

BIRMINGHAM CITY COUNCIL

**EDUCATION AND CHILDREN'S SOCIAL CARE OVERVIEW AND
SCRUTINY (O&S) COMMITTEE – PUBLIC MEETING**

0930 hours on Wednesday, 3rd February 2021, Online Meeting

Action Notes

Present:

Councillor Kath Scott (Chair)

Councillors: Mohammed Aikhlaq, Barbara Dring, Kerry Jenkins and Alex Yip

Other Voting Representatives: Rabia Shami, Parent Governor Representative

Also Present:

Councillor Kate Booth, Cabinet Member for Children's Wellbeing

Councillor Peter Fowler

Councillor Jayne Francis, Cabinet Member for Education, Skills and Culture

David Bridgman, Head of Service, Special Educational Needs Assessment & Review (SENAR)

Jaswinder Didially, Head of Service, Education and Skills

Lisa Fraser, AD, Education and Early Years

Nichola Jones, AD, Inclusion and SEND

Zahid Mahmood, Capital Projects Manager

Ceri Saunders, Acting Group Overview and Scrutiny Manager

Amanda Simcox, Scrutiny Officer

1. NOTICE OF RECORDING/WEBCAST

The Chairman advised that this meeting would be webcast for live or subsequent broadcast via the Council's Internet site (www.civico.net/birmingham) and that members of the press/public may record and take photographs except where there were confidential or exempt items.

2. DECLARATIONS OF INTERESTS

Councillor Alex Yip declared that he is the Vice Chair of Governors for Wilson Stuart School.

Councillor Mohammed Aikhlaq declared a non-pecuniary interest as he is on the Board of Directors at Leigh Multi Academy Trust.

3. APOLOGIES

Apologies were submitted on behalf of Cllr Olly Armstrong, Cllr Charlotte Hodivala, Omar Hanif, Parent Governor Representative, Adam Hardy, Roman Catholic Diocese Representative and Sarah Smith, Church of England Diocese Representative.

4. REQUEST FOR CALL-IN: PROPOSAL TO CLOSE HUNTERS HILL COLLEGE

(See documents No. 1, 2, and 3).

The Chair stated that the purpose of this meeting was to discuss whether the Committee should, or should not, exercise its power of call-in, that is whether to formally request that the Executive reconsiders its decision.

Cllr Peter Fowler introduced the reasons for the call-in request and stated that the information received from the previous Headteacher and NASUWT meet the 4, 5, 6 and 8 call-in criteria.

4. the Executive appears to have failed to consult relevant stakeholders or other interested persons before arriving at its decision;

5. the Executive appears to have overlooked some relevant consideration in arriving at its decision;

6. the decision has already generated particular controversy amongst those likely to be affected by it or, in the opinion of the Overview and Scrutiny Committee, it is likely so to do;

8. There is a substantial lack of clarity, material inaccuracy or insufficient information provided in the report to allow the Overview and Scrutiny Committee to hold the Executive to account and/or add value to the work of the Council.

Cllrs Peter Fowler and Alex Yip presented their reasons for the request for the call-in and the Executive and Officers responses included:

- *There have been two consultations and as per the latest consultation the majority of respondents were opposed to the closure - 48 opposed and 12 in favour of closure.*

Appendix 3 provides the breakdown of the responses to the consultation and Members' attention was drawn to the fact that 16 out of the 18 residents were opposed to closure because they wanted to know what will happen with the site, and the land use will be part of a second consultation. Other key themes for those opposed to the closure were: the loss and shortage of specialist and unique provision and concern about where the displaced pupils will go. Responses to these concerns were provided under the other call-in criteria.

- *The Council has neglected the school and failed to invest in maintenance and ensuring health and safety compliance. The report is stating that the estimated cost of bringing all buildings up to a basic, warm and dry standard is circa £5m. However, this is disputed, with others stating this is between*

£1m - £4m. It is also unclear what this circa £5m includes as this is not itemised, and it was questioned whether this includes the residential provision.

Members were informed that the buildings are of different ages and details of the condition of the buildings was provided at the meeting. This included the major failing of the heating system in Cropwood House.

As to the level of investment, Members were informed that ongoing annual investment is required for repairs and maintenance, and to keep the building compliant. Over the last five years, just under £1m has been spent on the maintenance, with the majority of the funding being provided through the Local Authority's School Condition Allocation. This means that on average £250k per annum has been spent on Hunters Hill from a total available annual grant of £10m for 190 schools the Council has a duty to maintain.

- *There is insufficient information regarding the availability and suitability of provision for the displaced pupils and concern was expressed that a lot of EHCPs are out of date.*
- *Also, there is insufficient provision in the City for children with SEND and demand is increasing every year.*
- *In addition, there is no information as to what the cost per pupil would be if they transferred to another school. Therefore, even if the cost of circa £5m was correct, investing rather than closing the school could be a saving for the Council.*

Members were informed that Appendix 6 provides the numbers of displaced pupils if the school was to close. 56 pupils are Birmingham residents and 23 pupils are from other local authorities. The Council's legal duty is for the 56 pupils and they are consulting with the other local authorities who have responsibility for the 23 pupils.

Of the 56 pupils there will be a total of 46 pupils in current years 8 – 10 who will require a place. Eight of these are already the subject of agreed change of placement requests unrelated to the closure proposal and places are being found for these pupils. As for the remaining 38 pupils, Members were provided with details together with costs per pupil of possible placements with cost effective providers.

Members were assured the Council is committed to ensuring sufficient appropriate places, as close as possible to where the displaced pupils live, are available from September 2021. All displaced pupils will be prioritised and there will be senior officer oversight. The EHCP's will be updated accordingly and there will be individual meetings with all families which SENDIASS has agreed to attend.

Also, in the maintained sector the local authority has invested in an increased provision at Skilts Special School.

In terms of transition, professional support will be made available via Educational Psychology and placement decisions will be finalised as early as possible in the Summer Term to support effective transition.

- *In and prior to 2016 the school was never rated below good with outstanding features. The Council has not intervened in relation to school improvement and as a result the school was rated as inadequate by Ofsted. This led to the school becoming subject to a Directive Academy Order and no Academy sponsor has been identified. The effort put into the Ofsted action plan and finding an academy sponsor was also questioned.*

Members were informed the school received an OFSTED rating of inadequate following an inspection in September 2019 due to complaints and serious concerns, including safeguarding risks. Since then, the Council has been working with the school to implement their post-OFSTED action plan. This includes working with Birmingham Education Partnership (BEP), who secured additional support from Forward Education Trust. Additionally, BEP provided two experienced former Headteachers.

- *There is a cumulative deficit prediction of circa £2m by the end of the 2021/22 financial year and it was queried whether the Council paused allocation of admitting pupils, thereby reducing the number of pupils and contributing to the deficit.*

Members were informed that this is demand led by parental preference and the demand has reduced and reflected in the commissioned places in recent years.

- *The distance the displaced pupils would need to travel could be longer for some children and the Council could be moving pupils away from friends.*

Members were informed that the school is located in Bromsgrove and the travelling distance will reduce unless pupils live in south of city.

- *The future of the site was questioned.*

Members were informed that the this is held in Trust by the Council and managed by the Council's Trust and Charities Committee who will consider what will happen with the site if it is agreed that Hunters Hill will close.

During the discussion with Members the main points included:

- The closure of the college is not in the spirit of the gift to the city made approximately 100 years ago.
- There is need for more and not fewer school places for pupils with SEND and Social, Emotional & Mental Health (SEMH) needs. As per the answer to written question C15 at City Council on 3rd November 2020, there were 55 children with SEND without a school place, and 199 children with SEND in mainstream education awaiting a suitable school place. There will be a reduction of 135 places if Hunters Hill College is closed and it was questionable whether this approach is sustainable.
- Members were informed that the Executive do not take closing a special school lightly. The investment in Skilts Special School was made possible due to a one-off allocation from the corporate centre and the capital funding is to rebuild Skilts.

- Cllr Yip felt there will be higher costs as the majority of displaced pupils would need to be placed in private provision, and this may be five times the cost of what is currently be spent at Hunters Hill College.
- Members were given assurances regarding the alternative places for the displaced pupils and Members requested that the committee revisit this in a couple of months' time to ensure pupils have been placed correctly, and these places are sustainable rather than short term places.
- Skilts Special School is currently rated as inadequate and therefore cannot be classed as an improvement in education for displaced pupils. Members were informed that Skilts Special School is moving forward and in a different place to Hunters Hill.
- Members felt it would have been useful to have had the information provided at today's meeting prior to the call-in. The Cabinet Member for Education, Skills and Culture agreed that a lot of information has been made available today, with this being shared as soon as they were able to do so. However, this has been noted for future reference.
- Members were informed that there have been strenuous efforts made by the Regional Schools Commissioner and the DfE is committed to academisation. As for no sponsor being identified, it was presumed this may be because of potential sponsors undertaking due diligence and the amount of finance required to bring the site up to basic warm and dry standard.
- Cllr Jenkins commented that Members do not want Hunters Hill College to close. However, there is a need to meet the call-in criteria when deciding whether to call-in the decision, and this is based on what Members have been told at the meeting. Therefore, if this information proves not to be accurate in the coming months then Scrutiny hold people to account.

RESOLVED

The Committee resolved to not call-in the decision for reconsideration by Cabinet by a vote of 4 Members to 2. Members requested updates on Hunters Hill College that includes the suitability of the school places for the displaced pupils at a future meeting before the Summer Term.

5. REQUEST(S) FOR CALL-IN/COUNCILLOR CALL FOR ACTION/PETITIONS RECEIVED (IF ANY)

None.

6. OTHER URGENT BUSINESS

None.

7. AUTHORITY TO CHAIRMAN AND OFFICERS

RESOLVED

That in an urgent situation between meetings the Chair, jointly with the relevant Chief Officer, has authority to act on behalf of the Committee.

The meeting ended at 11.14 hours.