

Birmingham City Council

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

June 2019



Subject: PROPOSAL TO INCREASE THE NUMBER OF PUPIL PLACES AT THE PINES SCHOOL

Report of: Interim Assistant Director for Education and Early Years

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

Relevant O &S Chair(s): Councillor Kath Scott – Education and Children’s Social Care

Report author: Jaswinder Didially
Head of Service, Education Infrastructure;
Telephone No: 0121 303 8847
E-mail address: jaswinder.didially@birmingham.gov.uk

Are specific wards affected? ☒ Yes ☐ No – All wards affected

If yes, name(s) of ward(s): Stockland Green is the ward most likely to be affected but pupils travel from across the city to access this specialist provision.

Is this a key decision? ☐ Yes ☒ No

If relevant, add Forward Plan Reference:

Is the decision eligible for call-in? ☒ Yes ☐ No

Does the report contain confidential or exempt information? ☐ Yes ☒ 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:

- Increase the number of pupil places that The Pines School can offer from 190 to 230 with effect from 1st September 2019.

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 increase the number of pupil places that The Pines School can offer from 190 to 230 with effect from 1st September 2019.

3 Background

- 3.1 The Local Authority has a statutory duty to provide pupil places and to promote diversity and increase parental choice in planning and securing the provision of school places (Section 14(3A) Education Act 1996).
- 3.2 The Local Authority is proposing the increase of pupil numbers at The Pines School in line with their Strategy for Special Educational Needs and Disability (SEND) and Inclusion. In order to accommodate the growth in demand for special school places a planned programme of additional special places is being implemented as a priority.
- 3.3 The Pines School is a foundation special school in the Stockland Green ward of the Erdington district of Birmingham. The school can offer up to 190 places for pupils aged 2 -16 years with a statement of special educational need or Education, Health and Care Plan (EHCP) for Autistic Spectrum Condition (ASC). The school currently caters for 130 primary aged pupils and up to 60 secondary aged pupils.
- 3.4 The Pines School was inspected by OFSTED on 16th January 2014 and received a judgement of "Outstanding".
- 3.5 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 as part of their local community.
- 3.6 The proposal will increase the number of secondary pupil places at The Pines School from 60 up to 100. This will help address the shortage of secondary places for children with a statement of special educational need or an EHCP for ASC. It will allow more pupils to remain at The Pines School until they are 16 instead of transferring to a new provision at 11.
- 3.7 If approved, this proposal will lead to the improvement in standard, quality and range of educational provision for pupils with a statement of special educational need or EHCP for ASC by increasing the number of secondary places in an "Outstanding" provision.
- 3.8 The impact on transport and travel will be minimal as it is planned that the places will be provided on a phased basis through the Local Authority's Special Educational Needs Assessment and Review (SENAR) team.
- 3.9 Capacity was created as part of the last school organisation proposals which were to relocate the school, alter the upper age range from 11 to 16 so as to offer

secondary provision and increase the number of pupil places from 95 to 190 (35 additional primary places, and 60 new secondary places.) These proposals were approved on 18th August 2016.

- 3.10 The cost of the recent refurbishment works were included in the most recent Cabinet Member Chief Officer report “3rd Floor Refurbishment of The Pines School – full business case and contract award” which was approved on 20th December 2018.
- 3.11 In compliance with DFE guidance, a pre-publication letter was sent out to parents/pupils/staff week ending 15th February 2019 advising of the forthcoming statutory consultation and inviting any immediate comments or questions by 8th March 2019. A statutory notice and proposal were published and the representation period was between 14th March 2019 to 12th April 2019 (four weeks). The representation period commenced with the publication of a statutory notice in the Birmingham Post. 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 notice can be found within Appendices 1 & 2.
- 3.12 At the close of the representation period, 5 responses were received regarding the proposal. Of the 5 responses received 1 was opposed and 4 were in favour.
- 3.13 The quantitative analysis and copies of the comments received (anonymised) can be found in Appendix 3 of this report. 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.
- 3.14 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.
- 3.15 If the proposals are approved, the overall number of places that the Pines School can offer will be 230. Of these places, the number of secondary school places that The Pines School can offer will be increased to 100. These places will be offered on a gradual basis.

4. Options considered and Recommended Proposal

- 4.1 Should the proposals be rejected, the number of pupil places that The Pines School can offer will remain at 190, of which 60 places are for secondary aged children. Future alternative secondary places for pupils with a statement of special educational need or EHCP for ASC will need to be found. As there is currently a

shortage of these places in Birmingham, it will mean that children with ASC needs may have to travel further to a suitable placement. It may also increase the Council's reliance on out of city independent provision if sufficient places are not available within the Birmingham maintained, Academies and Free School provision 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 Councillors 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 both 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 Councillors;
- All Birmingham Members of Parliament.

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.

- 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

- 6.1 Due to the current shortage of ASC secondary places across the City, should the additional places not be provided at The Pines School, alternative provision for secondary pupils with ASC will need to be found. It will mean that pupils who may have had the opportunity to remain at The Pines School until they are 16 will have to transfer to a new provision at age 11. It will mean that children with ASC needs may have to travel further to a suitable placement. This 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 Local Authority has a statutory duty to provide pupil places and to promote diversity and increase parental choice in planning and securing the provision of school places (Section 14(3A) Education Act 1996).
- 7.1.2 The Local Authority is proposing the increase of pupil number at The Pines School in line with their Strategy for Special Educational Needs and Disability (SEND) and Inclusion. To accommodate the growth in demand for special school places a planned programme of additional special places is being implemented as a priority.

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 foundation special school can propose to increase the number of pupils places 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

- 7.3.1 The cost of the recent refurbishment work was included in the Cabinet Member and Chief Officer report: "3rd Floor Refurbishment of The Pines School – full business case and contract award" which was approved on 20th December 2018. Revenue costs arising from the increase in pupils will be funded from the Dedicated School Grant High Needs block
- 7.3.2 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)

Not applicable

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.
- Cabinet Member and Chief Officer Report 20th December 2018: 3rd Floor Refurbishment of The Pines School – full business case and contract award

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.