging behaviour which impacts on his Mental Health. Also having the extended evenings parents had regular feedback with the staff which again helped the relationships between staff-parents/carersand students. Also it is stated in the Ofsted the building of residency in in a state of disrepair?.

#### My reactions to that are

1) Why did Birmingham City Council decorate all the houses and bedrooms throughout the 6 weeks holiday to waste money?

And I don't believe they only knew at the inspection in September because the residency provision was closed the last week of term in July and first week in September before the ofsted, but they still decorated it throughout. My 2nd concern is if it was in such a desperate state why was a member of the Forward Education Trust staff member allowed to reside there throughout the 6 weeks break using school food, gas, electric, school bus and more and entertained family and friends in this facility?

Why was this allowed when there were no pupils and now all the school fundings have dried up.?

This is fraud and should be a police matter but in the meantime the students are penalised by not having the residency provision whether it's for short breaks, extra curricular activities or respite care.

My son's mental health is suffering since September due to the withdrawal of the residency /respite care provision. His relationships with staff and students is suffering. His learning is now being affected as he spends most of his time excluded as being put in Isolation nearly every day. His anxiety levels have increased resulting in challenging behaviour. I am having calls from the staff every day about his behaviour right now and all the Hunters Hill staff will agree that All the students are doing the same due to all the changes that are going on at the school which are not for the better and the breakdown in relationships as there is no escape anymore like they had when they had the residency to unwind. As for funding again I can't see there being much difference in having pupils stay in the residency and putting on school transport for these pupils. As a concerned and worried parent I please beg you to reconsider your request to close the residency provision. They need the respite and short break care that has been a god send for these pupils with special needs. They need this nurturing and a feeling of belonging. These are pupils who's lives have been ruined previously in mainstream schools but have now found a sense of security and built up confidence and now have a good balance with school and the respite provision. We chose this school because of the commitment of staff and the opportunities in and out of the classroom. Please reconsider and continue to offer the residency to boost the child's education and self esteem. I am willing to pay for this facility and I am sure others would too because unless you have a child at Hunters Hill you can't comprehend how strongly we feel about this. All pupils and staff want this to reopen and stay open and if we have to pay a fee then so be it because I have seen how the right school benefits the child and my son chose this school for the facilities in school and the residency and the out of classroom opportunities and was doing amazing. This has changed since September and the sooner we get back on track the better. Please reconsider I will do anything to support this. I had wrote to my MP Richard Burden who was taking up the case but then Parliament was suspended during the election campaign so at the moment I cannot count on his support but fingers crossed he gets re elected on the 12th December and will take this case up again.

In the meantime please consider my request to reopen the residency and keep it open.

Thank you in advance

#### Response ID ANON-JJ7M-2E8A-8

Submitted to School Organisation Hunters Hill College Submitted on 2019-12-09 19:29:14

#### 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:

As a parent I am very concerned that Birmingham City Council want to remove this facility. This facility has helped my son form better relationships with his friends and staff. His confidence has grown so much since he started Hunters Hill over 2 years ago. This is credit to the staff that ran the residency provision. My son would never stay over at school due to his low self esteem and lack of confidence. He always had a feeling like he didn't belong in a school setting, but with the hard work of the staff they encouraged him and built his confidence up gradually.

My son has never been great in a classroom setting and could be very anxious and unsettled due to his SEMH.

He has the diagnosis of Autism, ADHD, ODD, Dyspraxia and BESD now known as SEMH.

What worked for my son and many other students was that the staff always treated the children as individuals and knew what works and what don't and also what times of the day the students have more or less concentration. Also what situations can escalate if not treated correctly. Having the residency helped relax students because the staff could see the real child out of the classroom setting. Most children with these disabilities struggle in a classroom setting so seeing them in a more relaxed atmosphere helped build social skills and bonded the students and staff relationships. They did lots of extra curricular activities played football, Dodgeball, Basketball etc. They went on outings swimming, cycling, parks, nature trails or simply played games not just computer games but interaction games. This extra curricular setting was needed for these pupils and that's why we chose Hunters Hill as it offered so much to benefit the students. I can honestly say we have only ever had positive experiences with the residency staff and school staff up til this September it has just gone downhill this term since September when he started year 9 because of all the changes. I am not an easily pleased parent I expect the best for my son and if I have any concerns I will voice them. When I do this on the few occasions I had to they were dealt with straight away. At no time can I say I had any concerns, all the Hunters Hill staff gave 100% commitment to the pupils and safeguarding was there top priority. The residency provision may not have been used as what Birmingham City Council say is a boarding school but it did offer respite care to pupils and short breaks. This benefitted the students so much I ke I have said as it offered respite and happiness to the students. It gave them social skills it gave them independence it gave them friendships and a lot of other positive situations. Not all children stayed over all night they went to the extra curricular activities just for the evening until about 8pm but this still helped them socialise and build relationships. Pupils who did stay overnight went to school the next day refreshed and happy. Not all pupils have a happy and settled home life so respite is crucial for them, also they get proper meals which not every child gets at home. I know it's not the schools whole responsibility for social care but surely working together will reduce poverty, challenging behaviour and many other things that will give a child a better education because they are more settled, relaxed and happy. was happy in year 7 and year 8 and he was learning because of the balance with school and residency. This reduced anxiety and resulted in less challenging behaviour which impacts on his Mental Health. Also having the extended evenings parents had regular feedback with the staff which again helped the relationships between

staff-parents/carersand students. Also it is stated in the Ofsted the building of residency in in a state of despair?.

My reactions to that are 1) Why did Birmingham City Council decorate all the houses and bedrooms throughout the 6 weeks holiday to waste money? And I don't believe they only knew at the inspection in September because the residency provision was closed the last week of term in July and first week in September before the ofsted, but they still decorated it throughout.

My 2nd concern is if it was in such a desperate state why was a member of the Forward Education Trust staff member allowed to reside there throughout the 6 weeks break using school food, gas, electric, school bus and more and entertained family and friends in thus facility?

Why was this allowed when there were no pupils and now all the school fundings have dried up.?

This is fraud and should be a police matter but in the meantime the students are penalised by not having the residency provision whether it's for short breaks, extra curricular activities or respite care.

My son's mental health is suffering since September due to the withdrawal of the residency /respite care provision. His relationships with staff and students is suffering. His learning is now being affected as he spends most of his time excluded as being put in Isolation nearly every day. His anxiety levels have increased resulting in challenging behaviour. I am having calls from the staff every day about his behaviour right now and all the Hunters Hill staff will agree that All the students are doing the same due to all the changes that are going on at the school which are not for the better and the breakdown in relationships as there is no escape anymore I ke they had when they had the residency to unwind. As for funding again I can't see there being much difference in having pupils stay in the residency and putting on school transport for these pupils. As a concerned and worried parent I please beg you to reconsider your request to close the residency provision. They need the respite and short break care that has been a god send for these pupils with special needs. They need this nurturing and a feeling of belonging.

These are pupils who's lives have been ruined previously in mainstream schools but have now found a sense of security and built up confidence and now have a good balance with school and the respite provision. We chose this school because of the commitment of staff and the opportunities in and out of the classroom. Please reconsider and continue to offer the residency to boost the child's education and self esteem. I am willing to pay for this facility and I am sure others would too because unless you have a child at Hunters Hill you can't comprehend how strongly we feel about this. All pupils and staff want this to reopen and stay open and if we have to pay a fee then so be it because I have seen how the right school benefits the child and my son chose this school for the facilities in school and the residency and the out of classroom opportunities and was doing amazing. This has changed since September and the sooner we get back on track the better.

From:	Barnes, Alison <abarnes@worcschildrenfirst.org.uk></abarnes@worcschildrenfirst.org.uk>
Sent:	18 December 2019 11:27
То:	Edsi Enquiries
Cc:	Langdon, Lucy; Williams, Robert; Haines, Jenny
Subject:	School Organisation Proposal Hunters Hill College Removal of Boarding Provision

Good morning

#### School Organisation Proposal: Hunters Hill College - Removal of Boarding Provision

Thank you for the notification in respect of the School Organisation consultation in respect of the removal of Boarding provision at Hunters Hill.

I have consulted colleagues in our SEND Services in respect of the proposal and currently, Worcestershire Children First have no comments to make in respect of the proposal.

Kind regards

#### **Alison Barnes**

Provision Planning Analyst Sufficiency and Place Planning Worcestershire County Council County Hall, Spetchley Road, Worcester, WR5 2NP Tel: 01905 846135 Email: abarnes@worcschildrenfirst.org.uk



#### Response ID ANON-JJ7M-2E8X-Y

Submitted to School Organisation Hunters Hill College Submitted on 2019-12-09 20:18:26

#### Introduction

1 What is your name?

Name:

#### 2 What is your e mail address?

e mail:

3 What is your interest in the proposal?

Other, please specify

other, please specify:

Grandmother of pupil

#### 4 Are you in favour of the proposal?

No

#### Please give details:

My daughter has fought really hard to get the education he deserves. He had his troubles in mainstream which lead to many exclusions so she agreed with Senar that he could attend a special school which was the last thing we wanted and didn't want the labelled as disabled etc.

We reluctantly sent him to a school that also had a senior school attached thinking it be less disruptive so he didn't have to move to another school in year 6. How wrong was we, it was awful and lasted from the September to November only, he was totally failed by the school so again he was challenging and his mental health suffered immensely more than anytime before.

In the February he got a place at Skilts school in Redditch and after 1 week he was a different child.

His anxiety levels decreased so much and he was happier and learning more than he ever had previously and this was because we had found the right school for the right child and it was amazing the transformation it made.

We were apprehensive when he had to move on to start secondary school so we viewed many schools at several times at different times of the day's and not just at the rehearsed open evenings or days.

Hunters Hill was a follow on school and worked the same way as Skilts and offered the same wide currriculum and many other extra curricular activities and the residency provision. At first we thought he won't need the residency as would never stay at school any longer than he had to in this new school. How wrong was we, thrived with the residency. He enjoyed the respite and gave him independence and made him feel welcomed and included. He built relationships away from the classroom as he was more relaxed and built relationships with staff too. The staff saw his true personality coming out and commented how his confidence is improving. The staff encouraged him to achieve and believe in himself and his self esteem grew. His limited social skills improved too and all this was because of the commitment of the dedicated staff at the school and the respite staff. I really stress the importence of this provision to remain open as it is key to the relationships with friends and staff. My grandson is suffering now its closed and we really don't want to lose all his hard work in making him a better person and the staffs hard work too.

My daughter seems to be having bad reports everyday since September due to the changes that are going on and the residency provision closed. All the Hunters Hill Staff are in agreement that all the students behaviour has deteriated since September and they miss this residency provision wether its for short breaks, extended evenings or respite care. Please reconsider your decision, as I agree it may not be used as a boarding school any longer but it is still needed for respite care, short breaks and extended evenings. While it's closed its damaging to the students. I heard it was all decorated during the holidays please let this not be a waste and let the students benefit from it. We finally got the education and provision he deserves and have updated his EHC Plan recently to make sure Hunters Hill are still meeting his needs as last thing we want is to move him again. This will be damaging and could ruin **t** a time when he needs the best in his education as he chooses his options soon. We need **t** back on track and need that residency provision open as soon as possible to get that balance back between staff, pupils and parents. Please keep the provision open, we will do whatever we can to support this.

# **Birmingham City Council**

#### Hunters Hill College

Proposal to Remove the Boarding Provision

Thank you for taking the time to send us your thoughts on these proposals

#### **Consultation Response Form**

**DEC 2019** 

Please help us to analyse your response by completing the following:

Your name (optional):

Your contact details (optional, if you would like a reply):

Are you in favour of the proposal (please circle)? Yes / No / Don't know

Your interest in the proposal (please indicate one of the below)

Pupil	and an
Parent	
School Governor	
School Staff	events of a system of the second s
Local Resident	
Local Councillor	
Member of Parliament	
Other (please specify)	

Please provide your comments to the proposal.

#### Response to Statement: Why do we want to do this?

- This statement is misleading; Hunters Hill College has not admitted boarding pupils for many years due to the Local Authorities removal of residential provision from pupils' Statements of Educational Special Needs (now Educational Health and Care Plans). This removal was purely based on financial implications because a residential provision written into a statement of Educational Special Needs required the Local Authority to have financial responsibly for pupils education long after they had reached the official leaving school age. The residential provision has never provided evening intervention as stated in the proposal document and the term short breaks and respite is misleading and bending the truth to suit.
- The Deficit in School is due to poor leadership within the school and has nothing to do with the residential provision. The Budget set aside for residence has continually been diverted into resources within the school, including the roles of intervention coordinators, these roles replaced RSCW, and this was a leading factor in the choice to begin the cut to provision. Up until Easter 2019, residential, staffs hours were hijacked to use in school due to the concern about behaviours of pupils in school. The majority of residential hours where used within the school day to provide pastoral support due to safeguarding issues within the school, residential has brought in significant funding.
- The Safeguarding issue discussed is misleading, it would not have resulted in a close of provision and had already been rectified as it was identification of subjection opinion on recording mechanisms not, as suggested pupils safety. This has been used as an excuse to close the residential provision which will eventually lead to the closure of Hunters Hill. This has been the plan of the Local Authority since 2018, and is a replication of what took place at Skilts School, another Birmingham City Council Special Needs provisions. The school is seen as not financially viable due to be it being outside of the city boundaries.

However, if well managed the school could have been financially viable. The use of the safeguarding issue in residency is being used as a 'smoke screen' for Birmingham City Council's plan to close all of the three schools outside of the city boundary schools.

- The residential buildings are not beyond economical repair and are fit for their original purpose; a new roof was recently replaced, with joint funding from the Local Authority and the school. Internal decorating took place. The Deficit in School is due to the recent cuts from central government and poor management of internal budgets and has nothing to do with the residential provision. The Budget set aside for residence has continually been diverted into resources in school with very little being spent on residential accommodation, although numerous requests over a four year period were made to invest the money into the residency, the requests were ignored. Historically, the residency side of Hunters Hill College has more than paid for itself; in fact the money generated has also benefitted the wider school community. Not only will the children and their families suffer because of the withdrawal of residency, the school will suffer too.
- The residential facilities were inspected and did receive an inadequate judgement, however this was the facilities first inadequate judgement and key staff were not in place to challenge this judgement.

#### Response to Statement: When will these changes happen?

No specific comment to this as the plan to close Hunters Hill College's residential provision and eventually the school itself has been planned from 2018.

#### Response to Statement: How will this affect pupils at the school?

Some evenings we have had over 20 students in residence with a view to this being expanded, however due to the closure of a residential building transferring to school use this was not possible. All residential pupils were provided with a high level of support to both the children and their families. Some of this support was sought from children's services and has supported to keep children in the family home by offering extensive support to parents/carers, and to grandparents. No other support was being given to these families so how can anyone say this is not a needed provision, services are being cut everywhere and the decision to close the boarding provision is very much a financial one to support cutbacks in education and the local authority. This makes the proposal very unfair to the staff working in this provision; the proposal insinuates we have been providing inadequate care in a building not fit for purpose.

Without this provision, some families would have failed to remain together due to disruptive nature of the children involved and the environment they live in at home. The residential facility has offered stability to children and their families; the residential setting offers them a safe area to develop their life skills whilst working on their social and emotional development to help them with their mental wellbeing. Without the specialist setting offering the children consistent routines and positive interactions within a family-style environment, some of these children would fail to coexist with their family and their wider community. I am therefore very concerned that, by the withdrawal of the residential provision, many of our most vulnerable children will struggle being at home full time and may end up being taken into care or become involve in Youth Justice services.

#### Response to Statement: How will this affect staff?

The lack of transparency and honesty in the pre-planned closure of Hunters Hill College has left staff morale low and a significant increase in sickness. The significant and dramatic changes to the school's leadership team has increased the uncertainly felt by staff. These changes did not need to be made as the plan is to close the school anyway, this level of disruption has been unnecessary and taken no consideration for the wellbeing of either students or staff

#### Response to Statement: Will there be changes to the school building?

This is a misleading statement; one of the residential buildings is already used for school use, with another used as an inclusion unit for pupils unable to access the classroom. All residential units are used before and after school to accommodate students as they arrive to and depart from school. If the residential units are not going to be accessible to staff or pupils how are these key times going to be managed, it is highly unlikely and misleading to state that the residential units will no longer be accessible to pupils or staff.

**Response to Statement: What are the projected costs for the proposal and how is it funded?** To say there are no costs are misrepresentative, the Local Authority are already spending thousands of pounds each week by paying Forward Education Trust to place people in key and senior posts when the provision is already planned for closure. This 'squander' of public funds is being used when the plans have already been made since at least 2018 to close the residential provision and what will shortly follow, the school itself.

#### Response to Statement: Will this definitely happen?

- To say the provision may not close is inaccurate in light of the length of time the closure has been planned and began initiation in 2018. This lack of transparency is unfair on pupils, parents/carers and staff and promotes a lack of trust in the Local Authority, there is no consideration that this is significantly affecting people's lives.
- The overall way this consultation has been managed is disgraceful, the leaders and authority have shown
  very little thought or care to long serving staff with extemporary records, vulnerable pupils and families in
  crisis through lack of honesty and transparency
- Closing this type of provision is short sighted as the need is there, to prevent our young people of Birmingham and surrounding areas from becoming involved in antisocial behaviour and fall victim to Safeguarding concerns. The Local Authority has failed in its duty by shutting this type of provision when instead they should have been forward thinking and expanding the provision to reach a greater number of young people.

Item 1



# Making significant changes ('prescribed alterations') to maintained schools

Statutory guidance for proposers and decision-makers

October 2018

# Contents

1:	Summary	4
	About this guidance	4
	Review date	4
	Who is this guidance for?	4
	Terminology	5
	Main points	5
2:	Prescribed alteration changes	7
	Enlargement of premises (expansion)	7
	Examples of when mainstream schools do/do not need to publish 'enlargement' proposals	8
	The quality of new places created through expansion	8
	Expansion onto an additional site (or 'satellite sites')	9
	Expansion of existing grammar schools	10
	Changes to the published admissions number (PAN) where an enlargement of premises has not taken place	10
	Change in number of pupils in a special school	11
	Change of age range	12
	Adding a sixth form	14
	Closing an additional site	15
	Transfer to a new site	16
	Changes of category	17
	Single sex school becoming co-educational (or vice versa)	18
	Mainstream school: establish/remove/alter special educational needs (SEN) provision	19
	Change the types of need catered for by a special school	20
	Boarding provision	20
	Remove selective admission arrangements at a grammar school	22
	Amalgamations	22
3:	Contentious proposals	23
4:	Changes that can be made outside of the statutory process	24

5: Statutory process: prescribed alterations	26
Publication	27
Representation (formal consultation)	28
Decision	29
Related proposals	30
Conditional approval	30
Education standards and diversity of provision	31
Equal opportunites issues	31
Community cohesion	31
Travel and accessibility	31
Funding	32
Rights of appeal against a decision	32
Implementation	32
Modification post determination	33
Revocation of proposals	33
Land and buildings	33
6: Statutory process: foundation proposals	35
Changing category to foundation, acquiring a found foundation majority	ation trust and/or acquiring a 35
Foundation schools acquiring a foundation trust	38
Removing a foundation trust and/or removing a four	ndation majority 41
Annex A: Information to be included in a prescribed al	teration statutory proposal 47
Annex B: Further Information	48
Annex C: Contact details for RSC offices	50

# 1: Summary

## About this guidance

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

The purpose of this guidance is to ensure that good quality school places can be provided quickly where they are needed; that local authorities (LAs) and governing bodies (GBs) 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'. Schools which do not fall within the above categories should only be expanded where there are no other viable options.

A GB, LA or the <u>Schools Adjudicator</u> must have regard to this guidance when exercising functions under <u>The School Organisation (Prescribed Alterations to</u> <u>Maintained Schools) (England) Regulations 2013</u> ('the Prescribed Alterations Regulations'). It should be read in conjunction with Parts 2 and 3 and Schedule 3 of the <u>Education and Inspections Act (EIA) 2006</u> and the Prescribed Alterations Regulations. It also relates to the <u>Establishment and Discontinuance Regulations</u> and <u>The School Organisation (Removal of Foundation, Reduction in the Number of</u> <u>Foundation Governors and Ability of Foundation to Pay Debts) (England)</u> <u>Regulations (2007)('the 'Removal Regulations').</u>

It is the responsibility of LAs and GBs 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 October 2019.

## Who is this guidance for?

Those proposing to make changes and making decisions on changes to maintained schools (e.g. GBs, LAs and the Schools Adjudicator), and for information purposes for those affected by a proposal (trustees of the school, diocese or relevant diocesan board, any other relevant faith body, parents etc.).

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

Please refer to the '<u>Further Information</u>' section for the full website address should you be unable to access documents via the hyperlinks provided.

# Terminology

Definitions of common terms used in this guidance:

**Schools with a religious character** - All schools designated as having a religious character in accordance with the <u>SSFA</u>.

**Foundation Trust** - For the purpose of this guidance the term 'foundation trust' refers to a foundation complying with the requirements set out in section 23A of the SSFA.

**Parent(s)** - The Education Act 1996 defines 'parent' as including someone who has care of, or legal responsibility for, the child. Therefore, a parent can include, for example, a grandparent, other family member or foster carer if they have care of or responsibility for the child.

## **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 as set out in Section 59 of the <u>Education and Inspections Act 2006</u>, they should copy the proposal to the relevant <u>Regional Schools Commissioner (RSC)</u> at the point of publication.
- To enable the department to monitor potentially contentious proposals, the proposer should copy any proposal, which falls within the definitions set out in <u>part 3</u>, to the School Organisation mailbox as soon as it is published <u>schoolorganisation.notifications@education.gov.uk</u>.
- LAs and GBs proposing to make a significant change to a school which has been designated as having a religious character should engage the trustees of the school, and in the case of Church schools the diocese or relevant

diocesan board, or any other relevant faith body, where appropriate at the earliest opportunity.

- 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. Where a decision is not made within this time frame, the LA must refer the proposal 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 <u>opening and closing maintained schools guidance</u>.
- Once a decision has been made the <u>proposer</u> (GB or LA) must make the necessary changes to the school's record in the department's system <u>Get</u> <u>Information About Schools</u> (GIAS) by the date the change is implemented.
- Where a school wishes to change their name, the GB will need to amend the Instrument of Government in line with regulation 30 of <u>The School</u> <u>Governance (Constitution) (England) Regulations 2012</u>. Once that is done, either the school or the LA will need to update the school record in the department's GIAS system.

## **2: Prescribed alteration changes**

## **Enlargement of premises (expansion)**

Under section 14 of the <u>Education Act 1996</u>, LAs have a statutory duty to ensure that there are sufficient schools for primary and secondary education in their areas. The department expects LAs to manage the school estate efficiently and to reduce or find alternative uses for surplus capacity (for example, increasing the provision of early education and childcare) to avoid detriment to schools' educational offer or financial position. LAs are encouraged to consider the use of modular construction solutions for any physical building expansion and to consider all options for the reutilisation of space including via remodelling, amalgamations, or closure where this would be the best course of action.

Where additional places are needed, including where there is a local demand for a particular category of places (for example in schools designated as having a religious character), the LA can propose an enlargement of the capacity<sup>1</sup> of premises.

The statutory process should be followed to enlarge premises as set out in the <u>Prescribed Alterations Regulations</u> (see <u>part 5</u>) if:

- the proposed enlargement is permanent (longer than three years) and **would** increase the capacity of the school by:
  - more than 30 pupils; **and**
  - o 25% or 200 pupils (whichever is the lesser).
- the proposal involves making permanent any temporary enlargement (which was intended to be in place for no more than three years) that meets the above threshold.

GBs of all categories of mainstream schools and LAs can propose small scale expansions that do not meet the thresholds above without the need to follow the formal statutory process in <u>part 4</u>. In many cases this can be achieved solely by increasing the school's published admissions number<sup>2</sup> (PAN); please see the <u>School</u> <u>Admissions Code</u>. The thresholds do not, however, apply to special schools. Details of how special schools can increase their intake<sup>3</sup> are covered below.

<sup>&</sup>lt;sup>1</sup> Net capacity as calculated using the DfE Guidance Assessing the Net Capacity of Schools (2002).

<sup>&</sup>lt;sup>2</sup> All admission authorities must set a published admission number (PAN) for each 'relevant age group' when they determine their admission arrangements. So, if a school has an admissions number of 120 pupils for Year 7, that is its PAN.

<sup>&</sup>lt;sup>3</sup> The number of pupils admitted into the school at a particular time

## Examples of when mainstream schools would/would not need to publish 'enlargement' proposals

A secondary school with a capacity of 750 (5 form of entry - 30 pupils per class, 5 year groups) **could** enlarge its premises to add 1 form of entry (30 extra pupils x 5 year groups = increase of 150 pupils) bringing the capacity to 900 pupils, **without** having to publish statutory proposals. Although the increase would be by 'more than 30' pupils, it is less than '200', and also less than '25%' of the current capacity (i.e. by less than 187).

A small primary school with a capacity of 50 **could** enlarge its premises to increase its capacity by up to 29 pupils **without** having to publish statutory proposals, because although it would be more than '25%', it is less than 30.

A school of any size enlarging its premises to enable it to add 300 places **would** need to follow the statutory process as the increase would be **both** 'more than 30' **and** '200' (it may or may not be more than '25%' but that is irrelevant if the 200 threshold would be met).

A primary school with a capacity of 210 enlarging its premises to enable it to add 105 places (1.5 forms of entry  $45 \times 7 = 315$ ), **would** need to follow the statutory process as the increase would be 'more than 30' and **more than** '25%' (it would be less than 200 but this is irrelevant as the 25% threshold would be met).

#### The quality of new places created through expansion

We expect LAs to consider a range of performance indicators and financial data, before deciding whether a school should be expanded. Where schools are underperforming, we would not expect them to expand, unless there is a strong case that this would help to raise standards. We expect LAs to create new places in schools that have an overall Ofsted rating of 'good' or 'outstanding'. If, however, there are no other feasible ways to create new places in the area, the LA should notify their Pupil Places Planning adviser<sup>4</sup>. In cases where there is a proposal to expand a school that is rated inadequate, the LA should also send a copy of the proposal to the <u>relevant RSC</u> so that they can ensure appropriate intervention strategies are in place.

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

<sup>&</sup>lt;sup>4</sup> <u>Advisers.PPP@education.gov.uk</u>

Proposer	Type of proposal	Process	Decision- maker	Right of appeal to the adjudicator
LA for community	Enlargement of premises that meets the threshold	Statutory process	LA	CofE Diocese RC Diocese
LA for voluntary or foundation	Enlargement of premises that meets the threshold	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
LA for voluntary and foundation	Enlargement of premises (below the threshold)	Non statutory process	LA	N/A
GB of all categories mainstream	Enlargement of premises (below the threshold)	Non statutory process	GB	N/A

## 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 needed to meet basic need, they should refer to the <u>guidance for opening new schools</u>.

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 which are intended to expose the extent to which the new site is integrated with the existing site, and the extent to which 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 GB 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?

The purpose of considering these factors is to determine the level of integration between the two sites; the more integration, the more likely the change will be considered as an expansion.

LAs should copy any proposal to expand a school onto a satellite site to <u>schoolorganisation.notifications@education.gov.uk</u> for monitoring purposes.

#### Expansion of existing grammar schools

Legislation prohibits the establishment of new grammar schools<sup>5</sup>. Expansion of any existing grammar school onto a satellite site can only happen if the new site is genuinely part of the existing school. Decision-makers must consider the factors listed above when deciding if an expansion is a legitimate enlargement of an existing school.

#### Changes to the published admissions number (PAN) where an enlargement of premises has not taken place

Admission authorities<sup>6</sup> must set a PAN for each 'relevant age group' when determining their admission arrangements. If an admission authority of a mainstream school wishes to increase or decrease PAN, without increasing the overall physical

<sup>&</sup>lt;sup>5</sup> Except where a grammar school is replacing one of more existing grammar schools

<sup>&</sup>lt;sup>6</sup> The LA in the case of community and voluntary controlled (VC) schools or the GB in the case of voluntary aided (VA) and foundation schools

capacity of the buildings, this would be classed as an admissions change, not a prescribed alteration. The statutory process described in this guidance would not need to be followed (please see the <u>School Admissions Code</u> for further details of the processes admission authorities must follow).

#### Change in number of pupils in a special school

The School Admissions Code does not apply to special schools. GBs of all categories of special school, and LAs for community special schools, may seek to increase the number of places by following the statutory process in <u>part 5</u>, if the increase is by:

- 10%; or
- 20 pupils (or 5 pupils if the school is a boarding-only school),

(whichever is the smaller number).

The exception to this is where a special school is established in a hospital.

GBs of all categories of special school, and LAs for community special schools, may seek to decrease the number of pupils, by following the statutory process in <u>part 5</u>.

The table below sets out who can propose a change in the number of pupils in a special school and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
GB foundation special	Increase by 10% or 20 pupils (5 for boarding special) or decrease numbers	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB community special	Increase by 10% or 20 pupils (5 for boarding special) or decrease numbers	Statutory process	LA	CofE Diocese RC Diocese
LA for community special and foundation special	Increase by 10% or 20 pupils (5 for boarding special)	Statutory process	LA	CofE Diocese RC Diocese

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for foundation special	Increase by 10% or 20 pupils (5 for boarding special)	Statutory process	LA	GB/Trustees
LA for community special	Decrease of numbers	Statutory process	LA	CofE Diocese RC Diocese

#### Change of age range

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

LAs 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 <u>part 4</u>.
- 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 <u>part 5</u>.

**GBs** 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 <u>part 4.</u>
- an age range change of 3 years or more (including adding or removing a sixth form) by following the statutory process, see <u>part 5.</u>

Before making such a proposal, the GB should consult with LAs, and where the school is designated as having a religious character the trustees of the school, dioceses or relevant diocesan boards, or any other relevant faith body, to understand the place management needs of the area.

**GBs** of community schools can propose the alteration of their upper age limit to add sixth form provision following the statutory process, see <u>part 5.</u>

**GBs** of community special and foundation special schools can propose a change of age range of 1 year or more following the statutory process, see <u>part 5</u>.

Where a proposed age range change would also require an expansion of the school's premises, the LA or GB must also ensure that they act in accordance with the requirements for proposals for the <u>enlargement of premises</u>.

In cases where the age-range of the school has changed, this should be altered on GIAS. For example if the age-range is changed so that the school no longer caters for pupils below compulsory school age, the lower age range of the school would need to be increased so as not to include that age group.

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 3 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 schools including the adding or removal of sixth form or nursey 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
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	Statutory process	LA	CofE Diocese RC Diocese

Proposer	Type of proposal	Process	Decision- maker	Right of appeal to the adjudicator
	remove sixth form provision			
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

## Adding a sixth form

The department wants to ensure that all temporary (which is anticipated will be in place for no more than 2 years) and permanent 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 additional provision.

In deciding whether new sixth form provision would be appropriate, proposers and decision makers should consider the following guidelines:

- **Quality:** The quality of pre-16 education must be good or outstanding (as rated by Ofsted) and the school must have a history of positive Progress 8 scores (above 0);
- **Size:** The proposed sixth form will provide at least 200 places and there should be sufficient demand for those places;
- **Subject Breadth:** The proposed sixth form should either directly or through partnership offer a minimum of 15 A level subjects. LAs may wish to consider the benefits of delivering a broader A level curriculum through

partnership arrangements with other school sixth forms. Working with others can offer opportunities to:

- Improve choice and attainment for pupils
- o Deliver new, improved or more integrated services
- Make efficiency savings through sharing costs
- Develop a stronger, more united voice
- Share knowledge and information.

Schools proposing a partnership arrangement must include evidence of how this will operate on a day-to-day basis, including timetabling and the deployment of staff;

- **Demand:** There should be a clear demand for additional post-16 places in the local area (including evidence of a shortage of post-16 places and a consideration of the quality of Level 3 provision in the area). The proposed sixth form should not create excessive surplus places or have a detrimental effect on other high quality post-16 provision in the local area;
- Financial viability: The proposed sixth form should be financially viable (there must be evidence of financial resilience should student numbers fall). The average class size should be at least 15, unless there is a clear educational argument to run smaller classes – for example to build the initial credibility of courses with a view to increasing class size in future.

Not all changes in age range to add a sixth form will necessitate a change to the school's admissions arrangements, for example a school may set up sixth form provision solely for its own pupils. However, if the intention is to also admit external applicants to the sixth form the school will need to adopt a sixth form PAN and may also wish to add academic entry requirements on changing its age-range.

The addition of post-16 provision requires a change of age-range, therefore, where a decision-maker is considering a proposal to add post-16 provision, they should refer to the section on changing an age range.

## Closing an additional site

For foundation and voluntary schools that are already operating on a satellite site(s), GBs must follow the statutory process in <u>part 5</u> if they are proposing the closure of one or more sites, where the main entrance at any of the school's remaining sites is one mile or more from the main entrance of the site which is to be closed. The LA may make such a proposal for a community school following the statutory process in <u>part 5</u>.

The table below sets out who can propose the closure of an additional site and what process must be followed:

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

#### Transfer to a new site

Where the main entrance of the proposed new site for a school would be more than two miles from the main entrance of the current school site, or if the proposed new site is within the area of another LA:

- **LAs** can propose the transfer to an entirely new site for community schools, community special schools and maintained nursery schools following the statutory process in <u>part 5</u>.
- **GBs of voluntary, foundation, foundation special and community special** schools can also propose a transfer to a new site following the statutory process in <u>part 5</u>.

The table below sets out who can propose a transfer to a new site and what process must be followed:

Proposer	Type of proposal	Process	Decision- maker	Right of appeal to the adjudicator
LA for community, community special and maintained nursery	Transfer to new site	Statutory process	LA	CofE Diocese RC Diocese
GB voluntary foundation or foundation special	Transfer to new site	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB community special	Transfer to new site	Statutory process	LA	CofE Diocese RC Diocese

## **Changes of category**

**GBs** of all categories of maintained schools, apart from GBs of foundation special schools, may propose to change category by following the statutory process. The <u>addition or removal of a foundation</u> is described in <u>part 6</u>. Where GBs are proposing a change of category covering a change in provision (e.g. from mainstream to special school) they are encouraged to seek advice by emailing <u>schoolorganisation.notifications@education.gov.uk.</u>

For a proposal to change the category of a school to voluntary-aided, the decisionmaker should be satisfied that the GB 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 GB 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.

Guidance on adding or changing a designated religious character can be found in the <u>Opening and closing maintained schools</u> guidance.

Proposer	Type of proposal	Process	Decision- maker	Right of appeal to the adjudicator
GB of voluntary	VC to VA VA to VC	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of voluntary	VC or VA to foundation school VC or VA to foundation school and acquire a foundation VC or VA to foundation school, acquire a foundation and majority foundation governors on GB	Statutory process	GB	For proposals at a VA school when decided by the GB: LA CofE Diocese RC Diocese
GB of foundation	Foundation school to VC or VA	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees

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

Proposer	Type of proposal	Process	Decision- maker	Right of appeal to the adjudicator
GB of foundation	Acquire foundation Acquire a majority of foundation governors on the GB Removal of foundation and/or reduction in majority of foundation governors on GB	Statutory process	GB	N/A
GB of community	Community to VC or VA	Statutory process	LA	CofE Diocese RC Diocese
GB of community	Community to foundation school Community to foundation school and acquire foundation Community to foundation school and acquire majority of foundation governors on GB	Statutory process	GB	N/A
GB of foundation special	Remove foundation and/or reduce majority of foundation governors on GB	Statutory process	GB	N/A

#### Single sex school becoming co-educational (or vice versa)

Proposers can seek to change their school from single sex to co-educational (or vice versa) when they can show that this would better serve their local community. A co-educational school cannot change its nursery or post-16 provision to single sex. When making a decision, LAs will need to consider the demand for and balance of school places for boys and girls in line with the Equality Act 2010.

The table below sets out who can change a school from single sex to co-educational (or vice versa) and what process must be followed:

Proposer	Type of proposal	Process	Decision- maker	Right of appeal to the adjudicator
LA for community or community special	To co-ed or single sex provision	Statutory process	LA	CofE Diocese RC Diocese
GB of foundation. foundation special or voluntary	To co-ed or single sex provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of community special	To co-ed or single sex provision	Statutory process	LA	CofE Diocese RC Diocese

# Mainstream school: establish/remove/alter special educational needs (SEN) provision

When considering any reorganisation of provision that the LA recognises as reserved for pupils with special educational needs, including that which might lead to children being displaced, proposers will need to demonstrate how the proposed alternative arrangements are likely to lead to improvements in the standard, quality and/or range of educational provision for those children.

The table below sets out who can propose to establish, remove or alter SEN provision and what process must be followed:

Proposer	Type of proposal	Process	Decision- maker	Right of appeal to the adjudicator
LA for community	Establish, remove or alter SEN provision	Statutory process	LA	CofE Diocese RC Diocese
LA for voluntary and foundation	Establish or remove SEN provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of foundation	Establish, remove or alter SEN provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees

Proposer	Type of proposal	Process	Decision- maker	Right of appeal to the adjudicator
and voluntary				

## Change the types of need catered for by a special school

The table below sets out who can propose a change to the type of need catered for by a special school and what process must be followed:

Proposer	Type of proposal	Process	Decision- maker	Right of appeal to the adjudicator
LA for community special	Change designation and categories of SEN provision	Statutory process	LA	CofE Diocese RC Diocese
LA for foundation special	Change designation and categories of SEN provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of community special	Change designation and categories of SEN provision	Statutory process	LA	CofE Diocese RC Diocese
GB of foundation special	Change designation and categories of SEN provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees

## **Boarding provision**

The introduction of boarding provision can require the statutory process to be followed (depending on the type of school in question – see table below). LAs and GBs will need to consider how the Prescribed Alterations Regulations apply in conjunction with this guidance and, where there is any doubt, seek independent legal advice, as the department cannot advise on individual cases.

LAs can propose for:

community schools; the establishment, removal or alteration (decrease by 50 pupils or 50% whichever is the greater) of boarding provision by following the statutory process in part <u>5</u>.

• community special schools; the establishment, removal or alteration (increase or decrease by 5 places or more where there are both day and boarding places) of boarding provision following the statutory process in <u>part 5</u>.

**GBs** of voluntary and foundation schools can propose the establishment or increase of boarding provision following the non-statutory process in <u>part 4</u> and the removal or alteration (decrease by 50 pupils or 50% whichever is the greater) of boarding provision by following the statutory process in <u>part 5</u>.

**GBs** of special schools can add or remove boarding provision or, where the school makes provision for day and boarding pupils, can increase or decrease boarding provision by five pupils or more following the statutory process in <u>part 5</u>.

The table below sets out who can propose to establish, change or remove boarding provision and what process must be followed:

Proposer	Type of proposal	Process	Decision- maker	Right of appeal to the adjudicator
LA for community	Add, remove or change (decrease by 50 pupils or 50% whichever is greater) boarding provision	Statutory process	LA	CofE Diocese RC Diocese
LA for community special	ommunity (increase or decrease process		CofE Diocese RC Diocese	
GB of foundation or voluntary	indation statu proc		GB	N/A
GB of foundation or voluntary	Remove or change (decrease by 50 pupils or 50% whichever is greater) boarding provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of foundation special	Add, remove or change (increase or decrease by 5 pupils or more) boarding provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of community special	Add, remove or change (increase or decrease by 5 pupils or more) boarding provision	Statutory process	LA	CofE Diocese RC Diocese

In making a decision on a proposal to remove boarding provision from a school, the decision-maker should consider whether there is a state funded boarding school within reasonable distance from the school and whether there are satisfactory alternative boarding arrangements for those currently in the school and those who may need boarding places in the foreseeable future, including the children of service families.

# Remove selective admission arrangements at a grammar school

The table below sets out who can propose the removal of selective admission arrangements<sup>7</sup> and what process must be followed:

Proposer	Type of proposal	Process	Decision- maker	Right of appeal to the adjudicator
GB of voluntary or foundation	Remove selective admission arrangements	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of community	Remove selective admission arrangements	Statutory process	LA	CofE Diocese RC Diocese

## Amalgamations

The LA and/or GB (depending on school category) can publish a proposal to close one school (or more) and enlarge/change the age range/transfer site (following the statutory process as/when necessary) of an existing school, to accommodate the displaced pupils. The remaining school would retain its original school number, as it is not a new school, even if its phase has changed.

Alternatively, LAs may propose to close all the schools involved and replace them with a new school. For more information, please consult the separate guidance on <u>opening and closing a maintained school</u>.

<sup>&</sup>lt;sup>7</sup> In accordance with s.109 (1) of the School Standards and Frameworks Act 1998

## **3: Contentious proposals**

When proposing changes, LA's and GBs should act reasonably, and 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.

To enable the department to monitor potentially controversial proposals, LAs and GBs should notify <u>schoolorganisation.notifications@education.gov.uk</u> of the publication of any proposals which would:

- involve expansion onto a separate 'satellite' site; or
- where objections have been raised that the proposed change could potentially undermine the quality of education in the local area by creating additional places where there is surplus capacity.

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

LAs and GBs of mainstream maintained schools can make limited changes (see <u>part</u> <u>2</u> for the exact detail) to their schools without following a statutory process, including some temporary changes; 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, LAs and GBs will work together and will:

- liaise with the trustees of the school, and in the case of schools designated as having a religious character the diocese or relevant diocesan board, or any other relevant faith body, 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;
- not create additional places in a local planning area where there is already surplus capacity in schools, taking the quality and diversity of the provision into account as well as cross boundary impacts; and
- ensure open and fair consultation with parents, any affected educational institutions in the area (e.g. primary, secondary, special schools, sixth form and FE colleges as required) and other interested parties. The <u>consultation</u> <u>principles guidance</u> can be referenced for examples of good practice.

Before making any changes GBs 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 necessary<sup>8</sup>. The proposal can be approved subject to planning permission being granted;
- they have the consent of the site trustees or other land owner where the land is not owned by the GB;
- where a school is designated as having a religious character, they have the consent of the trustees of the school, the diocese or relevant diocesan board, or any other relevant faith body, where appropriate; 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 GB) is responsible for making arrangements for the necessary changes to be made to the school's record in the department's <u>GIAS</u> system. These changes must be made no later than the date of implementation for the change and can be input in advance, once a decision is made.

<sup>&</sup>lt;sup>8</sup> 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<sup>.</sup>

## 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 4 weeks	As set out in the 'Prescribed Alterations' 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	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, to take into account all relevant considerations. Schools should have the consent of the site trustees and where a school is designated as having a religious character the trustees of the school, the diocese or relevant diocesan board, or any other relevant faith body.

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 and, where appropriate, extend the consultation period if it overlaps school holidays etc;
- plan where any public and stakeholder meetings are held to maximise response;
- take into account the admissions cycle for changes that will impact on the school's admission arrangements.

A number of changes can impact 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 <u>School Admissions Code</u>) 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 <u>Schools Adjudicator</u> 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. <u>Annex A</u> 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 GB 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 GB/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 been designated as having a religious character:
  - the local Church of England diocese;
  - the local Roman Catholic diocese; or
  - $\circ$  the relevant faith group in relation to the school;
- proposals affecting a special school should go to any LA that has commissioned a place at the school (i.e. all relevant authorities who have made an out of county/borough placement there); and
- any other body or person that the proposer thinks is appropriate e.g. any affected educational institutions in the area.

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 must last for four weeks from the date of the publication. 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 <u>Schools Adjudicator</u><sup>9</sup>.

Decision-makers 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. Decision-makers 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 affected by a proposal – especially parents of children at the affected school(s).

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.

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 GB (as appropriate); or
- approve the proposal, with or without modification subject to certain conditions<sup>10</sup> (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 GB (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);

<sup>&</sup>lt;sup>9</sup> 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).

<sup>&</sup>lt;sup>10</sup> The prescribed events are those listed in paragraph 8 of Schedule 3 to the Prescribed Alterations Regulations

- the GB/proposers (as appropriate);
- the trustees of the school (if any);
- the local Church of England diocese;
- 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 diocese or diocesan board, faith organisation and any affected educational institutions in the area).

If the <u>Schools Adjudicator</u> 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.

#### **Related proposals**

Where proposals appear to be related to other proposals, the decision-maker must consider the related proposals together. A proposal should be regarded as related if its implementation (or non-implementation) would prevent or undermine the effective implementation of another proposal.

## **Conditional approval**

For many types of proposal, decision-makers may make their approval conditional on certain prescribed kinds of events<sup>11</sup>. 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 when a condition is met. If a condition is not met by the date specified, the proposal should be referred back to the decision-maker for fresh consideration.

<sup>&</sup>lt;sup>11</sup> Under paragraph 8 of Schedule 3 to the Prescribed Alterations Regulations

## 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.

## Equal opportunities issues

The decision-maker must comply with the Public Sector Equality Duty (PSED), which requires them to have 'due regard' to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it; and
- foster good relations between people who share a relevant protected characteristic and people who do not share it.

Further information on the considerations can be found on the <u>Equality and Human</u> <u>Rights Commission</u> website.

## **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 should 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 groups 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 <u>Home to school travel and transport</u> <u>guidance</u> for LAs.

## Funding

The decision-maker should be satisfied that any necessary funding required to implement the proposal will be available and that all relevant local parties (e.g. trustees of the school, diocese or relevant diocesan board) 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.

## 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, a 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**

Proposers can seek modifications 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 no longer wants to implement an approved proposal, they must publish a revocation proposal to be relieved of the duty to implement, as set out in the Prescribed Alterations Regulations.

## Land and buildings

#### 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<sup>12</sup>:

- 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 GB, 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.

#### Voluntary aided schools

Where a LA is required to provide a site for a voluntary aided school, they must transfer their interest in the land to the trustees of the school, and must pay the reasonable costs to the GB in connection with the transfer.

<sup>&</sup>lt;sup>12</sup> Under paragraph 17 of schedule 3 of the Prescribed Alterations Regulations

#### School premises and playing fields

Under the School Premises (England) Regulations 2012, all schools maintained by local authorities 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.

<u>Guidelines</u> setting out suggested areas for pitches and games courts are in place although the department has been clear that these are non-statutory.

## 6: Statutory process: foundation proposals

# Changing category to foundation, acquiring a foundation trust and/or acquiring a foundation majority

A 'foundation trust school' is a foundation school with a charitable foundation complying with the requirements set out in SSFA 1998<sup>13</sup>. These include that the foundation trust must have a charitable purpose of advancing education and must promote community cohesion.

The term 'acquire a foundation majority' means acquiring an instrument of government whereby the school's foundation trust has the power to appoint a majority of governors on the GB.

Where a school's GB considers changing category to foundation or acquiring a foundation trust and/or acquiring a foundation majority on the school's GB, the following five-stage statutory process must be followed:

Stage	Description	Timescale	Comments
Stage 1	Initiation		The GB considers a change of category to foundation/acquisition of a foundation trust/acquisition of a foundation majority
Stage 2	Publication		Having gained consent where appropriate
Stage 3	Representation (formal consultation)	Must be 4 weeks	As set out in the prescribed alteration regulations. The LA may refer a foundation trust proposal to the Schools Adjudicator during this period if it considers the proposal to have a negative effect on standards at the school
Stage 4	Decision	The GB must decide within 12 months of the date of publication	Unless the LA has referred the proposal to Schools Adjudicator at Stage 3
Stage 5	Implementation	No prescribed timescale	Must be as specified in the statutory notice, subject to any modifications agreed by the decision-maker

<sup>13</sup> Section 23A

#### Initiation

For a proposal to change the category of a school to a foundation school, the GB should inform the LA in writing, at least seven days in advance of a meeting, if a motion to consult on a change of category proposal is to be discussed.

Before the GB can publish a proposal to change category from a voluntary school to a foundation school, the existing trustees and whoever appoints the foundation governors must give their consent.

#### **Publication**

A statutory proposal must contain sufficient information for interested parties to make a decision on whether to support or challenge the proposed change. Part 1 of <u>Schedule 1 to the Prescribed Alterations Regulations</u> specifies the information that the statutory proposal must contain. Further details on the publication stage can be found in <u>Part 5</u>.

#### **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 GB, to be taken into account when the decision is made.

During the representation period, the LA has the power to require the referral of a proposal to acquire a foundation trust/foundation majority to the <u>Schools Adjudicator</u> for decision, if they consider it will have a negative impact on standards at the school.

The LA does not have this power in respect of a proposal solely to change the category to foundation<sup>14</sup>.

Where a proposal is referred to the <u>Schools Adjudicator</u>, the GB must forward any objections or comments it has received to the Schools Adjudicator within one week of the end of the representation period.

<sup>&</sup>lt;sup>14</sup> However, where such a proposal is related to a proposal to acquire a trust, then the whole set of proposals will be referred to the Schools Adjudicator

#### Decision

Unless a proposal has been referred to the Schools Adjudicator (as set out above), the GB will be the decision-maker and must make a decision on the proposal within 12 months of the date of publication of the proposal.

Where a proposal to acquire a foundation trust or a foundation majority is linked to a proposal to change category to a foundation school, they will be decided together.

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;
- approve the proposal with or without modifications but conditional upon:
  - the making of any scheme relating to any charity connected with the school; and
  - $\circ$  the establishment of a foundation<sup>15</sup>.

Where the LA has referred a proposal to acquire a foundation trust/foundation majority to the Schools Adjudicator for decision, any related proposal(s) (including a change of category to foundation) will also fall to be decided by the Schools Adjudicator.

Decision-makers should consider the impact of changing category to foundation school, and acquiring or removing a foundation trust on educational standards at the school. In assessing standards at the school, the decision-maker should take account of recent reports from Ofsted and a range of performance data. Recent trends in applications for places at the school (as a measure of popularity) and the local reputation of the school may also be relevant context for a decision.

If a proposal is not considered strong enough to significantly improve standards at a school that requires it, the decision maker should consider rejecting the proposal. Foundation trusts have a duty<sup>16</sup> to promote community cohesion, and decision-makers should carefully consider the foundation trust's plans for partnership working with other schools, agencies or voluntary bodies.

<sup>&</sup>lt;sup>15</sup> As defined in section 23A of the SSFA 1998

<sup>&</sup>lt;sup>16</sup> Under section 23A(6) of the SSFA 1998<sup>.</sup>

## Foundation schools acquiring a foundation trust

For foundation trust schools the decision-maker should be satisfied that the following criteria are met for the proposal to be approved:

- the proposal is not seeking for a school to alter, acquire, or lose a designated religious character. These alterations cannot be made simply by acquiring a foundation trust;
- the necessary work is underway to establish the foundation trust as a charity and as a corporate body; and
- that none of the foundation trustees are disqualified from exercising the function of foundation trustee, either by virtue of:
  - o disqualifications from working with children or young people;
  - o not having obtained a criminal record check certificate<sup>17</sup>;
  - <u>Charities Act 2011</u><sup>18</sup> which disqualify certain persons from acting as charity trustees.

#### Suitability of partners

Decision-makers will need to be satisfied of the suitability of foundation trust partners and members. They should use their own discretion and judgement in determining on a case-by-case basis whether the reputation of a foundation trust partner is in keeping with the charitable objectives of a foundation trust, or could bring the school into disrepute. However, the decision-maker should make a balanced judgement, considering the suitability and reputation of the current/potential foundation trust.

The following sources may provide information on the history of potential foundation trust partners:

- <u>The Health and Safety Executive Public Register of Convictions</u><sup>19</sup>
- The Charity Commission's Register of Charities; and
- The Companies House web check service.

<sup>&</sup>lt;sup>17</sup> Under section 113A of the Police Act 1997

<sup>&</sup>lt;sup>18</sup> section 178 onwards

<sup>&</sup>lt;sup>19</sup> Appearance on this database should not automatically disqualify a potential trust member; decision-makers will wish to consider each case on its merits

Within one week of making a decision the GB must publish a copy of the decision (together with reasons) on the website where the original proposal was published and send copies to:

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

Where a proposal has been decided by the GB and is to change the category of a VA school to foundation (with or without the acquisition of a foundation trust/foundation majority), the following bodies have the right of appeal to the <u>Schools Adjudicator</u><sup>20</sup>:

- the LA;
- the local Church of England diocese(s); and
- the local Roman Catholic diocese(s).

#### **Conditional approval**

For many types of proposal, decision-makers may make their approval conditional on certain prescribed kinds of events<sup>21</sup>. 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 when a condition is met. If a condition is not met by the date specified, the proposal should be referred back to the decision-maker for fresh consideration.

#### Implementation

The GB must implement any approved proposal by the approved implementation date, taking into account any modifications made by the decision-maker.

Within one week of implementation, the GB must provide information to the Secretary of State<sup>22</sup> about foundation proposals that have been implemented. Copies of the statutory proposals and decision record should be submitted to

<sup>&</sup>lt;sup>20</sup> The specific circumstances in which a referral can be made are prescribed under paragraph 15 of Schedule 1 to the Prescribed Alterations Regulations<sup>.</sup>

<sup>&</sup>lt;sup>21</sup> under paragraph 16 of Schedule 1 to the Prescribed Alterations Regulations

<sup>&</sup>lt;sup>22</sup> Paragraph 18 of Schedule 1 of the Prescribed Alterations Regulations

schoolorganisation.notifications@education.gov.uk in order for the school record to be updated on GIAS.

#### Modification post determination

Modifications can be made to a proposal by the governing body after determination but before implementation.

#### Revocation

If the proposer no longer wants to implement an approved proposal they must publish a revocation proposal to be relieved of the duty to implement, as set out in Paragraph 19 of Schedule 1 of the Prescribed Alterations Regulations.

#### Governance and staffing issues

Schedule 4 of the Prescribed Alterations Regulations provides further information on the requirements about:

- the revision or replacement of the school's instrument of government;
- reconstitution or replacement of the GB;
- current governors continuing in office;
- surplus governors;
- transfer of staff; and
- transitional admission arrangements.

#### Land transfer issues

Requirements as to land transfers, when a school changes category or acquires a foundation trust, are prescribed in Schedule 5 of the Prescribed Alterations Regulations.

#### Removing a foundation trust and/or removing a foundation majority

There are five or six statutory stages (depending on the proposal and circumstances) to remove a foundation trust and/or to reduce a foundation majority. It may be triggered in two different ways – either by a majority or a minority of the GB:

Stage	Description	Timescale	Comments
Stage 1	Initiation		Majority A majority of governors considers publishing a proposal to remove a foundation trust/reduce the number of governors appointed by the foundation. or Minority A minority (of not less than a third of the governors) notify the clerk of the GB of their wish to publish a proposal to remove a foundation trust/reduce the number of governors appointed by the foundation
Stage 2	Land Issues (applicable only to removal of trusts)	If not resolved within 3 months, disputes must be referred to the Schools Adjudicator	In cases of removing foundation trusts, the GB, trustees and the LA must resolve issues related to land and assets before a proposal is published
Stage 3	Consultation	Majority A minimum of 4 weeks is recommended. or Minority No consultation required	<b>Majority</b> It is for the GB to determine the length of consultation
Stage 4	Publication and representation	Majority 6 week representation period. or Minority	

Stage	Description	Timescale	Comments
		Where there are no land or asset issues – publish within 3 months of receipt of notice by GB clerk – followed by a 6-week representation period. Where there are land issues, publish within 1 month of receipt of School Adjudicator's determination – followed by a 6-week representation period	
Stage 5	Decision	Within 3 months	A proposal initiated by a minority of governors may not be rejected unless at least two-thirds of the GB are in favour of the rejection
Stage 6	Implementation	No prescribed timescale	But must be as specified in the statutory notice, subject to any modifications agreed by the decision-maker

#### Initiation

A proposal for removing a foundation trust and/or removing a foundation majority can be triggered by:

- a majority<sup>23</sup> of the GB or a committee deciding to publish a proposal. The decision to publish must be confirmed by the whole GB at a meeting held at least 28 days after the meeting at which the initial decision was made; or
- b) at least one-third<sup>24</sup> of the governors requesting in writing to the clerk of the GB, that a proposal be published. No vote of the GB is required as they are obliged to publish a proposal. To prevent on-going challenges

<sup>&</sup>lt;sup>23</sup> Regulation 4 of the Removal Regulations

<sup>&</sup>lt;sup>24</sup> Regulation 5 of the Removal Regulations

there are a number of prescribed circumstances<sup>25</sup> in which there is no obligation to follow the wishes of the minority of governors.

#### Land and assets (when removing a foundation trust)

Before publishing proposals to remove a foundation trust, the GB must reach agreement with the trustees and LA on issues relating to the school's land and assets. Where such issues remain unresolved within three months of the initial decision (majority) or receipt of notice by the clerk (minority), they must be referred to the <u>Schools Adjudicator</u> for determination.

On the removal of the foundation trust, all publicly provided land held by the foundation trust for the purposes of the school will transfer to the GB<sup>26</sup>. Where the land originated from private sources (for example, where land was gifted on trust), the land will transfer to the GB in accordance with a transfer agreement, providing for consideration to be paid by the GB to the foundation trust where appropriate. However, there may be land which has benefited from investment from public funds which remains with the trustees under the transfer agreement.

Alternatively, there may have been investment by trustees in the publicly provided land or from public funding in the land provided by the trustees. In either of these cases, it may be appropriate for either the trustees or the public purse to be compensated. The possibility of stamp duty land tax may also need to be taken into account.

The Schools Adjudicator will announce its determination in writing to both parties.

#### Consultation

Where a minority of governors initiated the process, this stage does not apply.

Where a majority of governors initiated the process, before publishing a proposal the GB must consult:

- families of pupils at the school;
- teachers and other staff at the school;
- the trustees and, if different, whoever appoints foundation governors;
- the LA;

<sup>&</sup>lt;sup>25</sup> See regulation 5(4) of the Removal Regulations

<sup>&</sup>lt;sup>26</sup> By virtue of regulation 17(1) of the Removal Regulations

- the GBs of any other foundation or foundation special schools maintained by the same LA for which the foundation acts as a foundation;
- any trade unions who represent school staff;
- if the school has been designated as having a religious character, the appropriate diocesan authority or other relevant faith group in relation to the school;
- any other person the GB consider appropriate.

#### **Publication**

Where the decision to publish a proposal was made by a majority of governors, the GB at this stage must decide whether to go ahead with publishing the proposal.

Where the decision to publish a proposal was made by a minority of governors and there are no land issues to be determined, the GB must publish the proposal within 3 months of the receipt of the notice by the clerk. If land issues were referred to the <u>Schools Adjudicator</u>, the proposal must be published within 1 month of receipt of its determination.

Proposals to remove a foundation trust or to alter the instrument of government so that foundation governors cease to be the majority of governors must contain the information set out in <u>The School Organisation (Removal of Foundation, Reduction in Number of Foundation Governors and Ability of Foundation to Pay Debts)</u> (England) Regulations 2007. Further details on the publication stage can be found in <u>Part 5</u>.

At the same time as publishing the proposals, the GB must send copies of the proposals to the LA, trustees, and the Secretary of State via <u>schoolorganisation.notifications@education.gov.uk</u>.

#### Representation

The representation period starts on the date of the publication of the proposal and must last six weeks. During this period, any person or organisation can submit comments on the proposal to the GB to be taken into account when the decision is made.

Unlike the foundation trust acquisition process, there is no power for the LA to refer a proposal to the Schools Adjudicator to remove a school's foundation trust or to reduce the number of governors appointed by the foundation trust. However, GBs

must bear in mind that failure to follow the requirements of the statutory process could lead to a complaint to the Secretary of State under Section 496/497 of the Education Act 1996, and/or ultimately be challenged through judicial review.

#### Decision

The GB is the decision-maker for a removal proposal and must determine the proposal within 3 months of the date of its publication.

If a proposal was brought forward by a majority of governors, then it may be determined by a majority vote of those governors present<sup>27</sup>.

If a proposal was brought forward by a minority of governors, then the GB may not reject the proposal unless two thirds or more of the governors indicate that they are in favour of its rejection<sup>28</sup>.

When deciding a proposal for the removal of a foundation trust, the GB should consider the proposal in the context of the original proposal to acquire the foundation trust, and consider whether the foundation trust has fulfilled its expectations. Where new information has come to light regarding the suitability of foundation trust partners, this should be considered.

All decisions must be taken in accordance with the processes prescribed in <u>The</u> <u>School Governance (Roles, Procedures and Allowances) (England) Regulations</u> <u>2013</u>.<sup>29</sup>.

The GB must notify the relevant LA, trustees and the Secretary of State via <u>schoolorganisation.notifications@education.gov.uk</u> of their decision.

#### Implementation

The GB is under a statutory duty to implement any approved proposal, as published, by the approved implementation date, taking into account any modifications made. In changing category, an implementation period begins when the proposal is decided and ends on the date the proposal is implemented. During this period the LA and GB are required to make a new instrument of government for the school, so enough time must be built into the timeframe for this to happen. The GB must then be reconstituted in a form appropriate to the school's new category and also in accordance with the appropriate instrument of government taking into account the <u>School Governance (Constitution) (England) Regulations 2012</u>.

<sup>&</sup>lt;sup>27</sup> As per the School Governance (Roles, Procedures and Allowances) (England) Regulations 2013.

<sup>&</sup>lt;sup>28</sup> As per regulation 11(2) of the Removal Regulations

<sup>&</sup>lt;sup>29</sup> Except as otherwise provided by the Removal Regulations.

When removing a foundation trust or a foundation majority, a governor may continue as a governor in the corresponding category (e.g. staff governor, parent governor) if that category remains under the new instrument of government. A member of a current GB who continues as a governor on these grounds holds office for the remainder of the term for which he or she was originally appointed or elected. Where a school with a religious character has no foundation trust, the GB must appoint partnership governors with a view to ensuring that the religious character of the school is preserved and developed in accordance with the School Governance (Constitution) (England) Regulations 2012. There is nothing to prevent the appointment of a former foundation governor being reappointed by the GB as a partnership governor.

The terms of the trust on which land is held for a voluntary or foundation school often include very specific provisions regarding the conduct of the school and the use of any fund held by the foundation trust for the use of the school and premises. When making a proposal to change category, proposers will need to consider whether the current terms on which the school's land is held on trust allows for the change in category proposed. If in doubt, or if a variation in the foundation trust is clearly necessary, promoters and the relevant site trustees are advised to make early contact with the Charity Commission to apply for the terms of the trust to be varied under the relevant trust law.

#### **Modification of proposals**

Modifications can only be made to the implementation date and the proposed constitution of the governing body.

# Annex A: Information to be included in a prescribed alteration statutory proposal

A statutory proposal for making a prescribed alteration to a school must contain sufficient information for interested parties to make a decision on whether to support the proposed change. A proposal should be accessible to all interested parties and therefore use 'plain English'.

Proposers will need to be mindful of the factors that will inform the decision-makers assessment when determining the proposal.

As a minimum, the department would expect a proposal to include:

- school and LA details;
- description of alteration and evidence of demand;
- objectives (including how the proposal would increase educational standards and parental choice);
- the effect on other educational institutions within the area;
- project costs and indication of how these will be met, including how long-term value for money will be achieved;
- implementation plan; and
- a statement explaining the procedure for responses: support, objections and comments.

# **Annex B: Further Information**

This guidance primarily relates to:

- <u>The School Organisation (Prescribed Alterations to Maintained Schools)</u> (England) Regulations 2013 www.legislation.gov.uk/uksi/2013/3110/contents/made
- <u>The School Organisation (Removal of Foundation, Reduction in Number of</u> <u>Foundation Governors and Ability of Foundation to Pay Debts) (England)</u> <u>Regulations 2007</u> www.legislation.gov.uk/uksi/2007/3475/contents/made
- <u>The School Organisation (Requirements as to Foundations) (England)</u> <u>Regulations 2007</u> www.legislation.gov.uk/uksi/2007/1287/contents/made
- <u>The Education and Inspections Act 2006</u> www.legislation.gov.uk/ukpga/2006/40
- <u>The School Standards and Framework Act 1998</u> www.legislation.gov.uk/ukpga/1998/31/contents

It also relates to:

- <u>The School Organisation (Establishment and Discontinuance of Schools)</u> <u>Regulations 2013</u> www.legislation.gov.uk/uksi/2013/3109/contents/made
- <u>The School Governance (Constitution) (England) Regulations 2012</u> www.legislation.gov.uk/uksi/2012/1034/contents/made
- <u>The School Governance (Constitution and Federations) (England)</u> (<u>Amendment) Regulations 2014</u> www.legislation.gov.uk/uksi/2014/1257/pdfs/uksi\_20141257\_en.pdf
- <u>The School Governance (Miscellaneous Amendments) (England) Regulations</u> 2015 www.legislation.gov.uk/uksi/2015/883/pdfs/uksi\_20150883\_en.pdf
- <u>The School Governance (New Schools) (England) Regulations 2007</u> www.legislation.gov.uk/uksi/2007/958/pdfs/uksi\_20070958\_en.pdf
- <u>The School Governance (Roles, Procedures and Allowances) (England)</u> <u>Regulations 2013</u> www.legislation.gov.uk/uksi/2013/1624/contents/made
- <u>The Childcare Act 2006</u> www.legislation.gov.uk/ukpga/2006/21/contents
- <u>The School Premises (England) Regulations 2012</u> www.legislation.gov.uk/uksi/2012/1943/contents/made

- <u>Making Significant Changes to an Existing Academy</u>
   www.gov.uk/government/publications/making-significant-changes-to-an existing-academy
- <u>Academy/Free School Presumption departmental advice</u> www.gov.uk/government/publications/establishing-a-new-school-free-schoolpresumption
- <u>Establishing New Maintained Schools departmental advice for local</u> <u>authorities and new school proposers</u> www.gov.uk/government/publications/establishing-new-maintained-schools
- <u>The School Admissions Code</u> www.gov.uk/government/publications/schooladmissions-code--2
- Education Act 1996 www.legislation.gov.uk/ukpga/1996/56/contents
- Equality Act 2010 www.legislation.gov.uk/ukpga/2010/15/contents
- <u>Police Act 1997</u> www.legislation.gov.uk/ukpga/1997/50/contents
- <u>Charities Act 2011</u> www.legislation.gov.uk/ukpga/2011/25/contents
- <u>Public Sector Equality Duty</u> www.equalityhumanrights.com/en/advice-andguidance/public-sector-equality-duty
- <u>Home-to-school travel and transport GOV.UK</u> www.gov.uk/government/publications/home-to-school-travel-and-transportguidance
- <u>Get information about schools GOV.UK</u> www.get-informationschools.service.gov.uk/
- <u>Consultation principles: guidance GOV.UK</u> www.gov.uk/government/publications/consultation-principles-guidance
- <u>School land and property: protection, transfer and disposal GOV.UK</u> www.gov.uk/guidance/school-land-and-property-protection-transfer-anddisposal

# **Annex C: Contact details for RSC offices**

- East and North East London RSC.EASTNELONDON@education.gov.uk
- North <u>RSC.NORTH@education.gov.uk</u>
- East Midlands and Humber EMH.RSC@education.gov.uk
- Lancashire and West Yorkshire <u>LWY.RSC@education.gov.uk</u>
- South Central England and North West London -<u>RSC.SCNWLON@education.gov.uk</u>
- South East and South London <u>RSC.SESL@education.gov.uk</u>
- South West RSC.SW@education.gov.uk
- West Midlands <u>RSC.WM@education.gov.uk</u>



#### © Crown copyright 2018

This publication (not including logos) is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

To view this licence:

visit	www.nationalarchives.gov.uk/doc/open-government-licence/version/3
email	psi@nationalarchives.gsi.gov.uk
write to	Information Policy Team, The National Archives, Kew, London, TW9 4DU

#### About this publication:

enquiries <u>www.education.gov.uk/contactus</u> download <u>www.gov.uk/government/publications</u>

Reference: DFE-00314-2018



Follow us on Twitter: @educationgovuk



Like us on Facebook: <u>facebook.com/educationgovuk</u>

#### Appendix 5 – Public Report

#### SCHOOL ORGANISATION PROPOSAL:

#### Hunters Hill College

#### • Proposal to Remove Boarding Provision at Hunters Hill College.

Councillor Name	Date	Method of Consultation	Comments
All Ward Councilors for Birmingham	22/11/2019	E Mail	

# Birmingham City Council Report to Cabinet Member for Education Skills & Culture



Date: February 2020

Subject:	DEDICATED SCHOOL GRANT FORMULA 2020/21
Report of:	Dr Tim O'Neill Director for Education & Skills
Relevant Cabinet Member:	Cllr Jayne Francis - Education, Skills and Culture Cllr Kate Booth - Children's Wellbeing
Relevant O &S Chair(s):	Cllr Kath Scott - Education and Children's Social Care
Report author:	Paul Stevenson Education & Skills Finance Business Partner (Interim), Telephone No. 0121 675 2249, Email : <u>paul.x.stevenson@birmingham.gov.uk</u>

Are specific wards affected?	□ Yes	⊠ No – All	
If yes, name(s) of ward(s):		wards affected	
Is this a key decision?	□ Yes	⊠ No	
If relevant, add Forward Plan Reference:			
Is the decision eligible for call-in?	⊠ Yes	□ No	
Does the report contain confidential or exempt information?	□ Yes	⊠ No	
If relevant, provide exempt information paragraph number or reason if confidential :			

#### 1 Executive Summary

1.1 This report seeks political approval of the Fair Funding formula that will be used to allocate part of the Dedicated School Grant to mainstream Primary and Secondary schools (including Academies) for Reception to Year 11 revenue provision in 2020/21. Each authority is statutorily required to have a Fair Funding formula in line with nationally set criteria and parameters.

#### 2 Recommendations

- 2.1 That the Cabinet Member for Education Skills:
  - Approves the Fair Funding Formula for Reception to Year 11 revenue provision in 2020/21 as set out in **Appendix 1.**

#### 3 Background

- 3.1 The Dedicated Schools Grant was introduced in 2006-07 and is the principal source of revenue funding for pre -16 funding for schools and related activities in England. The grant is ring fenced and its use is prescribed by statutory regulations which are updated on an annual basis. The regulations also set out Schools Forum and Local Authority decision making powers. Where decision making rests with the Council it is still required to consult with Schools Forum and/or individual schools.
- 3.2 The DSG is allocated in 4 blocks
  - Schools Block (Reception to Year 11)
  - Early Years (for under 5's)
  - High Needs (0 -25)
  - Central School Service Block
- 3.3 The basis of allocation to schools and other providers is underpinned by national funding regulations and is different for each block, as is the timeline by which allocations must be made. The focus of this report is the formula to be used for the School block with the choice of factors prescribed by the DfE.
- 3.4 Birmingham is required to submit a prescribed return (Authority Proforma Tool APT) to the Education, Schools and Funding Agency (ESFA) by no later than 21<sup>st</sup> January 2020 setting out its proposed fair funding formula for delegating funding to primary and secondary schools covering Reception to Year 11 in the Schools block. Political ratification is required, though can be obtained after the submission date. The ESFA will check the proforma to ensure it is compliant with national regulations. Following ESFA approval the Council will need to issue budgets to its maintained primary and secondary schools by the national deadline of 28<sup>th</sup> February 2020. The ESFA will also use the proforma to calculate the Academy budgets. Budgets for Early Years and High Needs provision are required to be issued by 31<sup>st</sup> March 2020.
- 3.5 **Appendix 1** gives a breakdown of the funding formula and allocations by funding factor.
- 3.6 Birmingham has fully implemented the national formula as consulted on in 2018/19.

#### 4 Options considered and Recommended Proposal

4.1 There are no alternative options.

#### 5 Consultation

5.1 Consultation on the implementation of the new national funding formula in 2018/19 was undertaken with Birmingham Schools during Autumn 2017 term. There have been no significant changes to the national funding formula factors for 2020/21 affecting Birmingham schools. The Fair Funding Technical Group (a sub group of School Forum) did not expressed any contra views on the implementation of the formula at its meeting on 26<sup>th</sup> November 2019.

#### 6 Risk Management

6.1 The proposed allocation of funding is aligned with the national formula. There are no identified risks from the allocation.

#### 7 Compliance Issues:

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

7.1.1 Education protects all children, and Birmingham's schools employ the largest child protection workforce in the City. This proposal contributes directly to protecting the most vulnerable children in our city, opening up opportunities to the most excluded and narrowing the gap in life chances between our citizens.

#### 7.2 Legal Implications

7.2.1 The School and Early Years Finance (England) Regulations 2019 and DfE Operational guidance for 2020/21 set out the process by which the Council must consult with the Schools Forum to allocate DSG funding to schools.

#### 7.3 Financial Implications

- 7.3.1 The Fair Funding formula for Reception to Year 11 provision will allocate the 2020/21 Dedicated School Grant for the School block (i.e. that part of DSG earmarked for reception to year 11) announced by the Department for Education on the 19<sup>th</sup> December 2019 after allowing for any funding that School Forum have agreed can be retained centrally. The total value of the School Block allocation for 2020/21 is £942.4m. The total indicative DSG allocation itself is £1,240m the difference being that earmarked for Early Years (£91.2m), Central School Services (£17.7m) and High Needs (£188.7m) i.e. pupils and students with high cost SEN. There is no General Fund resource supplementing the DSG allocations
- 7.3.2 The proposed Fair Funding formula for 2020/21 uses the same formula factors as that used for 2019/20 (as per Appendix 1).

#### 7.4 Procurement Implications (if required)

7.4.1 N/A

#### 7.5 Human Resources Implications (if required)

7.5.1 N/A

#### 7.6 Public Sector Equality Duty

7.6.1 The principal impact of the formula (within the constraints and parameters set out by the DfE) is to allocate funding based on prescribed factors that are primarily pupil driven but recognising for example the impact of deprivation and low prior attainment.

#### 8 Appendices

1. Local Authority Proposed Funding Reform Proforma

#### 9. Background Documents

- 9.1 The School and Early Years Finance (England Regulations 2019
- 9.2 DfE Operational Guidance 2020/21

LA Name: LA Number:		ingham 330								
	Primary minimum per pupil funding	Secondary (KS3	only) minimum per	Secondary (KS4 only	y) minimum per pupil			1	Disapplication	number whe
	level	pupil fu	nding level	fundi	ng level	Secondary minir	num per pupil funding level		alternative M	
	£3,750	£4,	800.00	£5,3	00.00		£5,000.00			
upil Led Factors	Reception uplift	No	Pupi	l Units	0	.00				
) Basic Entitlement	Description		t per pupil		l Units	Sub Total	Total	Proportion of total pre MFG	Notiona	l SEN (%)
ge Weighted Pupil Unit (AWPU)	Primary (Years R-6)	£2,866.51			785.50	£320,433,995		funding (%) 34.89%		00%
	Key Stage 3 (Years 7-9) Key Stage 4 (Years 10-11)	£4,031.06 £4,576.81			56.00	£175,799,188 £124,745,589	£620,978,772	19.14% 13.58%	5.0	00% 00%
	Description	Primary amount per pupil	Secondary amount per pupil	Eligible proportion of primary NOR	Eligible proportion of secondary NOR	Sub Total	Total	Proportion of total pre MFG funding (%)	Primary Notional SEN	
	FSM	£451.52	£451.52	33,840.56	20,590.81	£24,576,851			(%) 50.00%	(%) 50.00%
	FSM6 IDACI Band F	£561.89 £210.71	£817.75 £301.01	42,750.43 9,505.76	33,114.94 5,882.39	£51,100,787 £3,773,618			50.00% 50.00%	50.00% 50.00%
) Deprivation	IDACI Band E IDACI Band D	£250.84 £376.26	£406.36 £536.80	11,586.11 18,466.98	7,614.78 12,466.51	£6,000,602 £13,640,409	£137,845,973	15.01%	50.00% 50.00%	50.00% 50.00%
	IDACI Band C IDACI Band B	£406.36 £436.47	£581.95 £627.11	16,304.04 23,628.09	9,999.86 14,355.19	£12,444,728 £19,315,237			50.00% 50.00%	50.00% 50.00%
	IDACI Band A	£602.02	£842.83	6,728.72	3,491.71	£6,993,740			50.00% Primary	50.00% Seconda
	Description	Primary amount per pupil	Secondary amount per pupil	Eligible proportion of primary NOR	Eligible proportion of secondary NOR	Sub Total	Total	Proportion of total pre MFG funding (%)	Notional SEN (%)	Notional 9 (%)
) Looked After Children (LAC) ) English as an Additional	LAC X March 19 EAL 3 Primary	£536.80		81 26,714.88	3.69	£0 £14,340,547		0.00%		00%
anguage (EAL)	EAL 3 Secondary	1530.80	£1,444.85	26,714.88	3,493.65	£5,047,796	£21,220,352	2.11%	0.00%	0.00%
) Mobility	Pupils starting school outside of normal entry dates	£877.95	£1,254.21	1,463.98	435.90	£1,832,010		0.20%	0.00%	0.00%
	Description	Weighting	Amount per pupil (primary or secondary	Percentage of eligible pupils	Eligible proportion of primary and secondary NOR	Sub Total	Total	Proportion of total pre MFG funding (%)	Primary Notional SEN (%)	Seconda Notional S (%)
	Primary Low Attainment		respectively) £1,068.59	34.89%	respectively 39,001.80	£41,676,894			100.00%	, <i>1</i>
	Secondary low attainment (year 7)	64.53%		23.60%						
	Secondary low attainment (year 8)	63.59%		23.68%			Item 2			
6) Prior attainment		58.05%	£1,615.43	24.28%	16,490.22	£26,638,722	£68,315,616	7.44%		100.009
	Secondary low attainment (year 9)		1,015.45		10,490.22	E20,030,722				100.00
	Secondary low attainment (year 10)	48.02%		24.08%						
	Secondary low attainment (year 11)			20.61%						
Lump Sum Sparsity factor			Primary School (£) £142,636.90	Secondary School (£) £142,636.90		through School (£)	Total (£) £54,487,296 £0	funding (%) 5.93% 0.00%	0.00%	I SEN (%) 0 0
Please provide alternative distance	and pupil number thresholds for the sp			ou want to use the de	efault thresholds. Also s	pecify whether you war	nt to use a tapered lump sum or the	NFF weighting for any of the ph	nases.	
rimary distance threshold (miles)		Primary pupil num group threshold	ber average year			Fixed, tapered or NFF s	parsity primary lump sum?	Fixed		
econdary distance threshold miles)		Secondary pupil ne group threshold	umber average year			Fixed, tapered or NFF s	parsity secondary lump sum?	Fixed		
Aiddle schools distance threshold miles)		0	il number average	Fixed, tapered or NFF sparsity middle school lump sum?		Fixed				
All-through schools distance			umber average year			Fixed, tapered or NFF s	parsity all-through lump sum?	Fixed	•	
hreshold (miles) 9) Fringe Payments		group threshold					£0	0.00%		
10) Split Sites							£598,913	0.07%	0.0	00%
1) Rates							£8,176,552	0.89%	0.0	00%
2) PFI funding							£3,996,552	0.44%	0.0	00%
3) Exceptional circumstances (can	only be used with prior agreement of E	SFA)								
Circumstance	and a stand of the						Total (£)	Proportion of total pre MFG funding (%)		l SEN (%)
Additional lump sum for schools an Additional sparsity lump sum for sn							£0 £0	0.00%		0.00%
xceptional Circumstance3 xceptional Circumstance4							£0 £0	0.00%	0.0	
xceptional Circumstance5 xceptional Circumstance6							£0 £0	0.00%		00% 00%
xceptional Circumstance7							£0	0.00%	0.0	00%
otal Funding for Schools Block For	mula (excluding minimum per pupil fu	nding level and MF	G Funding Total)				£915,620,025	99.70%		
14) Additional funding to meet min	imum per pupil funding level						£2,730,259	0.30%	0.0	00%
	rmula (excluding MFG Funding Total)						£918,350,284	100.00%		
otal Funding for Schools Block For					1.	34%	£23,130	0,432		
-					value					
5) Minimum Funding Guarantee	eater than 1.84% has been entered plea	se provide the disar	plication reference n	umber authorising the			No			
5) Minimum Funding Guarantee /here a value less than 0.5% or gre pply capping and scaling factors?	eater than 1.84% has been entered plea (gains may be capped above a specific c	eiling and/or scaled		umber authorising the			NO			
5) Minimum Funding Guarantee /here a value less than 0.5% or gre pply capping and scaling factors? apping Factor (%)	(gains may be capped above a specific c			umber authorising the						
5) Minimum Funding Guarantee /here a value less than 0.5% or gree pply capping and scaling factors? ( apping Factor (%)	(gains may be capped above a specific c	eiling and/or scaled		umber authorising the			EO		81-st	1 CEN /0/1
5) Minimum Funding Guarantee /here a value less than 0.5% or gr pply capping and scaling factors? I apping Factor (%) otal deduction if capping and scali	(gains may be capped above a specific c ng factors are applied	eiling and/or scaled		umber authorising the			£0 Total (£)	Proportion of Total funding(%)		I SEN (%)
5) Minimum Funding Guarantee Where a value less than 0.5% or groupply capping and scaling factors? I apping Factor (%) otal deduction if capping and scaling AFG Net Total Funding (MFG + dec	(gains may be capped above a specific c Ing factors are applied duction from capping and scaling)	eiling and/or scaled		umber authorising the			EO	Proportion of Total funding(%) 2.45%	0.0	I SEN (%) 00% 287,541
5) Minimum Funding Guarantee /here a value less than 0.5% or gre pply capping and scaling factors? I apping Factor (%) otal deduction if capping and scali IFG Net Total Funding (MFG + dec	(gains may be capped above a specific c Ing factors are applied duction from capping and scaling)	eiling and/or scaled		umber authorising the			£0 Total (£) £23,130,432	Proportion of Total funding(%) 2.45%	0.0	00%
5) Minimum Funding Guarantee /here a value less than 0.5% or gre pply capping and scaling factors? ( apping Factor (%) otal deduction if capping and scali AFG Net Total Funding (MFG + dec otal Funding for Schools Block For igh Needs threshold (only fill in if,	(gains may be capped above a specific c Ing factors are applied duction from capping and scaling) mula exceptionally, a high needs threshold d	eiling and/or scaled		umber authorising the			£0 Total (£) £23,130,432 £941,484	Proportion of Total funding(%) 2.45% ),716	0.0	00%
5) Minimum Funding Guarantee /here a value less than 0.5% or gre pply capping and scaling factors? I apping Factor (%) otal deduction if capping and scali IFG Net Total Funding (MFG + dec otal Funding for Schools Block For igh Needs threshold (only fill in if, dditional funding from the high ne	(gains may be capped above a specific c Ing factors are applied duction from capping and scaling) mula exceptionally, a high needs threshold d	eiling and/or scaled		umber authorising the			£0 Total (£) £23,130,432 £941,484 £500,00	Proportion of Total funding(%) 2.45% <b>2,716</b> 0.00	0.0	00%
b) Minimum Funding Guarantee here a value less than 0.5% or gre popy capping and scaling factors? I upping Factor (%) stal deduction if capping and scaling FG. Net Total Funding (MFG + dec otal Funding for Schools Block For gh Needs threshold (only fill in if, Iditional funding from the high ne rowth fund (if applicable)	(gains may be capped above a specific c Ing factors are applied duction from capping and scaling) mula exceptionally, a high needs threshold d	eiling and/or scaled		umber authorising the			£0 Total (£) £23,130,432 £941,484	Proportion of Total funding(%) 2.45% 0,716	0.0	00%
5) Minimum Funding Guarantee there a value less than 0.5% or gre poly capping and scaling factors? I apping Factor (%) stal deduction if capping and scaling FG Net Total Funding (MFG + dec tal Funding for Schools Block For gh Needs threshold (only fill in if, dditional funding from the high ne rowth fund (if applicable)	(gains may be capped above a specific c Ing factors are applied duction from capping and scaling) mula exceptionally, a high needs threshold d	eiling and/or scaled		umber authorising the			£0 Total (£) £23,130,432 £941,484 £500,00 £801,00	Proportion of Total funding(%) 2.45% 0,716	0.0	00%
15) Minimum Funding Guarantee Where a value less than 0.5% or gree Apply capping and scaling factors? I Capping Factor (%) Fotal deduction if capping and scaling MFG Net Total Funding (MFG + dec <b>Total Funding for Schools Block For</b> High Needs threshold (only fill in if, Additional funding from the high ne Growth fund (if applicable) Falling rolls fund (if applicable) Dther Adjustment to 19-20 Budget	(gains may be capped above a specific of ing factors are applied duction from capping and scaling) mula exceptionally, a high needs threshold d eeds budget	eiling and/or scaled Scaling Factor (%) fferent from £6,000		umber authorising the			£0 Total (£) £23,130,432 £941,484 £500,00 £801,00	Proportion of Total funding(%) 2.45% 0,716 0.00 0.00 0.00	0.0	00%

% Distributed through Basic Entitlement	67.62	2%	
% Pupil Led Funding	92.38%		
Primary: Secondary Ratio	1:	1.32	



# Birmingham City Council Report to Cabinet Member for Transport and Environment





Subject:	Local Pinch Point Fund 2019: Expressions of Interest – City Centre Traffic Management and Bus Priority Measures
Report of:	Interim Director – Inclusive Growth
Relevant Cabinet Member:	Councillor Waseem Zaffar – Transport and Environment
Relevant O &S Chair(s):	Councillor Liz Clements – Sustainability and Transport
Report author:	John Myatt, Transport Planning and Investment Manager Telephone number: 0121 675 2217 Email address: john.myatt@birmingham.gov.uk

Are specific wards affected?	⊠ Yes	□ No – All wards
If yes, name(s) of ward(s): Ladywood, Soho and Jewellery G Newtown, Bordesley and Highgate, Nechells	)uarter,	affected
Is this a key decision?	□ Yes	⊠ No
If relevant, add Forward Plan Reference:		
Is the decision eligible for call-in?	⊠ Yes	□ No
Does the report contain confidential or exempt information?	□ Yes	⊠ No

#### 1 Executive Summary

1.1 This report seeks approval to submit an Expression of Interest (EoI) to the West Midlands Combined Authority (WMCA) for Department for Transport's Local Pinch Point Funding (LPPF). The EoI includes proposals for bus priority and traffic management measures, at a total estimated capital cost of £8m, in line with the City Council's plans and priorities to make Birmingham a great, clean and green place to live in and a city that takes a leading role in tackling climate change. The EoI is included as Appendix A.

#### 2 Recommendations

- 2.1 Approves the proposed interventions included in the EoI at a total estimated capital cost of £8m and the rationale for these being put forward as the most suitable options for submission for the LPPF.
- 2.2 Notes that the Eol submission is under £10m so is being made using the delegations in the Transport and Highways Capital Programme Cabinet Report 2019/20 to 2024/25.
- 2.3 Approves the submission of the EoI to the WMCA for prioritisation for their final submission to the Department for Transport (DfT).
- 2.4 Notes that should the submission be successful and shortlisted by the DfT, a further detailed submission will be made to WMCA/DfT. Should this be successful, an Outline/Full Business Case will be submitted through the Council's Governance and Financial Approvals Framework and in line with delegations approved as part of the prevailing Transport and Highways Capital Programme report.

#### 3 Background

- 3.1 In July 2019, the DfT announced a competitive fund for local authorities to bid for high impact schemes to help address congestion pinch points and to reduce congestion on local roads. The fund will offer a total of £150 million, £75 million per annum in 2021/2022 and 2022/2023. The pinch point funding will target small to medium scale improvements, including road widenings, junction improvements and public transport priority measures aiming to improve traffic flow.
- 3.2 According to the DfT guidance, where an authority falls within a combined authority, each component authority must submit its expression of interest via a coordinator in the combined authority. Eols will be prioritised by WMCA prior to submission to DfT. WMCA have specifically asked for confirmation of S151 officer support to accompany the submission of the Eol. After the shortlisted proposals are announced by DfT, successful local authorities will be asked to submit more detailed business cases.
- 3.3 This report outlines the options considered and the proposals for bus priority measures in Birmingham city centre included in the Eol. The proposed schemes are a mixture of highway improvements to accommodate additional bus stops or dedicated bus lanes, new bus gates and changes in highway layout to restrict the through movement of private cars in Birmingham city centre. A total of eleven interventions have already been identified. All these measures are aimed at reducing congestion within the city centre and ensuring a better customer experience including improved journey times and reliability on the existing and future transport network.
- 3.4 A second Eol focusing on bus priority and traffic management measures along key cross city bus corridors is the subject of a separate Cabinet Member report.

#### 4 Options considered and recommended proposal

- 4.1 Option 1 Do nothing: Not recommended as the pinch point fund is a key opportunity to secure funding for the delivery of local public transport priority measures in the short term and deliver key outcomes such as improved journey times and air quality, as well as restricting through movements in the city centre.
- 4.2 Option 2 Submission of a wider range and bigger number of Eols: Not recommended as a targeted submission will better reflect the City Council's key priorities. Other schemes that were considered but were discounted include other bus corridors, cycling improvements, packages of network management improvements and highway improvements. The Eols submitted were the most appropriate when considering the Council's priorities, LPPF's criteria and deliverability.
- 4.3 Option 3 Submission of this Eol focusing on city centre traffic management and bus priority measures set out in this report and Appendix A, to secure funding for the delivery of local public transport priority measures in the short term. This is the recommended option as it aligns most closely with the Council's priorities and meets LPPF's criteria about being 'shovel-ready'.

#### 5 Consultation

- 5.1 Consultation has been undertaken with Transport for West Midlands.
- 5.2 If these EoIs are successful further consultation will take place as the projects progress through full business case and delivery including with local councillors and the public.

#### 6 Risk Management

- 6.1 The risk that the proposed measures do not meet the requirements of the funding has been considered. The City Council has chosen to put forward the EoIs that align best with the fund's priorities and are likely to deliver the maximum benefits with the available funding therefore this risk is considered minimal.
- 6.2 A full risk assessment will be provided in the more detailed submission should the EoI be successful.

#### 7 Compliance Issues:

- 7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?
  - 7.1.1 The EoIs are consistent with the City Council's Plan and Budget 2018 to 2022, as updated in 2019. It will support delivery of the primary goals of an Entrepreneurial City, an Aspirational City, a Fulfilling City to age well in and a Great City to live in and support Birmingham residents in gaining the maximum benefit from hosting the Commonwealth Games. The proposals for the delivery of cross city bus routes aim to fully integrate all corners of the city in transport terms and unlock the city's economic potential by

delivering fast and reliable bus journeys, while complementing policies that are already being progressed, such as the Clean Air Zone. In addition, by prioritising the movement of buses over private cars, it will assist the City Council in taking a leading role in tackling climate change.

- 7.1.2 In particular, the proposals put forward will support Outcome 1, Priority 4: We will develop our transport infrastructure, keep the city moving through walking, cycling and improved public transport; Outcome 4, Priority 4: We will improve the environment and tackle air pollution; and Outcome 6, Priority 2: We will continue to deliver, report and positively promote the Council's extensive climate change and carbon reduction activity.
- 7.2 Legal Implications
  - 7.2.1 This report has no direct legal implications as these will be addressed in a more detailed submission should the Eol be successful.
- 7.3 Financial Implications

Capital

7.3.1 The total value of the proposed scheme is £8m of which £7m Pinch Point funding (capital grant) is sought alongside £1m of City Council match funding, assumed to be funded from Clean Air Zone (CAZ) net revenue income. This is consistent with the recommendations of the Clean Air Zone Charging Order report as approved by Cabinet on 25<sup>th</sup> June 2019. Should the submission be shortlisted and successful in Phase 2 of the LPPF, scheme costs and associated funding will be developed and confirmed as part of the Outline Business Case (OBC) and Full Business Case (FBC) reports.

#### Revenue

- 7.3.2 The preparation of the Eol and any subsequent bids/business cases, should the Eol be successful, will be undertaken by staff within Transport and Connectivity, funded from existing revenue budgets.
- 7.3.3 Subject to successful submission and approval to progress through the respective governance processes, the scheme will create assets that will form part of the highway upon completion. As such, there will be revenue implications associated with the ongoing maintenance of assets. These implications cannot be quantified at present but will be included in any future OBC and FBC reports and supporting bids/ business cases where applicable.

#### 7.4 Procurement Implications (if required)

7.4.1 This report has no direct procurement implications. Subject to successful submission and approval to progress, any future procurement strategy will be detailed in subsequent reports in line with the Council's Governance and Financial Approvals Framework.

- 7.5 Human Resources Implications (if required)
  - 7.5.1 This report has no human resources implications as it will be covered within current staff resources.
- 7.6 Public Sector Equality Duty
  - 7.6.1 An Equality Analysis (EA) has been undertaken for this report and is attached in Appendix B.
  - 7.6.2 Should the EoIs and further business cases be approved, individual scheme proposals will be further screened for equalities analysis as part of standard Council governance and approval processes, and EAs will be completed at Options Appraisal and FBC stage for individual projects and programmes.

#### 8 Appendices

- 8.1 Appendix A Expression of Interest
- 8.2 Appendix B Equality Analysis

#### 9 Background Documents

9.1 Information Briefing – Local Highway Improvements (25/07/19)

### Item 3

## **Local Pinch Point Fund**



Department for Transport

# Expression of Interest Form: 2021/22 and 2022/23 proposals

This form is for proposals to be funded by DfT in 2021/22 and 2022/23. Proposals should demonstrate the benefit to local businesses, and improvements to productivity on completing the project. The proposal should indicate the range of funding sought from the Department for Transport, e.g. £5 million to £10 million, £10 million to £15 million, or over £15 million.

The closing date for Expressions of Interest is 31 January 2020.

For proposals submitted by components of a Combined Authority a separate EOI form should be completed for each one, then the CA should rank them in order of preference.

#### **Applicant Information**

**Local authority name:** Birmingham City Council (BCC) (in partnership with Transport for West Midlands (TfWM))

Manager Name and position: John Myatt, Transport Planning and Investment Manager (BCC)

Contact telephone number: John Myatt - 0121 675 2217

Email address: john.myatt@birmingham.gov.uk

**Postal address:** 

Transport Planning and Network Strategy Transport and Connectivity (Inclusive Growth Directorate) Birmingham City Council 1 Lancaster Circus Queensway, PO Box 14439 Birmingham, B2 2JE

Transport for West Midlands 16 Summer Lane Birmingham B16 3SD

**Combined Authorities** 

Mark Corbin, Key Route Network Manager – Transport for West Midlands

Contact telephone number: 0121 214 7355 Email address: Mark.Corbin@tfwm.org.uk Postal address: Transport for West Midlands 16 Summer Lane Birmingham B16 3SD

Page 98 of 184 Point Fund 2021/22 and 2022/23 EOI form

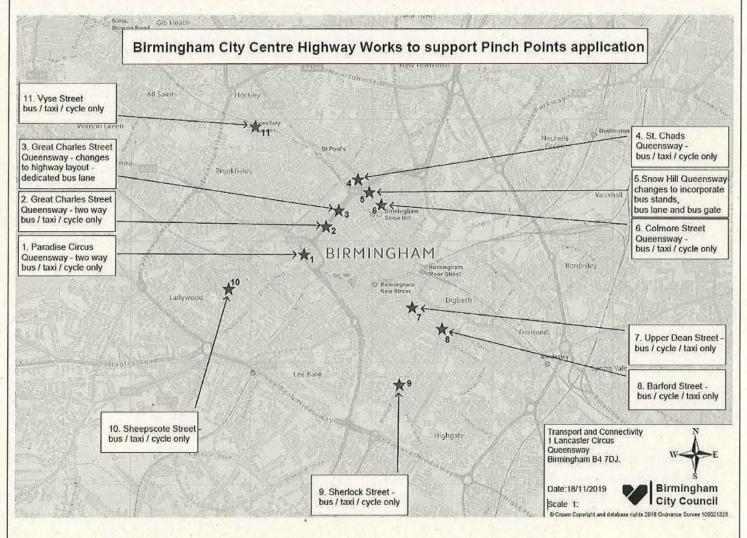
#### **SECTION A – Description of works**

**A1. Name of proposal:** City Centre Highway and Bus Priority Works to support the new proposed Birmingham Cross City Bus Corridors

#### A2. Geographic area:

Please provide information about the location of the proposal (in no more than 50 words):

This proposal includes 11 interventions located within Birmingham city centre as shown on the map below:



Postcode and grid reference information:

The outward code and grid reference (presented as: outward code; grid reference) for each of the 11 interventions shown above is given below:

1: B3; SP065870 2: B3; SP066871 3: B3; SP067872 4: B4; SP068874 5: B4; SP070873 6: B3; SP070872 7: B5; SP073864 8: B5; SP075861

Page So al Right Point Fund 2021/22 and 2022/23 EOI form

A3. Description of existing problems and how the proposal would address them. Please set out which other options have been considered:

#### Introduction

This Expression of Interest outlines a set of highway and bus priority measures in Birmingham city centre that are aimed at supporting the delivery of the emerging Birmingham Transport Plan (BTP). The BTP prioritises active modes of travel and public transport and particularly in the city centre, aims to reduce private car mode share and improve pedestrian, cyclist and public transport permeability, journey times, and reliability. A key element of the BTP is the city centre 'traffic cells' initiative, which restricts the movement of private cars in the city centre preventing through movements which currently make up 40% of private car trips on the A38. This will be achieved by creating boundaries impermeable by private cars and areas that they can only access from the Birmingham Ring Road (A4540 Middleway). The BTP will complement the Clean Air Zone measures that are planned to be implemented in Birmingham city centre from July 2020 and will further improve the liveability of the city centre.

BCC anticipates that by restricting the access of private cars to the city centre, congestion will reduce and demand will shift to an improved public transport network. Therefore, the measures included in this EoI are aimed at improving bus access to the city centre by prioritising their movement. The proposals included in this EoI, fully complement the delivery of a programme of cross city bus priority measures across Birmingham that will unlock bus connections and expand the city's economic potential by dramatically improving access opportunities across different neighbourhoods. These proposals will ensure that buses carrying out cross city trips will able to move reliably through the city centre.

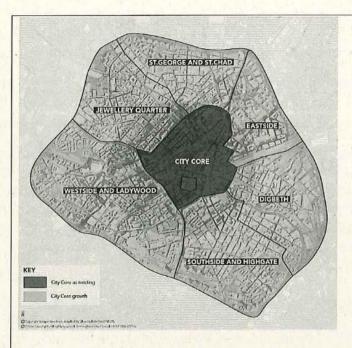
All the interventions proposed are focused on delivering:

- journey time improvements
- alleviating congestion
- increasing journey time reliability for all users
- releasing capacity on the road network by making bus travel more attractive.

The proposed interventions are part of a holistic programme that aims to deliver whole route corridor improvements through bus priority to maintain journey time reliability. At particular pinch points, junction improvements will be brought forward which have the potential to benefit all traffic. As part of these interventions we anticipate journey time reductions in both peak periods by an average of 30%.

#### Delivering on city centre growth aspirations

The city centre currently accounts for a third of Birmingham's total economic output. It supports 150,000 jobs and attracts £2 billion of shopping expenditure every year with a residential population of 30,000 people. By 2031, the city core will grow by 25% with 50,000 new jobs and 10,000 homes adding £2.1 billion to the city's economy each year.



HS2 will be a key catalyst for the city's growth. The new HS2 Curzon Station will unlock significant regeneration around Eastside and Digbeth and it is key that this area is integrated into the wider city centre. Reducing traffic at the same time as providing strong, attractive walkable routes will foster easy movement between HS2 and the rest of the city centre.

Birmingham city centre is one of the best connected areas in the UK with a large bus and rail network, but persistent unreliability and capacity constraints on the transport network continues. Over 450,000 car trips are made through and into/from the city centre each day and this is predicted to increase by 30% when taking into account growth to 2031 if the current situation continues.

Therefore, in light of this and the delivery of a CAZ within the city centre as detailed below, growth will be underpinned by a new approach to movement into and around the city centre focused on reducing the dominance of the car and transforming public transport infrastructure.

#### The emerging Birmingham Transport Plan and the city centre cells initiative

The emerging BTP 2031 describes what the city needs to do differently to meet the demands of the future. The plan contains a set of principles that will guide investment in transport so that it is able to serve a future Birmingham that is home to more people and that is a better environment in which to live and work. The BTP brings together the wide range of transport interventions planned for the city in order to dramatically reduce car dependency and transform the way Birmingham's citizens move in order to:

Tackle climate change Support inclusive growth Support equal opportunities in heath, employment and education Create safe, healthy, sustainable environments where people want to live and work.

The BTP's actions are based on four 'big moves':

-Reallocating space away from private cars and towards public transport and active modes; -Transforming the city centre through a well-connected network of pedestrian streets and public spaces integrated with public transport services, restricting through-movements for private cars, and repurposing the section of the A38 going through the city centre;

-Prioritising active travel in local neighbourhoods by putting people first and implementing a 20mph speed limit across all local roads;

Page 404ab Piggh Point Fund 2021/22 and 2022/23 EOI form

-Managing demand through limiting, restricting and pricing parking, as well as repurposing land that is currently used for parking.

The BTP will be put to public consultation in early 2020.

#### **Delivering the CAZ**

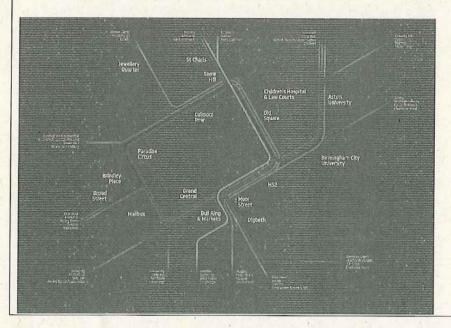
Poor air quality in Birmingham is acknowledged as a major public health burden; it is estimated that poor air quality is responsible for around 900 premature deaths a year in the city. To combat the health emergency caused by air quality, the Government issued the UK Plan for Tackling Roadside Nitrogen Dioxide Concentrations in July 2017 which identified Birmingham as one of the areas experiencing the greatest problem with nitrogen dioxide exceedances. The Government's Plan requires the City Council to deliver the best Clean Air Zone option to achieve statutory nitrogen dioxide limit values within the shortest possible time.

A full business case for delivering a CAZ in Birmingham<sup>1</sup> has been approved and is due to be implemented by July 2020, with the city focussed on transferring at least 30% of existing car trips on to public transport. The scale of the bus network in the city means it will play a vital role in supporting this objective but in doing so, the bus network must be reliable and offer a realistic and attractive alternative to the car. Therefore, the emerging BTP measures and a cross city bus route strategy have been developed by TfWM, as detailed below.

#### Cross city bus routes

Bus travel is the transport lifeblood of the city, with an all too often undervalued role in powering the city's economy. Buses reach every corner of Birmingham, providing an essential mobility service to access employment, education, leisure and other key facilities as well as providing integration with other modes of transport. The scale and importance of bus use in the city centre is huge. In Birmingham city centre alone, 73 million bus trips are made each year, carrying over 10 million more passengers than generated by the four city centre rail stations (New Street, Moor Street, Snow Hill and Five Ways) and the entire Midland Metro network combined. With some radial corridors leading to/from the city centre, there are more trips made by people on buses during the peak periods than by car.

As the city grows, buses are flexible and able to deliver extra capacity quickly as well as carrying more people per sqm than the cars on our roads.



<sup>1</sup> <u>https://birmingham.cmis.uk.com/birmingham/Decisions/tabid/67/ctl/ViewCMIS\_DecisionDetails/mid/391/Id/dbb0a2ee-0e5c-4c26-bb25-5e8ffacb8066/Default.aspx</u>

Page 102 of 184 Point Fund 2021/22 and 2022/23 EOI form

Map 2: Schematic representation of cross city bus routes

In addition, it is in the most deprived areas of the city where dependence on the bus is the highest; unemployment is high, skill levels low and car ownership well below the average. Bus is vital to unlocking job and skill catchments, opening economic participation, increasing productivity and enhancing social capital. These areas are reliant on the bus network but people are being held back from reaching their potential by reduced catchments caused, in part, by delay and unreliability.

Building on the strong foundations of partnership already in place through the West Midlands Bus Alliance, Transport for West Midlands (TfWM), National Express West Midlands (NX) and Birmingham City Council (BCC) are working together to deliver a renaissance for buses in Birmingham, underpinned by a new network of XC bus routes. XC will increase capacity and accessibility on the transport network through making bus travel more attractive and providing new connections to trips attractors, freeing up road space for other modes of transport to support the city's continued growth agenda. XC routes will complement the wider BTP strategy alongside committed Sprint (Bus Rapid Transit - BRT), Metro (Light Rail Transit) and rail schemes to deliver a truly integrated multi-modal city, creating a genuine step change in intra-city connectivity, increasing the city's effective size and providing links to new productive socio-economic markets.

#### What is proposed?

The measures proposed to be delivered through the Local Pinch Point Fund are envisaged to be a mixture of highway improvements to accommodate additional bus stops or dedicated bus lanes, new bus gates and changes in highway layout to restrict the through movement of private cars in Birmingham city centre. All these measures are aimed at reducing congestion within the city centre and ensuring a better customer experience including improved journey times and reliability on the existing and future transport network.

The schemes that are being considered will restrict private vehicle traffic from accessing specific sections of roads in the city centre, thus dedicating these sections to taxi, bus, and cycles only. These restrictions will significantly improve the movement of buses and will support the implementation of the city centre cells initiative. So far, the restrictions being considered, along with complementary interventions, are as listed below and shown on Map 1:

1. Paradise Circus Queensway – two-way bus, taxi and cycle only (Broad Street to Cambridge Street)

2. Great Charles Queensway – two-way bus, taxi and cycle only (Paradise Circus Queensway to Margaret Street). This includes provision for further bus stops along Great Charles Queensway and Margaret Street and a bus gate at the junction between Margaret Street and Cornwall Street.

3. Great Charles Queensway – changes to highway layout along Great Charles Queensway on the approach to the A38 on slip between New Market Street and St Chads Circus to accommodate a dedicated bus lane along Great Charles Queensway.

4. St Chads Queensway - bus, taxi and cycle only (between Old Snow Hill and A4040 u-turn).

5. Snow Hill Queensway – reconfiguration of Snow Hill Queensway between St Chads Queensway and Colmore Circus Queensway to incorporate bus stands, a dedicated bus lane and a bus gate.

6. Colmore Circus Queensway – bus, taxi and cycle only (between Snow Hill Queensway and Weaman Street).

7. Upper Dean Street - two-way bus, taxi and cycle only (Dean Street to Moat Lane).

8. Barford Street - two-way bus, taxi and cycle only (Cheapside to Bradford Street).

Page 1093 reingh Point Fund 2021/22 and 2022/23 EOI form

9. Sherlock Street - two-way bus, taxi and cycle only (MacDonald Street to Gooch Street).

10. Sheepcote Street - two-way bus, taxi and cycle only (Symphony Court to Grosvenor Street West).

11. Vyse Street - two-way bus, taxi and cycle only (Pitsford Street to Hockley Street).

These schemes are currently being developed and can be delivered in the timeframe for this proposal. Further bus priority measures are currently being investigated within the city centre and this proposal also includes for the further development of these.

In addition, a number of 'quick wins' have been identified that can be delivered in a short timescale and can provide early improvements in preparation for the implementation the traffic cells initiative. These include:

1) Bromsgrove signage – Current signs direct drivers travelling from the north of Birmingham towards Bromsgrove to take the A38 through Birmingham city centre. The cells initiative will sever access to the A38. Therefore, an early intervention that will facilitate the delivery of the cells initiative will be to amend existing signage to direct traffic to travel around the city centre, along the A4540 Middleway.

2) Mailbox signage – Current signs direct drivers approaching the Mailbox from the north or the south to follow the A38. The cells initiative will restrict private cars to accessing the Mailbox only from the south. Therefore, an early intervention to support the delivery of the cells initiative would be to replace existing signs at Dartmouth Circus, which are directing vehicles travelling from the north to access the Mailbox through the A38, with new signs that direct drivers to use the A4540 Middleway and approach the Mailbox from the south.

#### B1. The Financial Case – Project Costs and Profile

Please indicate the anticipated cost of the proposal in the table below. Figures should be entered in  $\pounds 000s$  (i.e.  $\pounds 10,000 = 10$ ).

#### Funding profile (Nominal terms)

£000s	2021-22	2022-23
DfT Funding Sought	£3,500	£3,500
LA Contribution	£500	£500
Other Third Party Funding		A Martin Martin

Notes:

 Department for Transport funding will be granted in the 2021-22 and 2022-23 financial years but local highway authorities may carry that funding over to following financial years if necessary.
 There is no specific amount for a local contribution by the local authority and/or a third party but if additional funding is proposed please state what this is expected to be.

#### **B2.** Timetable

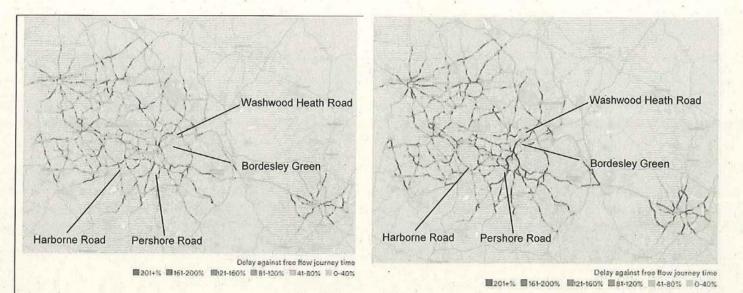
Proposed start date: Q2 2021

Estimated completion date: Q4 2023

#### B3. Further information in support of the proposal

This section provides additional information on the traffic and delay conditions across Birmingham, demonstrating the need for measures to alleviate congestion and improve journey times across the city. The delays at the locations presented below are expected to be addressed through the implementation of the cross-city bus corridor programme that is presented in Section A.3. The proposition involves the delivery of bus priority and highway improvement on five key radial routes into Birmingham city centre, which together will deliver lines 2 & 3 of the cross-city programme: Birmingham North-South and Birmingham East-West. The corridors have been selected based on an initial feasibility study completed which has identified significant scope for journey time savings and potential to unlock major trips generators, particularly across the city centre. This will have the effect of increasing the city's effective size and helping to close the productivity gap while they fully align with the proposals included in this Eol, and combined can deliver a step change in public transport travel across Birmingham.

The figure below shows the extent of delay on Birmingham:

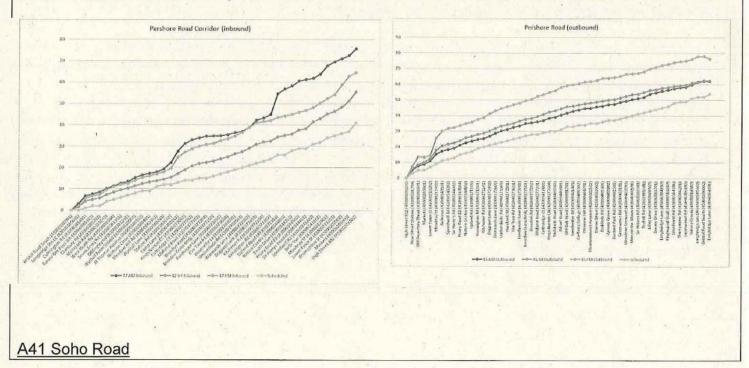


#### A441 Pershore Road

The A441 Pershore Road corridor carries c.30,000 vehicles daily forming part of the wider regional Key Route Network (KRN) which comprises the principal routes within the region, serving the main strategic demand flows of people, goods and services and providing connections to the strategic road network.

The A441 forms part of the Birmingham cross city KRN, linking M42 J2 within Birmingham city centre. In a local context, the A441 provides important links into the city centre from the urban areas of Longbridge, Cotteridge and Stirchley. The corridor provides eleven buses per hour, generating five million bus trips annually.

The corridor experiences severe congestion at peak times along the majority of the route between Stirchley and Birmingham. This has a detrimental effect on bus reliability and journey times with a number of junctions along the route forming some of the most congested in the region<sup>2</sup>. The graph below shows bus journey times relative to timetable journey time, demonstrating the significant congestion challenges faced by bus services along the corridor. Delay created in the AM peak is particularly pronounced.

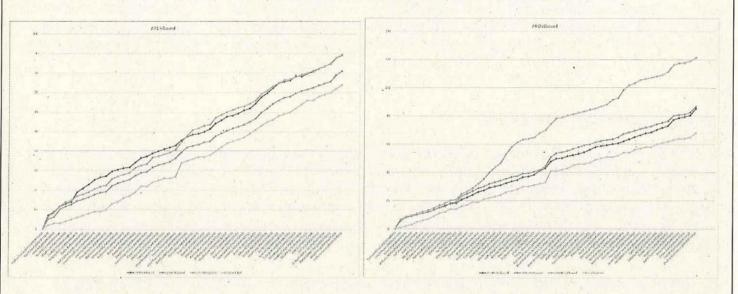


<sup>2</sup> https://www.tfwm.org.uk/media/3030/1-birmingham-cross-city.pdf

Page 100 of 184 Point Fund 2021/22 and 2022/23 EOI form

The A41 Soho Road corridor carries c.25,000 vehicles daily forming part of the Birmingham to Black Country Key Road Network (KRN), linking Birmingham city centre with Wednesbury, West Bromwich and Wolverhampton. The corridor provides fifteen buses per hour, generating seven million bus trips annually.

The graph below shows bus journey times relative to timetable journey time. The graphs demonstrate that delay to services mean end to end journey times are up to 20 mins longer than scheduled journey times with particular pinch points along the route which create spikes in journey times.

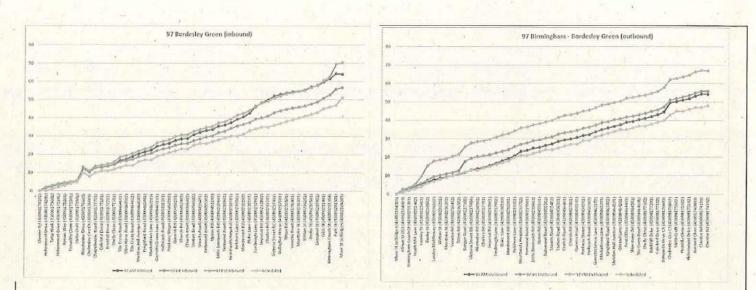


#### B4128 Bordesley Green

The B4128 corridor is an important radial route connecting the East Birmingham North Solihull (EBNS) regeneration area to economic activity within Birmingham city centre. The route connects Chelmsley Wood, Stechford and Bordesley Green. The EBNS area contains some of the most deprived wards in the UK, where relatively high unemployment is coupled with a residual workforce that is relatively unskilled. Combined with low levels of car ownership, where only half of all residents have access to a car, the area has long been a focus of policy to drive growth and enhance social capital with connectivity at its heart.

The corridor provides connectivity to fifteen buses per hour, generating nearly 5 million passengers a year. The route does however experience persistent congestion at peak times, which has a detrimental effect on bus reliability and journey times<sup>3</sup>. The graph below shows bus journey time relative to timetable journey time, demonstrating that AM and PM peak end to end journey times are 20 mins longer than the scheduled journey times.

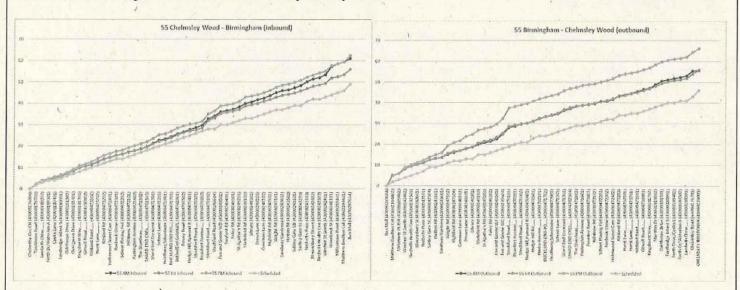
<sup>3</sup> <u>https://www.tfwm.org.uk/media/3030/1-birmingham-cross-city.pdf</u> Page 40% Pinsh Point Fund 2021/22 and 2022/23 EOI form



#### B4114 Washwood Heath Road

The B4114 corridor is a further radial route connecting the EBNS regeneration area to economic activity within Birmingham city centre. The route connects Castle Bromwich, Washwood Heath and Alum Road with Birmingham city centre. The route generates traffic volumes of 20,000 vehicles a day and 10 bus services per hour, generating 4 million passengers a year. As above, EBNS area contains some of the most deprived wards in the UK, where relatively high unemployment is coupled with a residual workforce that is relatively unskilled.

The graph below shows bus journey time relative to timetable journey time, demonstrating that bus services experience significant delay. The PM peak is most pronounced where end to end journey are over 20 mins longer than the scheduled journey times.

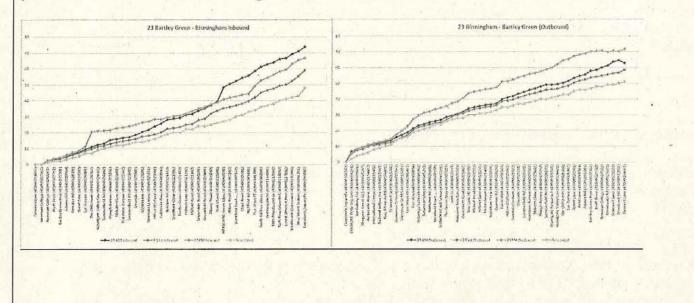


#### Harborne Road

The B4284 Harborne Road corridor forms part of the West Birmingham KRN, linking South Birmingham, Halesowen and Stourbridge with Birmingham city centre. The corridor generates fourteen buses per hour and 5 million bus passengers each year. In a local context, the corridor serves the areas of Selly Oak, Edgbaston, Bartley Green and Harborne.

Residents of Bartley Green and Harborne moreover do not benefit from rail connectivity nor is any further rail/mass transit proposed in these areas within the region's or city's transport delivery plan. The bus therefore plays a vital role in supporting accessibility for the people living and working in these areas; it is, therefore, unsurprising that more people travel on buses between Harborne and the city centre than any other road user, including those in cars.

Bus journey times are significant with the AM peak experiencing particular levels of delay with end to end journey times over 20 mins longer than scheduled journey times. Delays become most pronounced as buses route through Harborne.



#### **SECTION C: Declarations**

#### C. Senior Responsible Owner Declaration

As Senior Responsible Owner for Transport and Connectivity I hereby submit this request for approval to DfT on behalf of Birmingham City Council and confirm that I have the necessary authority to do so.

I confirm that Birmingham City Council will have all the necessary powers in place to ensure the planned timescales in the application can be realised.

Name: Phil Evolutions	Signed:
Position: Assistant Director	N

#### Submission of Expression of Interest:

The deadline for the Expression of Interest submission is 5pm on **31 January 2020** Successful proposals for EOIs in the Local Pinch Point Fund are to be funded by DfT in 2021/22 and 2022/23.

There are two phases to the application process:

 this Expression of Interest stage where we will assess the proposal based on the eligibility criteria as set out in Section 3 of the published Guidance.

• for authorities successful in passing to Phase 2, we will expect a further and detailed submission. Further guidance will be issued to the successful authorities when they are notified

An electronic copy only of the EOI should be submitted to:

LT.Plans@dft.gov.uk copying in Paul.O'Hara@dft.gov.uk



Title of p	proposed EIA
------------	--------------

Reference No

EA is in support of

**Review Frequency** 

Date of first review

Directorate

Division

Service Area

Responsible Officer(s)

Quality Control Officer(s)

Accountable Officer(s)

Purpose of proposal

#### Data sources

Please include any other sources of data

\*\*\*ASSESS THE POTENTIAL IMPACT AGAINST THE PROTECTED CHARACTERISTICS\*\*\*

Protected	characteristic:	Age
-----------	-----------------	-----

Age details:

#### Protected characteristic: Disability

Disability details:

#### Protected characteristic: Gender Gender details: Protected characteristics: Gender Reassignment Gender reassignment details: Protected characteristics: Marriage and Civil Partnership Marriage and civil partnership details:

Protected characteristics: Pregnancy and Maternity

Pregnancy and maternity details:

#### DfT Local Pinch Point Fund - City Centre Works -Expressions of Interest EQUA423 New Function

Annually

16/11/2020

Inclusive Growth

Transport and Connectivity

Transport Planning and Network Strategy

- Peter A Bethell
- Janet L Hinks
- Mel Jones

To assess the impact of the Expression of Interest by BCC and TfWM in the DfT's Pinch Point fund for bus priority and traffic management measures in the city centre.

#### Service Users / Stakeholders; Wider Community

Whilst this Equalities Assessment is just for the Expression of Interest, and each proposal (or group of proposals) will be subject to their own EA, the proposals will need to ensure that the needs of the elderly are taken into account, with facilities to ensure easy access for all.

### Service Users / Stakeholders; Employees; Wider Community

Whilst this Equalities Assessment is just for the Expression of Interest, and each proposal (or group of proposals) will be subject to their own EA, the proposals will need to ensure that the needs of bus users with disabilities are taken into account, with facilities to ensure easy access for all.

#### Not Applicable

#### Not Applicable

Not Applicable

#### Service Users / Stakeholders; Wider Community

Whilst this Equalities Assessment is just for the Expression of Interest, and each proposal (or group

#### Page 111 of 184

	of proposals) will be subject to their own EA, the proposals will need to ensure that the needs of pregnant women and parents with buggies are taken into account, with facilities to ensure easy access for all.
Protected characteristics: Race	Not Applicable
Race details:	
Protected characteristics: Religion or Beliefs	Not Applicable
Religion or beliefs details:	
Protected characteristics: Sexual Orientation	Not Applicable
Sexual orientation details:	
Please indicate any actions arising from completing this screening exercise.	
Please indicate whether a full impact assessment is recommended	NO
What data has been collected to facilitate the assessment of this policy/proposal?	
Consultation analysis	
Adverse impact on any people with protected characteristics.	
Could the policy/proposal be modified to reduce or eliminate any adverse impact?	
How will the effect(s) of this policy/proposal on equality be monitored?	
What data is required in the future?	
Are there any adverse impacts on any particular group(s)	No
If yes, please explain your reasons for going ahead.	
Initial equality impact assessment of your proposal	The creation of a cross-city bus network is central to
	plans within the city, to fully integrate all areas of
	the city in transport terms and unlock the city's economic potential by delivering fast, reliable and
	stable bus journeys. This is particularly important to
	support the successful delivery of the Clean Air Zone
	and realise the city's growth agenda.
	A programme of hus priority measures both within

A programme of bus priority measures both within the city centre and elsewhere is required needed to unlock cross-city services. The measures required are envisaged to be a mixture of highway improvements to accommodate additional bus stops or dedicated bus lanes, new bus gates and changes in highway layout to prohibit private vehicles.

This proposal focuses on the city centre, in particular routes off or close to the A38 which is the main through route within the city centre. Although directly linked to the schemes required to implement the cross-city bus routes, this proposal also looks at highway and bus priority schemes from the Cells strategy to be implemented within Birmingham. All of these are aimed at reducing congestion within the city centre and ensuring a

Page 112 of 184

Close

better customer experience on existing and proposed public transport services.

This Equalities Assessment is just for the Expression of Interest, and each proposal (or group of proposals) will be subject to their own EA. It has been determined that the expression of Interest will have no detrimental effect on any of the protected characteristics.

Consulted People or Groups Informed People or Groups Summary and evidence of findings from your EIA

QUALITY CONTORL SECTION

This Equalities Assessment is just for the Expression of Interest, and each proposal (or group of proposals) will be subject to their own EA. It has been determined that the expression of Interest will have no detrimental effect on any of the protected characteristics.

Submit to the Quality Control Officer for reviewing?	No
Quality Control Officer comments	Submit to Accountable Officer 13.11.19
Decision by Quality Control Officer	Proceed for final approval
Submit draft to Accountable Officer?	Yes
Decision by Accountable Officer	Approve
Date approved / rejected by the Accountable Officer	15/11/2019
Reasons for approval or rejection	
Please print and save a PDF copy for your records	Yes
Content Type: Item Version: 34.0 Created at 12/11/2019 11:18 AM by <b>Peter A Bethell</b> Last modified at 15/11/2019 08:46 AM by Workflow on behalf of <b>Mel Jones</b>	

Page 113 of 184

## Birmingham City Council Report to Cabinet Member for Transport and Environment



4<sup>th</sup> February 2020

Subject:	Local Pinch Point Fund 2019: Expressions of Interest – Unlocking Birmingham Cross City Buses – Line 2 & 3 Route Enhancements
Report of:	Interim Director – Inclusive Growth
Relevant Cabinet Member:	Councillor Waseem Zaffar – Transport and Environment
Relevant O &S Chair(s):	Councillor Liz Clements – Sustainability and Transport
Report author:	John Myatt, Transport Planning and Investment Manager Telephone number: 0121 675 2217 Email address: john.myatt@birmingham.gov.uk

	affected
] Yes	🛛 No
I Yes	□ No
] Yes	⊠ No
<	Yes

#### 1 Executive Summary

1.1 This report seeks approval to submit an Expression of Interest (EoI) to the West Midlands Combined Authority (WMCA) for Department for Transport's Local Pinch Point Funding (LPPF). The EoI includes proposals for bus priority and traffic management measures, at a total estimated capital cost of £9m, in line with the City Council's plans and priorities to make Birmingham a great, clean and green place to live in, and a city that takes a leading role in tackling climate change. The EoI is included as Appendix A.

#### 2 Recommendations

- 2.1 Approves the proposed interventions included in the EoI at a total estimated capital cost of £9m and the rationale for these being put forward as the most suitable options for submission for the LPPF.
- 2.2 Notes that the Eol submission is under £10m so is being made using the delegations in the Transport and Highways Capital Programme Cabinet Report 2019/20 to 2024/25.
- 2.3 Approves the submission of the EoI to WMCA for prioritisation for their final submission to the Department for Transport (DfT).
- 2.4 Notes that should the submission be successful and shortlisted by the DfT, a further detailed submission will be made to WMCA/DfT. Should this be successful, an Outline/Full Business Case will be submitted through the Council's Governance and Financial Approvals Framework and in line with delegations approved as part of the prevailing Transport and Highways Capital Programme report.

#### 3 Background

- 3.1 In July 2019, the DfT announced a competitive fund for local authorities to bid for high-impact schemes to help address congestion pinch points and to reduce congestion on local roads. The fund will offer a total of £150 million, £75 million per annum in 2021/2022 and 2022/2023. The pinch point fund will target small to medium scale improvements, including road widenings, junction improvements and public transport priority measures aiming to improve traffic flow.
- 3.2 According to the DfT guidance, where an authority falls within a combined authority, each component authority must submit its expression of interest via a co-ordinator in the combined authority. EoIs will be prioritised by WMCA prior to submission to DfT. WMCA have specifically asked for confirmation of S151 officer support to accompany the submission of the EoI. After the shortlisted proposals are announced by DfT, successful local authorities will be asked to submit more detailed business cases.
- 3.3 This report outlines the options considered and the proposals for unlocking Birmingham cross-city buses and route enhancements included in the EoI. The proposals include delivering a package of highway and traffic improvements including bus priority measures and additional measures to improve flow for all vehicles along five corridors in Birmingham. In addition, the proposals are complemented by an upgrade in the bus fleet in collaboration with National Express West Midlands aiming to provide the greenest buses on the market.
- 3.4 A second Eol focusing on bus priority and traffic management measures in the city centre is also proposed for submission and is the subject of a separate Cabinet Member report.

#### 4 Options considered and recommended proposal

- 4.1 Option 1 Do nothing: Not recommended as the pinch point fund is a key opportunity to secure funding for the delivery of local public transport priority measures in the short term and deliver key outcomes such as improved journey times and air quality.
- 4.2 Option 2 Submission of a wider range and bigger number of Eols: Not recommended as a targeted submission will better reflect the City Council's key priorities. Other schemes that were considered but were discounted include other bus corridors, cycling improvements, packages of network management improvements and highway improvements. The Eols submitted were the most appropriate when considering the Council's priorities, LPPF's criteria and deliverability.
- 4.3 Option 3 Submission of this Eol focusing on unlocking Birmingham cross-city bus routes through measures set out in this report and Appendix A, to secure funding for the delivery of local public transport priority measures in the short term. This is the recommended option as it aligns most closely with the Council's priorities and meets LPPF's criteria about being 'shovel-ready'.

#### 5 Consultation

- 5.1 Consultation has been undertaken with Transport for West.
- 5.2 If these EoIs are successful further consultation will take place as the projects progress through full business case and delivery including with local councillors and the public.

#### 6 Risk Management

- 6.1 The risk that the proposed measures do not meet the requirements of the funding has been considered. The City Council has chosen to put forward the EoIs that align best with the fund's priorities and are likely to deliver the maximum benefits with the available funding, therefore this risk is considered minimal.
- 6.2 A full risk assessment will be provided in the more detailed submission should the EoI be successful.

#### 7 Compliance Issues:

- 7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?
  - 7.1.1 The EoIs are consistent with the City Council's Plan and Budget 2018 to 2022, as updated in 2019. It will support delivery of the primary goals of an Entrepreneurial City, an Aspirational City, a Fulfilling City to age well in and a Great City to live in and support Birmingham residents in gaining the maximum benefit from hosting the Commonwealth Games. The proposals for the delivery of cross-city bus routes aim to fully integrate all corners of the city in transport terms and unlock the city's economic potential by

delivering fast and reliable bus journeys, while complementing policies that are already being progressed, such as the Clean Air Zone. In addition, by prioritising the movement of buses over private cars, it will assist the City Council in taking a leading role in tackling climate change.

- 7.1.2 In particular, the proposals put forward will support Outcome 1, Priority 4: We will develop our transport infrastructure, keep the city moving through walking, cycling and improved public transport; Outcome 4, Priority 4: We will improve the environment and tackle air pollution; and Outcome 6, Priority 2: We will continue to deliver, report and positively promote the Council's extensive climate change and carbon reduction activity.
- 7.2 Legal Implications
  - 7.2.1 This report has no direct legal implications as these will be addressed in a more detailed submission should the Eol be successful.
- 7.3 Financial Implications

#### Capital

7.3.1 The total value of the proposed scheme is £9m of which £7m Pinch Point funding (capital grant) is sought alongside £0.5m of City Council match funding and £1.5m of third-party contributions. The City Council match funding is provided from Clean Air Zone (CAZ) net revenue income. This is consistent with the recommendations of the Clean Air Zone Charging Order report as approved by Cabinet on 25<sup>th</sup> June 2019. Should the submission be shortlisted and successful in Phase 2 of the LPPF, scheme costs and associated funding will be developed and confirmed as part of the Outline Business Case (OBC) and Full Business Case (FBC) reports.

#### Revenue

- 7.3.2 The preparation of the Eol and any subsequent bids/business cases, should the Eol be successful, will be undertaken by staff within Transport and Connectivity, funded from existing revenue budgets.
- 7.3.3 Subject to successful submission and approval to progress through the respective governance processes, the scheme will create assets that will form part of the highway upon completion. As such, there will be revenue implications associated with the on-going maintenance of assets. These implications cannot be quantified at present but will be included in any future OBC and FBC reports and supporting bids/ business cases where applicable.

#### 7.4 Procurement Implications (if required)

7.4.1 This report has no direct procurement implications. Subject to successful submission and approval to progress, any future procurement strategy will be detailed in subsequent reports in line with the Council's Governance and Financial Approvals Framework.

- 7.5 Human Resources Implications (if required)
  - 7.5.1 This report has no human resources implications as it will be covered within current staff resources.
- 7.6 Public Sector Equality Duty
  - 7.6.1 An Equality Analysis (EA) has been undertaken for this report and is attached in Appendix B.
  - 7.6.2 Should the EoIs and further business cases be approved individual scheme proposals will be further screened for equalities analysis as part of standard Council governance and approval processes, and EAs will be completed at Options Appraisal and FBC stage for individual projects and programmes.

#### 8 Appendices

- 8.1 Appendix A Expression of interest
- 8.2 Appendix B Equality Analysis

#### 9 Background Documents

9.1 Information Briefing – Local Highway Improvements (25/07/19)

## **Local Pinch Point Fund**



# Expression of Interest Form: 2021/22 and 2022/23 proposals

This form is for proposals to be funded by DfT in 2021/22 and 2022/23. Proposals should demonstrate the benefit to local businesses, and improvements to productivity on completing the project. The proposal should indicate the range of funding sought from the Department for Transport, e.g. £5 million to £10 million, £10 million to £15 million, or over £15 million.

The closing date for Expressions of Interest is 31 January 2020.

For proposals submitted by components of a Combined Authority a separate EOI form should be completed for each one, then the CA should rank them in order of preference.

#### **Applicant Information**

Local authority name: Transport for West Midlands (TfWM) in partnership with Birmingham City Council (BCC)

Manager Name and position: Danny Gouveia, Senior Development Manager (TfWM)

**Contact telephone number:** Danny Gouveia – 0121 214 7288

Email address: danny.gouveia@tfwm.org.uk

Postal address: Birmingham City Council 1 Lancaster Circus Queensway Birmingham B2 2JE

Transport for West Midlands 16 Summer Lane Birmingham B16 3SD

#### **Combined Authorities**

If the proposal is from a local highway authority within a Combined Authority, please specify the contact and ensure that the Combined Authority has submitted a Combined Authority Application Ranking Form.

Name and position of Combined Authority Co-ordinator for CA proposals: Mark Corbin, Key Route Network Manager

Contact telephone number: 0121 214 7355 Email address: Mark.Corbin@tfwm.org.uk

#### **Postal address:**

16 Summer Lane Birmingham B16 3SD

#### **SECTION A – Description of works**

#### A1. Name of proposal:

Unlocking Birmingham Cross City Bus: North-South and East-West (Line 2 & 3) Route Enhancements

#### A2. Geographic area:

Please provide information about the location of the proposal (in no more than 50 words)

The proposal comprises 5 radial corridors into Birmingham city centre comprising:

- 1. A441 Pershore Road, Birmingham to Stirchley
- 2. B4284 Harborne Road, Bartley Green to Harborne
- 3. B4114 Washwood Heath Road, Castle Bromwich to Birmingham city centre
- 4. A41 Soho Road, Birmingham to Handsworth
- 5. B4128 Bordesley Green, Birmingham to Meadway

OS Grid Reference:

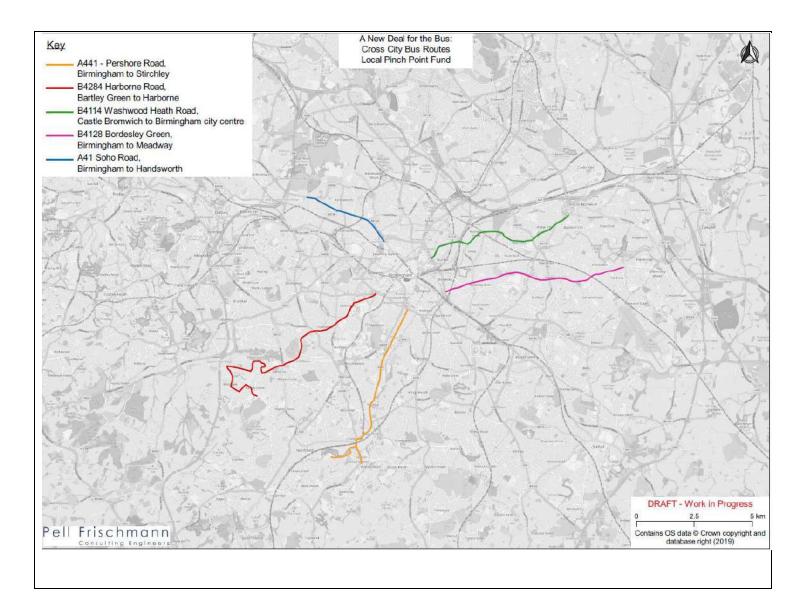
A441 - Pershore Road, Birmingham to Stirchley - SP055817

- B4284 Harborne Road, Bartley Green to Harborne SP040848
- B4114 Washwood Heath Road, Castle Bromwich to Birmingham city centre SP098884
- A41 Soho Road, Birmingham to Handsworth SP047894
- B4128 Bordesley Green, Birmingham to Meadway SP104866

Postcode:

A441 - Pershore Road, Birmingham to Stirchley – B29
B4284 Harborne Road, Bartley Green to Harborne – B17
B4114 Washwood Heath Road, Castle Bromwich to Birmingham city centre – B8
A41 Soho Road, Birmingham to Handsworth – B21
B4128 Bordesley Green, Birmingham to Meadway – B9

You might wish to append a map showing the location (and route) of the proposal, existing transport infrastructure and other points of particular interest.



# A3. Description of existing problems and how the proposal would address them. Please set out which other options have been considered:

Bus travel is the transport lifeblood of Birmingham, with an all too often undervalued role in powering the city's economy. Buses reach every corner of Birmingham, providing an essential mobility service to access employment, education, leisure and other key facilities as well as providing integration with other modes of transport.

The scale and importance of bus use in the city centre is huge. Birmingham city centre alone generates 73 million bus trips each year, carrying over 10 million more passengers than generated by the four city centre railway stations<sup>1</sup> and the entire Midland Metro network combined.

Building on the Government's recent announcement for investment in the region's bus network, this proposal would deliver the second tranche of Birmingham's cross city (XC) bus network. The proposition will unlock growth and increase productivity, not only through transformational reductions in bus journey times and enhanced reliability but also in creating new and direct intra-city connections between major trip attractors across the city centre core and beyond.

The cross-city proposition comprises a total of nine corridors of which five (delivering 2 XC lines) are proposed to be brought forward for improvement as part of this investment proposition.

A schematic plan showing the extent of the cross-city bus network is shown in the figure below:

Local Pinch Point Fund 2021/22 and 2022/23 EOI form

<sup>&</sup>lt;sup>1</sup> New Street, Snow Hill, Moor Street, Five Ways



#### <u>The problem</u>

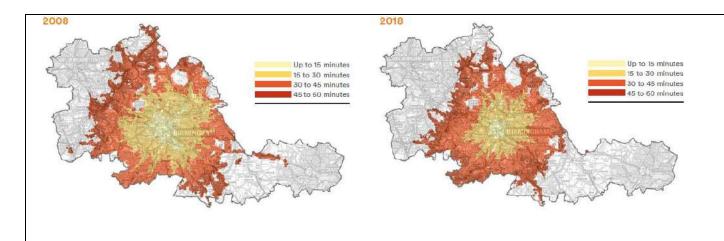
#### The congestion challenge

The Birmingham Development Plan sets out an ambitious inclusive growth agenda for Birmingham, delivering 51,000 additional homes and 150,000 new jobs by 2031 resulting in 400,000 additional trips on the transport network each day. The city centre is the engine for this growth; it has the potential to expand by 25% by 2031, accommodating a further 50,000 jobs and 10,000 new homes to boost the city's economy by £2.1 billion each year.

Transport is a strategic enabler for growth but much of the road and public transport network in Birmingham is operating at capacity during peak periods, inhibiting the city's growth potential. Delay and unreliability on the highway network is particularly crippling the bus network. Record levels of traffic<sup>2</sup> have inevitably caused record levels of delay and unreliability on the city's roads. Peak hour bus journeys into the city centre now take 20% longer on average than two years ago; it can take 20 minutes alone for buses to clear the Birmingham city centre's ring road during PM peak periods.

Congestion means fewer people can access jobs, education and other key facilities within decent journey times. 216,000 fewer people are within a 45-minute bus journey to the city centre compared to 10 years ago – the equivalent population of Solihull. The change in accessibility by bus between 2008 and 2018 is illustrated within the figure below:

<sup>&</sup>lt;sup>2</sup> <u>https://www.gov.uk/government/statistical-data-sets/road-traffic-statistics-tra#traffic-by-local-authority-tra89</u> Local Pinch Point Fund 2021/22 and 2022/23 EOI form



#### The impact of congestion

The result of delay and congestion to the city's productivity is stark – research completed by Transport for West Midlands on the impact of actual bus journey times relative to scheduled (timetable) journey time concludes that delay to buses results in around £300 million of GVA being lost each year as well as £200m of lost passenger time each year<sup>3</sup>.

Accommodating the growth of the city centre and the associated travel demands, in the context of record levels of traffic in the region presents acute challenges. Fundamentally, this means accommodating growth and, at the same time, not exacerbating existing delay and unreliability.

If nothing changes, the increased demands on the network from the rise in population and business will result in even more congestion, more unreliable journeys for workers & businesses and increased levels of harmful emissions, which are already frequently above safe target levels affecting people's health and exacerbating the climate emergency declared by Birmingham City Council and the West Midlands Combined Authority.

#### Reducing inequality

Congestion disproportionately affects bus users. Bus passengers seldom have other route/mode choices during periods of network delay and cannot readily compensate for poor reliability. Slower, less reliable and less efficient bus networks create a cycle of fewer passengers, with those who can switching modes, leading to more car trips and creating more congestion. This vicious circle will continue if measures are not put into place to reduce congestion and to improve bus journey reliability and reduce journey times.

Moreover, the poorest in society make three times more trips by bus compared to the highest income quintile and are ten times more likely to use the bus over rail<sup>4</sup>. Bus is therefore vital to unlocking job and skill catchments, opening economic participation, increasing productivity and enhancing social capital. However, where people are reliant on the bus network, they are being held back from reaching their potential because of a reduction in the city's effective size and labour catchments caused by delay and unreliability on the network.

#### Delivering the Clean Air Zone (CAZ)

Poor air quality in Birmingham is acknowledged as a major public health burden. It is estimated that poor air quality was responsible for around 900 premature deaths a year in the city. To combat the health emergency caused by poor air quality, the Government issued the UK Plan for Tackling Roadside Nitrogen Dioxide Concentrations in July 2017 which identified Birmingham as one of the

<sup>&</sup>lt;sup>3</sup> TfWM / ODI Leeds research – real journey time <u>https://odileeds.org/blog/2018-09-27-real-journey-time</u> <sup>4</sup> NTS0705

areas experiencing the greatest problem with nitrogen dioxide exceedances. The Government's Plan requires the City Council to deliver the best CAZ option to achieve statutory nitrogen dioxide limit values within the shortest possible time.

A full business case for delivering a CAZ in Birmingham<sup>5</sup> has been approved and is due to be implemented by July 2020 with a target of transferring 30% of existing car trips on to public transport. The scale of the bus network in the city means it will play a vital role in supporting this objective, but in doing so the bus network must be reliable and offer a realistic and attractive alternative to the car.

#### The solution – XC

Building on the strong foundations of partnership already in place through the West Midlands Bus Alliance, Transport for West Midlands (TfWM), National Express West Midlands (NX) and Birmingham City Council (BCC) are working together to deliver a renaissance for buses in Birmingham, underpinned by a new network of XC bus routes.

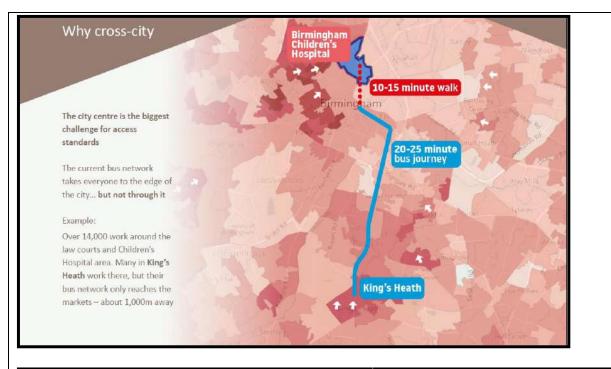
XC will increase capacity and accessibility on the transport network through making bus travel more attractive and providing new connections to trips attractors, freeing up road space for other modes of transport to support the city's continued growth agenda.

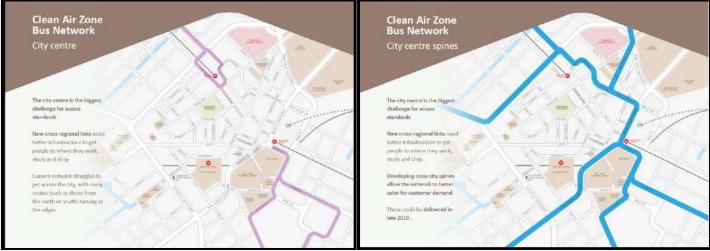
XC means complementing committed Sprint (Bus Rapid Transit - BRT), Metro (Light Rail Transit) and rail to deliver a truly integrated multi-modal city, creating a genuine step change in intra-city connectivity, increasing the city's effective size and providing links to new productive socio-economic markets.

XC means a reduction in bus movements through the city centre core, helping to reduce the severance caused by bus densities, freeing up road space and further abating emissions to support the CAZ. XC also means delivering the greenest fleet and the highest standard of buses to change the perception of bus travel in the city, with reliable journey times and high quality, attractive travel.

XC is not only about creating new connections between major trip attractors within the city; most benefit is derived from opening new connections across the city centre. Most bus services into Birmingham city centre do not penetrate its heart, instead stopping at existing termini on the fringes of the city centre. This size of the city centre means bus passengers still have significant journeys to make, either on foot or by other modes, incurring an interchange penalty. It also discourages the bus as a realistic mode of transport by not providing links to where people want to go; the images below show the challenge in intra-city connectivity by bus and how XC will close this connectivity gap.

<sup>&</sup>lt;sup>5</sup> <u>https://birmingham.cmis.uk.com/birmingham/Decisions/tabid/67/ctl/ViewCMIS\_DecisionDetails/mid/391/Id/dbb0a2ee-0e5c-4c26-bb25-5e8ffacb8066/Default.aspx</u>

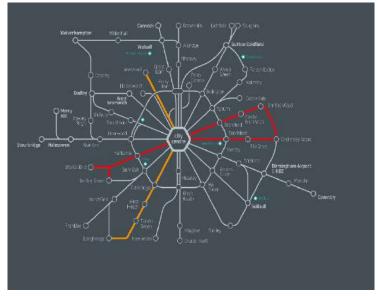




XC can only be realised if reliable journey times can be achieved. In the context of record levels of delay and unreliability on Birmingham's highway network, a suite of measures to improve journey times and reliability is required to unlock XC.

## XC Lines 2 & 3 – Birmingham East-West & North-South

Following the XC line 1 enhancements along the A435 Alcester Road & A457 Dudley Road (secured as part of the Government's better deal for bus users<sup>6</sup>), this investment opportunity to DfT will bring forward route enhancements on XC lines 2 & 3. This covers



five radial routes into/from the city centre as shown in the adjacent figure. This forms part of a wider  $\pm 10$ m funding package to additionally green up existing bus fleets.

<sup>6</sup> <u>https://www.gov.uk/government/news/government-takes-the-first-steps-in-a-bus-revolution</u> Local Pinch Point Fund 2021/22 and 2022/23 EOI form The route enhancements would include a package of highway and traffic improvements including bus priority measures and additional measures to improve flow for all vehicles.

The package will tackle specific bottlenecks and pinch-points, delivering a cumulative transformation in bus journey times with general highway & junction improvements and bus priority measures, covering the following corridors:

- 1. A441 Pershore Road, Birmingham to Stirchley
- 2. B4284 Harborne Road, Bartley Green to Harborne
- 3. B4114 Washwood Heath Road, Castle Bromwich to Birmingham city centre
- 4. A41 Soho Road, Birmingham to Handsworth
- 5. B4128 Bordesley Green, Birmingham to Meadway

Importantly, working in partnership with National Express West Midlands, the proposition will also be complemented by a £1.5m upgrade in the bus fleet to provide the greenest buses on the market. This will, at a minimum, result in Euro 6 buses along lines 2 and 3 but we will work closely with NX to provide even greater emission standards.

#### **Options Considered**

A feasibility study has been undertaken which has identified, sifted (using multi-criteria analysis) and prioritised the extent of interventions along the identified corridors. The preferred schemes are outlined within this expression of interest. The schemes have been developed to preliminary design, accompanied by a high-level benefit and deliverability assessment. The schemes are anticipated to deliver very high value for money and have been determined to be deliverable within the pinch point time frame as no further statutory consents, including planning permissions and Compulsory Purchase Orders are required.

The emerging scheme for Pershore Road is attached as **Appendix A** The emerging scheme for Washwood Heath Road is attached as **Appendix B** The emerging scheme for Harborne is attached as **Appendix C** The emerging scheme for Bordesley Green is attached as **Appendix D** The emerging scheme for A41 is attached as **Appendix E** 

#### B1. The Financial Case – Project Costs and Profile

Please indicate the anticipated cost of the proposal in the table below. Figures should be entered in  $\pm 000s$  (i.e.  $\pm 10,000 = 10$ ).

#### Funding profile (Nominal terms)

£000s	2021-22	2022-23	
DfT Funding	£3,000	£4,000	
Sought			
LA/TfWM		£500	
Contribution			
Other Third Part	/	£1,500	
Funding*			

\* National Express West Midlands investment in bus fleet

Notes:

 Department for Transport funding will be granted in the 2021-22 and 2022-23 financial years but local highway authorities may carry that funding over to following financial years if necessary.
 There is no specific amount for a local contribution by the local authority and/or a third party but if additional funding is proposed please state what this is expected to be.

#### **B2. Timetable**

Proposed start date: Q2 2021 Estimated completion date: Q4 2023

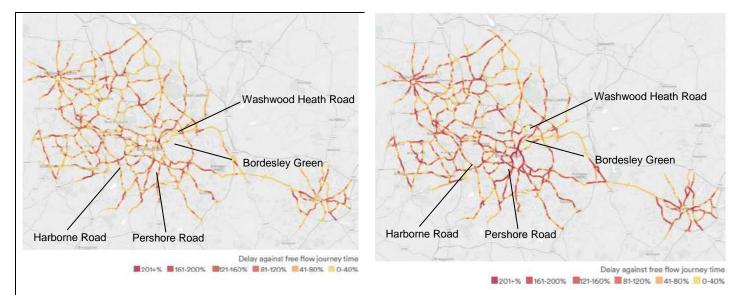
#### **B3.** Further information in support of the proposal

The proposition involves the delivery of bus priority and highway improvement on five key radial routes into Birmingham city centre, which together will deliver lines 2 & 3 XC - *Birmingham North-South* and *Birmingham East-West*.

The corridors have been selected based on an initial feasibility study completed which has identified significant scope for journey time savings and potential to unlock major trips generators, particularly across the city centre. This will have the effect of increasing the city's effective size, reducing work catchments to open new markets, helping to close the productivity gap.

#### The case for change & Benefit Realisation

The figure below shows the extent of delay on Birmingham

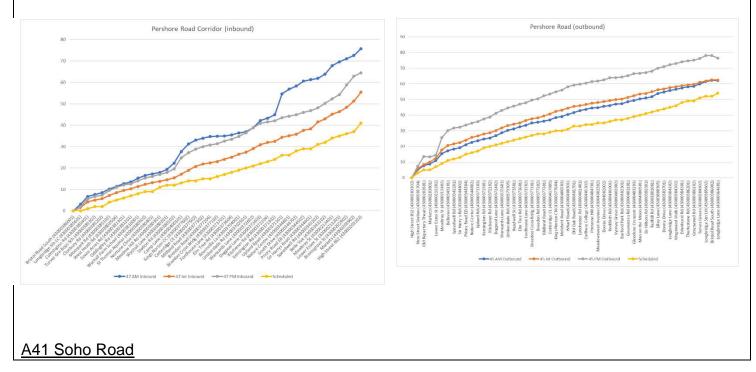


#### A441 Pershore Road

The A441 Pershore Road corridor carries c.30,000 vehicles daily forming part of the wider regional Key Route Network (KRN) which comprises the principal routes within the region, serving the main strategic demand flows of people, goods and services and providing connections to the strategic road network.

The A441 forms part of the Birmingham cross city KRN, linking M42 J2 within Birmingham city centre. In a local context, the A441 provides important links into the city centre from the urban areas of Longbridge, Cotteridge and Stirchley. The corridor provides eleven buses per hour, generating five million bus trips annually.

The corridor experiences severe congestion at peak times along the majority of the route between Stirchley and Birmingham. This has a detrimental effect on bus reliability and journey times with a number of junctions along the route forming some of the most congested in the region<sup>7</sup>. The graph below shows bus journey times relative to timetable journey time, demonstrating the significant congestion challenges faced by bus services along the corridor. Delay created in the AM peak is particularly pronounced.

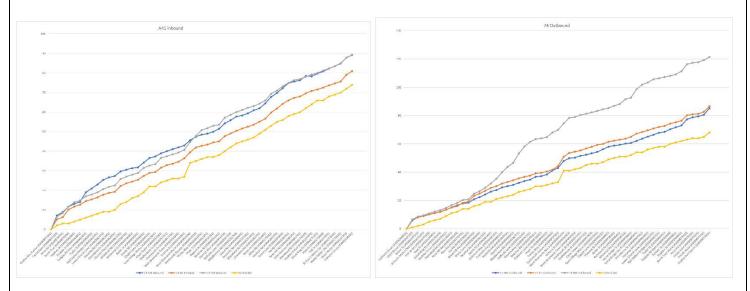


<sup>&</sup>lt;sup>7</sup> https://www.tfwm.org.uk/media/3030/1-birmingham-cross-city.pdf

Local Pinch Point Fund 2021/22 and 2022/23 EOI form

The A41 Soho Road corridor carries c.25,000 vehicles daily forming part of the Birmingham to Black Country KRN, linking Birmingham city centre with Wednesbury, West Bromwich and Wolverhampton. The corridor provides fifteen buses per hour, generating seven million bus trips annually.

The graph below shows bus journey times relative to timetable journey time. The graphs demonstrate that delay to services mean end to end journey times are up to 20 mins longer than scheduled journey times with particular pinch points along the route which create spikes in journey times.

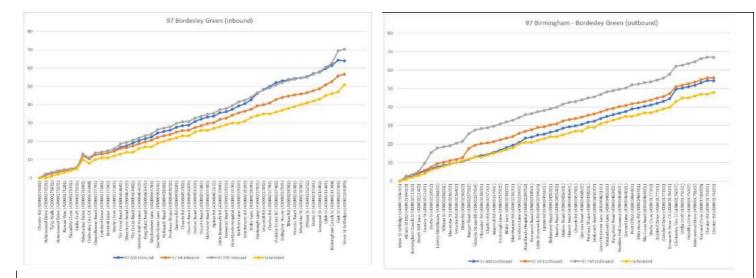


#### B4128 Bordesley Green

The B4128 corridor is an important radial route connecting the East Birmingham North Solihull (EBNS) regeneration area to economic activity within Birmingham city centre. The route connects Chelmsley Wood, Stechford and Bordesley Green. The EBNS area contains some of the most deprived wards in the UK, where relatively high unemployment is coupled with a residual workforce that is relatively unskilled. Combined with low levels of car ownership, where only half of all residents have access to a car, the area has long been a focus of policy to drive growth and enhance social capital with connectivity at its heart.

The corridor provides connectivity to fifteen buses per hour, generating nearly 5 million passengers a year. The route does however experience persistent congestion at peak times, which has a detrimental effect on bus reliability and journey times<sup>8</sup>. The graph below shows bus journey time relative to timetable journey time, demonstrating that AM and PM peak end to end journey times are 20 mins longer than the scheduled journey times.

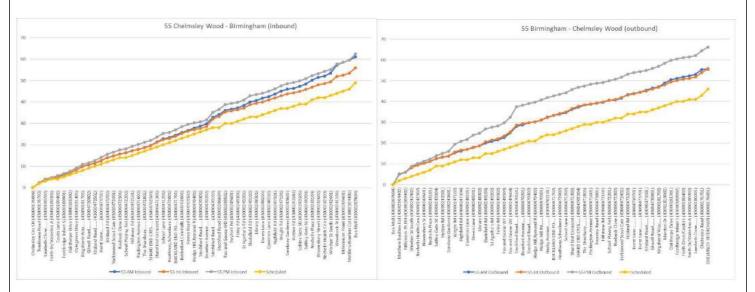
<sup>&</sup>lt;sup>8</sup> <u>https://www.tfwm.org.uk/media/3030/1-birmingham-cross-city.pdf</u>



#### B4114 Washwood Heath Road

The B4114 corridor is a further radial route connecting the EBNS regeneration area to economic activity within Birmingham city centre. The route connects Castle Bromwich, Washwood Heath and Alum Road with Birmingham city centre. The route generates traffic volumes of 20,000 vehicles a day and 10 bus services per hour, generating 4 million passengers a year. As above, EBNS area contains some of the most deprived wards in the UK, where relatively high unemployment is coupled with a residual workforce that is relatively unskilled.

The graph below shows bus journey time relative to timetable journey time, demonstrating that bus services experience significant delay. The PM peak is most pronounced where end to end journey are over 20 mins longer than the scheduled journey times.

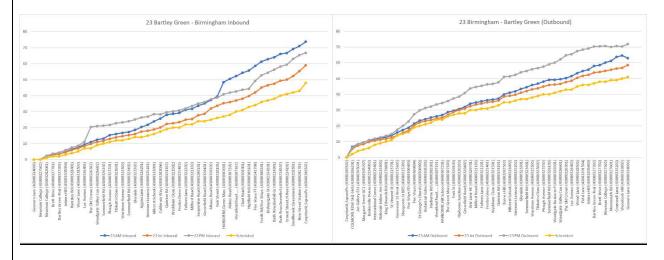


#### Harborne Road

The B4284 Harborne Road corridor forms part of the West Birmingham KRN, linking South Birmingham, Halesowen and Stourbridge with Birmingham city centre. The corridor generates fourteen buses per hour and 5 million bus passengers each year. In a local context, the corridor serves the areas of Selly Oak, Edgbaston, Bartley Green and Harborne.

Residents of Bartley Green and Harborne moreover do not benefit from rail connectivity nor is any further rail/mass transit proposed in these areas within the region's or city's transport delivery plan. The bus therefore plays a vital role in supporting accessibility for the people living and working in these areas; it is, therefore, unsurprising that more people travel on buses between Harborne and the city centre than any other road user, including those in cars.

Bus journey times are significant with the AM peak experiencing particular levels of delay with end to end journey times over 20 mins longer than scheduled journey times. Delays become most pronounced as buses route through Harborne.



#### **Benefit Realisation**

Intervention focuses on delivering whole route corridor improvement through bus priority to maintain journey time reliability. At particular pinch points along the route, junction improvements will be brought forward which have the potential to benefit all traffic.

The emerging designs (except for the A41 where intervention is less pronounced) focus on delivering journey time reductions in both peak periods by an average of 30%. As well promoting modal shift, thereby creating increased capacity on the highway network, the proposals will help support the city's productivity gap, reducing the level of lost GVA as a result of delay and unreliability on the bus network.

#### **SECTION C: Declarations**

#### C. Senior Responsible Owner Declaration

As Senior Responsible Owner for Unlocking Birmingham Cross City Bus: North-South and East-West (Line 2 & 3) Route Enhancements I hereby submit this request for approval to DfT on behalf of Transport for West Midlands and confirm that I have the necessary authority to do so.

I confirm that Transport for West Midlands will have all the necessary powers in place to ensure the planned timescales in the application can be realised.

	-	$\sim$	
Name:	Innny	12010	n = n
NAME			
1 1011101	Dainiy	000	010

Position: Senior Development Manager

Signea:	
RO	7
B	Ą
	1

#### Submission of Expression of Interest:

The deadline for the Expression of Interest submission is 5pm on **31 January 2020** Successful proposals for EOIs in the Local Pinch Point Fund are to be funded by DfT in 2021/22 and 2022/23.

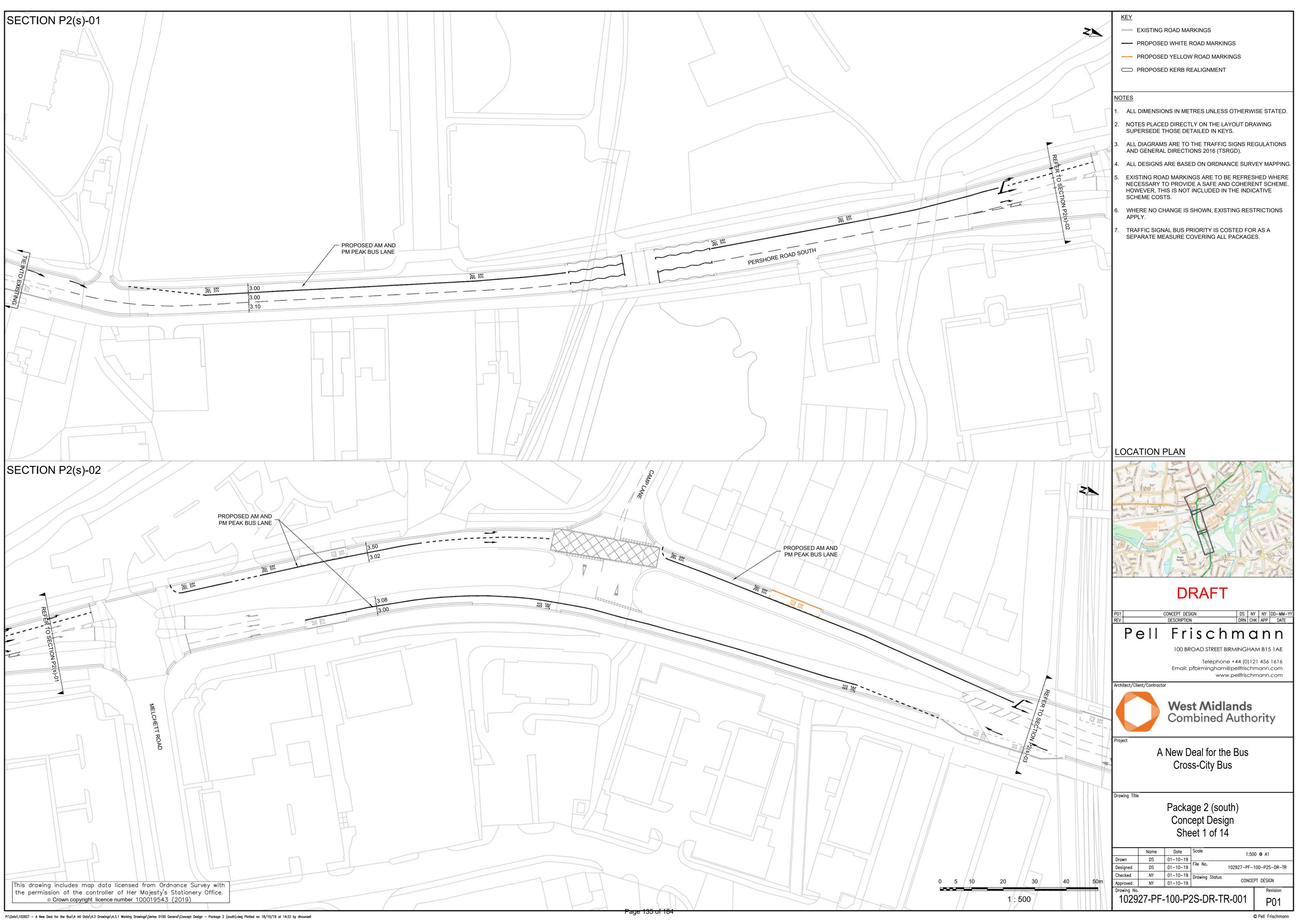
There are two phases to the application process:

• this Expression of Interest stage where we will assess the proposal based on the eligibility criteria as set out in Section 3 of the published Guidance.

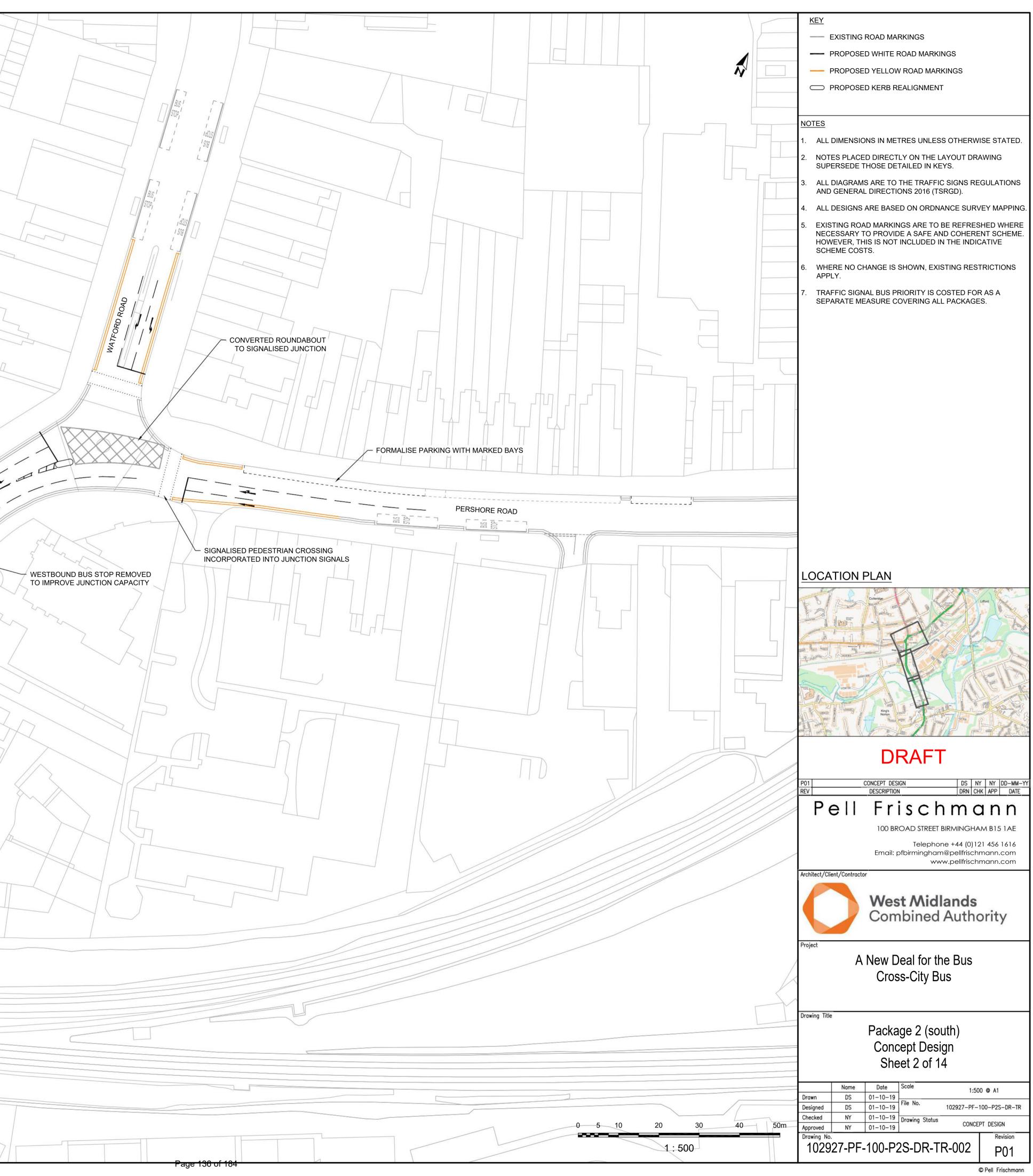
• for authorities successful in passing to Phase 2, we will expect a further and detailed submission. Further guidance will be issued to the successful authorities when they are notified

An electronic copy only of the EOI should be submitted to:

LT.Plans@dft.gov.uk copying in Paul.O'Hara@dft.gov.uk



SECTION P2(s)-03 EASTBOUND BUS STOP REMOVED TO IMPROVE JUNCTION CAPACITY 15/ MIDDLETON HALL ROAD SIGNALISED PEDESTRIAN CROSSING INCORPORATED INTO JUNCTION SIGNALS CONVERTED ROUNDABOUT TO SIGNALISED JUNCTION This drawing includes map data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationery Office. © Crown copyright licence number 100019543 (2019) P:\Data\102927 - A New Deal for the Bus\4 Int Data\4.3 Drawings\4.3.1 Working Drawings\Series 0100 General\Concept Design - Package 2 (south).dwg Plotted on 18/10/19 at 14:33 by dhounsell





<sup>©</sup> Pell Frischmann







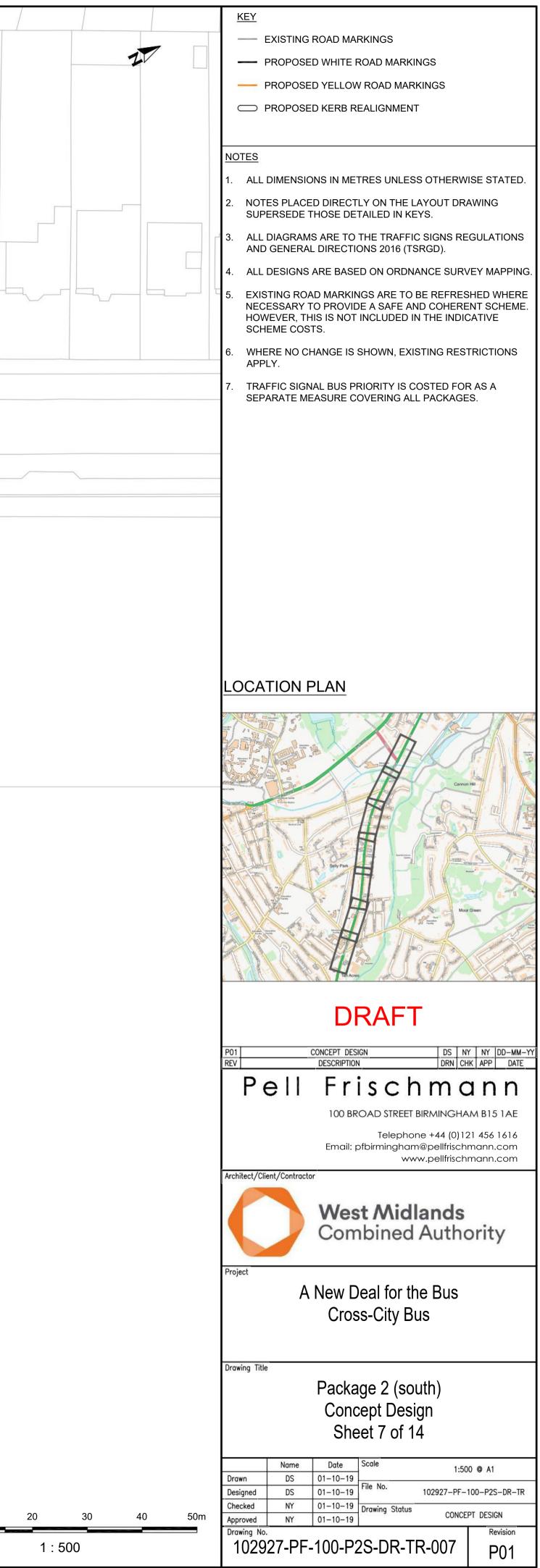
P:\Data\102927 - A New Deal for the Bus\4 Int Data\4.3 Drawings\4.3.1 Working Drawings\Series 0100 General\Concept Design - Package 2 (south).dwg Plotted on 18/10/19 at 14:33 by dhounsell

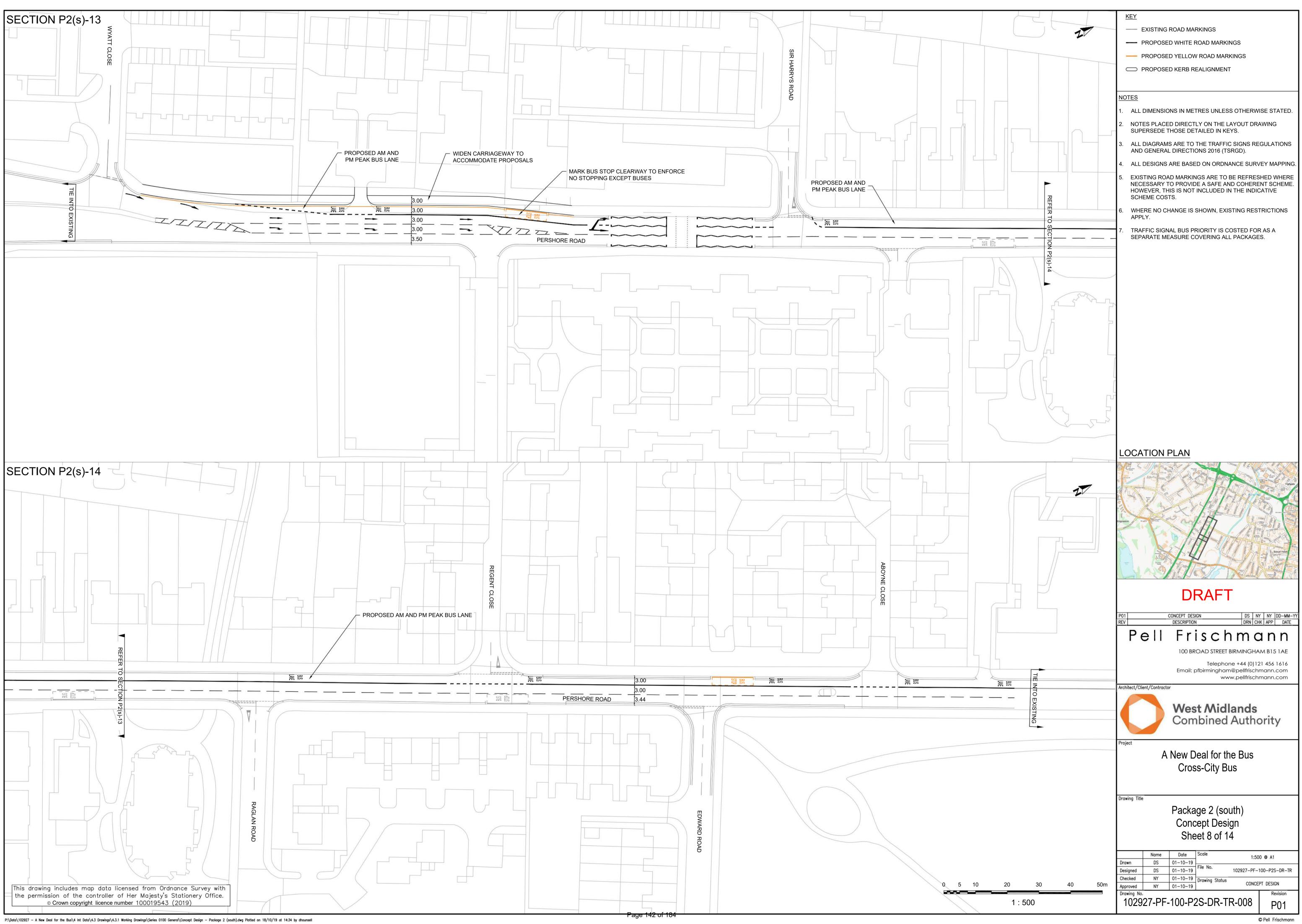
<sup>©</sup> Pell Frischmann

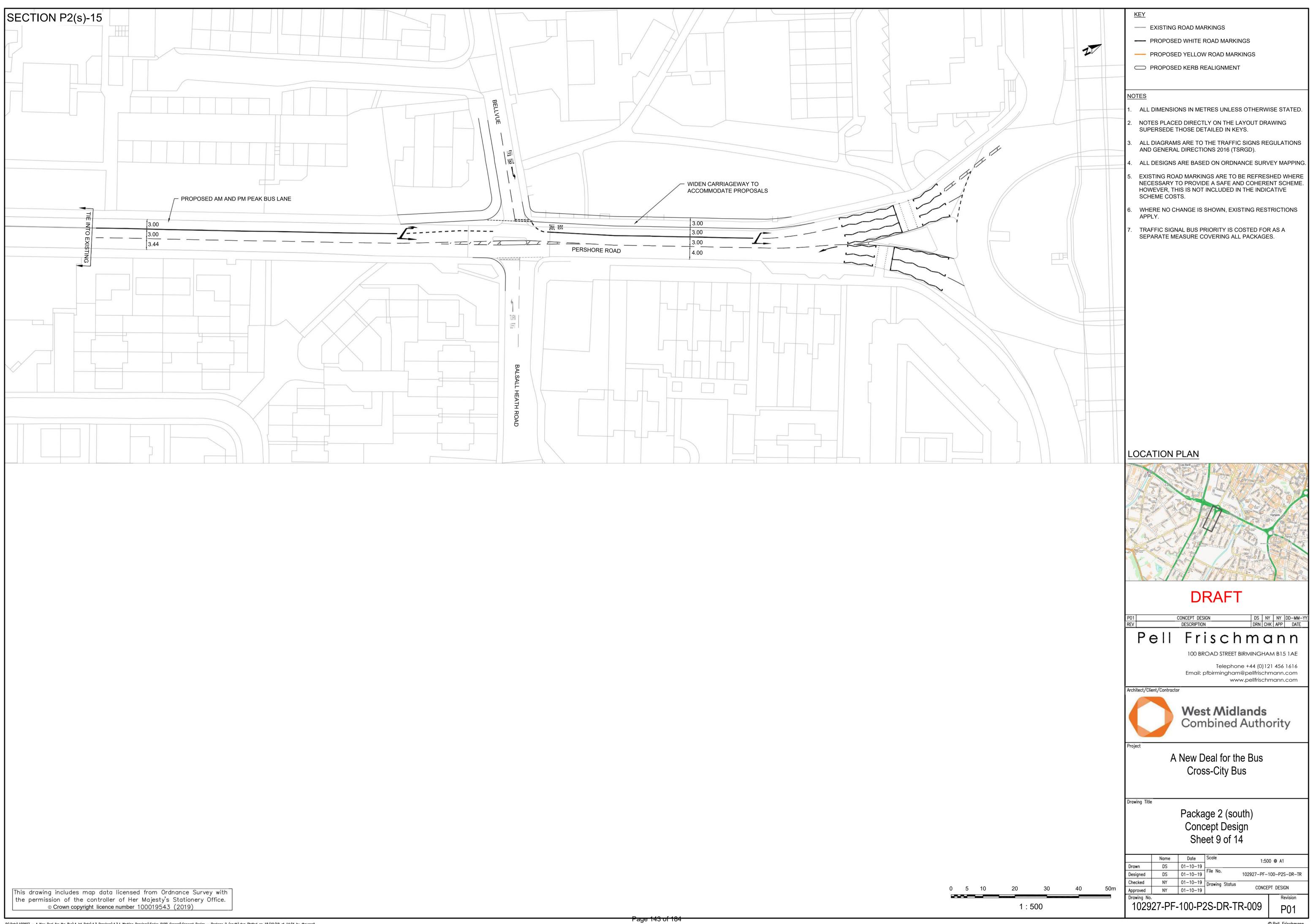
SECTION P2(s)-12				
		- Al		
$\rangle$		RE	ALIGN PEBBLE MILL ROAD TO AC	
			RIGHT-TURN POCKET ON PER	SHORE ROAD
REFER	PRC	DPOSED AM AND PM PEAK BUS LA	VE -	
	STOP			
TON P2(s)-11				PER
	(F			

P:\Data\102927 - A New Deal for the Bus\4 Int Data\4.3 Drawings\4.3.1 Working Drawings\Series 0100 General\Concept Design - Package 2 (south).dwg Plotted on 18/10/19 at 14:34 by dhounsell

	WIDEN CARRIAGEWAY TO ACCOMMODATE RIGHT-TUR	NPOCKET		
ORE ROAD				







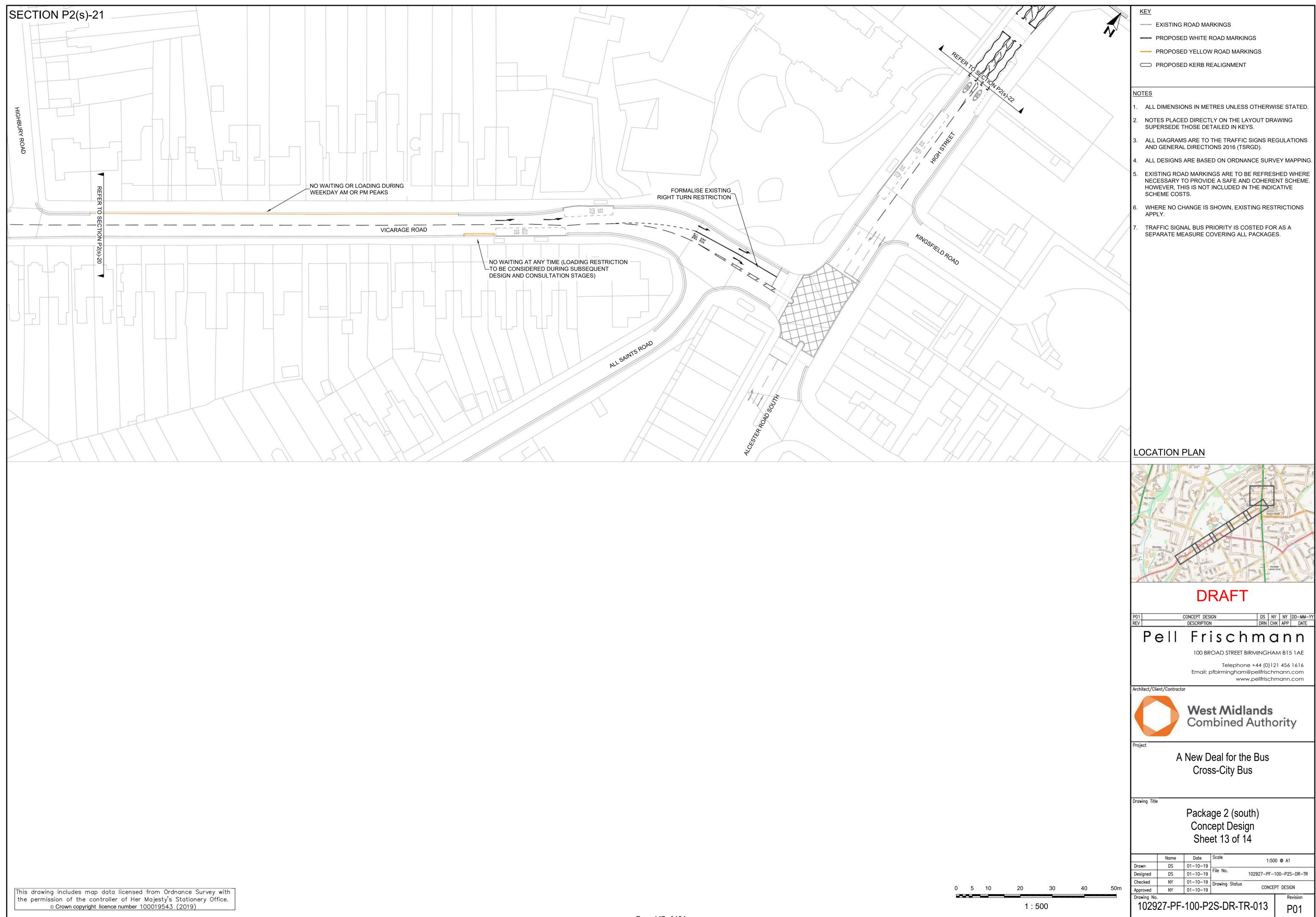
<sup>©</sup> Pell Frischmann





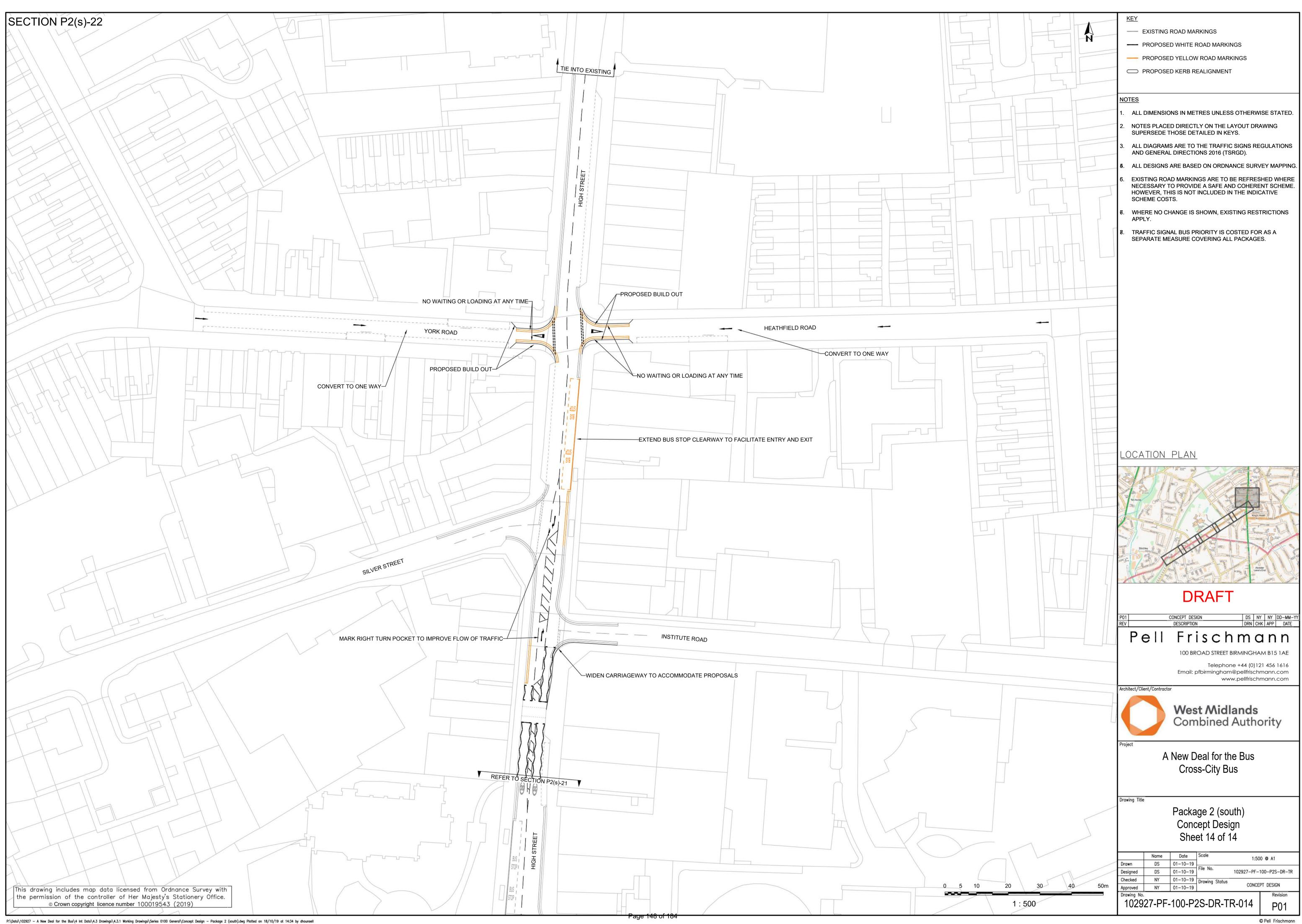


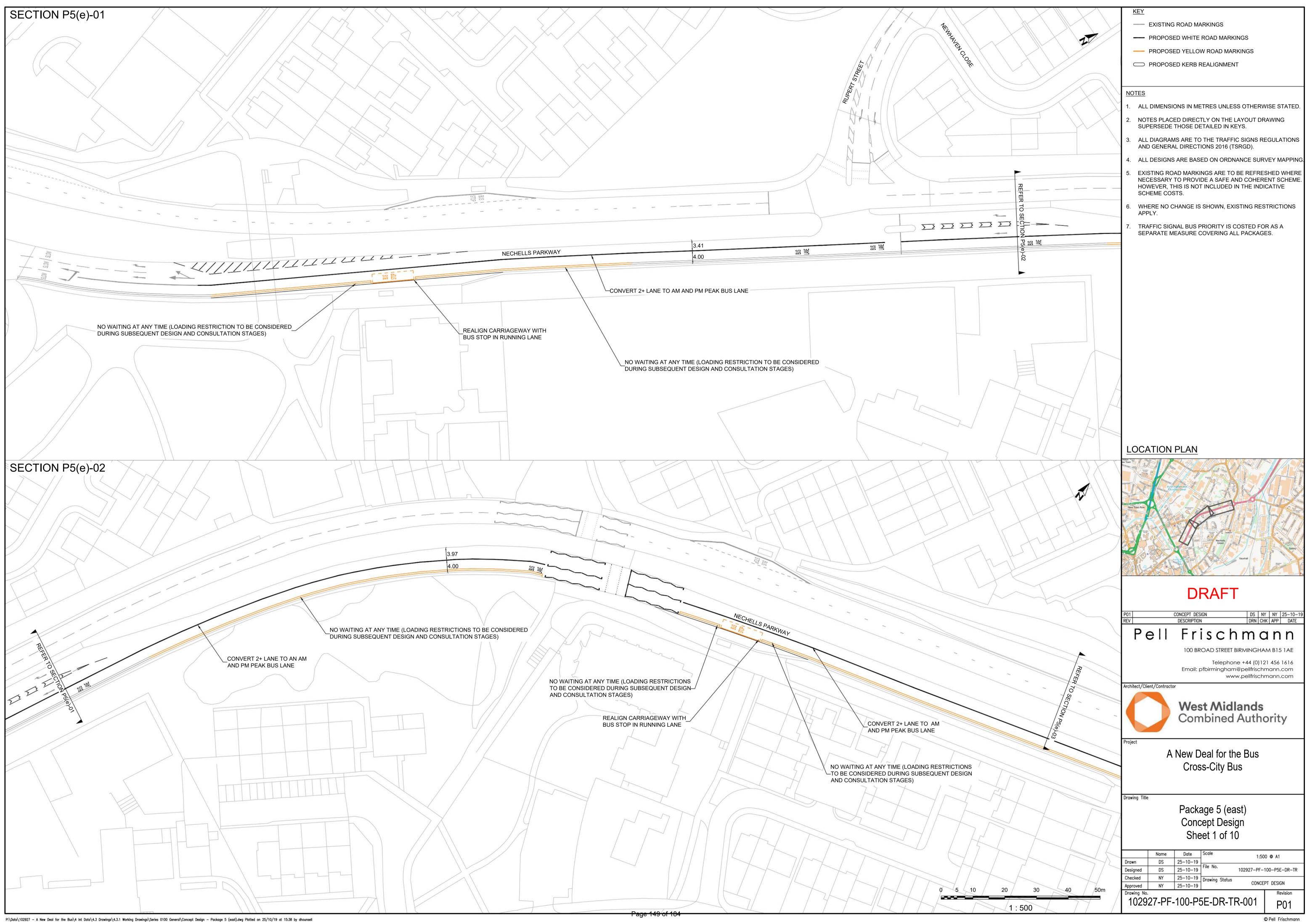
P:\Data\102927 - A New Deal for the Bus\4 Int Data\4.3 Drawings\4.3.1 Working Drawings\Series 0100 General\Concept Design - Package 2 (south).dwg Plotted on 18/10/19 at 14:34 by dhounsell

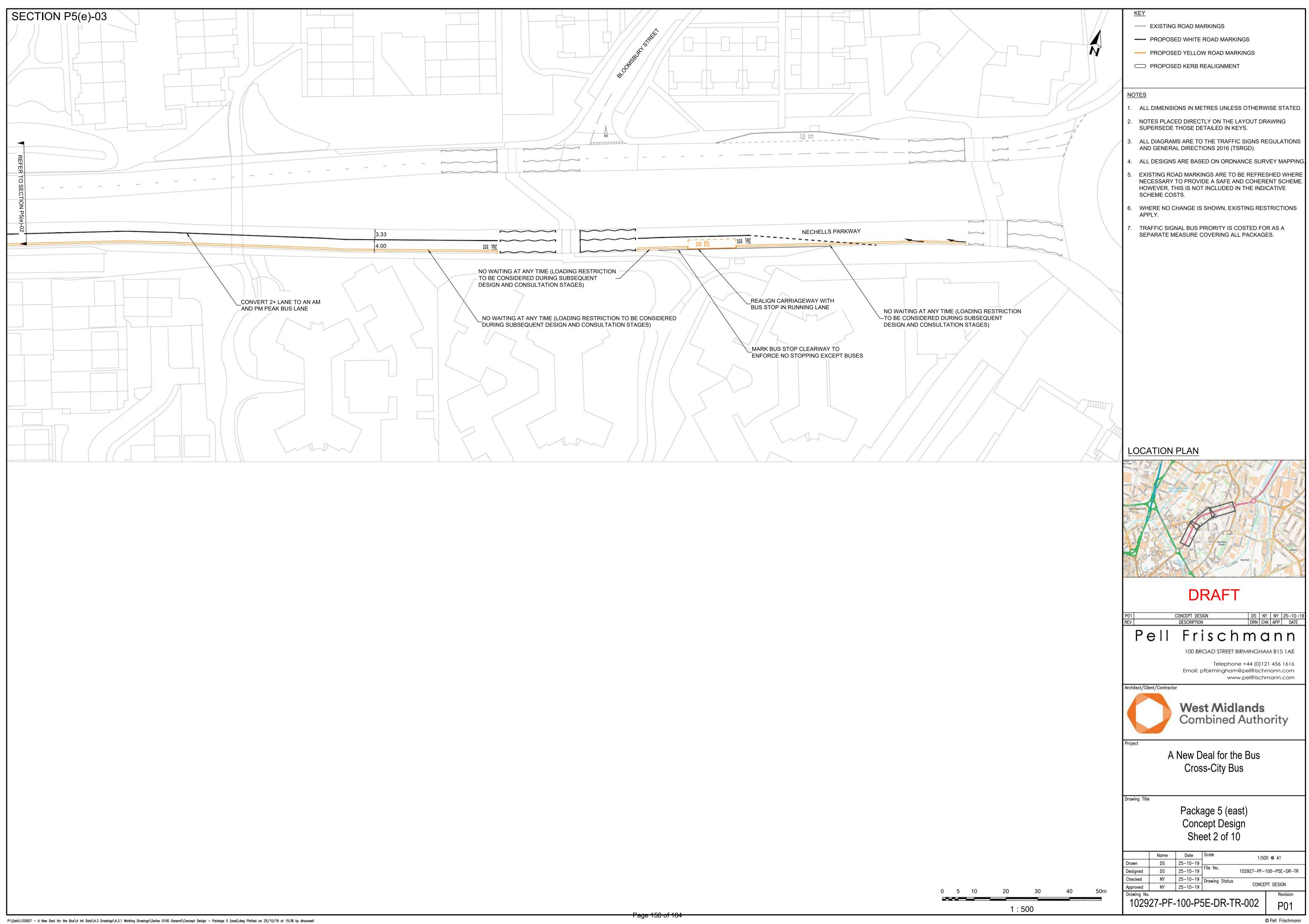


P:\Data\102927 - A New Deal for the Bus\4 Int Data\4.3 Drawings\4.3.1 Working Drawings\Series 0100 General\Concept Design - Package 2 (south).dwg Plotted on 18/10/19 at 14:34 by dhounsell

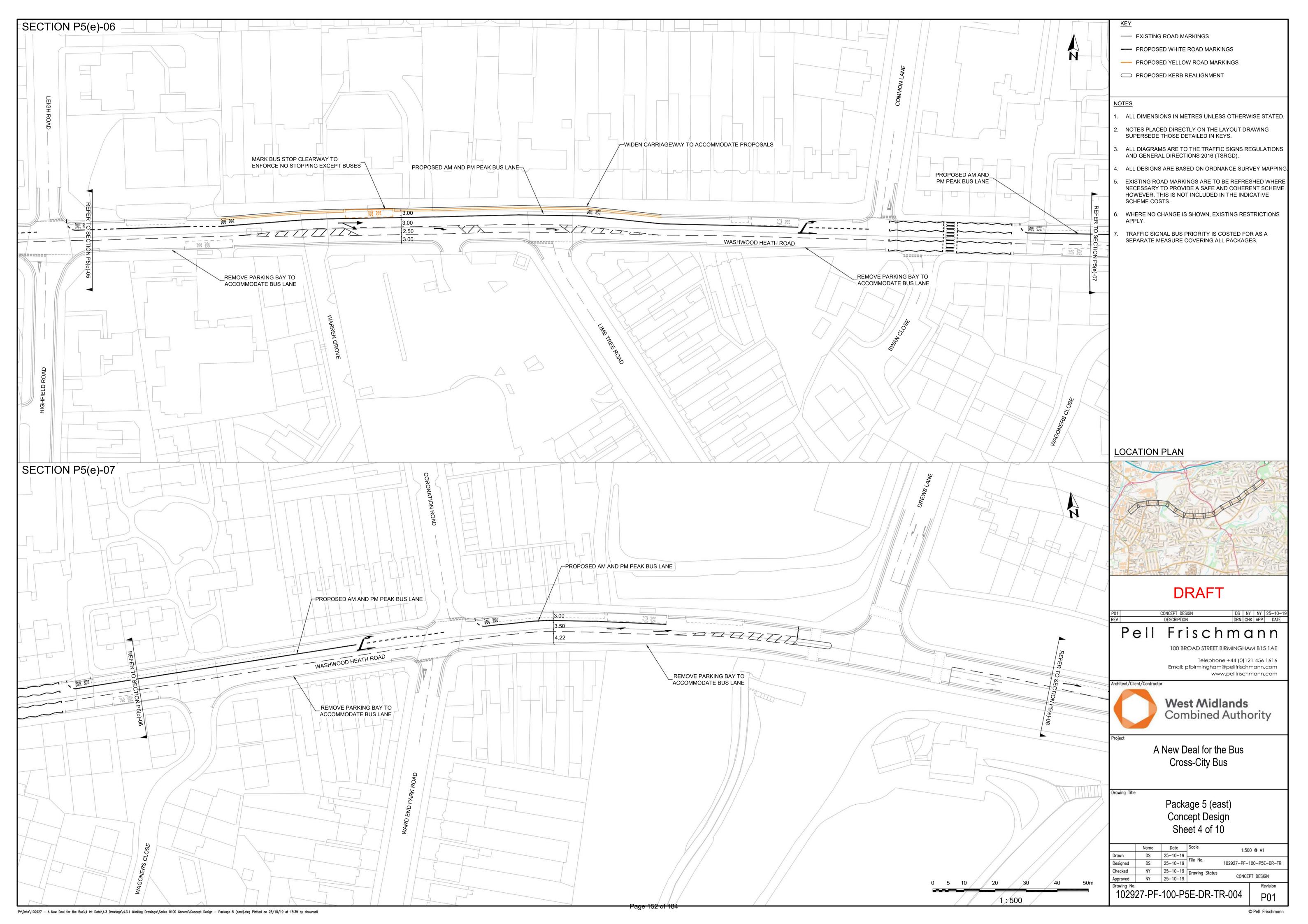
20	30	40	50m
1:	500		

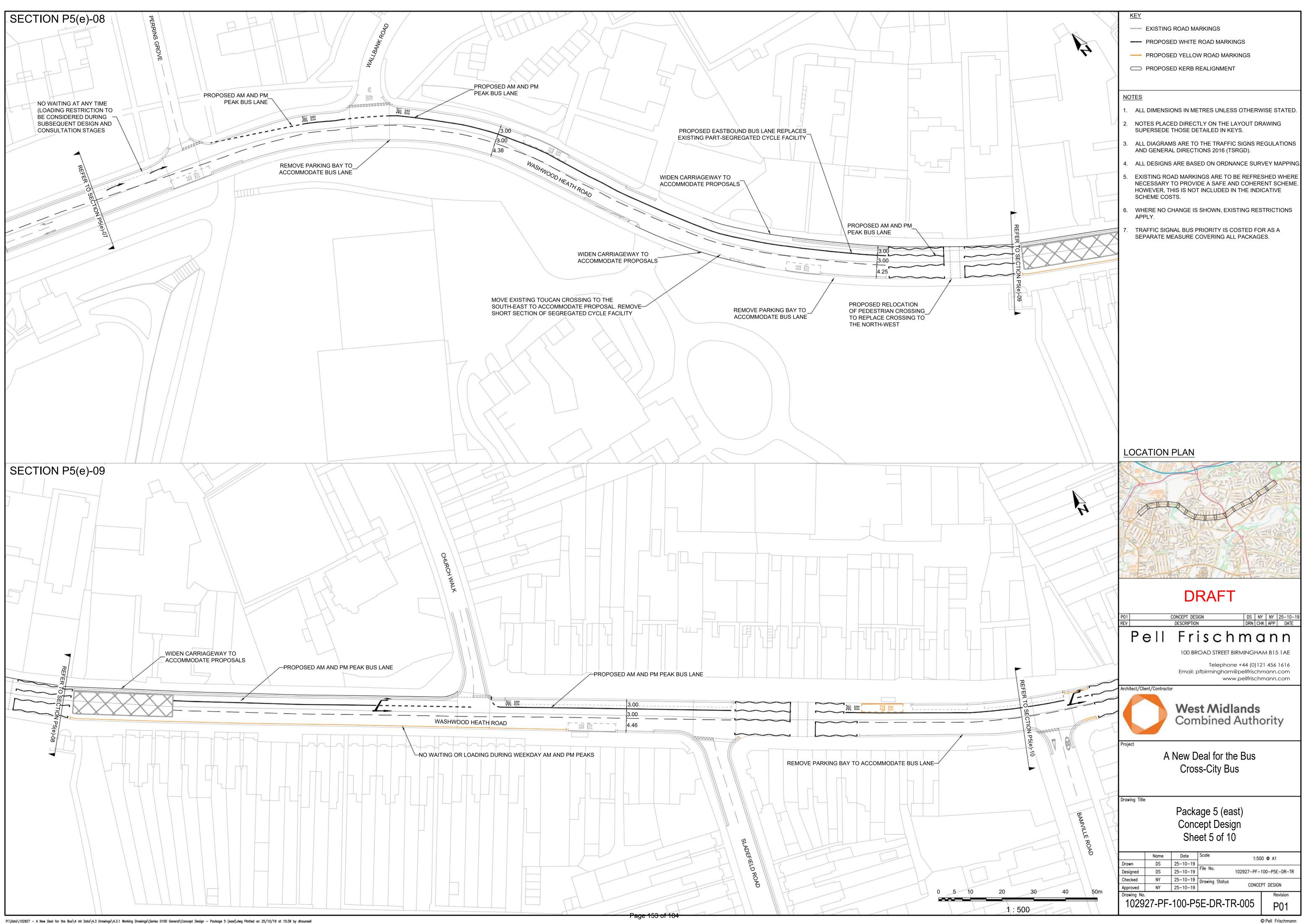








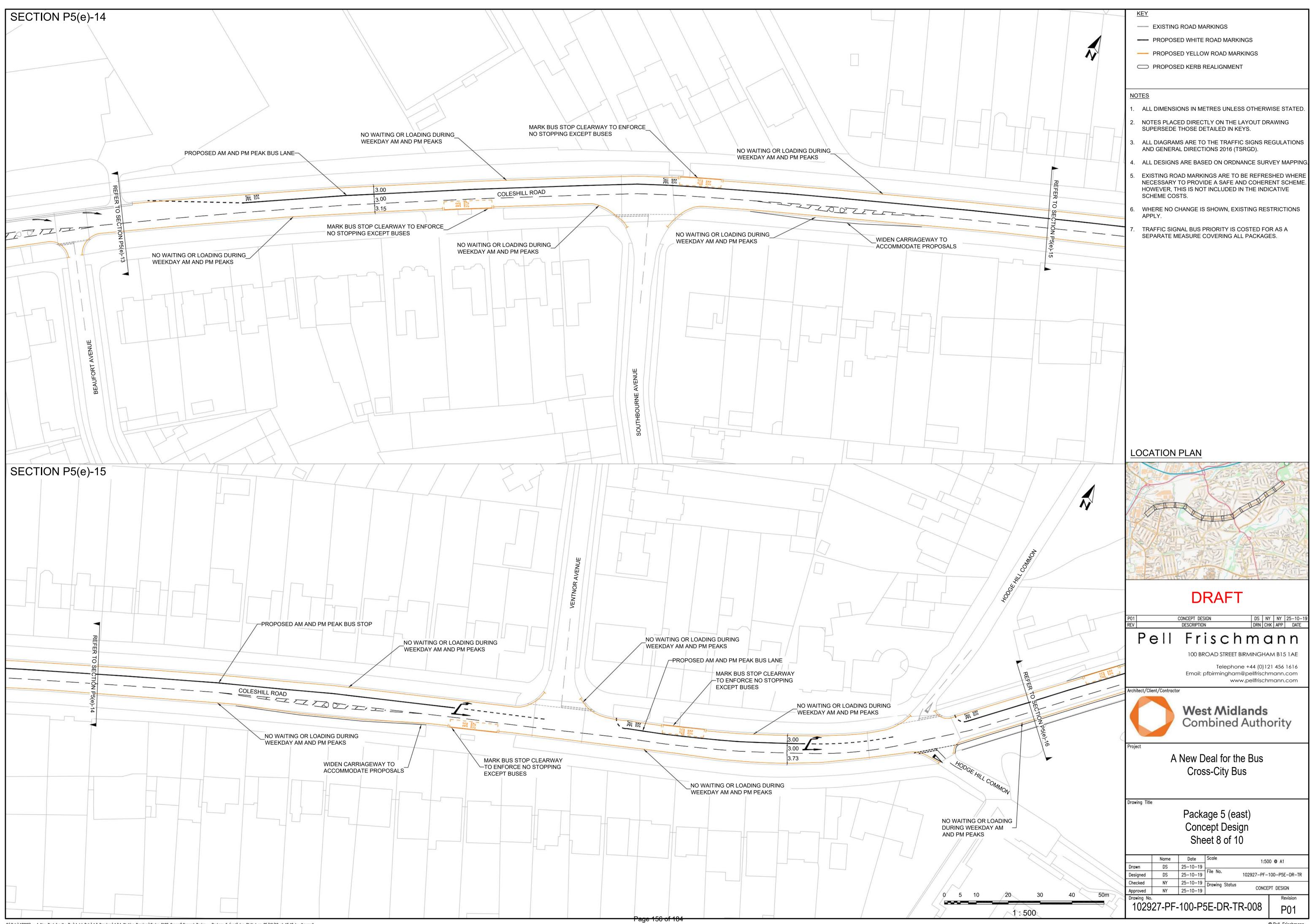




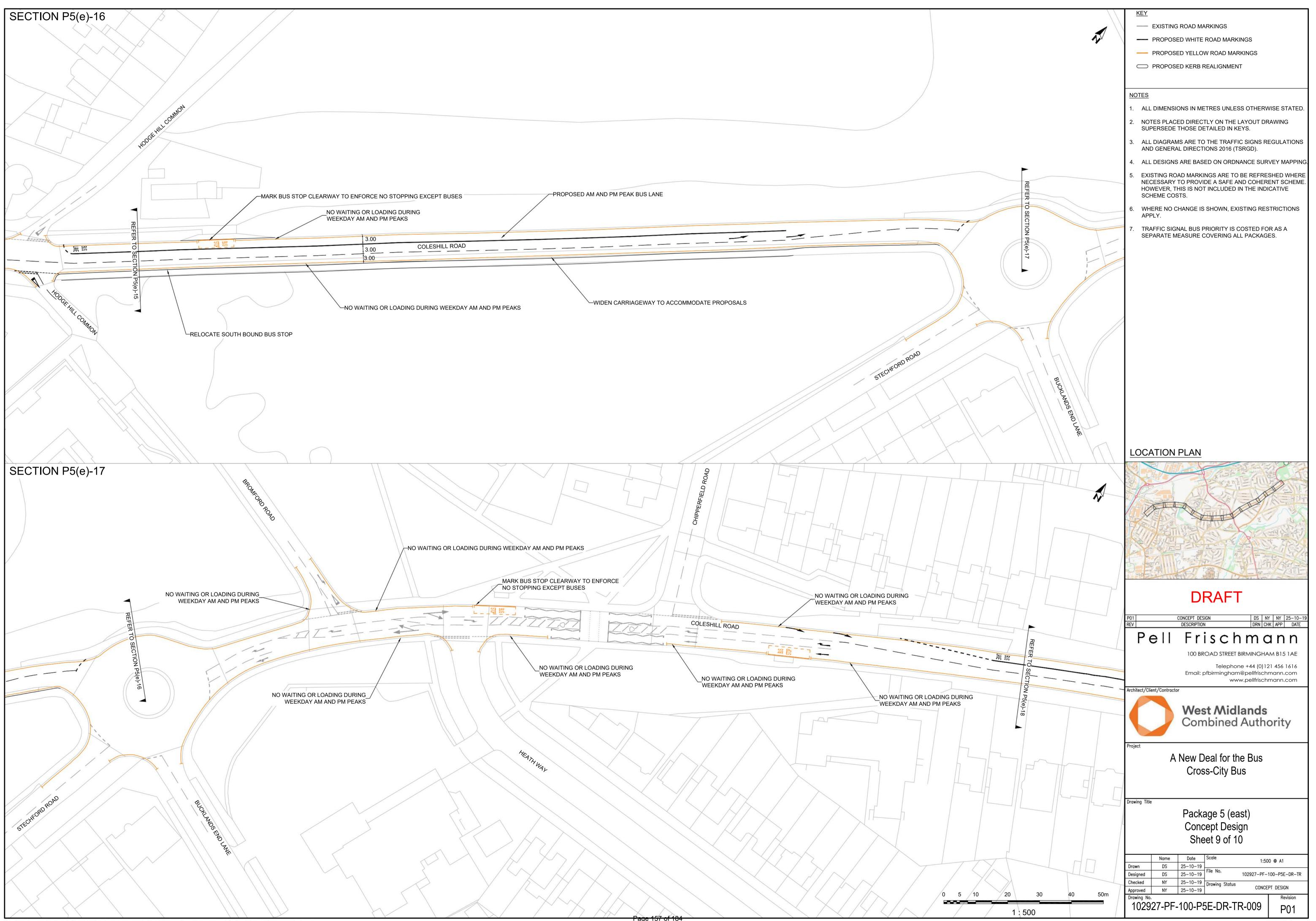
<sup>©</sup> Pell Frischmann



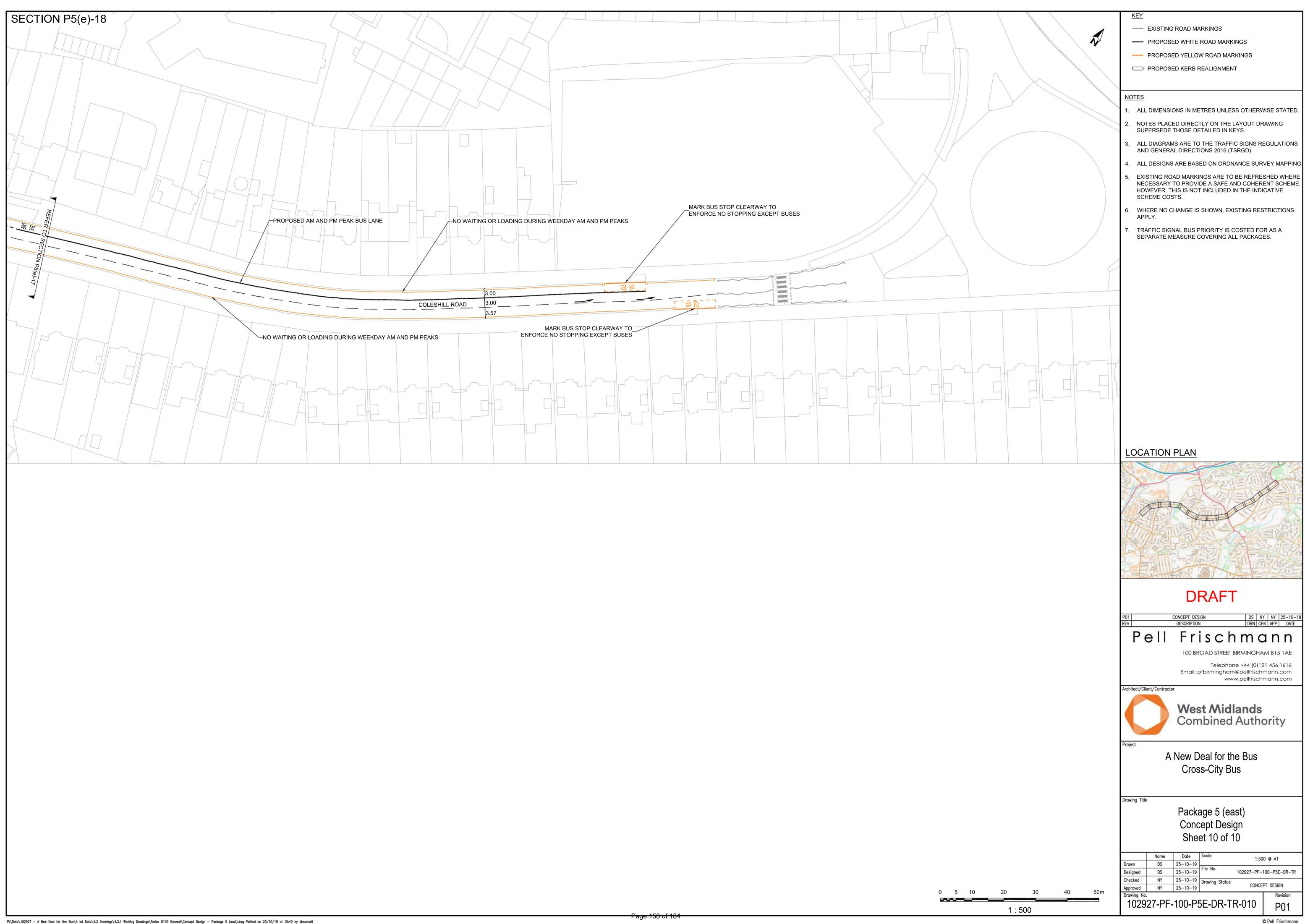




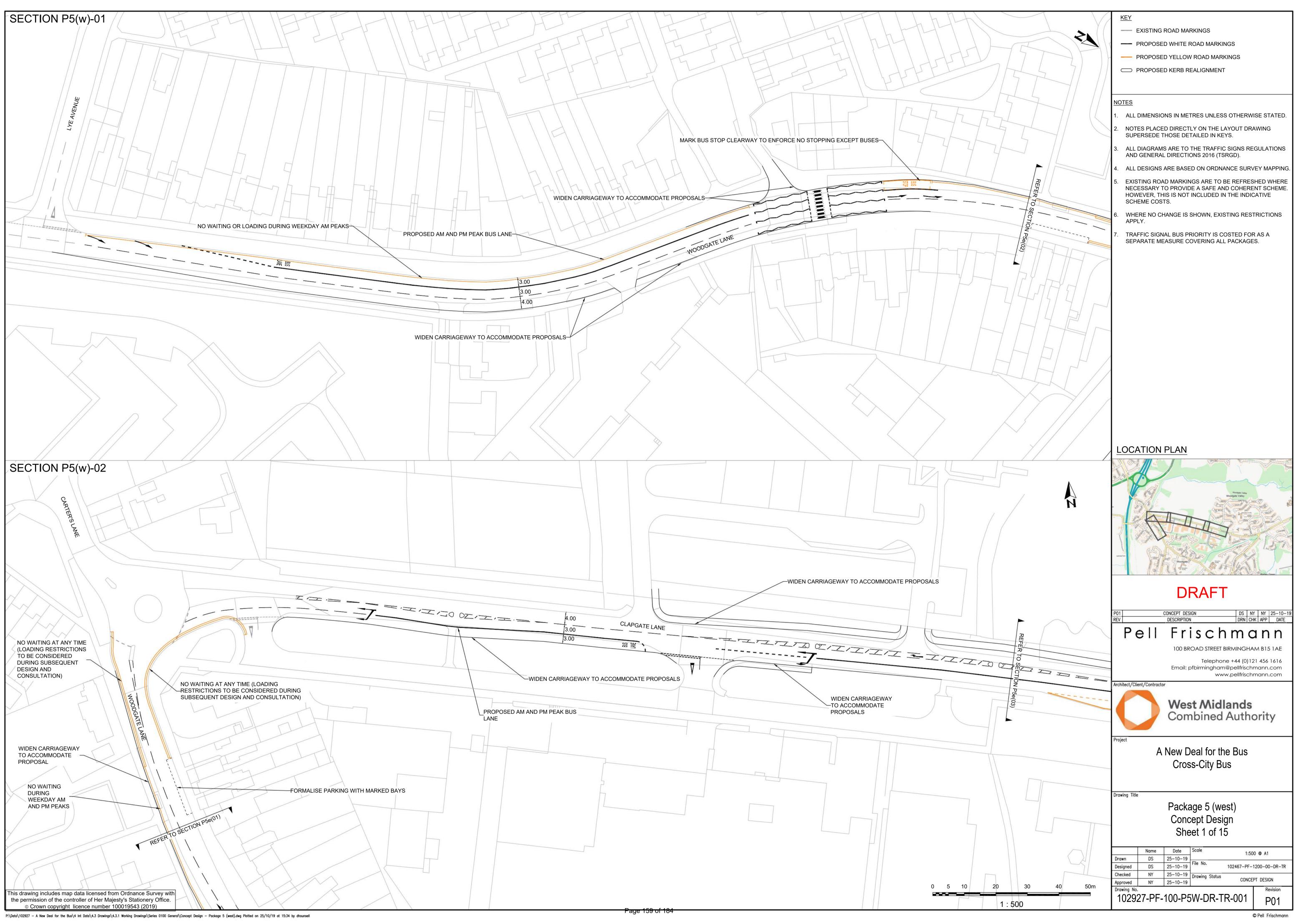
P:\Data\102927 - A New Deal for the Bus\4 Int Data\4.3 Drawings\4.3.1 Working Drawings\Series 0100 General\Concept Design - Package 5 (east).dwg Plotted on 25/10/19 at 15:40 by dhounsell



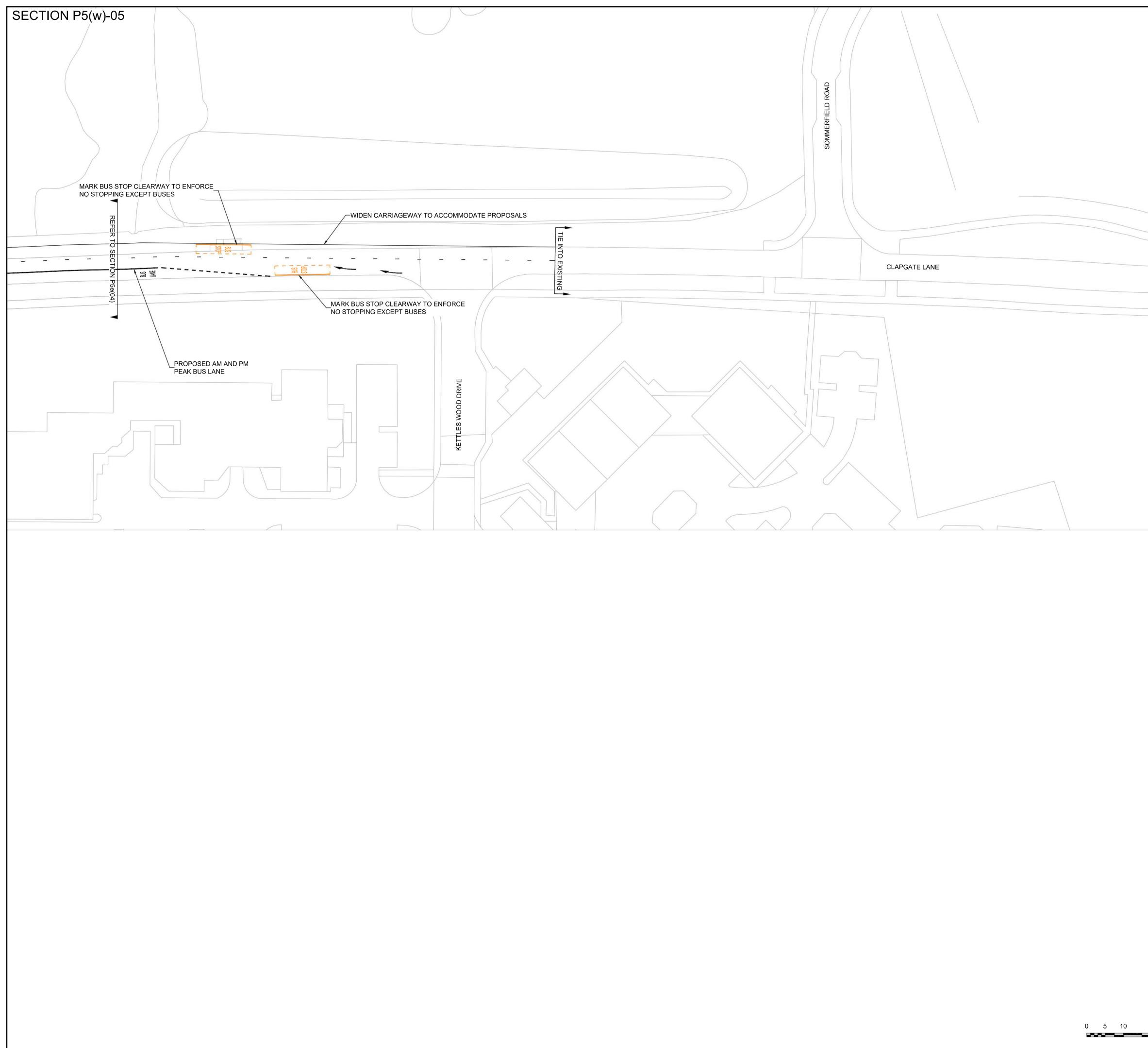
P:\Data\102927 - A New Deal for the Bus\4 Int Data\4.3 Drawings\4.3.1 Working Drawings\Series 0100 General\Concept Design - Package 5 (east).dwg Plotted on 25/10/19 at 15:40 by dhounsell

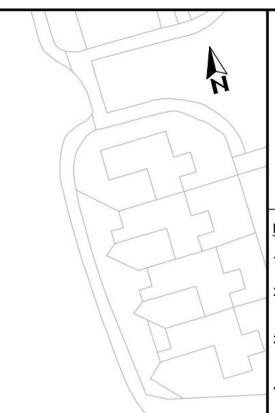


P:\Data\102927 - A New Deal for the Bus\4 Int Data\4.3 Drawings\4.3.1 Working Drawings\Series 0100 General\Concept Design - Package 5 (east).dwg Plotted on 25/10/19 at 15:40 by dhounsell









- ----- EXISTING ROAD MARKINGS
- ---- PROPOSED WHITE ROAD MARKINGS
- ----- PROPOSED YELLOW ROAD MARKINGS
- PROPOSED KERB REALIGNMENT

#### NOTES

- ALL DIMENSIONS IN METRES UNLESS OTHERWISE STATED. NOTES PLACED DIRECTLY ON THE LAYOUT DRAWING SUPERSEDE THOSE DETAILED IN KEYS.
- ALL DIAGRAMS ARE TO THE TRAFFIC SIGNS REGULATIONS AND GENERAL DIRECTIONS 2016 (TSRGD).
- ALL DESIGNS ARE BASED ON ORDNANCE SURVEY MAPPING.
- EXISTING ROAD MARKINGS ARE TO BE REFRESHED WHERE NECESSARY TO PROVIDE A SAFE AND COHERENT SCHEME. HOWEVER, THIS IS NOT INCLUDED IN THE INDICATIVE SCHEME COSTS.
- WHERE NO CHANGE IS SHOWN, EXISTING RESTRICTIONS APPLY.
- TRAFFIC SIGNAL BUS PRIORITY IS COSTED FOR AS A SEPARATE MEASURE COVERING ALL PACKAGES.

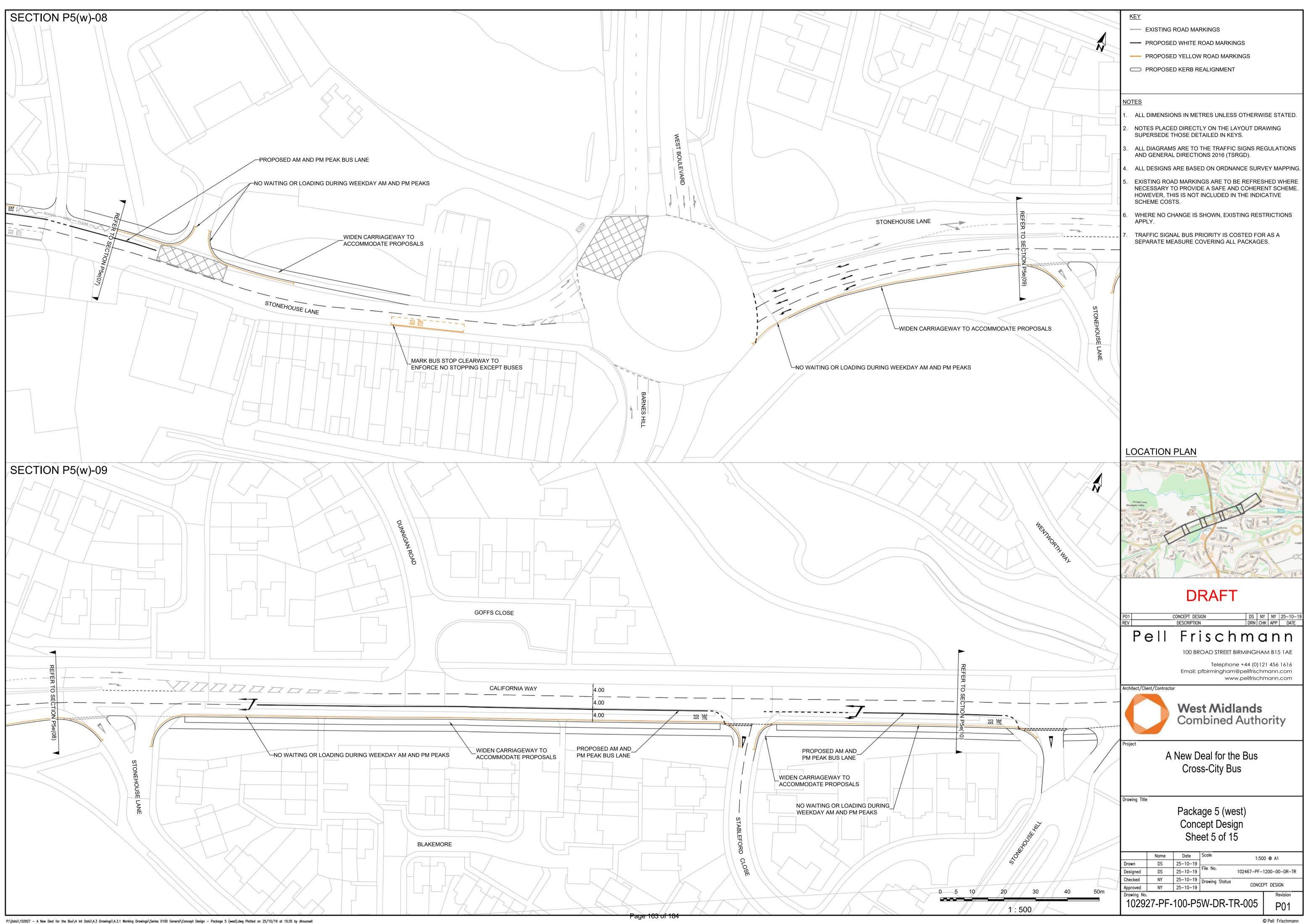
## LOCATION PLAN

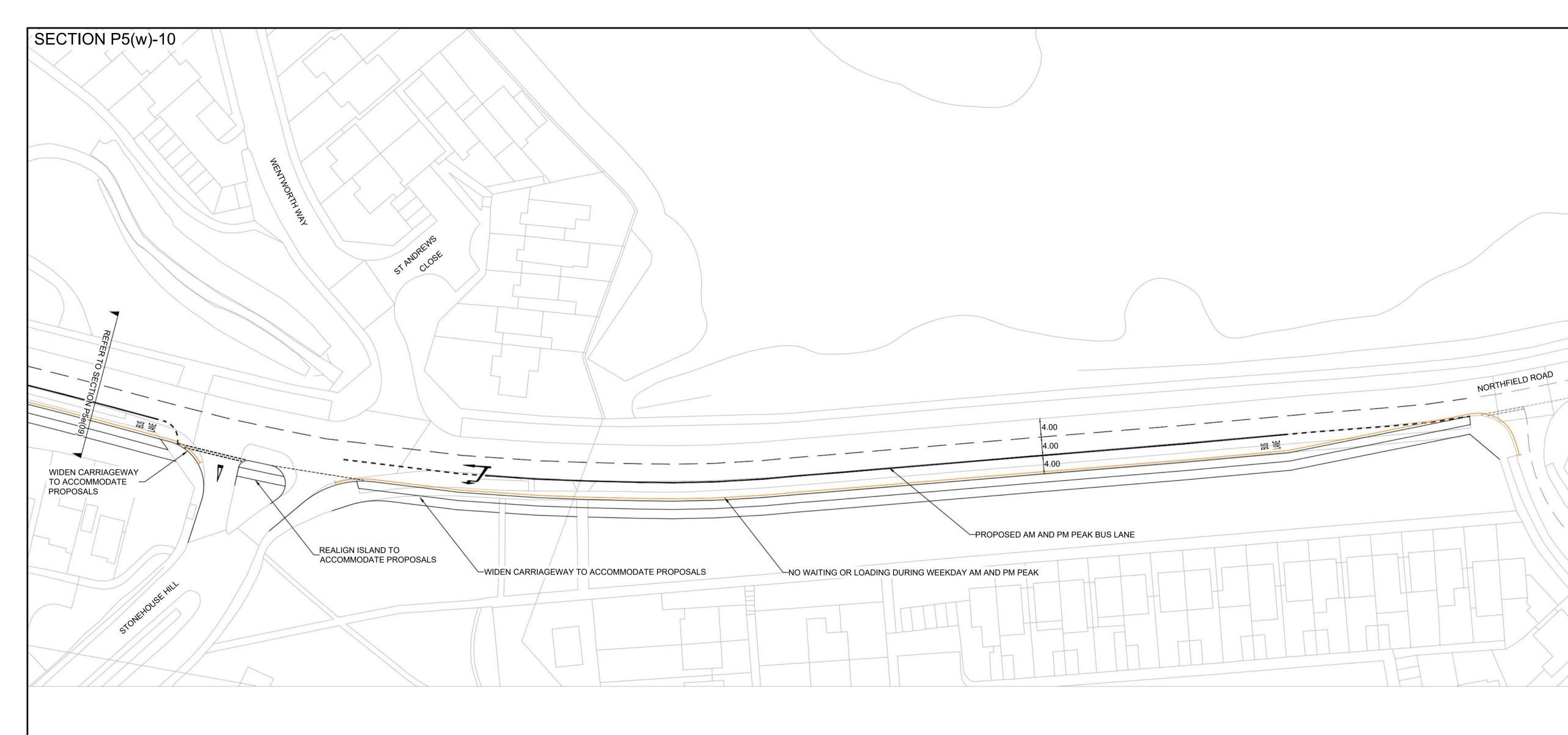


20 30 40 1 : 500

50m







N

1

0

- ----- EXISTING ROAD MARKINGS
- ---- PROPOSED WHITE ROAD MARKINGS
- PROPOSED YELLOW ROAD MARKINGS
- PROPOSED KERB REALIGNMENT

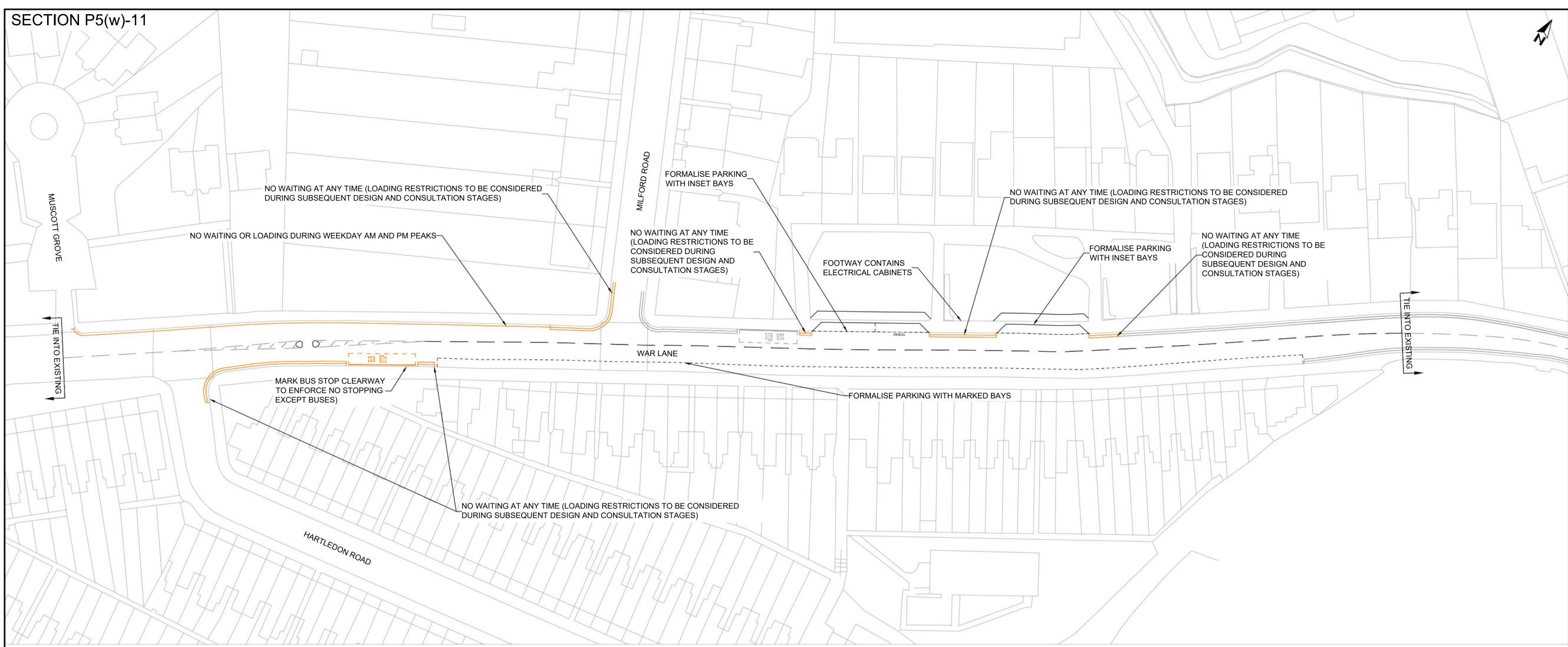
#### NOTES

- ALL DIMENSIONS IN METRES UNLESS OTHERWISE STATED.
   NOTES PLACED DIRECTLY ON THE LAYOUT DRAWING
- SUPERSEDE THOSE DETAILED IN KEYS.
- 3. ALL DIAGRAMS ARE TO THE TRAFFIC SIGNS REGULATIONS AND GENERAL DIRECTIONS 2016 (TSRGD).
- 4. ALL DESIGNS ARE BASED ON ORDNANCE SURVEY MAPPING.
- . EXISTING ROAD MARKINGS ARE TO BE REFRESHED WHERE NECESSARY TO PROVIDE A SAFE AND COHERENT SCHEME. HOWEVER, THIS IS NOT INCLUDED IN THE INDICATIVE SCHEME COSTS.
- WHERE NO CHANGE IS SHOWN, EXISTING RESTRICTIONS APPLY.
- TRAFFIC SIGNAL BUS PRIORITY IS COSTED FOR AS A SEPARATE MEASURE COVERING ALL PACKAGES.

## LOCATION PLAN



20	30	40	50m
1:	500		



- ----- EXISTING ROAD MARKINGS
- ---- PROPOSED WHITE ROAD MARKINGS
- ---- PROPOSED YELLOW ROAD MARKINGS
- PROPOSED KERB REALIGNMENT

#### <u>NOTES</u>

- ALL DIMENSIONS IN METRES UNLESS OTHERWISE STATED.
   NOTES PLACED DIRECTLY ON THE LAYOUT DRAWING
- SUPERSEDE THOSE DETAILED IN KEYS.
- ALL DIAGRAMS ARE TO THE TRAFFIC SIGNS REGULATIONS AND GENERAL DIRECTIONS 2016 (TSRGD).
- . ALL DESIGNS ARE BASED ON ORDNANCE SURVEY MAPPING.
- EXISTING ROAD MARKINGS ARE TO BE REFRESHED WHERE NECESSARY TO PROVIDE A SAFE AND COHERENT SCHEME. HOWEVER, THIS IS NOT INCLUDED IN THE INDICATIVE SCHEME COSTS.
- WHERE NO CHANGE IS SHOWN, EXISTING RESTRICTIONS APPLY.
- TRAFFIC SIGNAL BUS PRIORITY IS COSTED FOR AS A SEPARATE MEASURE COVERING ALL PACKAGES.

## LOCATION PLAN



1 : 500

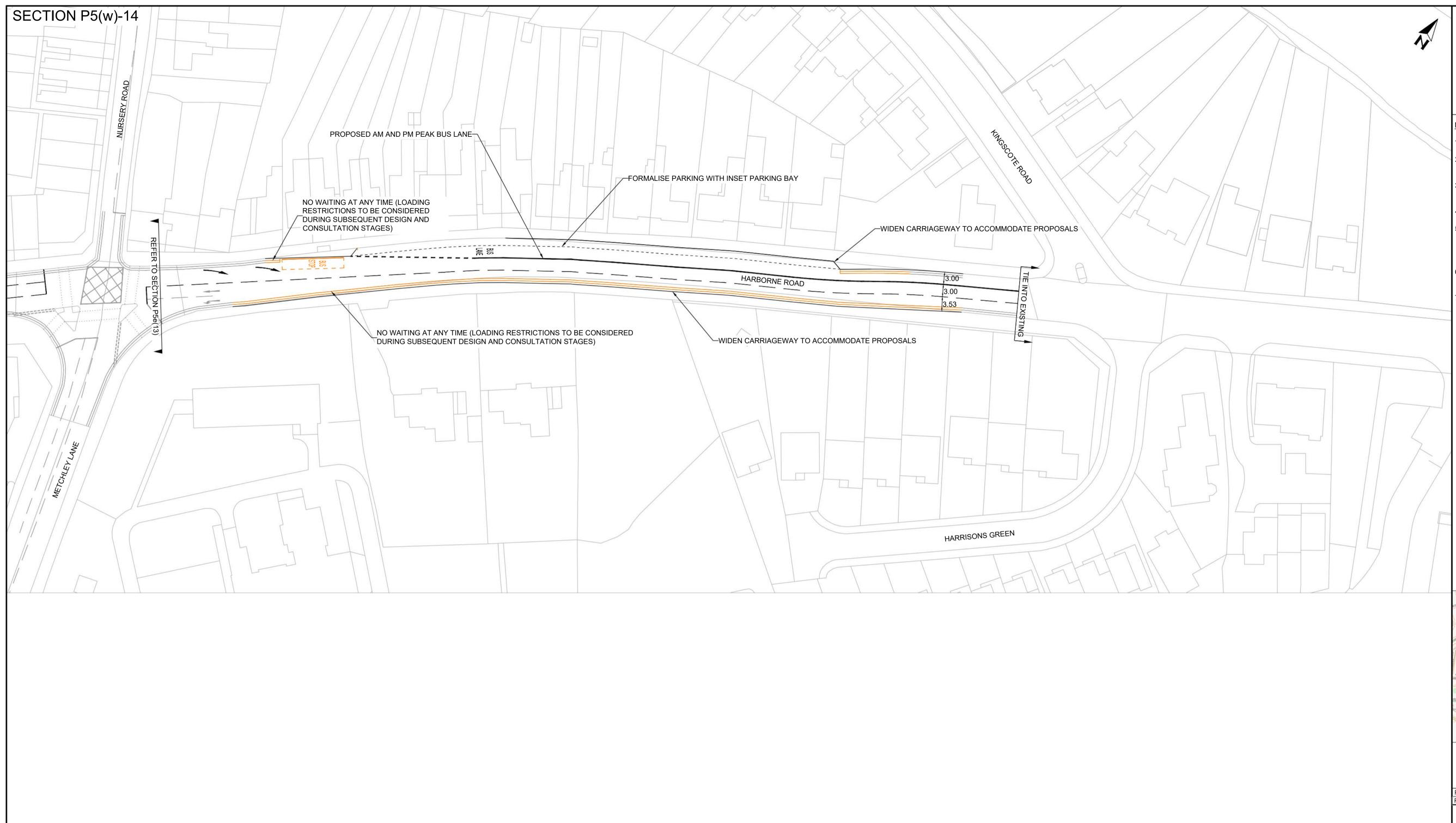
30

40

50m

20





- ----- EXISTING ROAD MARKINGS
- ----- PROPOSED WHITE ROAD MARKINGS
- ----- PROPOSED YELLOW ROAD MARKINGS
- PROPOSED KERB REALIGNMENT

#### NOTES

- ALL DIMENSIONS IN METRES UNLESS OTHERWISE STATED.
   NOTES PLACED DIRECTLY ON THE LAYOUT DRAWING
- SUPERSEDE THOSE DETAILED IN KEYS.
- 8. ALL DIAGRAMS ARE TO THE TRAFFIC SIGNS REGULATIONS AND GENERAL DIRECTIONS 2016 (TSRGD).
- 4. ALL DESIGNS ARE BASED ON ORDNANCE SURVEY MAPPING.
- 5. EXISTING ROAD MARKINGS ARE TO BE REFRESHED WHERE NECESSARY TO PROVIDE A SAFE AND COHERENT SCHEME. HOWEVER, THIS IS NOT INCLUDED IN THE INDICATIVE SCHEME COSTS.
- WHERE NO CHANGE IS SHOWN, EXISTING RESTRICTIONS APPLY.
- 7. TRAFFIC SIGNAL BUS PRIORITY IS COSTED FOR AS A SEPARATE MEASURE COVERING ALL PACKAGES.

## LOCATION PLAN

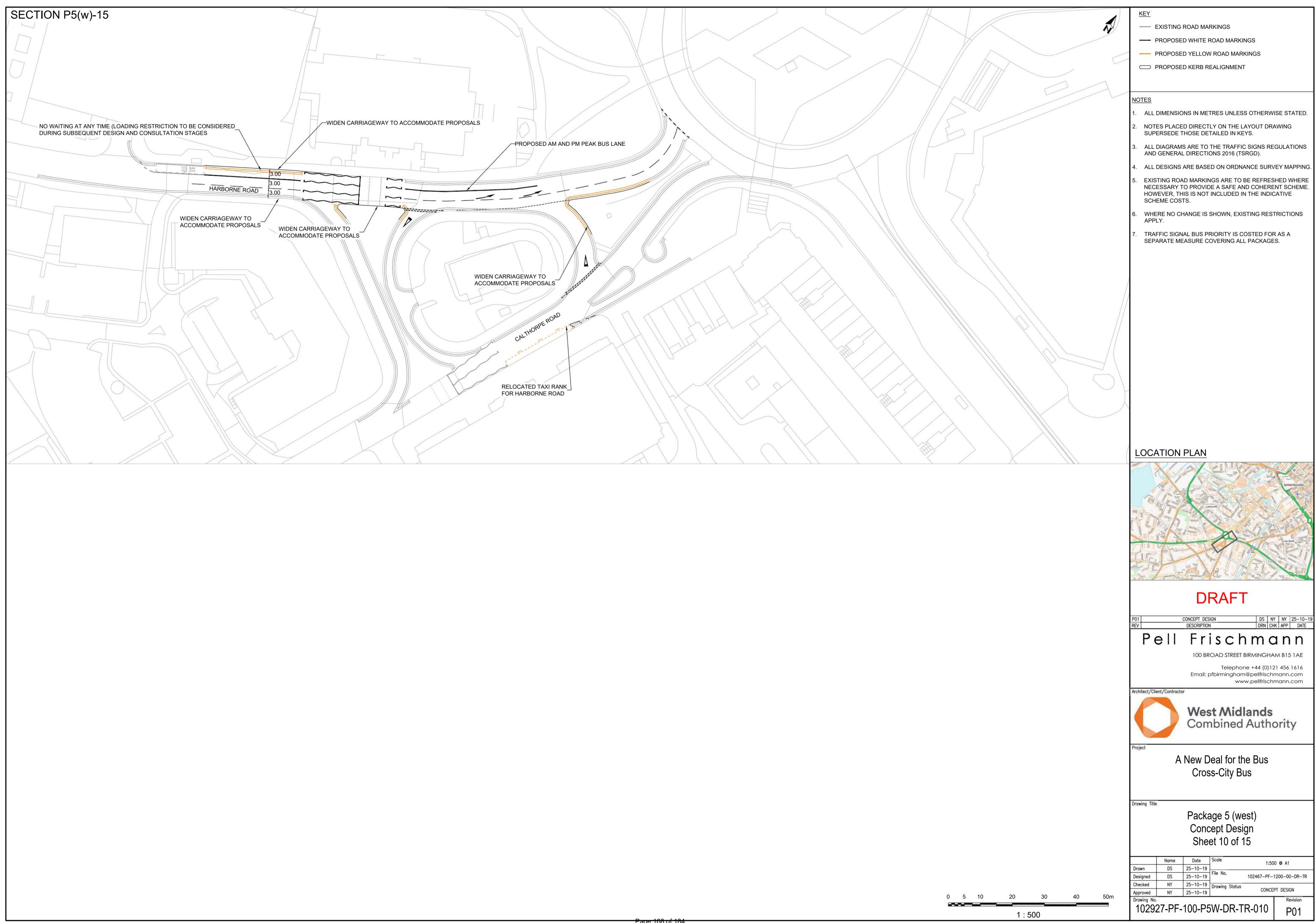


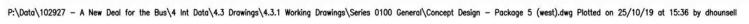
30

40

50m

20

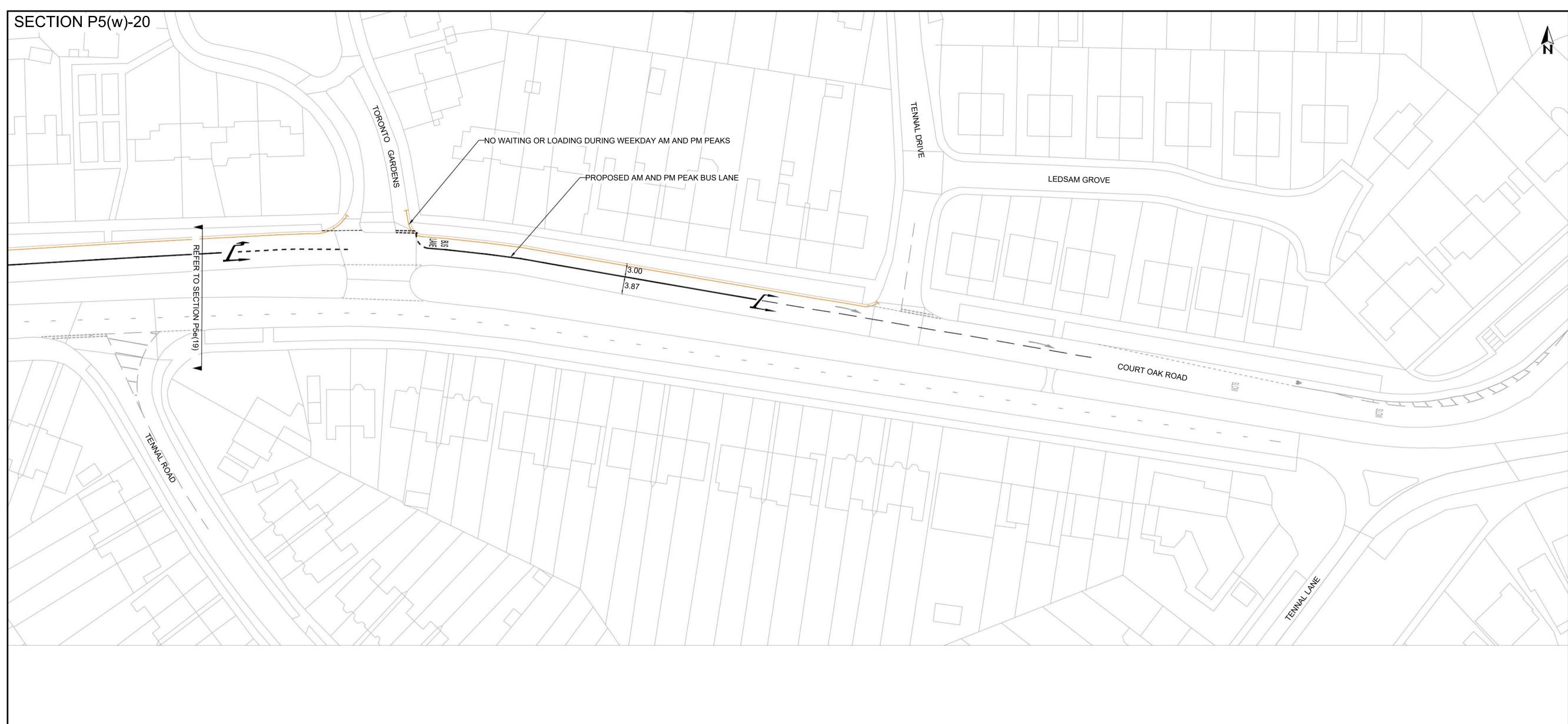








P:\Data\102927 - A New Deal for the Bus\4 Int Data\4.3 Drawings\4.3.1 Working Drawings\Series 0100 General\Concept Design - Package 5 (west).dwg Plotted on 25/10/19 at 15:36 by dhounsell



- ----- EXISTING ROAD MARKINGS
- ---- PROPOSED WHITE ROAD MARKINGS
- ---- PROPOSED YELLOW ROAD MARKINGS
- PROPOSED KERB REALIGNMENT

#### NOTES

- . ALL DIMENSIONS IN METRES UNLESS OTHERWISE STATED. 2. NOTES PLACED DIRECTLY ON THE LAYOUT DRAWING
- SUPERSEDE THOSE DETAILED IN KEYS. . ALL DIAGRAMS ARE TO THE TRAFFIC SIGNS REGULATIONS
- AND GENERAL DIRECTIONS 2016 (TSRGD).
- ALL DESIGNS ARE BASED ON ORDNANCE SURVEY MAPPING.
- EXISTING ROAD MARKINGS ARE TO BE REFRESHED WHERE NECESSARY TO PROVIDE A SAFE AND COHERENT SCHEME. HOWEVER, THIS IS NOT INCLUDED IN THE INDICATIVE SCHEME COSTS.
- WHERE NO CHANGE IS SHOWN, EXISTING RESTRICTIONS APPLY.
- TRAFFIC SIGNAL BUS PRIORITY IS COSTED FOR AS A SEPARATE MEASURE COVERING ALL PACKAGES.

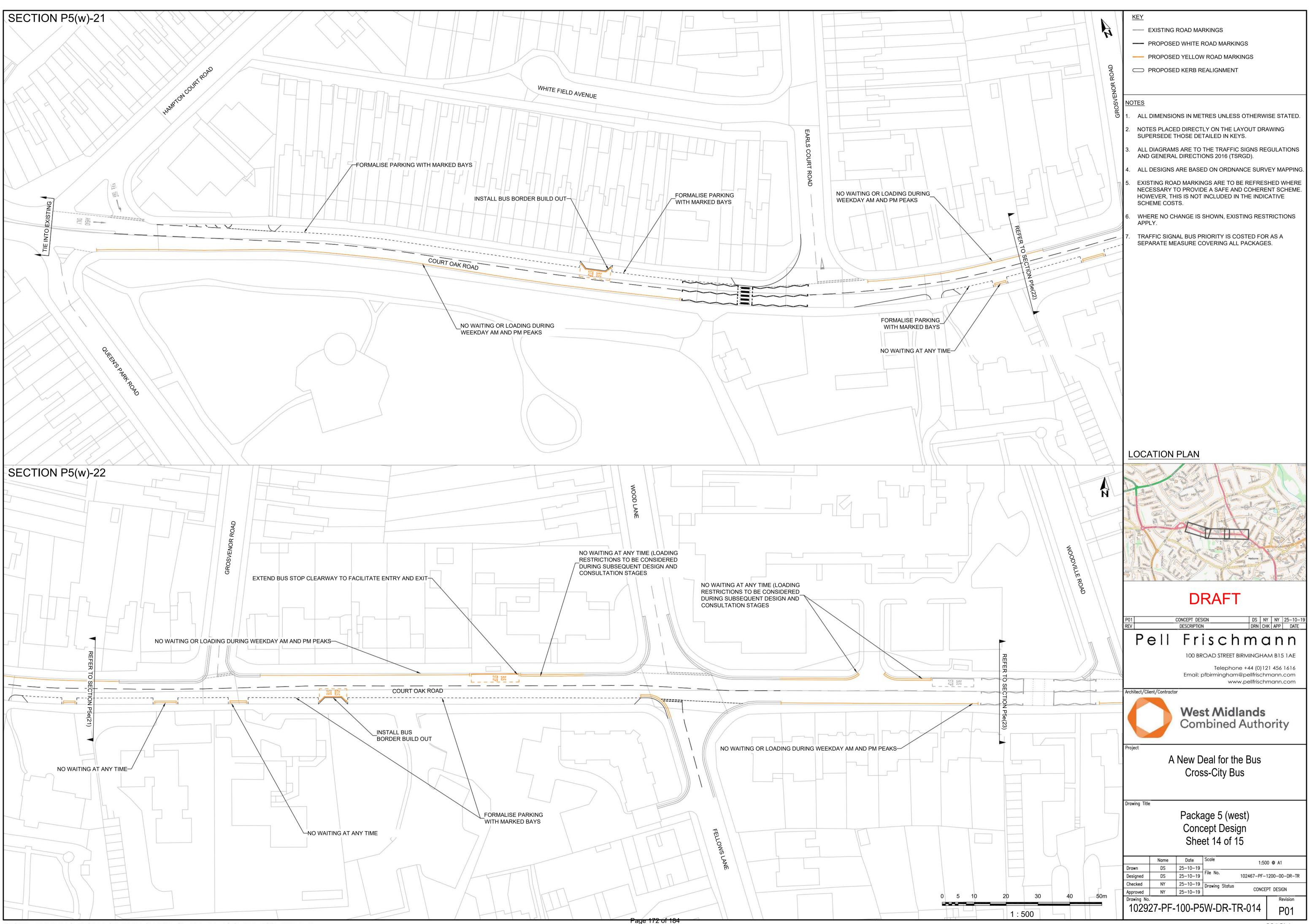
# LOCATION PLAN



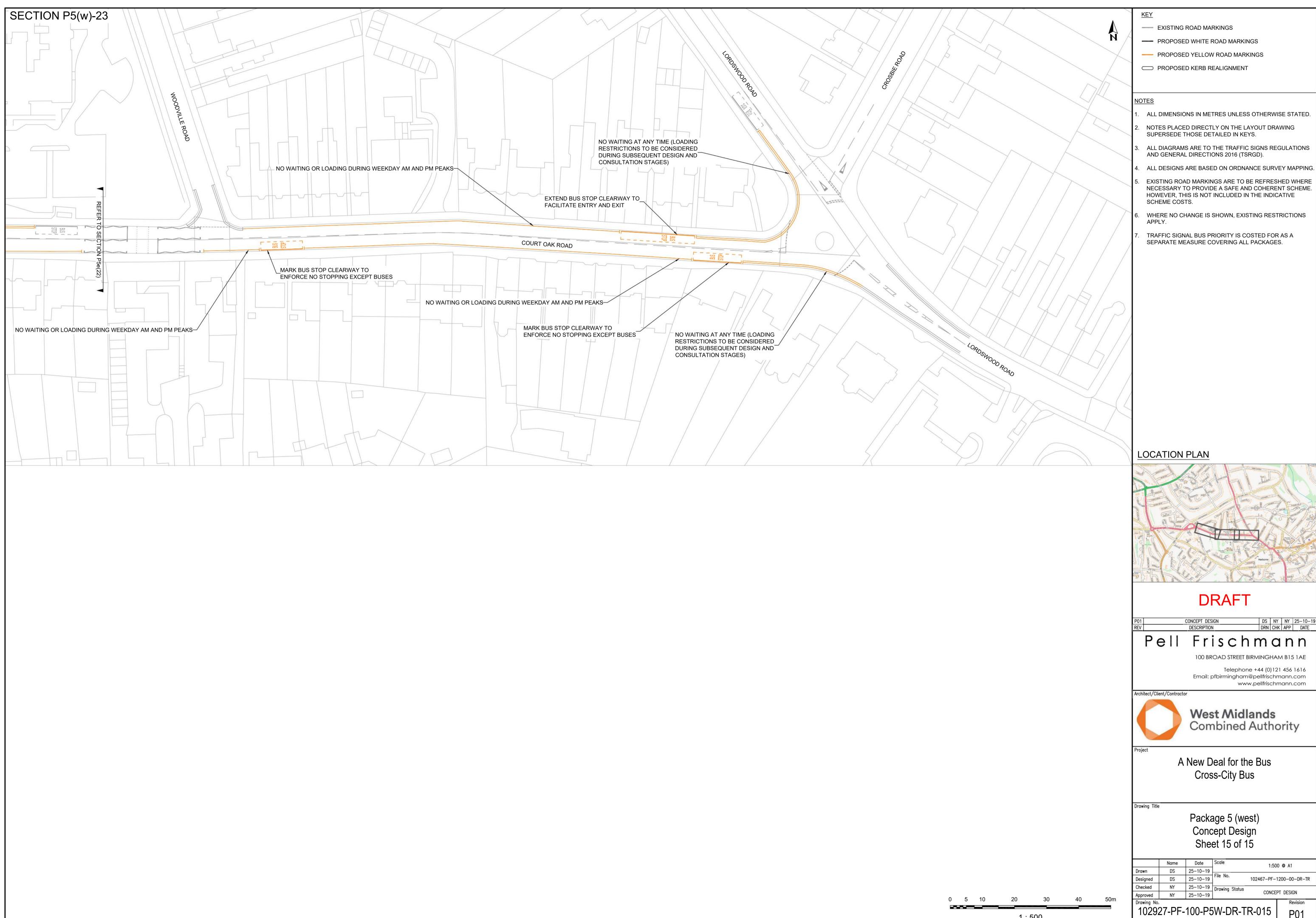
30 40

50m

20



P:\Data\102927 - A New Deal for the Bus\4 Int Data\4.3 Drawings\4.3.1 Working Drawings\Series 0100 General\Concept Design - Package 5 (west).dwg Plotted on 25/10/19 at 15:36 by dhounsell



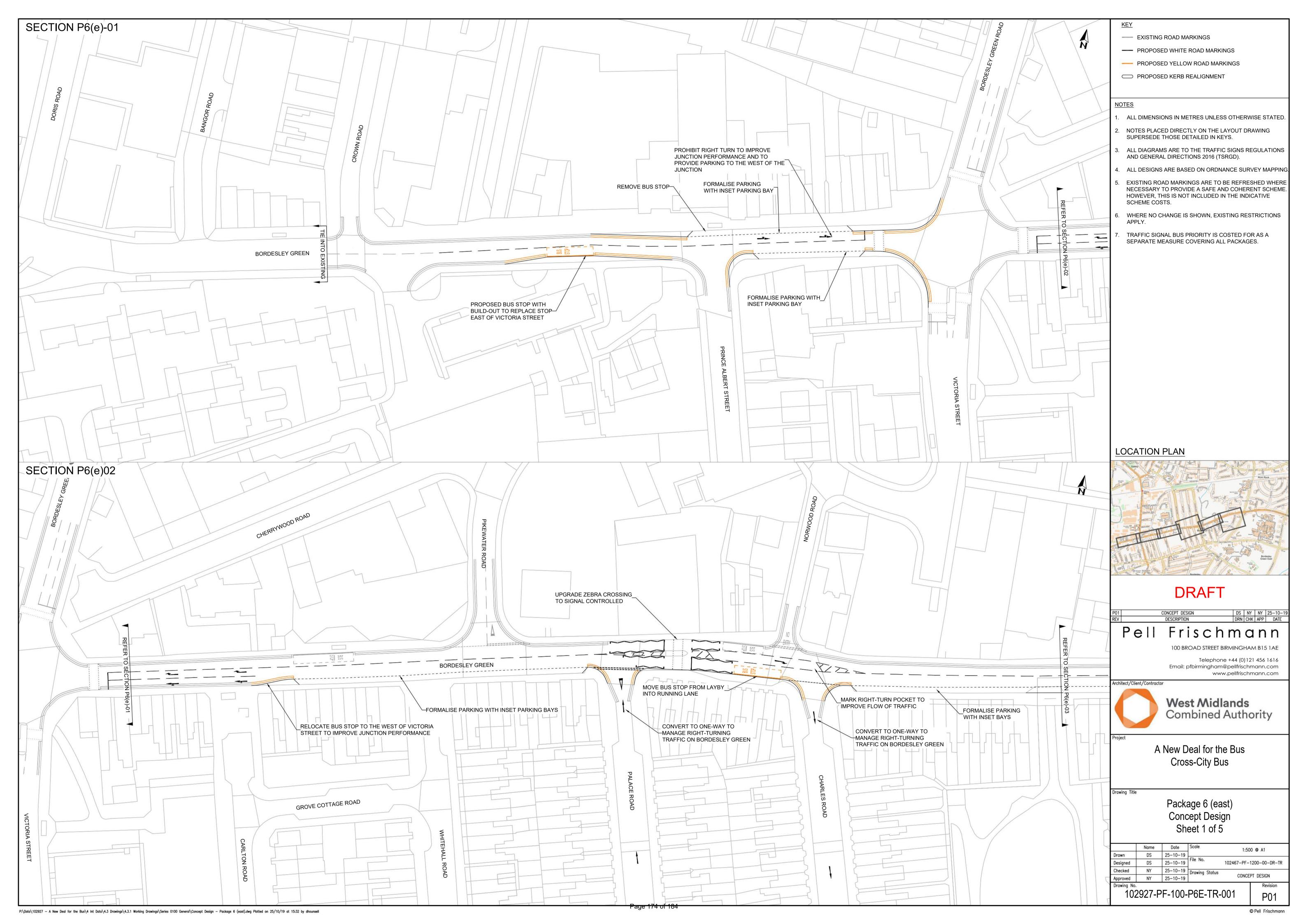
# DRAFT

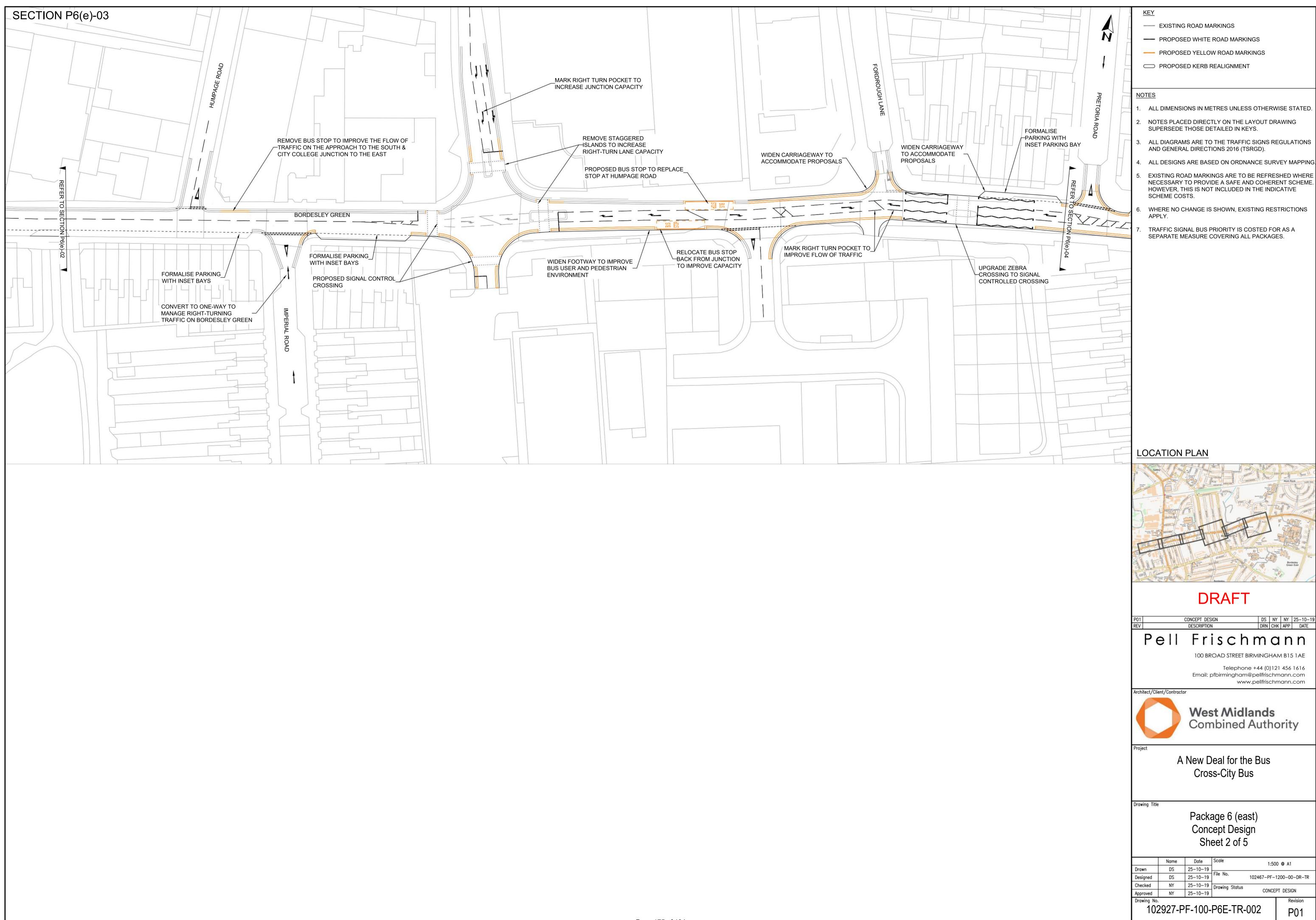
P01 REV	<u>,</u>	CONCEPT DES DESCRIPTION		DS DRN	NY NY CHK APP	25-10-19 DATE
	14 (Ne)					
P (	ell	Fr	isch	nm	an	n
		100 BR	OAD STREET	BIRMING	HAM B1	51AE
	Telephone +44 (0)121 456 1616 Email: pfbirmingham@pellfrischmann.com www.pellfrischmann.com					
Architect/Cli	ent/Contracto	r				12
West Midlands Combined Authority						
Project						
A New Deal for the Bus Cross-City Bus						
Drawing Title	e					
Package 5 (west)						
Concept Design						
Sheet 15 of 15						
	Name	Date	Scale	1	:500 @ A1	8
Drawn	DS	25-10-19			9 AI	5
Designed	DS	25-10-19	File No.	102467-P	F-1200-0	D-DR-TR
Checked	NY	25-10-19	Drawing Status			01
Approved	NY	25-10-19		CON	ICEPT DESI	GN

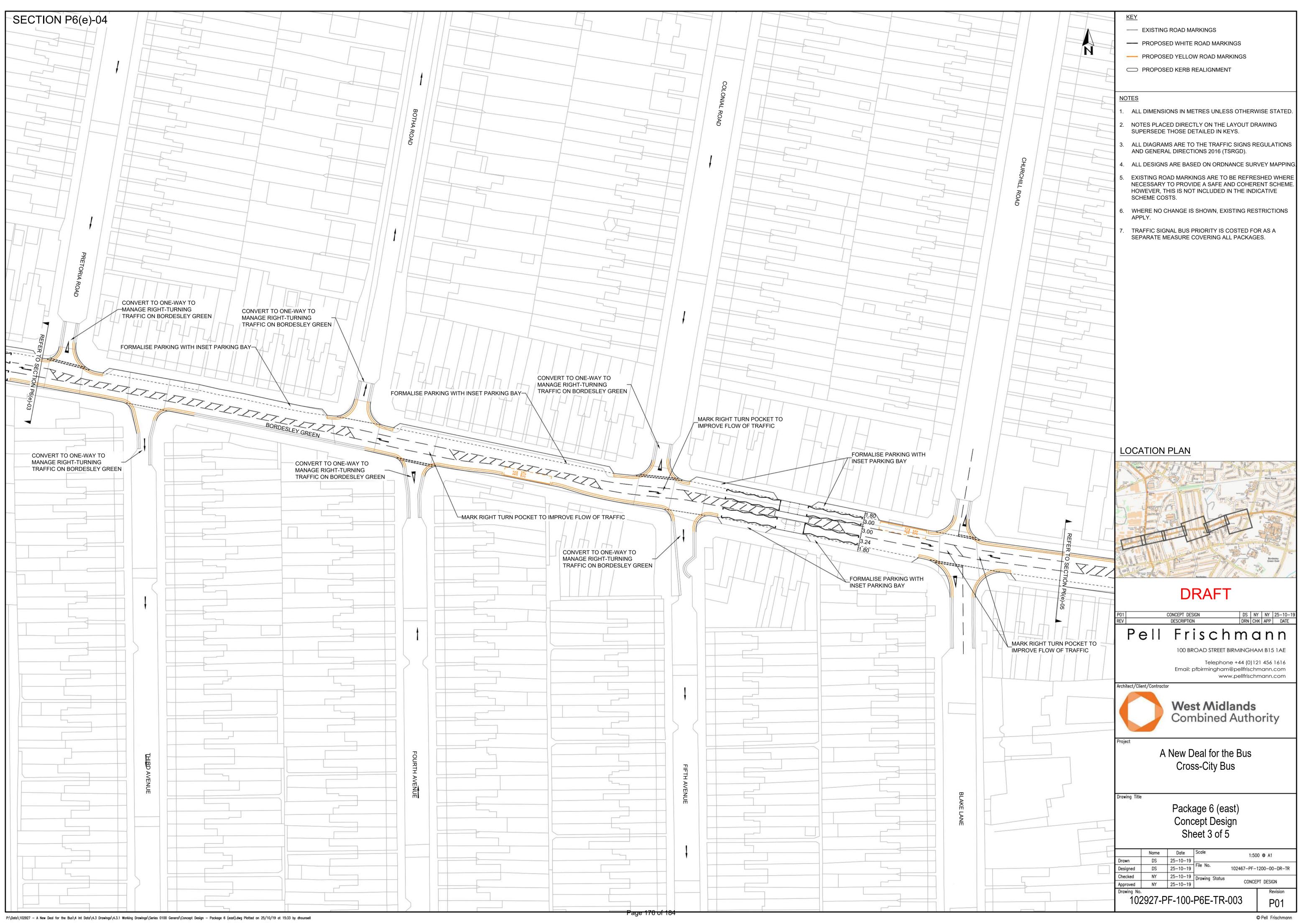
20	30	40	50r
1:	500		

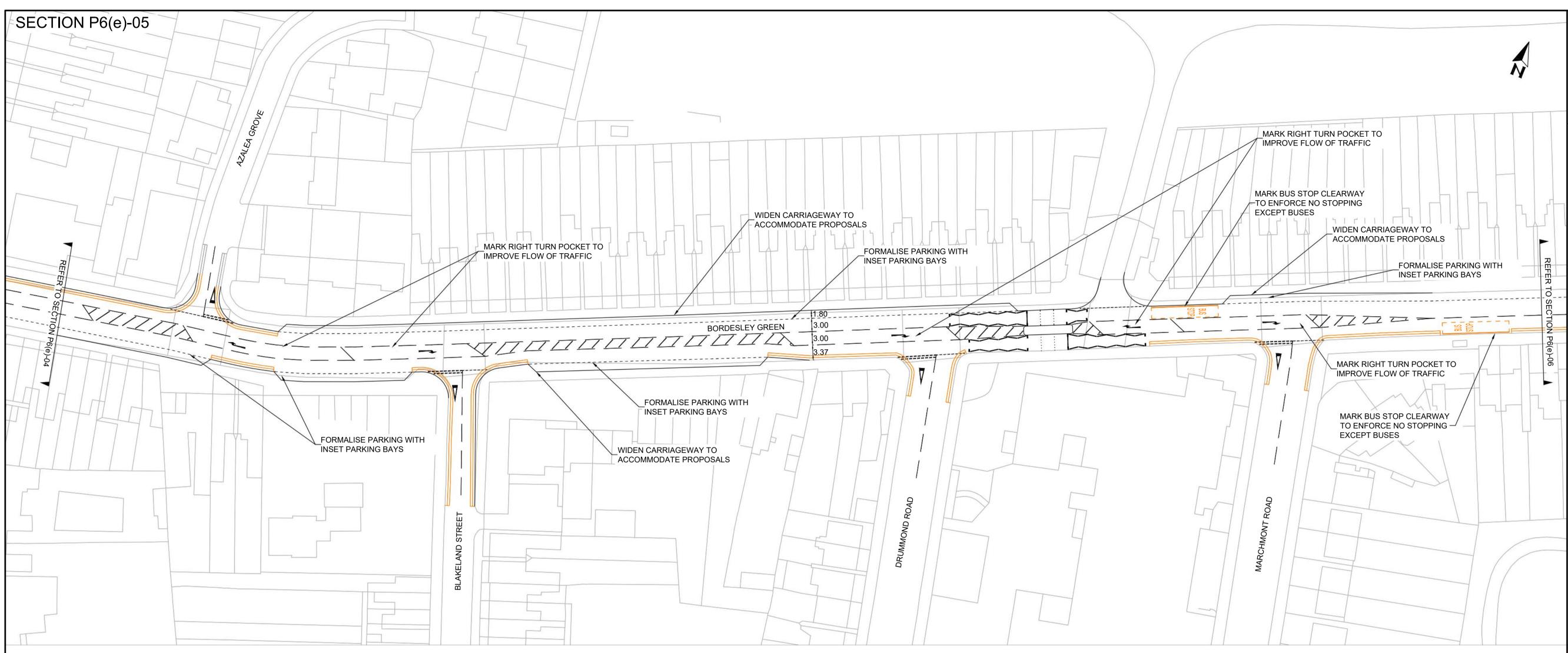
P01

Revision









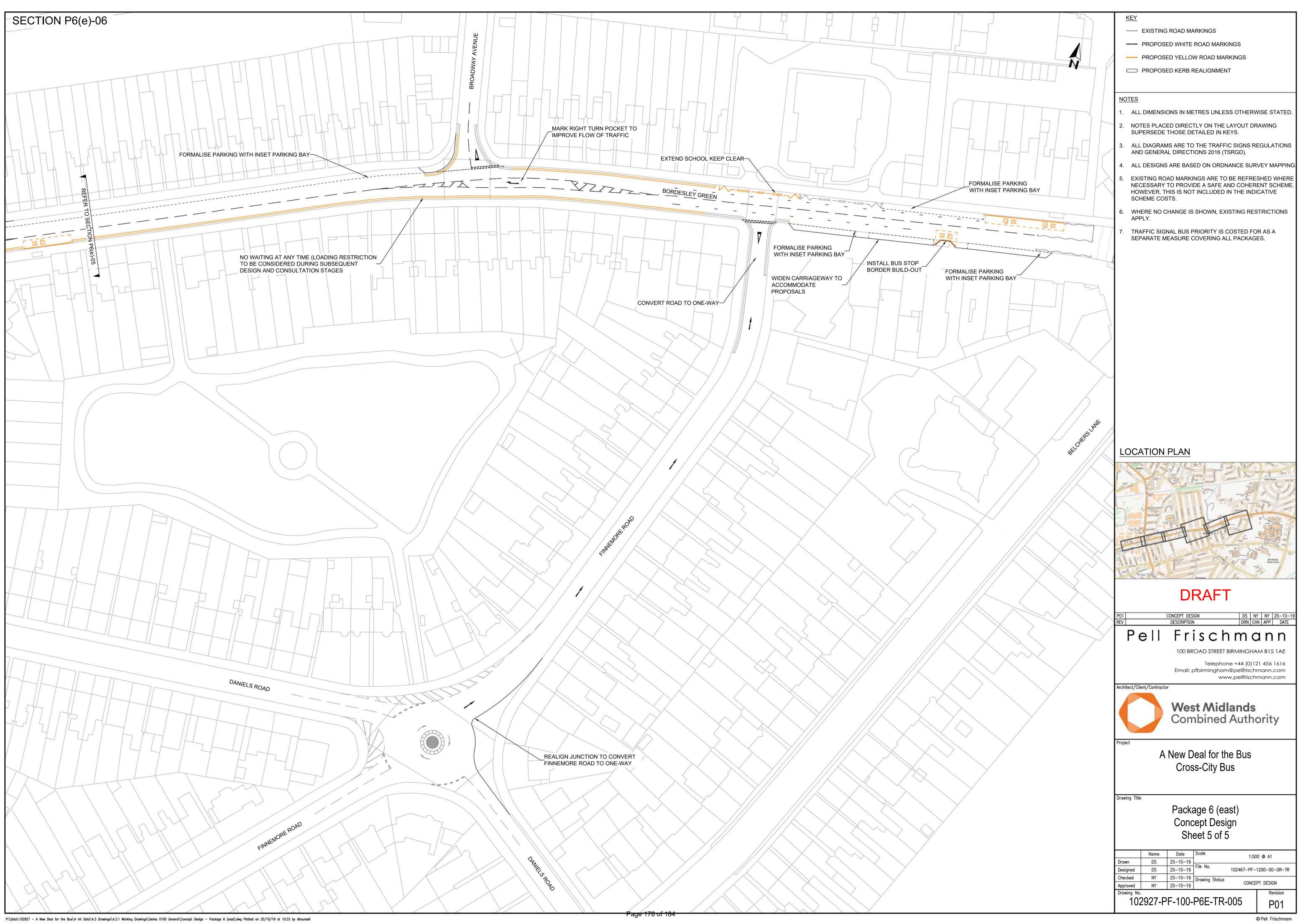
- ----- EXISTING ROAD MARKINGS
- ---- PROPOSED WHITE ROAD MARKINGS
- ---- PROPOSED YELLOW ROAD MARKINGS
- PROPOSED KERB REALIGNMENT

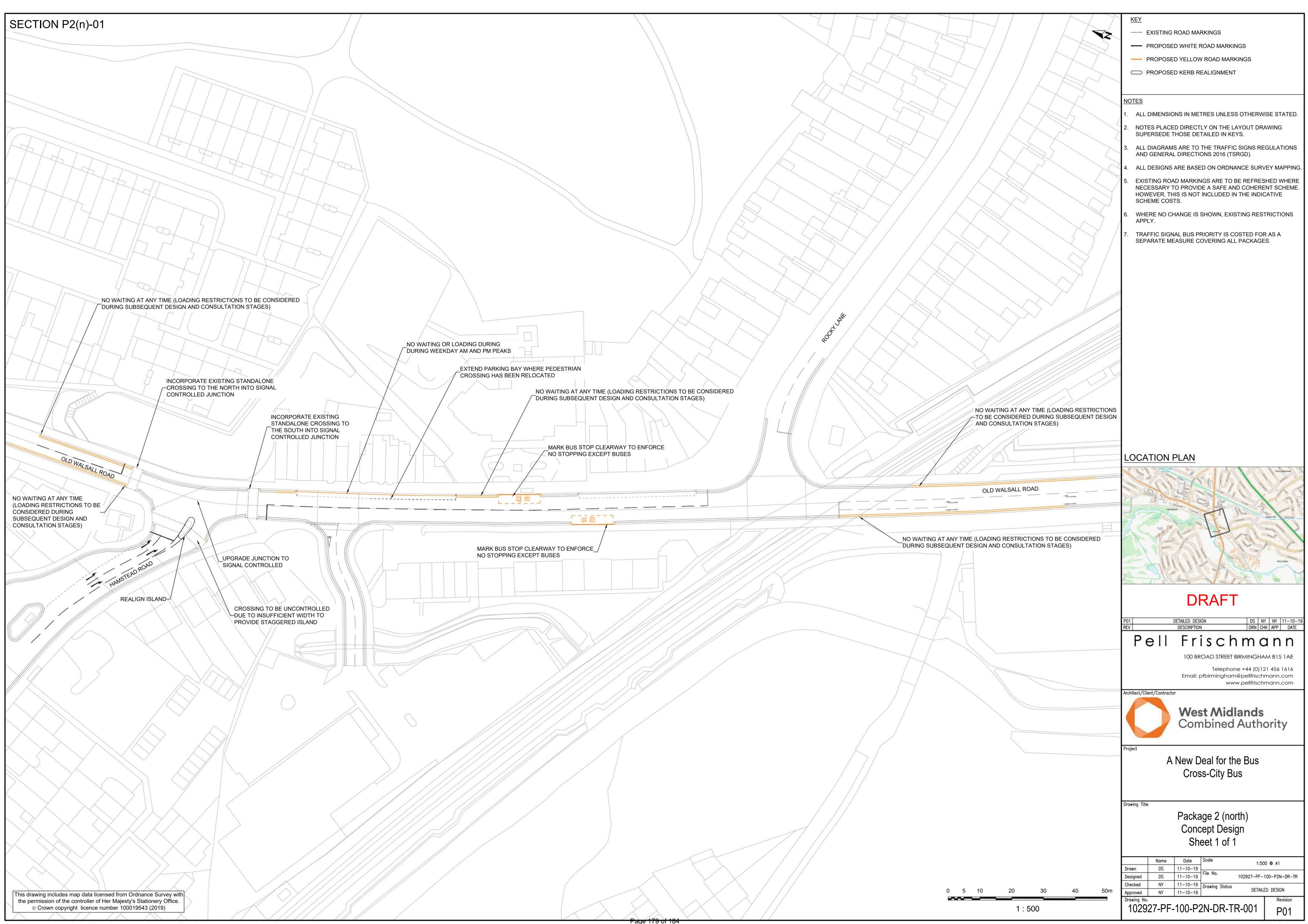
## NOTES

- ALL DIMENSIONS IN METRES UNLESS OTHERWISE STATED.NOTES PLACED DIRECTLY ON THE LAYOUT DRAWING
- SUPERSEDE THOSE DETAILED IN KEYS. 3. ALL DIAGRAMS ARE TO THE TRAFFIC SIGNS REGULATIONS AND GENERAL DIRECTIONS 2016 (TSRGD).
- 4. ALL DESIGNS ARE BASED ON ORDNANCE SURVEY MAPPING.
- EXISTING ROAD MARKINGS ARE TO BE REFRESHED WHERE NECESSARY TO PROVIDE A SAFE AND COHERENT SCHEME. HOWEVER, THIS IS NOT INCLUDED IN THE INDICATIVE SCHEME COSTS.
- WHERE NO CHANGE IS SHOWN, EXISTING RESTRICTIONS APPLY.
- 7. TRAFFIC SIGNAL BUS PRIORITY IS COSTED FOR AS A SEPARATE MEASURE COVERING ALL PACKAGES.

# LOCATION PLAN







P:\Data\102927 - A New Deal for the Bus\4 Int Data\4.3 Drawings\4.3.1 Working Drawings\Series 0100 General\Concept Design - Package 2 (north).dwg Plotted on 18/10/19 at 14:50 by dhounsell



Title of proposed EIA	DfT Local Pinch Point Fund - Lines 2 and 3 Route Enhancements -Expressions of Interest
Reference No	EQUA424
EA is in support of	New Function
Review Frequency	Annually
Date of first review	16/11/2020
Directorate	Inclusive Growth
Division	Transport and Connectivity
Service Area	Transport Planning and Network Strategy
Responsible Officer(s)	Peter A Bethell
Quality Control Officer(s)	Janet L Hinks
Accountable Officer(s)	Mel Jones
Purpose of proposal	To assess the impact of the Expression of Interest by BCC and TfWM in the DfT's Pinch Point fund for bus priority measures on two cross-city corridors.
Data sources	
Please include any other sources of data	
***ASSESS THE POTENTIAL IMPACT AGAINST THE PROTECTED CHARACTERISTICS*	**
Protected characteristic: Age	Service Users / Stakeholders; Employees; Wider Community
Age details:	Whilst this Equalities Assessment is just for the Expression of Interest, and each proposal (or group
	of proposals) will be subject to their own EA, the proposals will need to ensure that the needs of the elderly are taken into account, with facilities to ensure easy access for all.
Protected characteristic: Disability	proposals will need to ensure that the needs of the elderly are taken into account, with facilities to
Protected characteristic: Disability Disability details:	proposals will need to ensure that the needs of the elderly are taken into account, with facilities to ensure easy access for all. Service Users / Stakeholders; Employees; Wider
	proposals will need to ensure that the needs of the elderly are taken into account, with facilities to ensure easy access for all. Service Users / Stakeholders; Employees; Wider Community Whilst this Equalities Assessment is just for the Expression of Interest, and each proposal (or group of proposals) will be subject to their own EA, the proposals will need to ensure that the needs of bus users with disabilities are taken into account, with
Disability details:	proposals will need to ensure that the needs of the elderly are taken into account, with facilities to ensure easy access for all. Service Users / Stakeholders; Employees; Wider Community Whilst this Equalities Assessment is just for the Expression of Interest, and each proposal (or group of proposals) will be subject to their own EA, the proposals will need to ensure that the needs of bus users with disabilities are taken into account, with facilities to ensure easy access for all.
Disability details: Protected characteristic: Gender	proposals will need to ensure that the needs of the elderly are taken into account, with facilities to ensure easy access for all. Service Users / Stakeholders; Employees; Wider Community Whilst this Equalities Assessment is just for the Expression of Interest, and each proposal (or group of proposals) will be subject to their own EA, the proposals will need to ensure that the needs of bus users with disabilities are taken into account, with facilities to ensure easy access for all.
Disability details: Protected characteristic: Gender Gender details:	proposals will need to ensure that the needs of the elderly are taken into account, with facilities to ensure easy access for all. Service Users / Stakeholders; Employees; Wider Community Whilst this Equalities Assessment is just for the Expression of Interest, and each proposal (or group of proposals) will be subject to their own EA, the proposals will need to ensure that the needs of bus users with disabilities are taken into account, with facilities to ensure easy access for all. Not Applicable
Disability details: Protected characteristic: Gender Gender details: Protected characteristics: Gender Reassignment	proposals will need to ensure that the needs of the elderly are taken into account, with facilities to ensure easy access for all. Service Users / Stakeholders; Employees; Wider Community Whilst this Equalities Assessment is just for the Expression of Interest, and each proposal (or group of proposals) will be subject to their own EA, the proposals will need to ensure that the needs of bus users with disabilities are taken into account, with facilities to ensure easy access for all. Not Applicable
Disability details: Protected characteristic: Gender Gender details: Protected characteristics: Gender Reassignment Gender reassignment details:	proposals will need to ensure that the needs of the elderly are taken into account, with facilities to ensure easy access for all. Service Users / Stakeholders; Employees; Wider Community Whilst this Equalities Assessment is just for the Expression of Interest, and each proposal (or group of proposals) will be subject to their own EA, the proposals will need to ensure that the needs of bus users with disabilities are taken into account, with facilities to ensure easy access for all. Not Applicable Not Applicable
Disability details: Protected characteristic: Gender Gender details: Protected characteristics: Gender Reassignment Gender reassignment details: Protected characteristics: Marriage and Civil Partnership	proposals will need to ensure that the needs of the elderly are taken into account, with facilities to ensure easy access for all. Service Users / Stakeholders; Employees; Wider Community Whilst this Equalities Assessment is just for the Expression of Interest, and each proposal (or group of proposals) will be subject to their own EA, the proposals will need to ensure that the needs of bus users with disabilities are taken into account, with facilities to ensure easy access for all. Not Applicable Not Applicable

#### Page 181 of 184

#### 007474/2019 s://birminghamcitycouncil.sharepoint.com/sites/EqualityAssessmentToolkit/Lists/... 15/11/2019

Whilst this Equalities Assessment is just for the
Expression of Interest, and each proposal (or group
of proposals) will be subject to their own EA, the
proposals will need to ensure that the needs of
pregnant women and parents with buggies are taken
into account, with facilities to ensure easy access for
all.

Protected characteristics: Race	Not Applicable
Race details:	
Protected characteristics: Religion or Beliefs	Not Applicable
Religion or beliefs details:	
Protected characteristics: Sexual Orientation	Not Applicable
Sexual orientation details:	
Please indicate any actions arising from completing this screening exercise.	
Please indicate whether a full impact assessment is recommended	NO
What data has been collected to facilitate the assessment of this policy/proposal?	
Consultation analysis	
Adverse impact on any people with protected characteristics.	
Could the policy/proposal be modified to reduce or eliminate any adverse impact?	
How will the effect(s) of this policy/proposal on equality be monitored?	
What data is required in the future?	
Are there any adverse impacts on any particular group(s)	No
If yes, please explain your reasons for going ahead.	
Initial equality impact assessment of your proposal	The creation of plans within the

The creation of a cross-city bus network is central to plans within the city, to fully integrate all areas of the city in transport terms and unlock the city's economic potential by delivering fast, reliable and stable bus journeys. This is particularly important to support the successful delivery of the Clean Air Zone and realise the city's growth agenda.

A programme of bus priority measures both within the city centre and elsewhere is required needed to unlock cross-city services. The measures required are envisaged to be a mixture of highway improvements to accommodate additional bus stops or dedicated bus lanes, new bus gates and changes in highway layout to prohibit private vehicles.

This £8m investment opportunity will bring forward route enhancements on XC Lines 2 and 3, which covers five radial routes into/from the city centre. This forms part of wider £10m funding package to additionally improve existing bus fleets. The route enhancements would include a package of highway and traffic improvements, including bus priority

measures and additional measures to improve flow for all vehicles.

The package would tackle specific bottlenecks and pinch-points, delivering a cumulative transformation in bus journey times with general highway and junction improvements and bus priority measures, covering the following corridors:

1. A441 - Pershore Road, Birmingham city centre to Stirchley

2. B4284 Harborne Road, Bartley Green to Harborne

3. B4114 Washwood Heath Road, Castle Bromwich to Birmingham city centre

4. A41 Soho Road, Birmingham city centre to Hampstead

5. B4128 Bordesley Green, Birmingham city centre to Meadway

Working in partnership with National Express West Midlands, the proposition will also be complemented by a £1.5m upgrade in bus fleets to provide the greenest buses on the market. This will, at a minimum, result in Euro 6 buses along lines 2 and 3 Birmingham North-South and Birmingham East-West).

This Equalities Assessment is just for the Expression of Interest, and each proposal (or group of proposals) will be subject to their own EA. It has been determined that the expression of Interest will have no detrimental effect on any of the protected characteristics.

Consulted People or Groups Informed People or Groups Summary and evidence of findings from your EIA

This Equalities Assessment is just for the Expression of Interest, and each proposal (or group of proposals) will be subject to their own EA. It has been determined that the expression of Interest will have no detrimental effect on any of the protected characteristics.

QUALITY CONTORL SECTION	
Submit to the Quality Control Officer for reviewing?	No
Quality Control Officer comments	
Decision by Quality Control Officer	
Submit draft to Accountable Officer?	Yes
Decision by Accountable Officer	Approve

#### Page 183 of 184

https://birminghamcitycouncil.sharepoint.com/sites/EqualityAssessmentToolkit/Lists/... 15/11/2019

Date approved / rejected by the Accountable Officer	15/11/2019	
Reasons for approval or rejection		
Please print and save a PDF copy for your records	Yes	
Content Type: Item Version: 27.0 Created at 12/11/2019 11:27 AM by Peter A Bethell		Close
Last modified at 15/11/2019 08:46 AM by Workflow on behalf of <b>Mel Jones</b>		