

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	CABINET
Report of:	Strategic Director for People
Date of Decision:	26th January 2016
SUBJECT:	CHANGE TO IMPLEMENTATION DATE PROPOSAL TO ALTER THE UPPER AGE-RANGE OF TURVES GREEN BOYS' SCHOOL TO PROVIDE A SIXTH FORM
Key Decision: Yes	Relevant Forward Plan Ref: 001056/2016
If not in the Forward Plan: (please "tick" box)	Chief Executive approved <input type="checkbox"/> O&S Chairman approved <input type="checkbox"/>
Relevant Cabinet Member(s):	Councillor Brigid Jones, Cabinet Member, Children and Family Services
Relevant O&S Chairman :	Councillor Susan Barnett, Education and Vulnerable Children
Wards affected:	Northfield

1. Purpose of report:
To modify the implementation date of the formerly agreed proposal to alter the upper age limit of Turves Green Boys' School from 16 to 18 years adding 100 sixth form places to the school. The request is to modify the implementation date of the sixth form from 1 st September 2016 to 1 st September 2017 as a result of unforeseen delays to the construction programme. The original proposal was approved by Cabinet on 14 th July 2014.

2. Decision(s) recommended
Cabinet is recommended to:-
2.1 Approve, having taken account of the statutory guidance, that the implementation date for the sixth form at Turves Green Boys' School be modified from 1 st September 2016 to 1 st September 2017.

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3. Consultation

3.1 Internal

Information about the original proposal was sent to all City Councillors including the Executive Member for Northfield, Richard Burden local MP and the Ward Councillors, together with relevant officers.

3.2 External

The original proposals were fully consulted upon in line with the requirements set out by the Department for Education (dated Jan 2014). Officers engaged with parents, staff and governors at the school and local schools were invited to comment on the proposed expansion. The proposals were discussed at meetings at the school with parents, staff and governors, ward councillors and district representatives, and a public notice was issued in the local paper and in the community to engage local residents. Representatives from the professional associations and other key stakeholders including surrounding Local Authorities were also consulted. Full information was provided on Birmingham webpage and respondents asked to reply through BeHeard.

4. Compliance Issues:

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

This proposal for the addition of sixth form provision at Turves Green Boys was put forward in line with the national agenda 'Raising the Participation Age' whereby all pupils will be required to remain in education or training until the age of 18 from 2015, and still forms part of the current Education Development Plan published in February 2015.

4.2 Financial Implications. (Will decisions be carried out within existing finances and Resources?)

- 4.2.1 The expansion of the school is being funded by the Education Funding Agency (EFA) under the West Midlands Capital batch of the Priority School Building Programme (PSBP). Turves Green Boys' is a Local Authority maintained community school. The relevant construction work necessary to create the additional accommodation is being managed centrally by the EFA. All capital costs will be funded by the EFA, (with the exception of any works which may be required pursuant to S.278 of the Highways Act or S.106 of the Town and Country Planning Act, for example traffic calming measures which would be funded from the contingency allowance in the capital budget for PSBP. EFA will fund fixed furniture, fittings and equipment, together with the ICT network, and in this circumstance under PSBP will provide for loose furniture and equipment (including ICT) for the expansion only.
- 4.2.2 The revenue funding detailed in the original cabinet report still applies as follows; under the EFA's funding methodology, new school sixth forms receive a third of their total capacity in Year one and funding for subsequent years is based on lagged numbers. As a maintained school, the funding for the places will be added to the local authority's 16-19 School Sixth Form allocation from the EFA. Funding per pupil will be calculated based on the EFA 16-19 National Funding Formula. The local authority will not provide any additional funding for any shortfall which must be met from the school budget, including the two-thirds in the first year.

4.3 Legal Implications

Paragraph 21 of Schedule 3 to the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 allows for modification post-determination where the Local Authority have determined the proposals, the local authority may at the request of the governing body which made the proposals modify the proposals. The School Organisation Maintained School Guidance (January 2014) states that “if it proves impossible to implement a proposal as approved, the proposer can seek modifications (e.g. the implementation date) from the decision-maker before the approved implementation date. However, proposals cannot be modified to the extent that new proposals are substituted for those that have been published”.

4.4 Public Sector Equality Duty

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 The Local Authority has the following relevant statutory duties relating to Post 16 education:
 - i) Under Section 15ZA of the Education Act 1996 must secure that enough suitable education and training is provided to meet the reasonable needs of persons in their area who are over compulsory school age but under 19 and persons in their area who are aged 19 or over and for whom an EHC plan is maintained.
 - ii) Under Section 10 of the Education and Skills Act 2008, to promote the effective participation in education or training until a young person’s 18th birthday (Raising the Participation Age).
- 5.2 Under the local authority’s duty to secure suitable and sufficient places in Post 16 education and training and the Government’s Raising the Participation Age (RPA) agenda, the new provision at Turves Green Boys’ will complement the local offer and support increased participation.
- 5.3 The Education and Skills Infrastructure Team in conjunction with Turves Green Boys’ School submitted a successful bid under the PSBP to the EFA. As part of the bid and in order to maximise on capital investment to support the diverse local offer, Turves Green Boys’ School was identified to provide additional secondary and sixth form places in the future. This scheme is fully managed and delivered by the EFA and not the City Council.
- 5.4 Consultation on the original proposals for the sixth form was carried out in line with DfE guidance and the views of parents, staff and governors of the school were sought along with the views of other relevant stakeholders, including ward councillors and district representatives.
- 5.5 Local secondary head teachers were also consulted and views sought from the principals of local colleges. The admissions criteria for the sixth form will follow the criteria set out by the Local Authority, and the school is collaborating with other local providers to ensure a diverse and appropriate offer so as to complement the local offer and support the Birmingham skills agenda. The new sixth form seeks to improve the local post 16 offer providing a school-based sixth form experience for students.
- 5.6 A statutory notice for Turves Green Boys’ School was published on 22nd May 2014 and a four week period followed where objections to or comments on the proposals could be submitted. No objections were received. The proposal to alter the upper age limit to provide

a sixth form at Turves Green Boys School from 1st September 2016 was taken as a report to Cabinet Committee on 14th July 2014 and received approval. A copy of the public notice and the original Cabinet report are included as Appendices 1 and 2 of this report.

- 5.7 The delay to the project is due to levels of asbestos that have been identified on site, the levels of which were in excess of what was anticipated in the initial asbestos survey. This will delay the project by approximately fourteen weeks and will mean that the handover of the new school and the sixth form will not be completed in time for 1st September 2016.
- 5.8 The school does not have the capacity for a sixth form in their existing building and would not be able to meet the sixth form offer to students without the appropriate accommodation in place. The school is currently decanting the 11 – 16 year old pupils in limited accommodation.
- 5.9 The proposed delay to the implementation date from 1st September 2016 to 1st September 2017 of this project would allow the school to start their sixth form in the new building with suitable purpose built accommodation and a full offer in place. There is currently sufficient sixth form capacity across the city to cope with the 2016 cohort.

6. Evaluation of alternative option(s):

- 6.1 The recommendation of this report is for the implementation date to be amended from 1st September 2016 to 1st September 2017; alternatively, in line with guidance Cabinet may decide to let the original date stand for this.
- 6.2 Should the original implementation date be left to stand, Turves Green Boys School would need to find temporary accommodation for their sixth form from 1st September 2016. It would prove difficult to attract students to a sixth form with temporary accommodation that may not be provided on the site of the school. This would create financial problems for the school.

7. Reasons for Decision(s):

- 7.1 To enable Turves Green Boys' School to offer sixth form provision from September 2017.

Signatures	<u>Date</u>
Cabinet Member, Children's Services	
Cllr Brigid Jones:
Strategic Director for People	
Peter Hay:

List of Background Documents used to compile this Report:
Education and Inspections Act 2006
School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013

List of Appendices accompanying this Report (if any):
1. Copy of the public notice to alter the upper age limit to provide a sixth form at Turves Green Boys
2. Copy Cabinet report that was approved on 14 th July 2014.
3. Relevant Extract from Statutory Guidance on 'School Organisation – Maintained Schools: Annex B: Guidance for Decision Makers' issued by the DfE in January 2014

Report Version	6	Dated	6 th January 2016
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