

BIRMINGHAM CITY COUNCIL**PUBLIC REPORT**

Report to:	CABINET MEMBER FOR CHILDREN, FAMILIES & SCHOOLS JOINTLY WITH THE STRATEGIC DIRECTOR FOR PEOPLE
Report of:	Assistant Director for Education Infrastructure and Early Years
Date of Decision:	14 December 2016
SUBJECT:	PROPOSALS TO EXPAND BOTH ST MARGARET MARY CATHOLIC PRIMARY SCHOOL AND ST THOMAS MORE CATHOLIC PRIMARY SCHOOL BY ENLARGEMENT
Key Decision: NO	Relevant Forward Plan Ref:
If not in the Forward Plan: (please "tick" box)	Chief Executive approved <input type="checkbox"/> O&S Chairman approved <input type="checkbox"/>
Type of decision:	Executive
Relevant Cabinet Member:	Councillor Brigid Jones, Cabinet Member, Children, Families and Schools
Relevant O&S Chairman:	Councillor Susan Barnett, Schools, Children and Families Overview and Scrutiny
Wards affected:	Kingstanding, Sheldon

1. Purpose of report:

- 1.1 To seek determination of the statutory proposals to permanently expand both St Margaret Mary Catholic Primary School and St Thomas More Catholic Primary School by enlargement of 15 places (additional half form of entry, 0.5FE) per year group each with effect from 1st September 2017.

2. Decision(s) recommended:

That the Cabinet Member for Children, Families and Schools jointly with the Strategic Director for People:-

- 2.1 Approves, having taken account of the statutory guidance, the proposal to expand St Margaret Mary Catholic Primary School by enlargement thereby increasing the capacity of the school by 15 places per year group (105 pupils in total) starting with effect from 1st September 2017.
- 2.2 Approves, having taken account of the statutory guidance, the proposal to expand St Thomas More Catholic Primary School by enlargement thereby increasing the capacity of the school by 15 places per year group (105 pupils in total) starting with effect from 1st September 2017.
- 2.3 Notes that each proposal is independent of the other and a decision is requested on each of them.

Lead Contact Officer(s):	Mary Lowe, Pupil Place Planning Officer
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3. Consultation

3.1 Internal

Information about the proposals was sent to all relevant City Councillors, including the Executive Members for Erdington and Yardley, MPs for Erdington and Yardley and the respective Ward Councillors, together with relevant officers across Birmingham City Council. The statutory consultation period commenced on 22nd September and members were invited to comment. A copy of the full proposal documents are in Appendix 3. Overall, one response was received in favour of the proposal at St Margaret Mary. A copy of this response can be found in Appendix 4. There were no responses received regarding the proposal at St Thomas More.

3.2 External

These proposals have been fully consulted upon in line with the requirements set out in statutory guidance “Making ‘prescribed alterations’ to maintained school – statutory guidance for proposers and decision-makers” published by the Department for Education (DfE) in April 2016. See Appendix 5 for an extract of this guidance.

A pre-Statutory Consultation was carried out on each of the proposals in line with DfE best practice. A proposal document was issued to all parents, teaching and non-teaching staff members and governors at St Margaret Mary on the 15th June 2016 and at St Thomas More on 27th June 2016. The document provided information on the proposal to allow schools to address any queries during the summer term. A copy of the proposal document can be found in Appendix 1.

A four week representation period commenced on 22nd September 2016 through the publication of a statutory notice for the expansion of both schools. The notice was displayed at the main entrance of both schools, in the Birmingham Evening Mail and online on the Birmingham.gov.uk webpages. A copy of the public notice and full proposal documents can be found within Appendices 2 and 3. Comments were invited and collated via the Be Heard consultation website, or by writing to Education & Skills Infrastructure. Local schools were informed of the proposed expansions through the Birmingham Education Noticeboard and invited to make comment. In addition, the proposals have been shared with representatives from the professional associations and other key stakeholders including neighbouring Local Authorities and The Archdiocesan and The Anglican Diocese of Birmingham. Overall, one response was received in favour of the proposal at St Margaret Mary. A copy of this response can be found in Appendix 4. There were no responses received regarding the proposal at St Thomas More.

4. Compliance Issues:

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

Once implemented, these proposals will support the Local Authority to meet its statutory duty to not only provide pupil places but also 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 for expansion of both schools falls in line with the Additional Primary Places Programme to enhance the school offer and the overall school accommodation solution to better meet the needs of its current and future pupils.

4.2 Financial Implications.

(Will decisions be carried out within existing finances and Resources?)

The expansion of both schools along with associated remodelling work is part of Phase 6 & 7 of Additional Primary Places (APP) Programme and will be funded through the DfE capital allocation for Basic Need funding and Locally Co-ordinated Voluntary Aided Programme (LCVAP). Both programmes will be managed through the RC Diocesan Schools Capital team. The existing bulge class at each school was provided within existing accommodation at the schools. The project costs are estimated at £694,730 (of which £135,000 is from LCVAP) for St Thomas More Catholic Primary. The costs for St Margaret Mary Catholic Primary School are currently being developed under a feasibility study. Once agreed a Cabinet Member report will be written and will highlight the level of funding and the split between LCVAP and Basic Need. The schemes are being delivered under APP 6 and 7 respectively.

Full Business Cases will be brought to Cabinet Member in due course for the relevant construction work necessary to create the additional accommodation required for permanent expansion from September 2017. Cabinet approved the School Capital Programme 2016-17 on 28th June 2016. All other previous school expansions up to and including 2015 have been approved by Cabinet.

On approval of this report, and in line with the processes that support Basic Need joint funding initiatives, a Capital Grant Agreement will be put in place between Birmingham City Council and St Thomas More Catholic Primary School and St Margaret Mary Catholic Primary School, before any grant payments are made. This agreement will set out the terms and conditions of the Grant, which will mitigate any financial risk to the City Council. The Grant Agreement states that any additional costs will be the responsibility of St Thomas More Catholic Primary School and St Margaret Mary Catholic Primary School, and any underspend will be deducted from the grant allocation. The schools will be required to demonstrate that appropriate Schools' Financial accounting procedures have been adhered to. In addition, the schools will, on completion of the scheme (or at any other point the authority determines), be required to submit a return setting out the costs incurred and details of the corresponding invoices which will need to be available on demand to auditors or BCC officers. Any costs not eligible will result in funding being reclaimed from the schools.

4.3 Legal Implications

This report exercises powers contained within section 19 and 21 of the Education and Inspections Act 2006 and Schedules 2 and 3 of 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. (see separate guidance note)

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 a statutory duty to not only provide pupil places but also 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).
- 5.2 Annual receipts of birth data provided by the Office of National Statistics (ONS) have evidenced a sustained increase in the number of young people in the city requiring a school place since 2001. Increasing levels of cohort growth due to migration are also contributing to an ongoing need to provide additional primary school places. Edition 3 of the Education Sufficiency document dated November 2015 detailed the impact of increased birth rates and increased cohort growth on the supply of mainstream school places in Birmingham. Forecasts demonstrate the need for additional primary places in both Erdington and Yardley districts to meet current and forthcoming demand. In response to this a planned Basic Need programme of additional places has been implemented.
- 5.3 All schools were invited to submit an Expression of Interest (EOI) if they were interested in providing additional primary school places. The Governing Bodies of both St Margaret Mary Catholic Primary School and St Thomas More Catholic Primary submitted an EOI. Both Expressions of Interest were reviewed and approved by panel in April 2016 after evaluation and relevant due diligence checks. The schools are considered to be in the right locality to meet requirements, are both operating at an Ofsted rating of Good, are able to accommodate additional classrooms and are popular with local families. The potential for overprovision in neighbouring schools was also reviewed and it was considered appropriate to continue.
- 5.4 St Margaret Mary Catholic Primary School and St Thomas More RC Primary School are voluntary aided schools and thereby the school land is owned by the RC Diocese and the school maintained by the Local Authority. Proposals for expansion at both schools have been developed with the support of Birmingham City Council officers, the governing bodies and RC Diocese. The RC Diocesan Education Service will be leading the building project.
- 5.5 A pre-Statutory Consultation was carried out on each of the proposals in line with DfE guidance. All parents, teaching staff members, non-teaching staff members and governors of both schools were issued with a copy of the proposal documents during June 2016.
- 5.7 A statutory notice for the expansion of both St Margaret Mary Catholic Primary School and St Thomas More Catholic Primary School was published on 22nd September 2016 and a four week representation period followed where objections to or comments on the proposal could be submitted. A copy of the public notice can be found within Appendix 2. EdSI officers offered both schools the opportunity of Officer attendance at parents meetings should these be required but the schools felt that this was not necessary.
- 5.8 The feedback on the consultations has been considered. The one response received regarding the proposal at St Margaret Mary raised concerns about the safety of children with regards to the traffic and parking, stating that stricter controls are required. The school is currently having discussions with Lovells who are the housing developers for the building programme currently underway at the adjacent Perry Common estate. Lovells have provided a draft proposal for a new footpath and entrance to the school and access to a car park nearby the school. It is anticipated that these capital costs can be found from Lovells Legacy Budget and from within the Build Contract for the adjacent Perry Common development.

- 5.9 The Local Authority has confidence in the leadership team at both schools to support the expansion. Both St Margaret Mary Catholic Primary School and St Thomas More Catholic Primary School have been able to offer additional pupils within existing accommodation since 2015.
- 5.10 Education and Skills Infrastructure officers will offer support and guidance to the RC Diocesan Education Service who will be managing the building programme and will ensure that the school accommodation (internal and external) meets national guidelines.
- 5.11 Regulation 7 of the Prescribed Alterations Regulations provides that the Local Authority is required to have regard to relevant school organisation guidance when taking 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 the proposed expansion at St Margaret Mary Catholic Primary School to be approved; alternatively, in line with the statutory guidance, the proposals may be approved with modification, approved subject to meeting a prescribed condition or rejected.
- 6.2 The recommendation is for the proposed expansion at St Thomas More Catholic Primary to be approved; alternatively, in line with the statutory guidance, the proposals may be approved with modification, approved subject to meeting a prescribed condition or rejected.
- 6.3 Should the proposals be rejected, the number of places available at both schools will remain as at current and the additional pupils taken to date will work through the school. In light of school forecasts, there is a possibility that some children in these areas will be unable to secure a place locally in the future and therefore have to travel some distance to an alternative school. There is a risk that by failing to implement this proposal, the Local Authority would fail to meet its statutory duty to provide each child of compulsory school age living in Birmingham with a school place.
- 6.4 The consequences for a Local Authority failing to provide sufficient school places are potentially severe and could lead to significant financial costs. Parents could pursue a judicial review at which the Council would be liable for its own and the parents' legal costs, the Local Government Ombudsman could recommend financial compensation be paid to parents whose children cannot be offered a school place and the likely increase in successful appeals could mean that measures have to be taken to mitigate infant class size breaches such as providing new teachers or new classrooms.

7. Reasons for Decision(s):

- 7.1 To enable St Margaret Mary Catholic Primary School and St Thomas More Catholic Primary School to offer additional school places in line with the Local Authority's Basic Need Programme.
- 7.2 To ensure the Local Authority is able to meet its statutory duty to provide all Birmingham pupils of compulsory school age with a school place, and ensure that local residents have access to a local school for their children.

Signatures	<u>Date</u>
Cabinet Member Children, Families and Schools Councillor Brigid Jones
Strategic Director for People Peter Hay

List of Background Documents used to compile this Report:
Education and Inspections Act 2006 “Making ‘prescribed alterations’ to maintained school – statutory guidance for proposers and Decision makers” published by the Department for Education (DfE) in April 2016 Edition 2 Birmingham Education Sufficiency Requirements (Nov 2015) School’s Capital Programme 2016-17 Capital Cabinet Member report St Thomas More

List of Appendices accompanying this Report (if any):				
1. Copy of the consultation documents				
2. Public notice				
3. Copy of the full proposal				
4. Copy of consultation response for St Margaret Mary Catholic Primary School				
5. Extract from Relevant Guidance “Making ‘prescribed alterations’ to maintained school – statutory guidance for proposers and decision-makers” published by the Department for Education (DfE) in April 2016				
Report Version	10	Dated	13th December 2016	