

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	CABINET
Report of: Date of Decision:	Strategic Director, People 14th July 2014
SUBJECT:	PROPOSAL TO ALTER THE UPPER AGE-RANGE OF TURVES GREEN BOYS' SCHOOL TO PROVIDE A SIXTH FORM
Key Decision: Yes	Relevant Forward Plan Ref: 503442
If not in the Forward Plan: (please "tick" box)	Chief Executive approved <input type="checkbox"/> O&S Chairman approved <input type="checkbox"/>
Relevant Cabinet Member(s):	Councillor Brigid Jones, Cabinet Member, Children and Family Services
Relevant O&S Chairman :	Councillor Anita Ward, Education and Vulnerable Children
Wards affected:	Northfield

1. Purpose of report:
To seek determination of the statutory proposal to alter the upper age limit of Turves Green Boys' School from 16 to 18 years with effect from 1 st September 2016. The proposal will add 100 sixth form places to the school, taking the capacity from 750 to 850 pupils.

2. Decision(s) recommended
Cabinet is recommended to:-
2.1 Approve, having taken account of the statutory guidance, the statutory proposal to add a sixth form to Turves Green Boys' School by altering the upper age limit of the school from 1 st September 2016.
2.2 The additional sixth form places will be provided within the new school build as a result of a successful bid under the Priority School Building Programme and will be delivered by the Education Funding Agency. There is a separate Chief Officer report authorising the entering into the necessary legal documents for the rebuild e.g. Memorandum of Understanding with EFA.

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3. Consultation

3.1 Internal

Information about the proposal was sent to all City Councillors including the Executive Member for Northfield, Richard Burden local MP and the Ward Councillors, together with relevant officers, representatives from the professional associations and other key stakeholders including surrounding Local Authorities. Eight responses were received during the pre-statutory period, seven of which were in favour of the proposal or had no objections. The other one was from a neighbouring FE college raising some queries over the addition of a sixth form. A copy of the full consultation proposals can be found in Appendix 1.

3.2 External

These proposals have been fully consulted upon in line with the requirements set out by the Department for Education (dated Jan 2014). Officers have engaged with parents, staff and governors at the school and local schools have been invited to comment on the proposed expansion. The proposals were discussed at meetings at the school with parents, staff and governors, ward councillors and district representatives, and a public notice has been issued in the local paper and in the community to engage local residents. Full information has been provided on Birmingham webpage and respondents asked to reply through BeHeard. No responses or objections have been received during the representation period.

4. Compliance Issues:

4.1 Are the recommended decisions consistent with the Council's policies, plans and strategies?

This proposal would result in additional post-16 provision being available to the local community and would contribute to the Council Business Plan and Budget 2014+ strategic priorities of a Prosperous City and a Fair City by aiming to ensure that every pupil in Birmingham has the opportunity to leave school with a recognisable qualification and with the skills they need to make a significant positive contribution to the economy and community. The addition of sixth form provision at Turves Green Boys falls in line with the national agenda 'Raising the Participation Age' whereby all pupils will be required to remain in education or training until the age of 18 from 2015, and forms part of the Education Development Plan currently in consultation.

4.2 Financial Implications. (Will decisions be carried out within existing finances and Resources?)

4.2.1 The expansion of the school will be funded by the Education Funding Agency (EFA) under the West Midlands Capital batch of the Priority School Building Programme (PSBP). Turves Green Boys' is a Local Authority maintained school. The relevant construction work necessary to create the additional accommodation required from September 2016 will be managed by the EFA under the PSBP i.e. this build project is not been delivered by the City Council and all related expenditure will not appear on the City Council General ledger. All capital costs will be funded by the EFA, with the exception of any works which may be required pursuant to S.278 of the Highways Act or S.106 of the Town and County Planning Act, for example traffic calming measures which would be funded from the contingency allowance in the capital budget for PSBP. EFA will fund fixed furniture, fittings and equipment, together with the ICT network, and in this circumstance under PSBP will provide for loose furniture and equipment (including ICT) for the expansion only.

4.2.2 In terms of revenue funding, Turves Green Boys' proposed post-16 provision will be factored in to the discussions with the EFA about funding for allocated places from September 2016 to ensure that this is a sustainable proposal. Under the EFA's funding methodology, new school sixth forms receive a third of their total capacity in Year one and funding for subsequent years is based on lagged numbers. As a maintained school, the funding for the places will be added to the local authority's 16-19 School Sixth Form allocation from the EFA. Funding per pupil will be calculated based on the EFA 16-19

National Funding Formula. The local authority will not provide any additional funding for any shortfall which must be met from the school budget, including the two-thirds in the first year.

4.3 Legal Implications

This report exercises powers contained within section 19 and 21 of the Education and Inspections Act 2006 and regulation 5 of and paragraph 2 of Schedule 2 and paragraph 3 of Schedule 3 to the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (the "Prescribed Alterations Regulations") by which the local authority has the power to make statutory proposals affecting schools in its area and to determine them.

4.4 Public Sector Equality Duty

An updated Equality Assessment initial screening was carried out in December 2013 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.

5. Relevant background/chronology of key events:

5.1 The Local Authority has the following relevant statutory duties relating to Post 16 education:

- i) Under Section 15ZA of the Education Act 1996 (as inserted by the Apprenticeships, Skills, Children and Learning Act 2009) to secure suitable and sufficient places in education and training for young people aged 16-19 and for those aged 20-24 with a Learning Difficulty Assessment in their area.
- ii) Under Section 10 of the Education and Skills Act 2008, to promote the effective participation in education or training until a young person's 18th birthday (Raising the Participation Age).

5.2 Under the local authority's duty to secure suitable and sufficient places in Post 16 education and training and the Government's Raising the Participation Age (RPA) agenda, the new provision at Turves Green Boys' will complement the local offer and support increased participation.

5.3 The Education and Skills Infrastructure Team in conjunction with Turves Green Boys' School submitted a successful bid under the PSBP to the EFA. As part of the bid and in order to maximise on capital investment to support the diverse local offer, Turves Green Boys' School was identified to provide additional secondary and sixth form places in the future. This scheme is fully managed and delivered by the EFA and not the City Council.

5.4 After initial discussions with the Head Teacher and Chair of Governors, consultation on the proposals was carried out in line with DfE guidance and the views of parents, staff and governors of the school were sought along with the views of other relevant stakeholders, including ward councillors and district representatives. The response rate was low: 700 consultation documents were sent out and 8 responses were received.

5.5 Local secondary head teachers were also consulted and views sought from the principals of local colleges. The admissions criteria for the sixth form will follow the criteria set out by the Local Authority, and the school is collaborating with other local providers to ensure a diverse and appropriate offer so as to complement the local offer and support the Birmingham skills agenda. The new sixth form seeks to improve the local post 16 offer providing a school-based sixth form experience for students.

5.6 This proposal has previously been consulted on earlier in 2014. Due to some omissions in the previous proposal, including evidence of the demand of sixth form places and potential effect on other institutions, the Schools Adjudicator felt it appropriate for the LA to withdraw the original proposal and reissue with full information. The advice and guidance of the Schools Adjudicator has been fully complied with.

5.7 The original statutory notice for Turves Green Boys' School was published on 30th January 2014 and a four week period followed where objections to or comments on the proposals could be submitted. No objections were received. Following the advice of the Schools Adjudicator to withdraw and republish the original proposal, a second statutory notice for Turves Green Boys' School was published on 22nd May 2014. A further four week representation period followed during which no objections were received. A copy of the latest public notice can be found in Appendix 2.

5.8 Regulation 7 of the Prescribed Alterations Regulations provides that the local authority is required to have regard to guidance issued by the Secretary of State when taking a decision on such proposals. The relevant extract of the statutory guidance is attached at Appendix 3 (please refer to p3-12, with particular reference to p10). The statutory guidance, issued by the DfE, allows for the proposals to be approved, approved with modification, approved subject to meeting a specific condition, or rejected.

6. Evaluation of alternative option(s):

6.1 The recommendation is for this proposal to be approved; alternatively, in line with the statutory guidance, the proposal may be approved with modification, approved subject to meeting a specific condition or rejected.

6.2 Failure to give approval to this statutory proposal will mean that Turves Green Boys' School will be unable to provide post-16 education for pupils in September 2016, and has the potential to cause delay to the procurement of the contractors associated with the rebuild of the school. In addition, it is unclear whether this will impact on the final offer provided by the EFA under the PSBP.

7. Reasons for Decision(s):

7.1 To enable Turves Green Boys' School to offer sixth form provision from September 2016.

Signatures

Cabinet Member, Children & Family Services

Cllr Brigid Jones:

Dated:

Strategic Director, People

Peter Hay:

Dated:

List of Background Documents used to compile this Report:

Education and Inspections Act 2006

School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007

List of Appendices accompanying this Report (if any):

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| 1. | Copy of the full proposals including consultation document |
| 2. | Copy of the latest public notice |
| 3. | Relevant Extract from Statutory Guidance on 'School Organisation – Maintained Schools: Annex B: Guidance for Decision-makers' issued by the DfE |

Report Version	7	Dated	30th June 2014
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