

Birmingham City Council

Report to Cabinet Member for Education Skills and Culture

30th November 2020



Subject: PROPOSAL TO ENLARGE THE PREMISES OF KINGS HEATH BOYS' SCHOOL BY EXPANSION

Report of: Dr Tim O'Neill
Director of Education and Skills

Relevant Cabinet Member: Councillor Jayne Francis, Education Skills and Culture

Relevant O &S Chair(s): Councillor Kath Scott, Education & Children's Social Care

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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): Billesley		
Is this a key decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, add Forward Plan Reference:		
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:		

1 Executive Summary

- 1.1 To seek the determination of a statutory proposal to:
Enlarge the premises of Kings Heath Boys' School by expansion.

2 Recommendations

That the Cabinet Member for Education, Skills and Culture;

- 2.1 Approve, having taken into account the statutory guidance, the statutory proposal to enlarge the premises of Kings Heath Boys' School by expansion from 1st September 2021.

3 Background

- 3.1 The Local Authority has a statutory duty to ensure that there are sufficient pupil places, secure diversity in the provision of schools and increase opportunities for parental choice through planning and securing additional provision (Section 14, Education Act 1996 and Education & Inspections Act 2006). 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.
- 3.2 Kings Heath Boys' School is a local authority community secondary school for boys. The school has an admission number of 120 in year 7 and a net capacity of 600. The school is situated in the Billesley ward of the Selly Oak district of the City. The age range of the school is 11 -16 years.
- 3.3 The proposal is for the school to expand by two forms of entry to become a secondary school with 840 places for pupils aged between 11 and 16. The admission number in year 7 will be 168. There is a need for more secondary school places in the city and the proposed enlargement provides the opportunity to fulfil some of that need.
- 3.4 The School has taken "bulge" classes in September 2019 and 2020 to support the Local Authority in meeting its statutory duty. Alterations by way of internal refurbishment works were made to accommodate the bulge classes.
- 3.5 The Local Authority is keen to ensure that future places are provided in areas that they are needed; helping children to attend a school nearer to home and as part of their local community. The proposed changes at Kings Heath Boys' are considered appropriate for the current pupils at the school and are part of a programme to enhance the overall school accommodation solution for both the current and future pupils.
- 3.6 Remodelling work is proposed to the existing accommodation and additional available land has been identified at the school site for the building of the extension to the school for the additional permanent classrooms and ancillary space required to implement the proposal.
- 3.7 In compliance with DfE guidance and best practice, a pre-publication letter was sent out to pupils, parents and carers on 7th September 2020 advising of the forthcoming statutory consultation and inviting any initial questions or comments be directed to the school or the Estates Management Team. A copy of the pre-publication consultation letter can be found in **Appendix 1**.

- 3.8 A statutory notice and proposals were published and the representation period ran between 24th September 2020 and 22nd October 2020 (four weeks) and commenced with the publication of a statutory notice in the Birmingham Post. During the four week representation period, comments on the proposal could be submitted in writing to Education Infrastructure, via the BeHeard webpages, email or letter. A copy of the full proposal and the public notice can be found in **Appendices 2 & 3**.
- 3.9 At the close of the representation period 2 responses were received. One via email and one via the BeHeard webpage. Of the two responses one was from a local resident who was in favour of the proposal but did raise concerns regarding the potential impact to traffic and parking in the vicinity of the School. The other response was from the Local Councillor for Billesley Ward who asked that the Billesley Ward Councillors concerns regarding traffic in the vicinity be noted and addressed in the expansion proposal. Copies of the responses can be found in **Appendix 4** of this report.
- 3.10 Planning approval has been granted for the building scheme at Kings Heath Boys' School. Local residents were consulted on the scheme as were transport colleagues and the District Engineer who provided their comments which allowed the planning department to assess the application. As a result, the school were required to develop a travel plan to highlight any measures that will be required to support the increase in pupils. The travel plan has been produced which outlines measures that will be introduced as part of the scheme to reduce the impact of additional pupils attending the site. The travel plan can be found in **Appendix 7** of this report.
- 3.11 Details of both the internal and external stakeholders consulted and the means by which the consultations were carried out are detailed in section 5 of this report.
- 3.12 The Education and Inspections Act 2006 and Regulation 7 of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (the Prescribed Alterations Regulations) state 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 statutory guidance is attached (**Appendix 6**). The Education and Inspections Act 2006, and 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.
- 3.13 If the proposal is approved, Kings Heath Boys' School will be enlarged by expansion with effect from 1st September 2021. The admission number of the school in year 7 will be 168. Over time, by September 2023 the capacity of the school will be 840.

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 suitable accommodation to meet the needs of the children. The two bulge classes that the school took in September 2019 and 2020

would remain and would work through the school. The admission number would remain at 120. This would mean that additional secondary places would need to be found elsewhere, which could result in pupils travelling extra distances to school and could also result in an increased number of upheld appeals.

- 4.2 The option to take further temporary bulge classes without an enlargement to the premises of the school is not possible as there is no further available space at the school. Furthermore, in order to enlarge the school for more than three years, the statutory process set out in Prescribed Alterations Regulations must be followed where;

- “ the proposed enlargement is permanent (longer than three years) and would increase the capacity of the school by:
 - more than 30 pupils; and
 - 25% or 200 pupils (whichever is the lesser).
- the proposal involves making permanent any temporary enlargement (which was intended to be in place for no more than three years) that meets the above threshold.”

- 4.3 The preferred option is to make the temporary bulge classes permanent by increasing all future year 7 classes to admit up to 168 pupils in purpose built accommodation by enlarging the school by expansion.

5 Consultation

5.1 Internal

During the statutory consultation period, information about the proposal was sent to:

- Ward Councillors for Billesley.
- Officers from services across the Council including Admissions, Finance, School and Governor Support, Human Resources, Legal, Planning, Research and Statistics Information Officers for Education and Skills.

Details of the responses received are set out in **Appendix 4**. The Ward Councillors consulted and the date and method of consultation is set out in **Appendix 5**.

5.2 External

- 5.2.1 The proposal has been fully consulted upon in line with the requirements set out in the statutory guidance “Making significant changes (‘prescribed alterations’) to maintained schools” (October 2018) published by the Department for Education (DfE). A copy of the guidance for decision makers can be found in **Appendix 6**.

- 5.2.2 During the pre-statutory consultation period, information about the proposal was publicised to the parents, teaching staff, and non-teaching staff. During the statutory consultation period, information about the proposal was publicised to all stakeholders consulted during the pre-statutory period and the following additional consultees:

- Birmingham Schools
- Neighbouring Local Authorities
- The Archdiocese and The Anglican Diocese of Birmingham
- Professional Associations and Trade unions
- Members of Parliament for Selly Oak
- Department for Education – School Organisation

5.2.3 The information was publicised in the following ways:

- Public notice in Birmingham Post newspaper
- On the Council's BeHeard webpage
- On the school's webpages
- On the Council's School Notice Board
- Emails to stakeholders and groups

5.2.4 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 3 of this report and a copy of the responses is in **Appendix 4**.

6 Risk Management

6.1 Should the proposal to enlarge by expansion not be approved the school will remain at the current level and the additional pupils, taken in the two bulge-class, will work through the school. In light of school forecasts, this may mean that going forward some secondary aged young people in the area will be unable to secure a place at a local school 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 a school place to each young person of compulsory school age living in Birmingham. This could result in an increase in the number of upheld appeals.

7 Compliance Issues:

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

7.1.1 The enlargement by expansion proposal is required to enable the Local Authority to meet its statutory duty to not only ensure the provision of sufficient pupil places but also to secure diversity in the provision of schools and increase the opportunity for parental choice through planning and securing the provision of additional school places (Section 14 Education Act 1996 and Education & Inspections Act 2006).

7.2 Legal Implications

7.2.1 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"), whereby the Local Authority of a Community School can propose to enlarge by expansion the

premises of a school by following a statutory process. Under the Prescribed Alterations Regulations, the Local Authority is the decision maker for this statutory proposal.

7.3 Financial Implications

- 7.3.1 The capital cost will not exceed £6,378,877 and will be funded from the Department for Education Basic Need Grant. Cabinet approved the Full Business Case and Contract Award for the enlargement on 23rd June 2020.
- 7.3.2 Consequential revenue costs arising from additional places including additional staffing, utility costs and any on-going day to day repair and maintenance of the asset will be the responsibility of Kings Heath Boys' Secondary School and funded via the school's delegated budget.

7.4 Procurement Implications (if required)

Not applicable.

7.5 Human Resources Implications (if required)

The school leadership will continue to be responsible for the staffing at the school and any restructuring that may be required resulting from the enlargement of Kings Heath Boys' School.

7.6 Public Sector Equality Duty

- 7.6.1 An updated Equality Assessment initial screening was carried out in October 2018 (EQUA221) for 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.

8. Appendices:

- 1. Pre-publication consultation letter
- 2. Full Proposal Document
- 3. Public Notice
- 4. Statutory Consultation Responses
- 5. Ward Councillors Consulted.
- 6. Guidance for Decision Makers
- 7. Kings Heath Boys' School Travel Plan

9. Background Documents

- Education and Inspections Act 2006
- Making significant changes ('prescribed alterations') to maintained schools: "Statutory guidance for proposers and decision makers" published by the Department for Education (DfE) October 2018.
Report by Director of Education and Skills to Cabinet 23rd June 2020: Kings Heath Boys' Secondary School Full Business Case and Contract Award.