

**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:** **22<sup>nd</sup> January 2018**

**SUBJECT:** **PROPOSAL TO ESTABLISH SPECIAL EDUCATIONAL  
NEEDS PROVISION AT BOLDMERE INFANT AND  
NURSERY SCHOOL AND BOLDMERE JUNIOR  
SCHOOL.**

**Key Decision: No** **Relevant Forward Plan Ref:**

**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, Cabinet Member Children,  
Families and Schools**  
**Relevant O&S Chair:** **Councillor Susan Barnett, Schools, Children and  
Families.**

**Wards affected:** **Sutton Vesey**

**1. Purpose of report:**

1.1 To seek the determination of the statutory proposal to establish a Special Educational Needs (SEN) Resource Base for Autistic Spectrum Conditions (ASC) at Boldmere Infant and Nursery School and Boldmere Junior School for up to 24 places. The Resource Base is for pupils diagnosed with ASC and who have a Statement of Special Educational Needs or an Education, Health and Care Plan which names one or both of the schools.

**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 Approves, having taken account of the statutory guidance, the statutory proposal to establish SEN provision for ASC at Boldmere Infant and Nursery School and Boldmere Junior School with effect from 1<sup>st</sup> September 2018, subject to receipt of relevant planning permissions.

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### **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 Sutton Coldfield and Ward Councillors for Sutton Vesey 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), Communication and Autism Team (CAT), 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 4 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 the guidance for decision makers 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 Boldmere Infant and Nursery School and Boldmere Junior School and the Member of Parliament for Sutton Coldfield.

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 9<sup>th</sup> November 2017 to 7<sup>th</sup> December 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 Special Additional Places (SAPP). The changes would support the strategic aim to increase local provision by supporting the ASC needs of pupils.

4.2 Financial Implications

4.2.1 The estimated project cost for the additional facilities is £500,000. This will be funded from the Basic Need Programme (SSAP5). Detailed costs and scope will be provided in the forthcoming Full Business Case (FBC). Approval to the FBC will be requested from the Cabinet Member for Children, Families and Schools and the Cabinet Member for Commercialism, Commissioning & Contract Management jointly with the Corporate Director for Children and Young People following the school organisation decision determined by this report. Long term value for money will be achieved through the re-use, transfer and refurbishment of a modular building currently not in use on another school site. The building will be transferred to a site at Boldmere Junior School and is subject to planning permission. Revenue costs arising from the additional number and needs of 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 Boldmere Infant and Nursery School and Boldmere Junior School are Local Authority Maintained schools (community schools). Boldmere Infant and Nursery School currently caters for up to 270 pupils from age 3 – 7 years with a 26 full time equivalent nursery class (26 children attend in the morning and 26 children attend in the afternoon). Boldmere Junior School currently caters for up to 360 pupils from age 7– 11 years. The Schools are federated which means that the schools share an Executive Head Teacher and Governing Body. The name of the federation is Boldmere Schools. This proposal will not make any changes to the current admissions arrangements at each of the schools.
- 5.1.3 The prescribed changes are being proposed at Boldmere Infant and Nursery School and Boldmere Junior School in line with the Local Authority's Special Additional Places Programme and Basic Need Strategy. There is currently a shortage of provision for pupils with ASC needs and a gap in provision for an ASC resource base in the North (Sutton Coldfield) area of the city. This can result in pupils living in that locality travelling long distances to attend appropriate provision.
- 5.1.4 All schools were invited to submit an Expression of Interest (EOI) to provide additional places. The Executive Head and Governing Body of the federated Boldmere Schools submitted an EOI to the Local Authority. The EOI was evaluated and approved for development into a statutory proposal.
- 5.1.5 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, Communication and Autism Team and the leadership and governing body of the federated Boldmere Schools.

- 5.1.6 These additional places will be created on a phased basis by SENAR and so the schools 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. The schools consider that they have a sensible approach in dealing with

transport at the school site and this approach will continue. An area of the school site has been identified that could provide additional parking facilities, should they be necessary.

- 5.1.7 In compliance with DfE guidance and best-practice, a pre-statutory consultation was completed for the proposal between 19<sup>th</sup> September 2017 and 17<sup>th</sup> October 2017 (four weeks) to engage stakeholders before statutory publication of the final proposal (as set out in section 3 of this report).
- 5.1.8 In compliance with DfE guidance, a statutory consultation was completed for the proposal between 9<sup>th</sup> November 2017 and 7<sup>th</sup> December 2017 (four weeks). The statutory consultation (representation period) commenced with a statutory notice for the establishment of SEN provision at Boldmere Infant and Nursery School and Boldmere Junior School being published on 9<sup>th</sup> November 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.
- 5.1.9 During the statutory consultation (representation period) 29 comments were received regarding the proposal to establish SEN provision at Boldmere Infant and Nursery School and Boldmere Junior School. The responses and an analysis summary are attached in Appendix 4.
- 5.1.10 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.
- 5.1.11 The recommendation is for this proposal to be approved subject to the relevant planning permissions being received; alternatively, in line with the statutory guidance, the proposal may be approved with modification, approved subject to meeting a specific condition or rejected.
- 5.1.12 The key milestones associated with this proposal are outlined and proposed as follows:
- |                                 |                                  |
|---------------------------------|----------------------------------|
| • School Organisation decision  | By 7 <sup>th</sup> February 2018 |
| • Submit Planning               | February 2018                    |
| • Planning Approval             | April 2018                       |
| • Submit for Tender             | End February 2018                |
| • Tender Period                 | March 2018                       |
| • Tender Award                  | April 2018                       |
| • FBC decision, Contract Award  | April 2018                       |
| • Contractor Mobilisation       | May 2018                         |
| • Detailed Design by Contractor | May 2018                         |
| • Construction Period           | July 2018                        |
| • Handover                      | July 2018                        |
| • School Occupy Building        | August 2018                      |

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

- 6.1 Should the proposal be rejected, the SEN provision (Resource Base) for ASC pupils will not be established at Boldmere Infant and Nursery School and Boldmere Junior School. Future alternative places will have to be found for pupils with ASC needs. As there is currently a shortage of these places it is likely to mean that children with ASC needs may have to travel further to an alternative Resource Base placement.

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

- 7.1 To enable Boldmere Infant and Nursery School and Boldmere Junior School to offer additional school places to pupils with ASC needs from 1<sup>st</sup> September 2018 and to address the shortage of ASC places in the local area and citywide. It will also ensure that the needs of the children attending Resource Base provision in Local Authority maintained 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

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Corporate Director for Children and Young People  
Colin Diamond

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**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. Schools' Capital Programme 2017-2018
4. Birmingham's Strategy for SEND (Special Educational Needs and/or Disability) and Inclusion 2017-20

**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 responses and Analysis
5. Appendix 5: School Organisation Guidance