



Subject: REFURBISHMENT OF THE FORMER SMALL HEATH LOWER SCHOOL SITE TO PROVIDE ACCOMMODATION FOR KEYSTAGE 1 AND 2 PUPILS FROM AL- HIJRAH SCHOOL FOLLOWING ITS CONVERSION TO AN ACADEMY – FULL BUSINESS CASE AND CONTRACT AWARD

Report of: Director for Education & Skills

Relevant Cabinet Member: Cllr Jayne Francis - Education, Skills and Culture
Cllr Brett O'Reilly - Finance and Resources

Relevant O &S Chair(s): Cllr Mariam Khan - Learning, Culture and Physical Activity
Cllr Sir Albert Bore – Resources

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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): Bordesley Green / Small Heath		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 005871/2019		
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 :		

Executive Summary

- 1.1 To seek approval to the Full Business Case for the capital scheme at the Former Small Heath Annex as described in **Appendix A**.

- 1.2 The accompanying private report contains further financial information and seeks approval to costs and funding section in the Full Business Case and to place orders with a Constructing West Midlands Framework (CWM) contractor to progress the proposed works.

2 Recommendations

That Cabinet:

- Approves the Full Business Case (**Appendices A-D**) for the capital works at the Former Small Heath Annexe.
- Notes the contents of this report.

3 Background

- 3.1 The Local Authority has a statutory duty to secure that there are sufficient pupil places, promote diversity and increase parental choice in planning and securing provision (Section 14, Education Act 1996 and Education & Inspections Act 2006). This duty extends to our landlord responsibility to maintain the Education property portfolio to prevent school closure and asset failure, thus improving safeguarding for children.
- 3.2 A report on the changing demand and supply of school places was shared at the Overview and Scrutiny Committee for Learning, Culture and Physical Activity in September 2018.
- 3.3 Al-Hijrah School's 2 Forms of Entry primary element is based in temporary accommodation at the existing school site on Burbidge Road, B9 4US. The temporary building is two-storeys in height and is constructed of pre-fabricated panels that are coloured in grey. The temporary building is located along the south boundary of the site, in close proximity to late-Victorian properties with brick-built elevations and design features. The Planning Department did not want the accommodation to remain in Situ as it would create an unacceptable visual amenity on the locality. As such, the temporary building has only been given 2 year planning approval and thereafter needs to be removed, which will be done via the contractor.
- 3.4 Once the temporary accommodation is removed, the main school building is not large enough to accommodate the primary and secondary aged pupils. The former Small Heath Annexe has been identified as an alternative site for the accommodation of primary age pupils.
- 3.5 The Interim Executive Board's proposal to alter the age range of Al Hijrah School and the Directive Academy Order made by the Secretary of State in respect of Al-Hijrah School under Section 4(A1) of the Academies Act 2010, do not alter the need for the refurbishment of the Small Heath site to accommodate the primary pupils. The option of doing nothing would mean the City Council would fail to meet

its statutory obligation in providing appropriate provision to meet the needs of the children.

- 3.6 School Organisation process: School Organisation approval would not be required for the proposed 4 – 11 Academy School to move to the site of the former Small Heath annexe because the Small Heath site is within 2 miles of the existing site at Burbidge Road, it would not increase the number of pupils being accommodated at the school, and the move would take place following the implementation of the Directive Academy Order to which Al-Hijrah School is subject. The Small Heath site would continue to be owned by the Local Authority and leased to the Academy Trust for a peppercorn rent. The proposal to change the age range of Al-Hijrah School from 4 – 16 to 4 - 11 is subject to the School Organisation process and the Interim Executive Board is currently undertaking statutory consultation (parties being consulted include those in section 5 of this report). Stakeholders are aware of the relocation of the primary phase of Al-Hijrah School and the Directive Academy Order as these are referenced in the public document that proposes to change the age range.
- 3.7 In October 2017 the Court of Appeal judged in favour of Ofsted and against Al-Hijrah school, in that segregation by sex in co-educational (mixed) schools is contrary to the Equality Act 2010. Following this judgement, Al-Hijrah School stopped its practice of segregation of boys and girls in the primary phase, and the proposed Academy on the former Small Heath Lower School Site will operate as a mixed Islamic primary school for girls and boys.
- 3.8 The refurbishment of the existing Small Heath Lower School building includes mechanical and electrical overhaul, structural repairs, roof repairs, upgrade of services and fit out. These refurbishment works will be carried out in a vacant building and will be compliant with the Grade II Listed status of the building. Listed building consent has been obtained.
- 3.9 The Full Business Case (FBC) for this scheme is included in **Appendices A - D**. The FBC details the works which will be undertaken on the former Small Heath Lower School Site. This would allow the Primary Academy to move into in a fit for purpose building from September 2019.
- 3.10 A planning application and Listed Building application were submitted on 20th September 2018 and have been approved.
- 3.11 In order to meet the deadline for completion in September 2019 a Form of Authority was approved to start enabling works. Subject to FBC and statutory approvals, the main works are due to commence in January 2019 with a proposed completion of 3rd October 2019.

4 Options considered and Recommended Proposal

- 4.1 The option of doing nothing would mean the City Council would fail to meet its statutory obligation in providing appropriate provision to meet the needs of the children.

- 4.2 To approve the proposed capital works at the former Small Heath Lower School site in order to provide suitable KS1 and KS2 accommodation for the proposed Primary Academy.

5 Consultation

5.1 Internal

All Birmingham Councillors have been informed of the consultation by the Interim Executive Board of Al-Hijrah School to change the age range of the school to become a primary school including information about the Directive Academy Order and the transfer to the former Small Heath School Annexe. Notice of the consultation has gone to officers from services across Birmingham City Council including Admissions, Finance, Education Infrastructure, School and Governor Support, Human Resources, Legal, Planning, Research and Statistics Information Officers for Children and Young People, Officers from City Finance, Legal and Governance and Procurement have been involved in the preparation of this report.

5.2 External

All pupils, parents, governors, teaching and non-teaching staff of Al-Hijrah School, The RSC, the Academy sponsor and the Al-Hijrah Trust and Head Teachers of Birmingham schools have been informed of the consultation to change the age range of Al-Hijrah School including information about the Directive Academy Order and the transfer to the former Small Heath School Annexe. All Members of Parliament for Birmingham constituencies have been informed of the consultation and transfer of site. In addition Teaching Associations, Trade Unions, the Archdiocesan and the Anglican Diocese of Birmingham and neighbouring authorities have been informed of the consultation.

6 Risk Management

- 6.1 Attached as **Appendix B** as part of the FBC.

7 Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

- 7.1.1 These works are required to enable the Local Authority to meet its statutory duty to not only secure the provision of sufficient pupil places but also to promote diversity and increase parental choice in planning and securing the provision of school places (Section 14 Education Act 1996 and Education & Inspections Act 2006). The spending priorities proposed are in accordance with the Schools' Capital Programme 2018-19 and 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'. The provision of these school places is also beneficial to the safeguarding of children.

Birmingham Business Charter for Social Responsibility - The selected CWM contractor is signed up to the principles of the Birmingham Business Charter for Social Responsibility and will develop a relevant and proportionate action plan, demonstrating how the principles of the Charter will be implemented to deliver social value outcomes for the school and local community. This action plan will be agreed with the Council prior to the works order being placed.

7.2 Legal Implications

- 7.2.1 This report facilitates the discharge of the local authority's duty under section 14 of the Education Act 1996 to secure that sufficient school places are available.

7.3 Financial Implications

- 7.3.1 The total cost of the works to refurbish the former Small Heath Lower School will be funded from Department for Education (DfE) Basic Need Grant (Stage 4). Cost details are included in **Appendix A of the Private Report**.
- 7.3.2 Consequential revenue costs arising, including additional staffing and any on-going day- to-day repair and maintenance of the asset, would be the responsibility of the future Academy sponsor and the Education and Skills Funding Agency.
- 7.3.3 No budget will be provided for furniture as the school is operational and will be expected to relocate all furniture to the new premises.

7.4 Procurement Implications (if required)

- 7.4.1 The procurement route for this project was via the Constructing West Midlands (CWM) Framework.

7.5 Human Resources Implications (if required)

- 7.5.1 N/A

7.6 Public Sector Equality Duty

- 7.6.1 A Full Equality Analysis (EA0001202) was carried out in May 2016 for Education Infrastructure's Education Development Plan and Schools' Capital Programme 2018-19. The outcomes from consultation demonstrate that proposed capital developments support positive outcomes for children, young people, their families and carers. No negative impact on people with Protected Characteristics was identified. It was concluded that sufficiency of educational places and opportunities for all children and young people contributes to providing positive life chances, and supports a positive approach to Safeguarding in Birmingham: actively reducing the number of

children and young people out of school helps to mitigate risk to their safety and wellbeing.

8 Background Documents

8.1 List of Background Documents used to compile this Report:

- Schools' Capital Programme - School Condition Allocation 2018-19+ Future Years Cabinet Report – approved 18th September 2018
- Changing demand and supply of school places – Overview & Scrutiny Report – September 2018

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

- A. Full Business Case
- B. Risk Assessment
- C. Stakeholder Analysis
- D. Milestone Dates and Resources
- E. Ward Councillors Consultation