

Birmingham City Council

Report to Cabinet Member for Children Young People and Families

August 2022



Subject: Make a Prescribed Alteration Through an Increase in Pupil Numbers at Baskerville School

Report of: Director for Children and Families

Relevant Cabinet Member: Cllr Karen McCarthy: Children Young People and Families

Relevant O &S Chair(s): Cllr Kerry Jenkins: Education and 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): Harborne is mainly affected but pupils travel from across the city to access this specialist provision. | | |
| 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, state which appendix is exempt, and provide exempt information paragraph number or reason if confidential: | | |

1 Executive Summary

- 1.1 To seek the determination of a statutory proposal at Baskerville School (The School):
- Permanently increase the number of places the School can offer to pupils, to 183 from September 2022.

2 Recommendations

- 2.1 That the Cabinet Member for Children, Young People and Families, having considered the statutory guidance, approves the statutory proposal to increase the number of places the School can offer from September 2022.
- 2.2 That the Cabinet Member for Children Young People and Families notes that separate approval has been given by Cabinet on 7th June 2022 for the costs of building works that would be required if this proposal is approved for implementation.

3 Background

- 3.1 Baskerville School (The School) is a foundation special school situated on Fellows Lane, Harborne, Birmingham B17 9TS, which is within Harborne ward and the Edgbaston constituency of Birmingham.
- 3.2 The School was rated “good” by Ofsted in March 2017.
- 3.3 The School currently has 162 pupil places on roll, which have an Education Health and Care Plan (EHCP) which identifies Autistic Spectrum Disorder (ASD) as their primary special educational need.
- 3.4 There is significant need for more school places in Birmingham for children with EHCPs, both in special schools and resource bases in mainstream schools. In the last four years the Council has increased the total number of special school places available to pupils with EHCPs by 10%. There has been an increase in the number of pupils with EHCPs in Birmingham, by over 800 in the last two years. There is also an increase in requests for statutory assessments which may lead to EHCPs; these requests are currently averaging 150 each month.
- 3.5 The Council is keen to ensure that future places are provided in the areas that they are needed, helping children to attend a school nearer to home and as part of their local community.
- 3.6 The proposal requires remodelling of the complex needs building to include the creation of a food technology area on the ground floor and the creation of an ICT suite and a classroom on the first floor.
- 3.7 Existing modular units will be extended and remodelled to provide three additional classrooms and a sensory room, staff accommodation, life-skills teaching space, changing places and toilet provisions.
- 3.8 The funding for the reconfiguration is described in 7.3 of this report.
- 3.9 In compliance with the DFE guidance, a statutory notice and complete proposal were published on 9th June for the prescribed four-week consultation, the

“representation period”. The representation period commenced with the publication of a statutory notice in the Birmingham Post newspaper, a notice on The School’s website and on the Council’s Birmingham BeHeard consultation website and with notice to stakeholders and groups by letter and email (see also section 5 - Consultation).

- 3.10 During the representation period, comments on the proposal could be submitted in writing to Education Infrastructure via the BeHeard website online-survey, by email or letter. A copy of the public notice can be found in **Appendix 1** of this report.

At the close of the representation period on 7th July 2022: A total of 35 responses were received, 4 in favour, 20 opposed, 11 neither/don’t know. The responses were from 30 local residents, 1 member of staff at The School and 4 others. The outcome of the consultation is set out in **Appendix 3** to this report.

The main objection to the proposal was regarding traffic congestion; road safety; parking. The school has been working collaboratively with Birmingham City Councils Children and Young Person’s Travel Service to update and where possible improve the schools travel plans which will be implemented in September 2022.

Whilst the number of pupils and staff would rise due to the proposed development, the impact on the surrounding road network and parking is not considered to be severe and would not unacceptably impact on highways safety. Consequently, the Transportation Officer has raised no objection to the proposal (The development is therefore considered to accord with Policies DM14 and DM15 of the DMB DPD).

- 3.11 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 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: Making Significant Changes (‘prescribed alterations’) to Maintained Schools – statutory guidance for proposers and decision-makers - October 2018, published by the Department for Education. 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.

- 3.12 If the proposal is approved, Baskerville School will increase its pupil places from 118 to 183 for pupils with EHCPs for ASD from September 2022.

4 Options considered and Recommended Proposal

- 4.1 It is recommended that the proposal to increase the number of places The School can offer from September 2022 be approved.

- 4.2 The options to physically expand Birmingham schools, including community special schools offering ASD provision, is limited due to the constrained sites within the urban environment. Council officers believe that maximising the available space and increasing the number of pupil places offered by Baskerville School will help provide sufficient places for pupils with EHCPs for ASD in Birmingham.
- 4.3 If this proposal is rejected, the Council would need to identify alternative solutions to provide sufficient places for pupils with EHCPs for ASD. Not increasing SEN places at The School may increase the Council's reliance on out of city and independent provision if sufficient places are not available within the maintained, Academies and Free School sectors and could result in additional costs for places and transport, as pupils may have to travel further to access out of city provision.

5 Consultation

- 5.1 The statutory proposal was consulted upon in line with the requirements set out in the relevant guidance from the Secretary of State (as noted in 3.11 of this report). The outcome of the consultation is set out in Appendix 3 to this report. The majority of responses were opposed to the proposal due to concerns relating to parking and traffic management in the area surrounding the School.

5.2 Internal:

Information on the proposal was shared with Birmingham Ward Councillors (see appendix 4), Officers from services across the Council which includes Admissions, SEND and Inclusion, Finance, School and Governor Support, SENDIASS, Home to School Transport, Human Resources, Legal, Planning, Research and Statistics Officers and colleagues in Education Infrastructure.

5.3 External:

Information on the proposal was shared with pupils, parents/carers of pupils, staff and members of the governing body of Baskerville School; Birmingham Schools, the Archdiocesan and the Anglican Diocese of Birmingham, Professional Associations and Trade Unions, Neighbouring Local Authorities, the local Member of Parliament, local NHS partners, The Department for Education – School Organisation and the Office of The Schools Adjudicator and by public notice (as described in section 3.11 of this report).

6 Risk Management

- 6.1 As also described in section 4.3 of this report: if the proposal is rejected, the Council may fail to provide sufficient places and parental choice for pupils with EHCPs for ASD. The demand for places will continue to increase and may reduce value for money by potentially increasing the cost to provide alternative places for those that need them. There is a risk that the Council would not achieve

its strategic aims in reference to the provision of education in the city (see also section 7 of this report).

- 6.2 The recommendation at 2.1 of this report is contingent on successful completion of the internal building works before September 2022. Should there be any delay to the building work there is a risk that the facilities would not be ready to admit children in September 2022. A decision has already been made to carry out the building works meaning that, should the recommendations in this report not be approved, the Council will be required to fund this work without the corresponding increase in pupil numbers to fill the additional physical space.

7 Compliance Issues:

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

- 7.1.1 The proposal to permanently increase the number of pupil places offered by Baskerville School would meet the following aims of the Council:
- Give all children from every background and community the best start in life with a clear pathway to achieve success and realise their potential;
 - Ensure that there are sufficient pupil places, secure diversity in provision of schools and increase opportunities for parental choice through planning and securing sufficient provision;
 - To fulfil landlord responsibilities to ensure that schools are Health and Safety compliant and fit for purpose;
 - To meet the aims set out in the Council's Education Services Delivery and Improvement Plan.

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 Foundation Special School can propose the increase of pupil places in a special school. Under the Prescribed Alterations Regulations, the Local Authority is the decision maker for this statutory proposal.
- 7.2.2 The recommendations in this report facilitate the discharge of functions contained within section 14 of the Education Act 1996 whereby the local authority has a duty to ensure that there are sufficient school places to provide all pupils the opportunity of appropriate education.

- 7.2.3 The Local Authority must also keep under review the educational provision, training provision and social care provision made in its area for children and young people who have special educational needs or a disability, under section 27 of the Children and Families Act 2014.

7.3 Financial Implications

- 7.3.1 The funding for the re modelling and expansion project will come from the Local Authorities High Needs Capital Allocation. £1,823,776 has been identified for this project.
- 7.3.2 Consequential revenue costs arising that includes the need for additional staffing and any on-going day-to-day repair and maintenance of The School a combination of Place and Top Up funding both of which are allocated from the High Needs Block revenue allocation.

7.4 Procurement Implications (if required)

- 7.4.1 Not Applicable

7.5 Human Resources Implications (if required)

- 7.5.1 Staff will generally be unaffected. If this proposal is approved for implementation, any impact on staff terms and conditions will be consulted upon with Trade Unions / Professional Associations. The increase in pupil numbers may provide opportunities for professional development of school staff.

7.6 Public Sector Equality Duty

- 7.6.1 An updated Equality Assessment initial screening was carried out in October 2018 (EQUA221) 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 The School organisation process. The recommendations in this report are likely to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it and it has been decided that a full equality analysis is not required.

8 Appendices

Appendix 1: Public Notice

Appendix 2: Full Proposal document

Appendix 3a: Consultation results Summary

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Appendix 4: Councillors Consulted

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.