

**BIRMINGHAM CITY COUNCIL****PUBLIC REPORT**

<b>Report to:</b>	<b>CABINET</b>
<b>Report of:</b>	<b>Strategic Director for People</b>
<b>Date of Decision:</b>	<b>19<sup>th</sup> April 2016</b>
<b>SUBJECT:</b>	<b>PROPOSAL TO MAKE PRESCRIBED CHANGES AT BRAYS SPECIAL SCHOOL BY INCREASING THE NUMBER OF PLACES BY PROVISION OF AN ADDITIONAL SITE AND CHANGE OF SEN DESIGNATION TO INCLUDE AUTISTIC SPECTRUM CONDITION (ASC)</b>
<b>Key Decision: Yes</b>	<b>Relevant Forward Plan Ref: 001543/2016</b>
<b>If not in the Forward Plan: (please "X" box)</b>	Chief Executive approved <input type="checkbox"/> O&S Chairman approved <input type="checkbox"/>
<b>Relevant Cabinet Member(s) or Relevant Executive Member(s):</b>	<b>Councillor Brigid Jones, Cabinet Member, Children's Services</b>
<b>Relevant O&amp;S Chairman:</b>	<b>Councillor, Susan Barnett Education and Vulnerable Children</b>
<b>Wards affected:</b>	<b>Sheldon and Shard End</b>

<b>1. Purpose of report:</b>
1.1 To seek determination of the statutory proposal to increase the number of places offered at Brays School from 138 to 220 through the provision of an additional site at Leycroft Building, Gressell Lane, Birmingham B33 9UF and to change the Special Education Needs (SEN) designation to include Autistic Spectrum Condition (ASC) with effect from 1st September 2016.

<b>2. Decision(s) recommended:</b>
Cabinet is recommended to: -
2.1 Approve, having taken account of the statutory guidance, the statutory proposal to increase the number of places offered at Brays School from 138 to 220 through the provision of an additional site at Leycroft Building, Gressell Lane, Birmingham B33 9UF and to change the Special Education Needs (SEN) designation to include ASC with effect from 1st September 2016.
2.2 Note that this proposal meets the needs of the SEN Improvement Test to improve access to a range of high quality provision.

<b>Lead Contact Officer(s):</b>	Mary Lowe
<b>Telephone No:</b> <b>Email address:</b>	0121 464 2463 <a href="mailto:mary.lowe@birmingham.gov.uk">mary.lowe@birmingham.gov.uk</a>

### **3. Consultation**

#### **3.1 Internal**

Information about the proposal was sent to all City Councillors including the Executive Member and MP for Yardley and Hodge Hill, Ward Councillors for Sheldon and Shard End, together with relevant officers across Birmingham City Council. A copy of the full proposals can be found in Appendix 1.

#### **3.2 External**

These proposals have been fully consulted upon in line with the requirements set out in statutory guidance "School Organisation Maintained Schools-Guidance for proposers and decision makers" published by the Department for Education (DfE) in January 2014. A copy of the full proposals and supporting documentation can be found in Appendix 1 & 2. The proposals were shared with parents, staff and governors through the statutory consultation period and local schools have been invited to comment on the proposal. In addition, the proposals have been shared with representatives from the professional associations and other key stakeholders including surrounding Local Authorities and The Archdiocese and The Anglican Diocese of Birmingham. A public notice was published on 28<sup>th</sup> January 2016, in the local paper, on the Birmingham.gov.uk website and at the school entrances. Full information has been provided on Birmingham.gov.uk webpages as specified in the public notice and respondents were asked to reply through the BeHeard online consultation system. Four responses have been received during the representation period in favour of the proposal (see Appendix 3).

### **4. Compliance Issues:**

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

Once implemented, these proposals will support the Local Authority to enable additional special school places to be available to the local and wider community and would contribute to the aim to ensure that every pupil in Birmingham has the opportunity to access an appropriate school which meets their needs. The proposal for the increase in pupil numbers through the provision of an additional site at Brays School and the change to the SEN designation to include pupils with ASC falls in line with the Special School Additional Places Programme to enhance the school offer and the overall school accommodation solution, as set out in the Education Development Plan (EDP). Implementation of these proposals will result in the creation of additional school places for pupils requiring specialist education. The site at Gressel Lane site is fully accessible to meet the needs of children, staff and visitors with physical disabilities and sensory difficulties. The Gressel Lane site is the preferred site to meet the needs of a whole school solution and accommodate additional pupils at Brays School and is 1.9 miles from the main school site on Brays Road. The school is currently operating from this site on a temporary basis. These proposals seek to make this permanent. The Gressel Lane site is currently part of The International School and is being utilised in line with our Basic Need Strategy to make effective and efficient use of our school sites.

#### **4.2 Financial Implications (Will decisions be carried out within existing finance and Resources?)**

The proposed increase of pupil numbers at Brays School including refurbishments of the Gressel Lane site will be funded through the DfE capital allocation for Basic Need

during Stage 4 of the programme. The site at Gressel Lane is part of The International School Site and is owned by the Local Authority. All project costs will be confirmed as part of the Project Definition Document which will be submitted for approval in due course. In terms of revenue funding, Brays School will continue to receive funding for its registered pupils as it does currently through the Local Authority higher needs block.

#### 4.3 Legal Implications

This report exercises powers contained within sections 19 and 21 of the Education and Inspections Act 2006 and Schedule 2 and Schedule 3 of 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. In order to ensure that these changes are being proposed in line with the statutory guidance, the proposal has been developed to improve access to a high quality educational provision, providing additional ASC places in line with parental preference. Further details of how the SEN Improvement Test has been considered can be found in paragraphs 18H and 20 of the full proposal document in Appendix 1 of this report.

#### 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 a statutory duty to not only provide pupil places but also to promote diversity and increase parental choice in planning and securing the provision of school places (Section 14 Education Act 1996 and Education & Inspections Act 2006).
- 5.2 Annual receipts of birth data provided by the Office of National Statistics (ONS) have evidenced that the trend of birth rate in Birmingham has been of sustained increase and therefore the population of young people in the city has increased considerably. The Birmingham Education Sufficiency Requirements document has published three editions to date, one in November 2013, one in February 2015 and one in November 2015 (requirements for mainstream places). Edition 2 of the Education Sufficiency document demonstrates the need for additional special school places, particularly ASC provision, and in response a planned programme of additional places is being implemented.
- 5.3 Brays School is designated to provide education for children with a Statement of Special Educational Need or Education, Health and Care Plan for Physical Medical Learning Difficulties and Complex Medical Need.
- 5.4 Following publication of Edition 2 of the Education Sufficiency requirements in February 2015, all schools were invited to submit a proposal if they were interested in providing additional school places. The governing body of Brays School submitted an Expression of Interest for an increase of the number of pupil places offered by the provision of an additional site and for a change of their special educational needs designation to include ASC. The Expression of Interest was evaluated using the Basic Need criteria

approved by Cabinet Member for Children and Families as outlined in the EDP and was approved following evaluation.

- 5.5 The current main school site at Brays Road is unsuitable for further expansion and so it was agreed as a reactive measure that additional pupils would be accommodated on a temporary basis at accommodation identified at Leycroft Building, Gressel Lane. The Gressel Lane site has now been identified as having enough space to accommodate additional classrooms to provide a permanent improved accommodation solution for current and future pupils. The Gressel Lane site is currently part of The International School and is being utilised in line with our Basic Need Strategy to make effective and efficient use of our school sites.
- 5.6 Brays School was given an outstanding ranking in their last OFSTED inspection. The two sites (Brays Road and Gressel Lane) will enable a greater number of pupils to access the successful provision with an increase in the number of pupil places that Brays School can offer across the two sites from 138 to 220 from 1<sup>st</sup> September 2016. The school currently has 176 pupils on roll, this has been possible through the temporary solution.
- 5.7 This proposal will not only help address the shortage of primary places for children with statements of needs or Education, Health and Care Plans Physical, Medical and Learning Difficulties and Complex Medical needs but also seeks to change the SEN designation to include pupils with a Statement of Special Educational Need or Education, Health and Care Plan for ASC.
- 5.8 Consultation on the expansion proposal was carried out in line with DfE guidance and the views of parents, staff and governors of the school were sought. The Head Teacher of Brays School sent out a letter to the parents/carers of all registered pupils to inform them of the proposed changes during the week commencing 18<sup>th</sup> January 2016. A statutory notice was published on 28<sup>th</sup> January 2016 and a four week representation period followed where objections to or comments on the proposals could be submitted. A copy of the public notice can be found within Appendix 2. The notice was displayed at the main entrance of the school, in the Birmingham Post and online on the [birmingham.gov.uk](http://birmingham.gov.uk) webpages with a BeHeard survey opened to receive comments. The stakeholders outlined in 3.1 and 3.2 were issued notification of the consultation by email and advised how to obtain full information on the proposals and encouraged to provide comment.
- 5.9 Officers offered representation at a meeting with parents on 2<sup>nd</sup> February 2016 but no parents attended the meeting. The consultation document and public notices were published on Birmingham's Education Noticeboard for view by all schools. Due to the level of projected need for additional special school places, this proposal is not expected to cause any negative impact on any other special school.
- 5.10 Four responses (three from the same respondent) have been received in the consultation period to Brays School proposal –see Appendix 3. All responses have been in favour of the proposal. One respondent (who sent their response thrice) although in favour of the proposal raised concerns that the proposal may result in the closure of the main Brays Road site. An email response was sent on 11.2.16 to advise that there were no current plans for this.

- 5.11 Consideration has been paid to the travel arrangements of existing pupils across the two sites. Education Transport has been advised of the proposed changes and continues to work with EdSI and the school. Education Transport will continue to provide the home school transport level of provision that the children need to ensure that they can attend the two sites. The Local Authority's transport arrangements will apply where applicable. The School Travel Plan will be updated following the implementation of the changes to promote sustainable transport and reduce car use where possible and is currently in the process of being updated with the Local Authority in readiness
- 5.12 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 4. 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.

## **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 Should the proposal be rejected, the number of places available at Brays School will remain at the current level and the school will need to identify suitable alternative accommodation which could be unsettling for existing pupils.

## **7. Reasons for Decision(s):**

- 7.1 To enable Brays School, a community special school, to offer additional special school places in permanent improved accommodation circumstances.
- 7.2 To ensure that the needs of the children attending special schools in Birmingham are met in the best possible way, enabling additional places to be available for pupils requiring specialist education.

### **Signatures**

### **Date**

Cabinet Member, Children's Services

Cllr Brigid Jones: .....

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Strategic Director for People

Peter Hay: .....

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**List of Background Documents used to compile this Report:**

- Education and Inspections Act 2006
- School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2013
- Education Development Plan (Jan 2015)
- Edition 1 & 2 Birmingham Education Sufficiency Requirements (Nov 2013 / Jan 2015)
- School's Capital Programme 2015 – 2017

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

1. Copy of the full proposals
2. Copy of the public notice
3. Copy of consultation responses
4. Relevant Extract from Statutory Guidance on 'School Organisation – Maintained Schools: Annex B: Guidance for Decision Makers' issued by the DfE in January 2014

<b>Report Version</b>	<b>7</b>	<b>Dated</b>	<b>30<sup>th</sup> March 2016</b>
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