

BIRMINGHAM CITY COUNCIL**PUBLIC REPORT**

Report to:	CABINET MEMBER FOR CHILDREN, FAMILIES & SCHOOLS JOINTLY WITH THE STRATEGIC DIRECTOR FOR PEOPLE
Report of:	Assistant Director for Education Infrastructure and Early Years
Date of Decision:	January 2017
SUBJECT:	PROPOSAL TO EXPAND MOOR HALL PRIMARY SCHOOL BY ENLARGEMENT
Key Decision: No	Relevant Forward Plan Ref:
If not in the Forward Plan: (please "X" box)	Chief Executive approved <input type="checkbox"/> O&S Chairman approved <input type="checkbox"/>
Relevant Cabinet Member(s):	Councillor Brigid Jones, Cabinet Member Children Families and Schools
Relevant O&S Chairman:	Councillor Susan Barnett, Schools, Children and Families Overview and Scrutiny Committee
Wards affected:	Sutton Trinity

1. Purpose of report:

- 1.1 To seek determination of the statutory proposal to permanently expand Moor Hall Primary School by enlargement of 30 places in each year group (additional one form entry; 1FE) with effect from 1st September 2017. If approved, it is intended that the school will grow year-on-year with an admission of up to 60 places (2FE) into Reception from September 2017 and continue to admit up to 60 places (2FE) into Reception each year thereafter.

2. Decision(s) recommended:

That the Cabinet Member for Children, Families and Schools, jointly with the Strategic Director for People:-

- 2.1 Approve, having taken account of the statutory guidance, the proposal to expand Moor Hall Primary School by enlargement, thereby increasing the capacity of the school by 30 places per year group (210 pupils in total) starting with effect from 1st September 2017.

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3. Consultation

3.1 Internal

During the pre-statutory and statutory consultation periods, information about the proposal was shared with the following consultees: Executive Member for Sutton Coldfield, Ward Councillors for Sutton Trinity and relevant officers across the Local Authority (LA). The information was shared by email on the 26th September 2016 as part of the pre-statutory period and again on 3rd November 2016 as part of the statutory period when members were invited to comment. A copy of the full proposal documents are in Appendix 1.

3.2 External

The proposal has been fully consulted upon in line with the requirements set out in statutory guidance "Making 'prescribed alterations' to maintained schools – statutory guidance for proposers and decision-makers" published by the Department for Education (DfE) in April 2016. See Appendix 5 for an extract of this guidance.

A pre-statutory consultation was carried out from the 26th September 2016 in line with DfE best practice. Information about the proposal was publicised to the following consultees: parents, teaching staff, non-teaching staff and governors of Moor Hall Primary School. The proposal document was publicised in the following ways: addressed letters, information displayed on the school website and at a public meeting at the school. Please see Appendix 3 for a copy of the pre-statutory document that was shared.

A four week representation period commenced on 3rd November 2016 through the publication of a statutory notice. During this statutory consultation period, information about the proposal was publicised to the consultees from the pre-statutory period and the following additional consultees: Birmingham Schools, neighbouring Local Authorities, The Archdiocese, The Anglican Diocese of Birmingham, trade unions and Member of Parliament for Sutton Coldfield. All consultees were invited to comment. The information was publicised in the following ways: public notice displayed at the school, the school's webpages, a public notice in the Birmingham Post newspaper, the LA BeHeard webpage, the LA Education Notice Board, emails and at a public meeting at the school. Please see Appendices 1 and 2 for a copy of the full proposal and public notice. 41 responses were received in total. Responses to the consultation and an analysis of those responses are included in Appendix 4 to this report.

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 LA to meet its statutory duty to provide pupil places and to promote diversity and increase parental choice in planning and securing provision of school places (Section 14 Education Act 1996 and Education & Inspections Act 2006). The proposal for expansion of Moor Hall Primary School falls in line with the Additional Primary Places Programme to enhance the school offer and access to outstanding school provision for local pupils and their families.

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

The expansion of the school, along with the associated remodelling work, is part of Phase 6 of the Additional Primary Places Programme (APP6) and will be funded through DfE capital allocation for Basic Need. The project will be managed by Education and Skills Infrastructure (EdSI) in conjunction with ACIVICO and delivered through the Construction West Midlands (CWM) framework.

The existing bulge-class at the school (year 3 September 2016) was accommodated within a temporary Learning Chalet erected on the school site.

Project costs for Moor Hall Primary School are estimated at £3.1M. The Full Business Case will be brought to Cabinet in due course to approve the construction work necessary to create the additional accommodation required for the permanent expansion from September 2017. Cabinet approved the School Capital Programme 2016-2017 on 28th June 2016. All other previous school expansions up to and including 2015 have been approved by Cabinet.

Revenue funding for the additional pupils will be from the Dedicated School Grant (DSG) and generated through the relevant and prescribed DSG formulas for mainstream provision.

4.3 Legal Implications

This report exercises powers contained within section 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 LA has the power to make statutory proposals affecting schools in its area and to determine them.

4.4 Public Sector Equality Duty (see separate guidance note)

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 LA has a statutory duty to provide pupil places and to secure diversity in the provision of schools and increase opportunities for parental choice (Section 14(3A) Education Act 1996 and Education & Inspections Act 2006).
- 5.2 Annual receipts of birth data provided by the Office of National Statistics have evidenced a sustained increase since 2001 and the number of young people in the city therefore has increased considerably. Combined with increasing levels of cohort growth due to migration, there is considered to be an ongoing need to provide additional primary school places across the city. Edition 3 of the Education Sufficiency document dated November 2015 detailed the impact of increased birth rates and increased cohort growth in areas of Birmingham on the supply of mainstream school places. Forecasts demonstrate the need for additional primary places in Sutton Coldfield to meet current and forthcoming demand. In response to this a planned programme of additional places has been implemented.
- 5.3 All schools were invited to submit an Expression of Interest (EOI) if they were interested in providing additional primary school places. The Governing Body of Moor Hall Primary School submitted an EOI. The EOI was reviewed and approved by a panel in April 2016. After an evaluation and relevant due diligence checks, the school was: considered to be in the right locality to meet the requirements, operating at an Ofsted rating of Outstanding, able to accommodate additional class-bases and popular with local families. The potential for overprovision in neighbouring schools was also reviewed and it was considered appropriate to continue with a proposal for permanent expansion at the school from 2017 in order to meet local demand. In the meantime the school was able to assist with responding to in-year pressures and was able to offer an additional 30 places in year 3 in September 2016, accommodated within a temporary Learning Chalet erected on the school site

- 5.4 The proposal for expansion at the school has been developed with the support of LA officers and its Governing Body; with EdSI leading the project.
- 5.5 In compliance with DfE guidance, a pre-statutory consultation was carried out on the proposal between 26th September 2016 and 24th October 2016 including the consultees noted in section 3 of this report. A public meeting was held at the school on 3rd October 2016 which was attended by local stakeholders including residents, the school and Governing Body leadership, Ward Councillors and LA officers. A summary of the themes from the pre-statutory consultation meeting, including responses from officers and the school can be found in Appendix 4.
- 5.6 In compliance with DfE guidance, a statutory consultation was carried out on the proposal for four weeks between 3rd November 2016 and 1st December 2016 which included all consultees noted in section 3 of this report. The statutory consultation commenced with a notice for the expansion of Moor Hall Primary School being published on 3rd November 2016. During the four week representation period comments on the proposal could be submitted to EdSI or the school in writing via the BeHeard webpages, email or letter. A copy of the public notice and full proposal can be found within Appendices 1 and 2. A public meeting was held at the school on 8th November 2016 which was attended by local stakeholders including residents, the school and Governing Body leadership, Ward Councillors and LA officers. LA officers reported that no new themes or responses were raised or recorded, further to those captured during the pre-statutory meeting.
- 5.7 41 responses were received regarding the proposal to expand Moor Hall Primary School during the statutory consultation representation period. A quantitative and qualitative analysis and copy of all responses received are included in Appendix 4.
- 5.8 The feedback from the consultation has been fully considered. A summary of responses concludes that there are benefits to the school and the local community for parent choice and demand for school places. The broad concerns from the stakeholders were about how the project would be delivered, the impacts on education of existing pupils at the school, health, safety and wellbeing, travel and transport on and outside the school site. Many comments received are pertinent to the planning process: e.g. traffic, parking, design and build and impact on local residents. The planning process is a separate consultation carried out and publicised by colleagues in Planning and Regeneration and will be an opportunity for local residents and stakeholders to submit or resubmit pertinent comments at that stage.
- 5.9 The LA has confidence in the leadership team at the school to support the expansion. EdSI officers will be managing the building programme and will ensure that the school accommodation (internal and external) meets national guidelines.
- 5.10 Should this proposal be approved, full expansion is planned for delivery from 1st September 2017. A Full Business Case will be brought to Cabinet in due course for the relevant construction work necessary to create the additional accommodation required for September 2017 and subsequent year groups.
- 5.11 Regulation 7 of the Prescribed Alterations Regulations provides that the Local Authority is required to have regard to relevant statutory guidance when taking a decision on such proposals. The relevant extract of the statutory guidance is attached at Appendix 5. 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 on the proposed expansion at Moor Hall Primary School is for it to be approved; alternatively, in line with the statutory guidance, the proposals may be approved with modification, approved subject to meeting a prescribed condition, or rejected.

6.2	Should the proposals be rejected, the number of places available at Moor Hall Primary School will remain at the current level and the additional pupils, taken in the bulge-class to date, will work through the school. In light of school forecasts, this may mean that going forward some children in the area will be unable to secure a place at a local school and therefore have to travel some distance to an alternative school. There is a risk that by failing to implement this proposal, the LA would fail to meet its statutory duty to provide a school place to each child of compulsory school age living in Birmingham.
6.3	The consequences for a LA failing to provide sufficient school places are potentially severe and could lead to significant financial costs. Parents could pursue a judicial review at which the LA would be liable for its own and the parents' legal costs, the Local Government Ombudsman could recommend financial compensation be paid to parents whose children cannot be offered a school place and the likely increase in successful appeals could mean that measures have to be taken to mitigate infant class size breaches such as providing new teachers or new classrooms.

7. Reasons for Decision(s):	
7.1	To enable Moor Hall Primary School to offer additional school places in line with the LA's Basic Need Programme.
7.2	To ensure the LA is able to meet its statutory duty to provide all Birmingham pupils of compulsory school age with a school place, and ensure that local residents have access to a local school for their children.

Signatures	<u>Date</u>
Cabinet Member, Children, Families and Schools: Cllr Brigid Jones
Strategic Director, People: Peter Hay

List of Background Documents used to compile this Report:
Education and Inspections Act 2006 "Making 'prescribed alterations' to maintained schools – statutory guidance for proposers and decision-makers" published by the Department for Education (DfE) in April 2016. Edition 3 Birmingham Education Sufficiency Requirements (Nov 2015) Schools' Capital Programme 2016-2017

List of Appendices accompanying this Report (if any):
1. Full (Statutory) Proposal Document 2. Public Notice 3. Pre-statutory Proposal Document 4. Consultation Analysis and Responses 5. Extract DfE Guidance (<i>Relevant guidance from "Making 'prescribed alterations' to maintained schools – statutory guidance for proposers and decision-makers" published by the Department for Education (DfE) in April 2016</i>)

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