

**BIRMINGHAM CITY COUNCIL**

**PUBLIC**

**Report to:** **CABINET MEMBER FOR CHILDREN, FAMILIES AND SCHOOLS JOINTLY WITH THE CORPORATE DIRECTOR FOR CHILDREN AND YOUNG PEOPLE**

**Report of:** **Assistant Director 14-19 Education Pathways**

**Date of Decision:** **4 December 2017**

**SUBJECT:** **PROPOSAL TO ALTER THE LOWER AGE LIMIT AND INCREASE THE NUMBER OF PUPIL PLACES AT LINDSWORTH SCHOOL.**

**Key Decision: No** **Relevant Forward Plan Ref: N/A**

**If not in the Forward Plan:** **Chief Executive approved**   
**(please "X" box)** **O&S Chair approved**

**Relevant Cabinet Member(s) or Relevant Executive Member:** **Councillor Carl Rice, Children, Families and Schools**  
**Relevant O&S Chair:** **Councillor Susan Barnett, Schools, Children and Families.**

**Wards affected:** **Brandwood**

**1. Purpose of report:**

1.1 To seek the determination of the statutory proposal to:

- Alter the lower age limit of Lindsworth School from 11 years to 9 years old. This will allow the School to offer primary education. The current age range of the School is 11 to 16 years. The proposed age range will be 9 to 16 years.
- Increase the number of pupils from 113 to 138 on a phased basis with effect from January 2018.

**2. Decision(s) recommended:**

That the Cabinet Member for Children, Families and Schools jointly with the Corporate Director for Children and Young People:

2.1 Approve, having taken account of the statutory guidance, the statutory proposal to alter the age range to 9 - 16 years and thereby increase the number of pupils on a phased basis to 138 at Lindsworth School with effect from January 2018.

**Lead Contact Officer(s): Jaswinder Didially: Head of Service, Education Infrastructure**

**Lucy Dumbleton: School Organisation Manager, Education Infrastructure**

**Telephone No: 0121 303 8847**

**E-mail address: [jaswinder.didially@birmingham.gov.uk](mailto:jaswinder.didially@birmingham.gov.uk)  
[lucy.dumbleton@birmingham.gov.uk](mailto:lucy.dumbleton@birmingham.gov.uk)**

### **3. Consultation:**

#### **3.1 Internal**

3.1.1 During the pre-statutory and statutory consultation periods, information about the proposal was sent to the Executive Member for Selly Oak and Ward Councillors for Brandwood together with a number of officers from services across Birmingham City Council which included Admissions, Finance, Education Infrastructure, School and Governor Support, Human Resources, Legal, Planning, Research and Statistics, Information Officers, Children and Young People, Special Educational Needs Assessment and Review (SENAR), District Engineers and Education Transport. The information was sent by email. Details of the responses received and outcome of the internal consultation is set out in Section 5 of this Report and in Appendix 6 to this Report.

#### **3.2 External**

3.2.1 The proposal has been fully consulted upon in line with the requirements set out in the 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. A copy of an extract of this guidance can be found in Appendix 5.

3.2.2 During the pre-statutory consultation period, information about the proposal was publicised to the parents, teaching staff, non-teaching staff, governors of Lindsworth School and the Member of Parliament for Selly Oak.

3.2.3 The draft proposal document (Appendix 1) was publicised in the following ways:

- addressed letters sent with a copy of the proposal;
- information displayed on the school website; and
- by emails.

3.2.4 The statutory consultation ran for four weeks from 14<sup>th</sup> September 2017 to 12<sup>th</sup> October 2017. During the statutory consultation period, information about the proposal was publicised to all stakeholders consulted during the pre-statutory consultation and the following additional consultees:

- Birmingham Schools;
- Neighbouring Local Authorities;
- The Archdiocesan and The Anglican Diocese of Birmingham;
- Trade unions; and
- The NHS.

3.2.5 The information was publicised in the following ways:

- Public notice displayed at the school;
- On the school's webpages;
- Public notice in Birmingham Post newspaper;
- On Birmingham City Council BeHeard webpage;
- On the Birmingham City Council School Notice Board; and
- By emails.

3.2.6 A copy of the Full Proposal document can be found in Appendix 2 and the Public Notice in Appendix 3. The outcome of the external consultation is set out in Section 5 of this Report and in Appendix 4 to this Report.

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

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

4.1.1 Once implemented, these proposals will support the Local Authority 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 facilitates discharge of this statutory duty through the Birmingham City Council programmes for Additional Primary Places (APP) and Special Schools Additional Places (SAPP). Lindsworth School is a city-wide provision for pupils with Social Emotional and Mental Health (SEMH) needs. The changes would support the strategic aim to increase local provision by supporting the SEMH needs of pupils who currently travel a long distance to access provision outside the city or spend a significant time out of full time education.

##### **4.2 Financial Implications**

4.2.1 The current building configuration can accommodate the increase in numbers and the Key Stage 2 cohort. It was remodelled as part of Phase 6 of the Additional Places Programme (APP6) and Special Schools Additional Places Programme (SSAP). The project costs were £700,000 and were funded through DfE capital allocation for Basic Need. Approval to spend this money was granted by Cabinet on 18<sup>th</sup> April 2017. Revenue costs arising from the increase in pupils will be funded from the Dedicated School Grant High Needs block

##### **4.3 Legal Implications**

4.3.1 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"), by which the Local Authority has the power to make statutory proposals affecting schools in its area and to determine them.

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

4.4.1 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:**

- 5.1.1 The Local Authority 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).
- 5.1.2 Lindsworth School is a community special school that provides education for up to 113 pupils between the ages of 11 – 16 years who have a Statement of Special Educational Needs or Education, Health and Care Plan (EHCP) for SEMH. The School is federated and shares an Executive Head Teacher and Governing Body with Springfield House School in Knowle. Springfield House School is a primary aged community special school for pupils between the ages of 4 – 11 years who have a statement of special educational needs or EHCP for SEMH.
- 5.1.3 The prescribed changes are being proposed at Lindsworth School in line with the Local Authority's Special School Additional Places Programme. There is currently a significant shortage of specialist provision for pupils with SEMH needs. This results in pupils travelling long distances to attend appropriate provision or being temporarily educated in a provision that may not meet their needs.
- 5.1.4 All schools are invited to submit an Expression of Interest (EOI) to provide additional places. The Executive Head and Governing Body of Springfield House and Lindsworth School submitted an EOI to the Local Authority to accommodate Key Stage 2 pupils in a vacant teaching block on the Lindsworth School site. This block was refurbished as a temporary annex of Springfield House School as a reactive measure to accommodate pupils with a statement of special educational needs or EHCP for SEMH who were out of school.
- 5.1.5 As the need for additional KS2 places was deemed to be a permanent requirement, it was agreed by all parties that Lindsworth School was in a good position to meet the requirements and a more suitable solution would be for Lindsworth School to increase their numbers by altering their age range from 11- 16 years to 9 – 16 years. This alteration would allow them to take Year 5 and 6 pupils. The proposal will see the numbers at the school increase on a phased basis from the current 113 places to 138 places when the school is operating at the full capacity.
- 5.1.6 The alteration to the age range will help address the shortage of primary places for children with statements of special educational needs or EHCP's for SEMH, allow more pupils access to a range of high quality provision and will allow the school to extend its curriculum, and provide support for children approaching secondary age, by supporting the transition process of pupils from primary to secondary education.
- 5.1.7 It is expected that there will be a net saving on both transport costs and travel distances as these additional places are being created nearer to the pupils' residential address. These additional places will be created on a phased basis by SENAR and so the school will continue to update their travel plan as and when required. The Local Authority transport arrangements for children with special needs will apply in line with the Travel Assist Policies.
- 5.1.8 The Local Authority has confidence in the leadership team at the school to support the expansion following evaluation of the school's EOI against the Basic Need criteria as follows:
  - i) Location in relation to specific need and locality;

- ii) Standards in the school (it is expected that schools that expand will be Outstanding or Good);
- iii) Building feasibility: the capacity of the school to provide suitable accommodation on the site, within existing space and within planning constraints;
- iv) Flexible and innovative offer; and
- v) Collaborative working.

The proposal for how changes could be delivered was developed by Education Infrastructure with the support and collaboration of Local Authority officers in particular SENAR, partner organisations and the leadership and governing body of Lindsworth School.

- 5.1.9 In compliance with DFE guidance and best-practice, a pre-statutory consultation was completed for the proposal between 19<sup>th</sup> June 2017 and 25<sup>th</sup> July 2017, to engage stakeholders before statutory publication of the final proposal (as set out in section 3 of this report). During this period a visit to the school was requested by the local councillors. Councillor Barry Henley, Councillor Mike Leddy and Member of Parliament, Steve McCabe, visited Lindsworth School on 14<sup>th</sup> July 2017 to see and hear about the changes being proposed. Councillors Barry Henley and Mike Leddy later expressed the usefulness of the visit and their support for the proposed increase in provision (please refer to Appendix 1: Draft Proposal document).
- 5.1.10 In compliance with DfE guidance, a statutory consultation was completed for the proposal between 14<sup>th</sup> September 2017 and 12<sup>th</sup> October 2017 (four weeks). The statutory consultation (representation period) commenced with a statutory notice for the alteration to the lower age limit and increase in the number of pupil places at Lindsworth School being published on 14<sup>th</sup> September 2017. During the four week representation period comments on the proposal could be submitted in writing to Education and Skills Infrastructure or the school, via the BeHeard webpages, email or letter. A copy of the full proposal and public notice can be found within Appendices 2 and 3 respectively. Ward Councillor consultation information can be found in Appendix 6.
- 5.1.11 One response was received to the proposal to alter the lower age limit and increase pupil places at Lindsworth School during the statutory consultation (representation period). The response was from a local resident who was not in favour of the proposal, raising a concern about pupils being unsupervised in the vicinity of the school. This response is attached in Appendix 4.
- 5.1.12 Regulation 7 of the Prescribed Alterations Regulations provides 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 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 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 age range at Lindsworth School will remain at 11 - 16 years and the number of places will remain at 113. Alternative provision at another school would need to be identified for the pupils who were accommodated here on a

temporary basis. Future alternative places will also have to be found for pupils with SEMH needs. As there is currently a shortage of these places it will mean that children with SEMH needs may have to travel further to a suitable placement.

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

7.1 To enable Lindswoth School, a community special school, to offer additional school places to a broader age range in permanent improved accommodation and to address the shortage of SEMH places citywide. It will also 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, Families and Schools  
Cllr Carl Rice

.....

.....

Corporate Director for Children and Young People  
Colin Diamond

.....

.....

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

1. Education and Inspections Act 2006
2. Making prescribed alterations to maintained schools: “Statutory guidance for proposers and decision makers “published by the Department for Education (DfE) in April 2016
3. Edition 1 & 2 Birmingham Education Sufficiency Requirements (Nov 2013 / Jan 2015)
4. School’s Capital Programme 2016 - 2017

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

1. Appendix 1: Draft proposal document
2. Appendix 2: Final Proposal document
3. Appendix 3: Public Notice
4. Appendix 4: Consultation response
5. Appendix 5: Extract from School Organisation Guidance
6. Appendix 6: Consultation with Ward Councillors/Executive Member for Selly Oak District

**Report Version 5**

**Dated 27 November 2017**