

# BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>The Leader and Cabinet Member for Children, Families and Schools jointly with the Strategic Director for People</b>
<b>Report of:</b>	<b>Executive Director for Education</b>
<b>Date of Decision:</b>	<b>July 2016</b>
<b>SUBJECT:</b>	<b>APPROPRIATION OF WARD END PARK HOUSE TO PROVIDE ADDITIONAL SPECIAL PUPIL PLACES</b>
<b>Key Decision: No</b>	<b>Relevant Forward Plan Ref:</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):</b>	<b>Councillor John Clancy, The Leader Councillor Brigid Jones, Cabinet Member, Children Families and Schools</b>
<b>Relevant O&amp;S Chairman:</b>	<b>Councillor Susan Barnett – Schools, Children and Families</b>
<b>Wards affected:</b>	<b>Washwood Heath</b>

<b>1. Purpose of report:</b>
1.1 To seek approval for the appropriation of Ward End Park House currently held in the Place Directorate portfolio, into People Directorate portfolio.
1.2 In line with the Schools Capital Programme 2015-17 report, approved by Cabinet on 27 <sup>th</sup> July 2015, the appropriation is required to provide suitable educational provision to meet the specific identified needs of children with Social and Emotional Mental Health Care Plans (SEMH).
1.3 To note that any future capital works required will be subject to appropriate Birmingham City Council gateway processes.

<b>2. Decision(s) recommended:</b>
That the Leader together with the Cabinet Member for Children, Families and Schools jointly with the Strategic Director for People:
2.1 Approve the appropriation of Ward End Park House, currently held in the Place Directorate portfolio to the People Directorate portfolio at a value of £200,000.
2.2 Authorise the City Solicitor to negotiate, execute and complete all necessary documentation to give effect to the above recommendation.

<b>Lead Contact Officer(s):</b>	Jaswinder Didially, Head of Education Infrastructure Robert Dalrymple, Education & Skills Infrastructure Lead Officer
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### **3. Consultation**

#### **3.1 Internal**

The Leader, together with the Chair of the Overview and Scrutiny Committee for Schools, Children and Families have been consulted and agree that the proposal may go forward for an executive decision. The (Acting) Strategic Director for Place, Ward Councillors for Washwood Heath and the Executive Member for Hodge Hill have also been consulted and support the proposal contained within the report. Officers from City Finance, Birmingham Property Services and Legal and Democratic Services have been involved in the preparation of this report.

#### **3.2 External**

Formal consultation for school organisation/expansion proposals will be pursued if recommendations within this report are approved.

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

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

This appropriation is required to enable the Local Authority to meet its 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). The Birmingham Special Education Development Plan (SEDP), approved by Cabinet on 16<sup>th</sup> February 2015, highlights the fact that the Special Educational Needs and Disability (SEND) population is predicted to increase and the existing specialist school provision is almost at full capacity. The SEND population is predicted to increase by approximately 10% in line with population growth by 2021. This translates into a likely additional 800–1,000 young people with SEND Statements or Education Health and Care Plans.

This appropriation will contribute to Council Business Plan 2016+ particularly with reference to Safety and Opportunity for all Children and a Great Future for Young People by ensuring that vulnerable children have access to suitable school places enabling them to benefit from education through investment at a neighbourhood school. The provision of additional places in permanent accommodation is also beneficial to the safeguarding of children as compared with temporary accommodation.

#### **4.2 Financial Implications**

The People Directorate will compensate the Place Directorate £200,000 for the current market value of Ward End House (as per Birmingham Property Services) in line with the City Council's appropriation policy. The funding for this project, including the appropriation and refurbishment, will be from the Basic Need (SSAP Phase 3) funding stream and will be subject to appropriate Birmingham City Council gateway processes. It is planned that this new facility, which will be managed by an existing special educational needs school, will lead to a reduction in out-of-City placements which will lead to revenue savings.

#### **4.3 Legal Implications**

This report exercises powers contained within section 122 of the Local Government Act 1972 whereby the local authority may appropriate land: transferring the allocation of the land from one purpose to another.

The Authority has statutory duties to secure sufficient school places and increase opportunities for parental choice (section 14, Education Act 1996); and to ensure fair access to educational opportunity (section 13A, Education Act 1996).

#### **4.4 Public Sector Equality Duty**

A Full Equality Analysis (EA0001202) was carried out in May 2016 for Education & Skills Infrastructure's Education Development Plan and Schools' Capital Programme 2016-17.

The outcomes from consultation demonstrate that proposed capital developments support positive outcomes for children, young people, their families and carers. No negative impact on people with Protected Characteristics was identified. It was concluded that sufficiency of educational places and opportunities for all children and young people contributes to providing positive life chances, and supports a positive approach to Safeguarding in Birmingham: actively reducing the number of children and young people out of school helps to mitigate risk to their safety and wellbeing.

**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 The Birmingham Special Education Development Plan (SEDP), approved by Cabinet on 16<sup>th</sup> February 2015, highlights the fact that the Special Educational Needs and Disability (SEND) population is predicted to increase and the existing specialist school provision is almost at full capacity. Birmingham is a young city and is getting younger - between 2000 and 2012 the number of children born in Birmingham increased by 25%. The SEND population is predicted to increase by approximately 10% in line with population growth by 2021. This translates into a likely additional 800–1,000 young people with SEN Education and Health Care Plans. The Schools' Capital programme provides a key opportunity to align capital investment into the education infrastructure with robust commissioning of places for young people with SEND in order to meet local need and population growth.
- 5.3 The increase in births has, in the main, been concentrated in areas which are already experiencing high pressure for school places due to the levels of newly arrived residents and the limited dispersion of immigrant communities into other areas; however, this pattern is now beginning to have an impact on other areas. The need for additional SEN places has grown at a higher rate than core need, and this has been evidenced in Birmingham's 2013 Joint Strategic Needs Analysis (SEN). The Schools' Capital Programme 2015-17 forecast an additional 220 pupils from May 2014-May 2016 in Cognition & Learning (C&L), Autism Spectrum Condition (ASC) and Social Emotional and Mental Health (SEMH) provision across all key stages as a result of population growth.
- 5.4 The Market Position Statement issued by SENAR in January 2016 highlights the need for the development of specialist provision for SEMH. The key objectives are:
- To maximize the placement of pupils with complex SEMH in localised school placements;
  - To work with existing providers to increase their capacity where it is deemed good or outstanding and to encourage Birmingham special schools to create specialist capacity;
  - To explore external partnerships where necessary to create additional local SEMH specialist provision.
- 5.5 There are currently insufficient special school places in the maintained sector to meet SEMH demand and there is a growing complexity of need that existing SEMH providers feel unable to provide. This leads to a rise in out of City placements resulting in increased costs for the City. Most placements at independent schools are also spot purchased.
- 5.6 The current location of the four maintained sector schools for SEMH need are south of

the City. Three of these schools are situated outside the City boundary. Needs analysis confirms that pupils attending these schools have home addresses across the City and there is, therefore, potential for revenue savings by utilising more local facilities.

5.7 Ward End Park House is a Grade II listed building located within Ward End Park. It was previously used as office accommodation by the Place Directorate and also as teaching space for the Birmingham Adult Education service up until its closure in February 2015. The property was declared surplus to requirements in an Executive decision on 14<sup>th</sup> July 2014.

5.8 A feasibility study has been undertaken on the property and it has been deemed suitable, after appropriate refurbishment, to provide accommodation for pupils with special needs, in particular those with SEMH needs. Whilst located within Ward End Park, the building and a defined area of land can be suitably separated from the park thus isolating any safeguarding issues. The location is also relatively central and therefore easy to access.

5.9 The additional accommodation that Ward End Park House would provide will enable the City to fulfil its statutory duty to provide sufficient and appropriate pupil places as well as promoting diversity and increasing parental choice. This facility will be managed by an existing school to be confirmed in due course.

5.10 Once appropriation has been agreed and the scope of works confirmed, future capital works will be subject to appropriate Birmingham City Council gateway processes.

## **6. Evaluation of alternative option(s):**

6.1 The option of doing nothing would mean the City Council would be in breach of its statutory obligation to provide appropriate school places.

6.2 It has not been possible to identify a suitable alternative site in that locality.

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

7.1 To enable the City Council to fulfil its statutory duty to provide sufficient and appropriate school places for SEMH pupils.

## **Signatures**

Cabinet Member, Children, Families & Schools, Cllr Brigid Jones

..... Date: .....

Strategic Director, People, Peter Hay

..... Date: .....

The Leader, Cllr John Clancy

..... Date: .....

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

The Birmingham Special Education Development Plan (SEDP), Cabinet Report approved 16<sup>th</sup> February 2015

Schools' Capital Programme 2015-17 – Cabinet Report approved 27<sup>th</sup> July 2015

Market Position Statement – the development of specialist provision for Social Emotional Mental Health (SEMH) Needs – January 2016.

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

1. Site Plan of Ward End Park House

<b>Report Version</b>	<b>6</b>	<b>Dated</b>	<b>11/07/16</b>
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