

Birmingham City Council

Report to Cabinet Member for Education Skills and Culture, jointly with the Director of Education & Skills

Date: 29 March 2019



Subject: PROPOSAL TO DISCONTINUE WILKES GREEN INFANT SCHOOL AND TO ALTER THE LOWER AGE RANGE AND EXPAND WILKES GREEN JUNIOR SCHOOL BY ENLARGEMENT

Report of: Assistant Director for (Safeguarding)

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

Relevant O &S Chair(s): Cllr Mariam Khan, Learning, Culture and Physical Activity

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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): Handsworth		
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 two statutory proposals:

- Discontinue Wilkes Green Infant School

- Alter the lower age limit of Wilkes Green Junior School from 7 – 11 to 3 – 11 years and expand by enlargement the premises of Wilkes Green Junior School.

These proposals are related. The alteration of the age range and the expansion of the junior school to include the infant school buildings will enable pupils from the infant school to be accommodated thus amalgamating the two existing schools with effect from 1st May 2019.

2 Recommendations

That the Cabinet Member for Education, Skills and Culture jointly with the Director for Education & Skills;

- 2.1 Approve, having taken into account the statutory guidance, the two statutory proposals to amalgamate Wilkes Green Infant and Junior Schools through the discontinuation of the infant school and the alteration to the lower age limit and expansion of the junior school.

3 Background

- 3.1 Wilkes Green Infant and Junior Schools are community schools. Wilkes Green Junior School was inspected by OFSTED in April 2015 and received a judgement of “Good”.

Wilkes Green Infant school was inspected by OFSTED in December 2016 and was placed in Special Measures and the overall effectiveness of the infant school judged to be “Inadequate”. Wilkes Green Infant School was issued with a Directive Academy Order in February 2017; the Governing Body of the infant school was replaced with an Interim Executive Board (IEB).

- 3.2 The Governing Board of the junior school, the IEB of the infant school and Birmingham City Council have been working collaboratively and agreed to move forward with proposals to amalgamate the two schools. In January 2018 a letter was sent to the Regional Schools Commissioner (RSC) setting out the junior school’s commitment to work with the infant school to drive forward the required improvements.

On behalf of the Secretary of State, the RSC agreed to revoke the directive academy order for Wilkes Green Infant School to allow for a single primary school on the site.

- 3.3 Wilkes Green Infant School has an admission number of 90 at Reception. Should the amalgamation be approved, the admission number for Reception and Birmingham City Council’s admission policy for community and voluntary controlled schools will continue to apply to the amalgamated school:

1. Looked after or previously looked after children.
2. Siblings (brother or sister who will still be in attendance in September 2019)

3. Distance (children who live nearest the school measured in a straight line.)

Should the amalgamation be approved, the two schools will become an all through primary school with an age range of 3 – 11 years. It will be necessary to submit an in year variation request to the Office of the School's Adjudicator (OSA) to change and establish the admission arrangements for the single primary school. After 1st May 2019 there will be no Year 3 transfer applications required as children will automatically progress from Year 2 into Year 3 of the newly amalgamated school.

- 3.4 In compliance with DFE guidance and best-practice, a statutory pre-publication consultation was completed for the proposal between 5th November 2018 and 14th December 2018 (six weeks) to engage stakeholders before the publication of the statutory notice and the full proposal. A total number of 104 responses were received during the statutory pre-publication consultation phase, of which 97 were in favour and 3 were opposed and 4 either didn't know or didn't specify.

An analysis of the statutory pre-publication consultation responses can be found in the full proposal document in Appendix 1.

- 3.5 In compliance with DFE guidance, a statutory notice and proposal were published and the representation period was between 10th January 2019 and 7th February 2019 (four weeks). The representation period commenced with the publication of a statutory notice in the Birmingham Post for the following:

- Discontinuation of Wilkes Green Infant School
- Alteration to the age range from 7 – 11 years to 3 - 11 years and expand by enlargement the premises of Wilkes Green Junior School (expand the junior school to include the infant school buildings).

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 public notices can be found within Appendices 1 & 2.

- 3.6 Education Infrastructure Officers and members of the Schools' Leadership Team held meetings for the Infant and Junior School parents and staff on Wednesday 30th January 2019. One parent attended and two members of staff, all of whom were in favour of the proposal and did not have any concerns regarding the amalgamation.
- 3.7 At the close of the representation period, 55 responses were received regarding the proposals. Of the 55 responses received 53 were in favour, 1 was against and 1 was not indicated. The full quantitative and qualitative analysis and copies of the comments received can be found in Appendix 3 of this report.
- 3.8 Details of both the internal and external stakeholders consulted and the means by which both consultations were carried out are detailed in section 5 of this report.
- 3.9 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 extract of the statutory guidance is attached (Appendix 4). The Education and Inspections Act 2006, the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 (the Establishment and Discontinuance Regulations) 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.

- 3.10 If the proposals are approved, the junior school will change their name to reflect the amalgamation of the two existing schools.

4 Options considered and Recommended Proposal

- 4.1 Should the proposals be rejected, Wilkes Green Infant and Junior Schools will remain as separate schools with a separate Governing Body at the junior school and the IEB at the infant school. Alternative action will be required to address the “Inadequate” judgement at the infant school and there is a possibility that the Secretary of State will reinstate the Directive Academy Order. The IEB will need to recruit a new Infant School Head Teacher and any plans for restructuring resulting from an all through primary school will not be able to go ahead. Pupils will continue to apply to transfer from Year 2 at the infant school to Year 3 at the junior school. The non- amalgamation may affect the opportunity for career development and the sharing of best practices with two separate schools.
- 4.2 To allow Wilkes Green Infant and Junior Schools to become an all through primary school, the DFE number and OFSTED Judgement of the junior school will relate to the amalgamated school. The newly amalgamated school will be able to drive forward the required improvements and also allow greater continuity across key stage 1 and 2, with no requirement for pupils to make the transition from one school to the other at Year 3. It will allow the Governing Board to appoint a single head teacher and to restructure the leadership team to create a more efficient leadership and management system with finances and resources being shared more easily. The new all through school will be able to achieve economies of scale, putting the school in a much stronger position financially.

5 Consultation

- 5.1 Internal
- 5.1.1 During the pre-statutory and statutory consultation periods, information about the proposal was sent to the Ward Councillor for Handsworth together with officers from services across Birmingham City 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 and outcome of the statutory consultation is set out in Appendix 3. The names of the Ward Councillor 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 both the statutory guidance “Making significant changes (‘prescribed alterations’) to maintained schools” (October 2018) and “Opening and closing maintained schools – statutory guidance for proposers and decision-makers” (November 2018) published by the Department for Education (DfE). A copy of the guidance for decision makers can be found in Appendix 4.

5.2.2 During the pre-statutory consultation period, information about the proposal was publicised to the parents, teaching staff, non-teaching staff, Local Councillor for Handsworth and the Member of Parliament for Ladywood.

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 Archdiocesan and The Anglican Diocese of Birmingham;
- Professional Associations and Trade unions

5.2.3 The information was publicised in the following ways:

- Public notice in Birmingham Post newspaper;
- On Birmingham City Council BeHeard webpage;
- On the schools’ webpages;
- On the Birmingham City Council School Notice Board.

5.2.4 A copy of the full proposal document can be found in Appendix 1 and the Public Notice in Appendix 2. The outcome of the external consultation is set out in Section 3 of this report and in Appendix 3.

6 Risk Management

Wilkes Green Infant School was identified as a school causing concerns following an inspection by OFSTED in December 2016 when the school was placed in Special Measures and the overall effectiveness of the infant school judged to be “Inadequate”. The Local Authority identified the amalgamation of the two schools as the solution. This was discussed and agreed with the IEB of the infant school and the Governing Body of the junior school. The Secretary of State agreed to revoke the directive academy order (DAO) based on the proposal that the two schools amalgamate. Should the proposal not be agreed there is a risk that the infant school will be left without a solution to the governance arrangements and a possibility that the DAO will be reinstated.

7 Compliance Issues:

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

- 7.1.1 These proposals are consistent with the Council's current Amalgamation Policy (modified 25th October 2004) which states in Section 2 that the only triggers for the amalgamation of separate infant and junior schools, is through
- i) Falling rolls
 - ii) A request from the governing bodies of a pair of schools.

7.2 Legal Implications

- 7.2.1 This report exercises powers contained within sections 15 and 19 of the Education and Inspections Act 2006; the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013; and Schedule 2 and Schedule 3 to the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, by which the Local Authority has the power to make statutory proposals affecting schools in its area and to determine them.

7.3 Financial Implications

- 7.3.1 From 1 April 2019, the new school will have the entire budget for both schools to fund all of the costs associated with the closing schools and the new school costs during the 2019/20 financial year. There will not be a separate budget notification for the new school.

In 2019/20 each school will also receive an amount of £110,364 as part of their overall delegated budget to help fund management costs and fixed overheads in line with the national funding formula lump sum.

The net effect of the loss of one lump sum of £110,364 in 2020/21 should not be an issue as the corresponding expenditure will also be significantly reduced as the newly amalgamated school will only require one Head Teacher and potentially less administrative support. 2019/20 is effectively a transitional year which provides for the changes to take place.

The Governing Board have been made fully aware of these budget implications.

7.4 Procurement Implications (if required)

- 7.4.1 Not applicable.

7.5 Human Resources Implications (if required)

- 7.5.1 Should the amalgamation be approved, it will be the Governing Body's decision as to whether any restructure is required having considered any duplication of shared roles. This will be done with the relevant consultation with staff and professional associations as required. The Head Teacher of the infant school has retired. The Head Teacher of the junior school is currently carrying out the acting role of Head Teacher over both schools. If the amalgamation is approved this role will be made permanent and it is proposed that the Head teacher of the junior school will become the Head teacher of the newly amalgamated school.

7.6 Public Sector Equality Duty

- 7.6.1 An updated Equality Assessment initial screening was carried out in December 2013(EA000088) 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.

8 Background Documents

8.1 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.
- Opening and Closing maintained schools. "Statutory guidance for proposers and decision makers" published by the Department for Education (DFE) in November 2018.
- Cabinet Report for Amalgamation policy 2004

8.2 List of Appendices accompanying this Report (if any):

- 1. Full Proposal Document
- 2. Public Notice
- 3. Statutory Consultation Results
- 4. Excerpt of Guidance for Decision Makers
- 5. Ward Councillors Consulted.