

Birmingham City Council

Report to Cabinet Member for Education, Skills and Culture

Date: November 2019



Subject: PROPOSAL TO TRANSFER SKILTS SPECIAL SCHOOL TO A NEW SITE AND INCREASE PUPIL NUMBERS

Report of: Dr Tim O'Neill
Director of Education and Skills

Relevant Cabinet Member: Cllr Jayne Francis - Education Skills and Culture

Relevant O & S Chair(s): Cllr Kath Scott - Education and Children's Social Care

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Are specific wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s): Glebe Farm & Tile Cross		
Is this a key decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, add Forward Plan Reference:		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> 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:

- To transfer Skilts Special School from Gorcott Hill, Redditch, Worcestershire B98 9ET to a new site at Hallmoor Road, Birmingham B33 9QY with effect from 1st September 2021.

- To increase the number of places from 64 to 90 with effect from 1st January 2020.
- To increase the number of places from 90 to 120 with effect from 1st September 2021.

2 Recommendations

That the Cabinet Member for Education, Skills and Culture;

- 2.1 Approves, having taken into account the statutory guidance, the statutory proposal to transfer Skilts Special School to a new site and increase pupil numbers, subject to all other relevant approvals being in place (i.e. Cabinet approval for the related build scheme).

3 Background

- 3.1 Skilts Special School is a community special school located outside the city boundary at Gorcott Hill in Worcestershire. The school is one of 27 Birmingham schools dedicated for pupils with special educational needs or disabilities (SEND). The school currently offers up to 64 places for pupils with Education, Health and Care Plans (EHCP) for Social Emotional and Mental Health needs (SEMH). Pupils are aged between 5 and 11 years. Skilts Special School received Ofsted rating of “inadequate” when they were inspected on 5th December 2017.
- 3.2 The school is subject to a directive academy order which means it must convert from a community special school to academy status. The target date for conversion is on or after 1st September 2021 to the Forward Education Trust. Members of the Trust are supporting the school with their educational improvement until the conversion to academy status is complete.
- 3.3 The school building is now reaching the end of its life as an education facility and the Local Authority cannot continue to maintain the building to a reasonable standard. The proposal is now to replace the building in its entirety. If new accommodation is not provided, the school buildings will eventually have to close as they will be beyond repair and no longer be a safe environment for learning.
- 3.4 It is proposed that a new purpose built school will be created on Hallmoor Road site which is in the Glebe Farm & Tile Cross ward and is 12.5 miles in a straight line distance from the Gorcott Hill site. The Hallmoor Road site is owned by Birmingham City Council and is within the Education and Skills property portfolio. The new build can take place without any interruptions to the pupils’ education and the transition to the new site can be handled with sensitivity to the pupils needs.
- 3.5 If the proposals are approved, it is intended that the transfer of Skilts Special School to the new site at Hallmoor Road will be implemented from 1st September 2021.
- 3.6 The cost and source of funding for this project are described in section 7.3 of this report.
- 3.7 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 and as part of

their local community. As the school provides education for pupils from across the whole of Birmingham, relocating the school within the city boundary should have a positive impact on the time pupils spend travelling to school.

- 3.8 The Local Authority transport arrangements for children with special needs will apply (Travel Assist). Travel Assist will be fully engaged and advised of the proposed changes and will support any necessary changes to travel plans and arrangements. The school will continue to update their travel plan, as and when required.
- 3.9 The Local Authority has a statutory duty to ensure sufficient pupil places, secure diversity of provision and increase opportunities for parental choice by planning and securing additional provision. This duty extends to our landlord responsibility to maintain the Education property portfolio to prevent school closure and asset failure, so improving safeguarding for children.
- 3.10 The proposed changes at Skilts Special School are considered appropriate for the current pupils at the school and is part of a programme to enhance the overall school accommodation solution for pupils of the school now and in the future. The new site will be new-build and fit-for-purpose accommodation to meet the needs of key-stage 1 and 2 pupils.
- 3.11 There is a need for more SEMH places in the city and the proposed new site and newly built school will create the opportunity to increase the number of pupils up to 120 from 1st September 2021.
- 3.12 The local authority will continue to do remedial work on the current school buildings to remain operational until a new building can be provided. This remedial work creates the opportunity to increase the number of pupil places from 64 up to 90 with effect from 1st January 2020. This is considered appropriate to meet the immediate demand for SEMH provision and safeguarding of pupils with members of the Forward Education Trust supporting the school with their educational improvement until the conversion to academy status is complete.
- 3.13 In compliance with DFE guidance and best-practice, a statutory pre-publication consultation was completed for the proposal during June and July 2019. Letters were sent to pupils, parents/carers and staff, advising of the forthcoming formal proposals.
- 3.11 In compliance with DFE guidance, a statutory notice and proposal were published and the representation period was between 12th September 2019 and 10th October 2019 (four weeks). The representation period commenced with the publication of a statutory notice in the Birmingham Post.
- 3.12 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**.
- 3.13 At the close of the representation period, 17 responses were received regarding the proposal. Of the 17 responses received 13 were in favour and 4 were against. A quantitative and qualitative analysis and copies of the comments received can be found in **Appendix 3** of this report.

- 3.14 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.
- 3.15 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.
- 3.16 If the proposals are approved, Skilts Special School will increase the number of pupils up to 90 with effect on 1st January 2020; the school will relocate to a new site in a new purpose-built school at Hallmoor Road and increase the number of pupils up to 120 with effect on 1st September 2021.
- 3.17 The implementation of this school organisation proposal would be on the condition that all other relevant approvals are in place, including Cabinet approval for the capital build scheme.

4 Options considered and Recommended Proposal

- 4.1 The option of doing nothing would mean that the City Council would fail to meet its statutory obligation in providing sufficient pupil places and suitable accommodation to meet the needs of the pupils.
- 4.2 The refurbishment and expansion of the current building has been discounted as the current building is beyond economical repair and the only option is to replace the buildings in entirety.
- 4.3 It is recommended that the proposal to transfer Skilts Special School to a new site and increase pupil numbers be approved. This will provide new fit-for-purpose accommodation that improves and increases the available provision for SEMH pupils.

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 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, and 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 Local Councillors
- All Birmingham Members of Parliament
- MP for Stratford Upon Avon
- The Department for Education-School Organisation

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.
- Emails to stakeholder groups

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

Should the proposals to transfer Skilts Special School to a new site not be approved there is a high risk of the following;

- The school may close due to health and safety reasons.
- Alternative places would need to be found for the current and future pupils of Skilts Special School. This may increase the Council’s reliance on independent provision if sufficient places are not available within the maintained, Academies and Free School sector which 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 These proposals support the Council’s Vision and Forward Plan priorities for Children, particularly, “A great place to grow up in by providing an environment where children have the best start in life and are able to realise their full potential through great education”.

- 7.1.2 These proposals enable the Local Authority to meet its statutory duty to ensure that there are sufficient pupil places, secure diversity of provision and increase opportunities for parental choice through planning and securing additional provision (Section 14, Education Act 1996 and Education and Inspections Act 2006). This duty extends to our landlord responsibility to maintain the Education property portfolio to prevent school closure and asset failure, so improving safeguarding for children.
- 7.1.3 The Skilts Special School building can no longer be maintained to a reasonable standard and would ultimately become unsustainable and a health and safety risk so would have to close.
- 7.1.4 The proposed changes are considered appropriate for the current pupils at Skilts Special School and is part of a programme to enhance the overall school accommodation solution for pupils in the city that require SEMH provision.
- 7.1.5 The new site will be within the city boundary and support the local authority's intention to provide pupil places in the areas that they are needed; helping children to attend a school nearer to home and as part of their local community.

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 Community Special School can propose to transfer the school to a new site and an increase to pupil numbers in a special school 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 for this project will be from School Condition Allocation, Special Provision Fund and Basic Need. The funding is based on creating a new building to accommodate the proposed increase of up to 120 pupils. The expected cost of the project is £15.766m. The full details of the cost of the project and source of funding will be included in a report to Cabinet on 17th December 2019. Relevant approval for the allocation of School Condition Allocation, Special Provision Fund and Basic Need will be sought in line with BCC gateways and approvals. Revenue costs arising from any increase in pupils would be funded from the Dedicated School Grant - High Needs Block. 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)

- 7.4.1 Not applicable.

7.5 Human Resources Implications (if required)

7.5.1 There may be an impact on some staff due to the change of working location. The new site is 12.5 miles from the old site. Any changes to existing terms and conditions resulting from the transfer of site will be with full consultation with the trade unions and teaching associations. A new purpose-built school may offer new opportunities for professional development.

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. Appendices:

1. Full Proposal Document
2. Public Notice
3. Statutory Consultation Results
4. Guidance for Decision Makers
5. Ward Councillors Consulted.

9. Background 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.