

Birmingham City Council

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

Date: 14 June 2019



Subject: PROPOSAL TO TRANSFER OSCOTT MANOR SCHOOL TO A NEW SITE

Report of: Interim Assistant Director for Education and Early Years

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

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

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

1 Executive Summary

1.1 To seek the determination of a statutory proposal:

- To Transfer Oscott Manor School from Old Oscott Hill, Birmingham B44 9SP to Reservoir Road, Erdington, Birmingham B23 6DE with effect from 1 November 2021.

2 Recommendations

That the Cabinet Member for Education, Skills and Culture jointly with the Director for Education & Skills;

- 2.1 Approve, having taken into account the statutory guidance, the statutory proposal to transfer Oscott Manor School to a new site.

3 Background

- 3.1 Oscott Manor School is a community special school situated in the Oscott ward in the Perry Barr district of the City. The school can offer up to 116 places for pupils with statements of need or Education and Health Care Plans (EHCP) for Autistic Spectrum Conditions (ASC). Oscott Manor School received Ofsted rating of "Good" when they were inspected on 5th December 2017.
- 3.2 The school is currently located at Old Oscott Hill, Birmingham B44 9SP. Over the years the school's intake has changed from pupils with Severe Learning Difficulties (SLD) to pupils with ASC. A number of adaptations have been carried out and temporary buildings added over the years and the pupil numbers have grown from 96 to 116. The school building is now beyond repair and the Local Authority can no longer maintain the building to a reasonable standard.
- 3.3 The option is now to replace the building in its entirety. The building replacement is part of the Department for Education's (DfE) Priority Schools Building Programme (PSBP) and the new building will be constructed by the DfE's Capital team.
- 3.4 As part of the feasibility study, the DfE explored the option of building the school on the current site but there is not sufficient space on the current (Old Hill) site for the school to remain operational whilst the new building is constructed. It would also be noisy and disruptive to the pupils. Decanting the pupils to a temporary site whilst the new school was built at Old Hill was also ruled out as this was cost prohibitive and would also mean that pupils would be moved twice.
- 3.5 It is proposed that a new purpose built school will be created on the Reservoir Road site which is 2.9 miles in a straight line distance from the Old Hill site. The Reservoir Road site is owned by Birmingham City Council and is within the Education and Skills property portfolio. The new build can take place without any interruptions to the pupils' education and the transition to the new site can be handled with sensitivity to the pupils needs.
- 3.6 If the proposals are approved it is intended that the transfer of Oscott Manor School to the new site at Reservoir Road will be implemented from 1st November 2021.
- 3.7 The majority of the cost for this project will be provided by the DfE. The funding from the DfE is based on the original size of the Old Hill building, which can accommodate 96 pupils. The Local Authority will contribute additional funding under Basic Need grant to increase the number of pupils that the building can

accommodate up to 120. The value of the Basic Need funding required has been calculated by the DFE at £1.4m. Relevant approval for the allocation of Local Authority Basic Need funding will be sought in line with BCC gateways and approvals.

- 3.8 The Local Authority is keen to ensure that future places are provided in the areas that they are needed; helping children to attend a school nearer to home and as part of their local community. The proposed changes at Oscott Manor School are considered appropriate for the current pupils at the school and is part of a programme to enhance the overall school accommodation solution for both the current and future pupils. The new site will be new-build and fit-for-purpose accommodation to meet the needs of key-stage 3, 4 and 5 pupils.
- 3.9 The Local Authority transport arrangements for children with special needs will apply (Travel Assist). Travel Assist will be fully engaged and advised of the proposed changes and will support any necessary changes to travel plans and arrangements. The school will continue to update their travel plan, as and when required.
- 3.10 In compliance with DFE guidance and best-practice, a statutory pre-publication consultation was completed for the proposal during March 2019. Letters were sent to pupils, parents/carers and staff, advising of the forthcoming proposals whilst the outcome of the DfE's feasibility study was completed.
- 3.11 In compliance with DFE guidance, a statutory notice and proposal were published and the representation period was between 4th April 2019 to 2nd May 2019 (four weeks). The representation period commenced with the publication of a statutory notice in the Birmingham Post.
- 3.12 During the four week representation period, comments on the proposal could be 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.
- 3.13 At the close of the representation period, 18 responses were received regarding the proposal. All 18 responses received were in favour of the proposal. The 18 responses received were from a mixture of staff, parents/carers, governor and local residents.
- The full quantitative and qualitative analysis and copies of the comments received can be found in Appendix 3 of this report.
- 3.14 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.
- 3.15 The Education and Inspections Act 2006 and Regulation 7 of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (the Prescribed Alterations Regulations) state 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.

- 3.16 If the proposals are approved, the Oscott Manor School will relocate to a new site in a new purpose built school at Reservoir Road on 1st November 2021.

4 Options considered and Recommended Proposal

- 4.1 It is recommended that the proposal to transfer Oscott Manor to a new site be approved. The current buildings are no longer fit for purpose. The proposal will provide a new fit for purpose building which will enhance the overall school accommodation solution and meet the needs of both the current and future key stage 3, 4 and 5 pupils.
- 4.2 The current building can no longer be maintained to a reasonable standard and if the proposal is not approved the building could reach a condition whereby it may need to be closed due to health and safety reasons. This would mean that alternative places would need to be found for current and future pupils of the school and could result in pupils having to travel longer distances to school. It may also increase the Council's reliance on out of city independent provision if sufficient places are not available within the maintained, Academies and Free School sector which could result in additional costs for transport, as pupils may have to travel further to access out of City provision.

5 Consultation

5.1 Internal

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

- All Ward Councillors and Members of Parliament 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 Councillor consulted and the date and method of consultation is set out in Appendix 5.

5.2 External

- 5.2.1 The proposal has been fully consulted upon in line with the requirements set out in the statutory guidance "Making significant changes ('prescribed alterations') to maintained schools" (October 2018) published by the Department for Education (DfE). A copy of the guidance for decision makers can be found in Appendix 4.
- 5.2.2 During the 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
- All Birmingham Members of Parliament
- The Department for Education-School Organisation

5.2.3 The information was publicised in the following ways:

- Public notice in Birmingham Post newspaper;
- On Birmingham City Council BeHeard webpage;
- On the schools' webpages;
- On the Birmingham City Council School Notice Board.
- Emails to stakeholder groups

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

6 Risk Management

Should the proposals to transfer Oscott Manor School to a new site not be approved there is a high risk of the following;

- The school may close due to health and safety reasons.
- The funding from PSBP would be lost.
- Alternative places would need to be found for the current and future pupils at Oscott Manor.
- The shortage of ASC provision across the City will increase and it will mean that children with ASC may have to travel further to a suitable placement. It may increase the Council's reliance on out of city independent provision if sufficient places are not available within the maintained, Academies and Free School sector which could result in additional costs for transport, as pupils may have to travel further to access out of City provision.

7 Compliance Issues:

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

7.1.1 The Oscott Manor School building can no longer be maintained to a reasonable standard and would ultimately have to close due to health and safety reasons.

7.1.2 The proposed changes are considered appropriate for the current pupils at Oscott Manor School and is part of a programme to enhance the overall school accommodation solution for both current and future pupils.

- 7.1.3 The new site will be a new-build fit-for-purpose accommodation to meet the needs of key stage 3, 4 and 5 pupils with ASC needs.
- 7.1.4 The building replacement is part of the DfE's Priority School Building Programme (PSBP) that considers applications from Local Authorities and other agencies to rebuild and refurbish school buildings in the greatest need of repair across the country. The new building will be constructed by the DfE's Capital team.

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 transfer the school to a new site 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

The majority of the cost for this project will be provided by the DfE. The funding from the DfE is based on the original size of the Old Hill building, which can accommodate 96 pupils. The Local Authority will contribute additional funding under Basic Need grant to increase the number of pupils that the building can accommodate up to 120. The value of the Basic Need funding required has been calculated by the DfE at £1.4m. Relevant approval for the allocation of Local Authority Basic Need funding will be sought in line with BCC gateways and approvals. Revenue costs arising from any increase in pupils would be funded from the Dedicated School Grant High Needs Block. Approval of this proposal should reduce the Council's reliance on more costly out of city independent provision and associated transport costs.

7.4 Procurement Implications (if required)

Not applicable.

7.5 Human Resources Implications (if required)

- 7.5.1 Staff will generally be unaffected. The new site is 2.9 miles from the old site with good transport links. A new purpose built building may offer new opportunities for professional development.

7.6 Public Sector Equality Duty

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

8. Background Documents

8.1 Documents:

- Education and Inspections Act 2006
- Making significant changes ('prescribed alterations') to maintained schools: "Statutory guidance for proposers and decision makers" published by the Department for Education (DfE) October 2018.

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

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