

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:	21 March 2017
SUBJECT:	PROPOSAL OF THE GOVERNING BODY OF KING'S NORTON BOYS' SCHOOL TO ALTER THE AGE RANGE IN ORDER TO REMOVE SIXTH FORM PROVISION
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 Committee
Wards affected:	Bournville

1. Purpose of report:
To seek determination of the statutory proposal by the Governing Body of King's Norton Boys' School to alter the age range of the school from 11-18 to 11-16 years with effect from 1st September 2018 in order to remove the sixth form provision at the school.

2. Decision(s) recommended:
That the Cabinet Member for Children, Families and Schools, jointly with the Strategic Director for People:
2.1 Approve, having taken account of the statutory guidance, the statutory proposal to alter the age range of King's Norton Boys' School from 11-18 to 11-16 years with effect from 1st September 2018 in order to remove the sixth form provision.

Lead Contact Officer(s):	Mary Lowe: Pupil Place Planning Officer
Telephone No: E-mail address:	0121 303 8847 mary.lowe@birmingham.gov.uk

3. Consultation
<p>3.1 <u>Internal</u></p> <p>The Head Teacher of King’s Norton Boys’ School issued a copy of the public notice and proposal via email to Education and Skills Infrastructure (EdSI). This was issued to the Executive Member for Selly Oak, Ward Councillors for Bournville together with relevant Local Authority Officers via email on 4th January 2017. A copy of the public notice and full proposal can be found in Appendix 1. The Governing Body displayed the notice at the entrances to the School, on the School’s website and arranged for a copy to be published in the Birmingham Post on 5th January 2017. A BeHeard website was set up to receive comments during the representation period. Fifteen comments were received during the representation period, the majority of which were opposed to the closure. A summary of the comments and individual copies can be found in Appendix 3.</p> <p>3.2 <u>External</u></p> <p>This proposal has been fully consulted upon in line with the requirements set out in statutory guidance “Making prescribed alterations to maintained schools – statutory guidance for proposers and decision makers” published by the Department for Education (DfE) in April 2016.</p> <p>The proposal was also shared with representatives of professional associations and trade unions, other stakeholders including the Roman Catholic and Anglican Dioceses as well as neighbouring authorities. The notice was also shared with all Birmingham schools through the Local Authority’s Education noticeboard.</p>
4. Compliance Issues:
<p>4.1 <u>Are the recommended decisions consistent with the Council’s policies, plans and strategies</u></p> <p>This proposal would result in King’s Norton Boys’ School altering its age range from 11-18 to 11-16 years. This will result in the closure of the sixth form.</p> <p>The City Council has accepted the findings of the Post 16 Area Review in 2016 of which under recommendation 11, it is proposed that “Birmingham and Solihull Councils and the Regional Schools Commissioner recognise the need for school sixth forms to be viable in the future. Birmingham City Council is already working with schools to consider options for rationalisation.”</p> <p>Birmingham City Council has published ‘Guiding Principles for School Sixth Forms’ which sets out that the school sixth forms must demonstrate quality, choice, progression and viability. Nationally published guidance from the Department for Education stipulates that a sustainable sixth form would require a roll of at least 200 students. King’s Norton Boys’ School has seen its provision reduce from 119 students in 2015/16 to 89 in 2016/17. Meanwhile, when the school recently canvased its current cohort of 103 Year 11 students, just 29 boys said they planned to join the sixth form in September 2017.</p>

4.2 Financial Implications

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

King's Norton Boys' sixth form is not financially viable as a result of falling pupil numbers. This has been further exacerbated by the freezing of the national funding rate.

The cost of running King's Norton Boys' School sixth form provision is twice as much as the funding received by the school from the Education Funding Agency for its year 12 and 13 students. The Governing Body has had to subsidise its sixth form with funding allocated to year groups 7 to 11. Despite this, the Governing Body's projected figures show that the school is facing a deficit that could potentially grow to £800,000 within the next three years if a solution to the problem is not found. The level of deficit that the Governing Body are forecasting will have a detrimental effect on the year groups 7 to 11. Closure of the sixth form would enable finances and resources to be directed towards improving standards across year groups 7 to 11.

There is no capital expenditure involved in the closure of the sixth form.

4.3 Legal Implications

The Governing Body of a Foundation school has the power under section 19 of the Education and Inspections Act 2006 (the "2006 Act") and regulation 4 of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (the "Prescribed Alterations Regulations") to propose that prescribed alterations be made to the School, including (pursuant to paragraph 3 of Schedule 2 to the Prescribed Alterations Regulations) alteration to the upper or lower limit of a foundation or voluntary school. Pursuant to section 21(2)(f) of the 2006 Act and paragraph 3 of Schedule 3 to the Prescribed Alterations Regulations, the final decision on such matters is for the Local Authority to make.

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 King's Norton Boy's School is a foundation secondary school in the Bournville ward of the Selly Oak district. The School has a long established sixth form that can offer up to 120 places across years 12 and 13. There are currently 89 pupils on roll in the sixth form of whom 57 are in year 12 and 32 are in year 13.
- 5.2 In September 2015, the school were given a judgement of "requiring improvement" following an OFSTED inspection.
- 5.3 The sixth form has become financially unviable due to a number of factors which include

the falling rolls, the rising cost of delivering courses and the freezing of the national funding rate. Due to these issues, the Governing Body have had to resort to subsidising the sixth form from the funding allocated to its students in year groups 7 to 11. The Governing Body have forecast that should a solution to the unviability of the sixth form not be found, their projected figures show that the school is facing a deficit that could potentially grow to £800,000 in the next three years.

- 5.4 The Governing Body and Head Teacher of the School have explored a number of options to reduce the deficit, including a restructure at the School. Despite this the deficit has not reduced and in addition early forecasts suggest that only a small number of pupils would be interested in staying on in the sixth form in September 2017. The Governing Body have therefore voted to move forward with the closure of the sixth form.
- 5.5 The Head Teacher met with Officers from both Education and Skills Infrastructure and 14-19 Participation and Skills Team, who fully support the Governing Body's proposal. In the context of this proposal the Local Authority determines that there are sufficient places available within reasonable 'travel-to-learn' distances within local Post 16 providers neighbouring King's Norton Boys' School. These include places for both A-Level and vocational curriculums. In addition there are also a wide variety of vocational courses available at two local colleges that are within a three mile radius of King's Norton Boy's School.
- 5.6 King's Norton Boy's School has an informal partnership with King's Norton Girls' School which sees a small number of students from each school accessing the other school's sixth form provision. The Governing Body and Head Teacher of the Boys' School worked closely with the Girls' School throughout this consultation.
- 5.7 The Governing Body undertook a review of alternative delivery models, one of the considerations was to explore the possibility of forming an alliance with the Girls' School, to form a joint sixth form. It has not been possible to move forward with any of the options explored.
- 5.8 The Governing Body are proposing that the sixth form will close with effect from 31st August 2018. The current Year 13 pupils will not be affected and will continue with their courses and leave at the end of the summer term 2017. The current Year 12 cohort will continue with their courses into Year 13 and the sixth form will close after they leave the school in the summer term of 2018.
- 5.9 The School canvassed the current Year 11 pupils and just 29 of the 103 pupils in the cohort said they planned to join the sixth form in September 2017. The Governing Body are therefore applying to the Office of the School Adjudicator to seek an in-year variation to the Published Admission Number for the sixth form in September 2017, from 120 to 0. If approved this will remove the requirement of the Governing Body to offer places in Year 12 in September 2017. This will limit any potential disruption to pupils should this proposal to alter the age range and close the sixth form be approved and will enable the sixth form to close fully in September 2018.
- 5.10 The School is working closely with all current Year 11 pupils to help them consider options and prepare for the next stage of their education. The school will work closely with other Further Education providers in the local area, along with its own specialist

career adviser to ensure students are fully informed about the alternative options available.

- 5.11 The Governing Body is working closely with staff and it is not envisaged that the proposed closure of the Sixth Form would lead to imminent job losses. The situation will be regularly monitored and staff associations have been consulted on the proposal during the statutory consultation stage.
- 5.12 The Governing Body commenced a pre-statutory school organisation consultation with pupils, parents and staff and other stakeholders on 21st November 2016. The pre-statutory proposal document was made available on the school website. The Head Teacher held a number of consultation surgeries for staff, parents and pupils between 22nd November 2016 and 7th December 2016. A copy of the pre-statutory proposal document can be found in Appendix 2.
- 5.13 The Governing Body commenced its statutory consultation on the alteration to the age range and the closure of the sixth form on 5th January 2017. A public notice was published in the Birmingham Post, on the school's website and displayed at all entrances to the school. The notice included details of how comments and/or objections could be made via a BeHeard consultation website or in writing to the Local Authority's School Organisation Team. A four week statutory representation period followed.
- 5.14 During the representation period 15 responses were received. Of these 15 responses, 14 were opposed to the closure. The most frequent comments received within the responses were from parents who were disappointed that their child would not be able to continue their sixth form education at the school. The other response received was a letter from the Member of Parliament for Selly Oak, who, whilst expressing his disappointment at the closure of the sixth form understood the school's financial reasons for this. A summary of responses and copies of each response can be found in Appendix 3.
- 5.15 Regulation 7 of the Prescribed Alterations Regulations provides that the Local Authority is required to have regard to guidance issued by the Secretary of State when taking a decision on such proposals. An extract of the relevant statutory guidance is attached as Appendix 4.

6. Evaluation of alternative option(s):

- 6.1 The recommendation of this report is for the proposal to be approved, alternatively, in line with the statutory guidance, the proposal may be approved with modification or approved subject to meeting a prescribed condition, or rejected.
- 6.2 Failure to give approval to this statutory proposal will mean that King's Norton Boys' School's sixth form will remain open and will become increasingly unviable both operationally and financially. The current deficit created by funding the sixth form will grow and will have a detrimental effect on standards and attainment in both the sixth form and the provision across year groups 7 to 11.

7. Reasons for Decision(s):

- 7.1 To enable the Governing Body of King's Norton Boys' School to alter the upper age limit of the school from 11-18 to 11-16 years to remove the sixth form provision which is both financially and operationally unviable. This will enable the school to address both financial and operational issues and concentrate resources to improve outcomes in year groups 7 to 11.

Signatures (or relevant Cabinet Member approval to adopt the Decisions recommended):

Cabinet Member, Children, Families and Schools

Cllr Brigid Jones:Date:

Strategic Director, People

Peter Hay:Date:

List of Background Documents used to compile this Report:

Education and Inspections Act 2006

"Making prescribed alterations to maintained schools – statutory guidance for proposers and decision makers" published by the Department for Education (DfE) in April 2016

List of Appendices accompanying this Report (if any):

1. Full proposal and public notice
2. Pre-Statutory proposal document
3. Summary of responses and copies of each response
4. Relevant Extract from Statutory Guidance on School Organisation

Report Version	8	Dated	20 th March 2017
-----------------------	---	--------------	-----------------------------