

## **Cabinet – 14 January 2009**

### **Determination of Statutory Proposal to significantly enlarge Birchills CE Primary School**

**Portfolio:** Councillor Zahid Ali, Children's Services

**Service:** Walsall Children's Services - Serco

**Wards:** Birchills Leamore

**Key decision:** Yes

**Forward plan:** Yes

#### **1. Summary of report**

This report provides information to enable Cabinet to decide whether it wishes to approve the statutory proposal to significantly enlarge Birchills CE Primary School from 1 September 2011 in order to meet an increased demand for primary school places as a result of housing developments in the area.

#### **2. Recommendations**

- 2.1 That Cabinet approve the statutory proposal to significantly enlarge Birchills CE Primary School from 1.5 FE (Forms of Entry) to 2 FE by increasing the intake from 45 to 60 places from 1 September 2011 in order to enable the need for additional primary school places in the area to be met.
- 2.2 That Cabinet approve a total budget of £4,815,000 funded and phased as set out in paragraph 4.1.2 to meet the cost of a scheme to address condition issues, the proposed enlargement and other improvements.
- 2.3 That Cabinet delegates authority to the Executive Director for Children's Services to accept the tender for this scheme.

#### **3. Background information**

- 3.1 Birchills CE Primary School is a controlled school with 45 places in each year group and places for a total of 315 pupils excluding the nursery class.

- 3.2 Additional primary school places are needed in order to meet an increasing demand for primary school places in the local area as a result of recent and planned residential developments. Some smaller developments and one major development (Caparo) have already received planning approval and other major developments which are planned along the A34 corridor (including the Reedswood and Birch Street sites) would, based on the standard method of estimating pupil yield, result in further increased demand. In order to meet this and increased pupil numbers associated with other residential developments on the northern side of the town centre, it is proposed to significantly enlarge Birchills CE Primary School and increase the intake with effect from 1 September 2011.
- 3.3 The proposal to increase the admission number from 45 to 60 from September 2011 would enable the school to operate with two classes in each year group, commencing with the reception admissions in the 2011/2012 school year and then progressing up through the school.
- 3.4 There are 52 part-time places in the nursery class and as this is the usual number of nursery places in a 2 FE primary school, it is not proposed to increase this.

#### **4. Resource considerations**

##### **4.1 Financial:**

4.1.1 If the proposal goes ahead, there would be a requirement for significant capital investment at the school in order to provide additional teaching accommodation. This is estimated at £1 million. At the same time, it is proposed to undertake other improvements including reorganisation of the existing accommodation to create infant and junior areas and circulation, accessibility and staff accommodation would also be improved. Significant investment is planned to address structural problems with the building and there would be cost efficiencies from undertaking all of this work as part of a larger scheme. The cost of these condition and improvement works is estimated at £3,815,000 bringing the total budget required to £4,815,000.

4.1.2 It is proposed to fund the proposed works by bringing together resources from the following funding streams: priority 1 condition backlog (boiler replacement work deferred pending decision regarding larger scheme) £60,000, section 106 developer contributions (£21,177), Basic Need (£2,301,027 phased as £537,091 in 2008/9, £1,443,204 in 2009/10 and £321,732 in 2010/11) and the Primary Capital Programme (£2,431,796 in 2009/10). Details of this are included in the report on the Education Capital Programme elsewhere on this agenda.

##### **4.2 Legal:**

4.2.1 The proposed significant enlargement of Birchills CE Primary School is subject to statutory procedures. On 22 October 2008, Cabinet considered responses received during the consultation period and approved the publication of a statutory proposal. The proposal was published on 7 November 2008 and a representation period of four weeks followed. It is now for Cabinet to consider the response received during this period and 'determine' the statutory proposal. A copy of the full proposal is attached as **Appendix 1**.

4.2.2 Subject to completion of the statutory processes detailed above, the admission number for the school would be increased to 60 from 1 September 2011.

4.2.3 **Appendix 4** provides details of the statutory guidance to be considered by decision-makers when considering expanding a mainstream maintained school. Such expansions are classes as 'prescribed alterations'. It is not considered that the presumption for the expansion of popular and successful schools should apply. The decision-maker must indicate the main factors/criteria for the decision.

4.2.4 The following bodies may appeal against a Local Authority decision on school expansion proposals:

- the local Church of England diocese;
- the bishop of the local Roman Catholic diocese;
- where the school provides education for pupils aged 14 and over- the Learning and Skills Council;
- the governing body of the community school that is proposed for expansion; and
- the governors and trustees of the foundation or voluntary school that is proposed for expansion.

4.2.5 Appeals must be submitted to the Local Authority within 4 weeks of the Local Authority's decision. On receipt of an appeal the Local Authority must then send the proposals, and the comments and objections received, to the schools adjudicator within 1 week of the receipt of the appeal. The Local Authority should also send a copy of the minutes of the Local Authority's meeting or other record of the decision and any relevant papers

#### 4.3 **Staffing:**

4.3.1 There are no direct implications as a result of this report. If the school is enlarged as proposed, the school would require additional teachers and other staff on a phased basis and these would be funded through the school's revenue budget.

### 5. **Citizen impact**

Local residents would have improved access to a place at a local primary school for their child.

### 6. **Community safety**

There are no direct implications as a result of this report.

## 7. Environmental impact

- 7.1 Should the proposal be implemented, the associated scheme would incorporate the use of sustainable resources wherever possible and the design would incorporate developments to reduce the impact on the environment.
- 7.2 The proposed provision of additional primary school places in this area would contribute to reducing car journeys to school in future years.

## 8. Performance and risk management issues

### 8.1 Risk:

If the proposed additional primary school places are not provided, there is a risk that parents will not be able to secure a place for their child at a local primary school.

### 8.2 Performance management:

The adequacy of the supply of school places is assessed by the DCSF through an annual return.

## 9. Equality implications

If the proposal is implemented, the accessibility of the school building would be improved as part of the alterations to the school building.

## 10. Consultation

- 10.1 Consultation on the proposal to significantly enlarge Birchills CE Primary School from 1.5 FE (Forms of Entry) to 2 FE by increasing the intake from 45 to 60 places from 1 September 2011 commenced on 5 September 2008 and ended on 10 October 2008. Cabinet considered a report on the outcome of this consultation on 22 October 2008 and approved publication of the statutory proposal.
- 10.2 The statutory proposal was published on 7 November 2008 and a 4-weeks representation period, during which representations (e.g. objections or comments) can be made, then followed. One response (attached as **Appendix 2**), from the Birmingham Diocesan Schools Commission, was received during this period.
- 10.3 The issues raised by the Birmingham Diocesan Schools Commission and comments on these are as follows:
- Are the additional places still needed?

*“In light of the threatened forthcoming recession and possible downturn in national and presumably regional demand for new houses do you still envisage the need for an enlarged Birchills school?”*

Comment: The date of implementation is 1 September 2011 and the information available to us leads us to the view that the additional places are still required. A number of development sites in the local area have already received planning consent and the remaining are being progressed. All development sites are being monitored to assess the school place requirements. The Caparo site, which is one of the larger ones, was approved last month. This is for approx 300 dwellings of mixed size / type and the primary pupil yield from this development is projected to be 47. There are a number of other developments in the general town centre area and these too have been factored into our planning.

The other schools close to the town centre are all 1 FE and with the infant class size limit they cannot take additional pupils, neither do they have spare accommodation for additional classes. Overall, the projected pupil yield is such that we feel that an additional half form of entry is required. As I am sure you will appreciate, it is better for a variety of educational reasons to enlarge a school from 1.5FE to 2 FE rather than enlarge a 1FE school to 1.5 FE.

Many authorities are finding that the current economic situation is leading to a significant increase in demand for school places in areas close to town centres, where properties are generally more affordable, because fewer families are moving out to the suburbs etc when their children reach school age. This too will impact on the need for primary school places in areas close to the town centre.

- Appropriateness of proposed investment

*“Could not the £1m be better spent elsewhere?”*

Comment: This sum represents the element of a larger investment that relates to the provision of additional school places. The school building has significant structural problems and the Council would need to make a major investment to address these issues. Whilst developing a proposal to resolve these we came to the view that it would be prudent to increase the investment in order to gain some real benefits for the school and address suitability issues. When it became evident that additional primary places were required in the local area and that Birchills was the most appropriate school, it seemed sensible to include these as part of a larger scheme, giving economies of scale.

- Possible impact on St Patrick’s Catholic Primary School

*“If the A34 corridor housing developments are not certain to go ahead as planned, we must object to any threat to numbers at St Patrick’s, given that surrounding schools currently already have some kind of surplus – Bentley Drive 13.10%, Croft Community 17.48%.”*

Comment: For the reasons stated above, it is considered that the proposed additional places are still required. Although at the present time there is no absolute certainty as to when any development will be completed, the proposed increase in places would commence in

September 2011 and gradually move up through the school. Given this timescale, it is not envisaged that the enlargement would impact on other schools.

Limited places are available at local schools in the area and this is a particular issue in Reception, Year 1 and Year 2 where infant class sizes are restricted by legislation to no more than 30 pupils per teacher other than in specified very exceptional circumstances.

In October 2008 (school census), there were 7 available places at St Patrick's and all of these are in Key Stage 2 year groups. At Croft and Bentley Drive the situation is similar; although there are 28 available places at Croft, only 3 of these are in Reception and in Year 1; at Bentley Drive there is only 1 place available in Reception and 11 in Year 2. Butts Primary School which also serves the nearby area has 1 place available in Year 2.

- 10.4 A response which includes the above comments was sent to the Birmingham Diocesan Schools Commission. The Commission has since responded (letter attached as **Appendix 3**) that "With 'no absolute certainty as to when any development will be completed' and the possibility that the demand for places does not materialise as you predict, our objection would remain. .... strong numbers in St Patrick's school is our prime concern."
- 10.5 During the consultation period there was widespread support for this proposal, from parents, staff and governors. On 15 September 2008, the governors passed a unanimous resolution in support of the proposed enlargement of the school.
- 10.6 The Lichfield CE Diocesan Board of Education has considered the proposal to significantly enlarge Birchills CE Primary School and have sent a letter "to convey their explicit support to the proposal".
- 10.7 In the light of all the available information and in view of the need for the proposed places, Cabinet is recommended to approve the statutory proposal to significantly enlarge Birchills CE Primary School from 1 September 2011.

## **Background papers**

Cabinet report 16 July 2008: Proposal to significantly enlarge Birchills CE Primary School.

Cabinet report 16 July 2008: Outcome of Consultation on Proposal to significantly enlarge Birchills CE Primary School

Letter from Lichfield Diocesan Board of Education dated 1 October 2008

Full proposal, November 2008

Email from Birmingham Diocesan Schools Commission

Letter dated 16 December 2008 from Birmingham Diocesan Schools Commission.

## Author

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Signed:



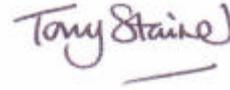
Executive Director: David Brown  
Date: 6 January 2009

Signed:



Councillor John O'Hare, Leader  
In the absence of  
Portfolio Holder: Councillor Zahid Ali  
Date: 6 January 2008

Signed:



Managing Director, Walsall Children's  
Services - Serco  
Date: 6 January 2009

**PROPOSAL TO SIGNIFICANTLY ENLARGE BIRCHILLS CE PRIMARY SCHOOL FROM 1 SEPTEMBER 2011**

**PROPOSALS FOR PRESCRIBED ALTERATIONS OTHER THAN FOUNDATION PROPOSALS: Information to be included in or provided in relation to proposals**

**In respect of an LEA Proposal: School and local education authority details**

1. The name, address and category of the school and a contact address for the local education authority who are publishing the proposals.

School:  
Birchills CE (Voluntary Controlled) Primary School, Farringdon Street, Walsall, WS2 8NF  
DCSF number 335 3114

School Category:  
Voluntary Controlled

Local Authority:  
Walsall Metropolitan Borough Council

Contact address:  
Walsall Children's Services – Serco, Education Development Centre, Pelsall Lane, Rushall,  
Walsall WS4 1NG

**Implementation and any proposed stages for implementation**

2. The date on which the proposals are planned to be implemented, and if they are to be implemented in stages, a description of what is planned for each stage, and the number of stages intended and the dates of each stage.

It is proposed to implement the proposal on 1 September 2011.

**Objections and comments**

3. A statement explaining the procedure for making representations, including—
- (a) the date by which objections or comments should be sent to the local education authority; and
  - (b) the address of the authority to which objections or comments should be sent.

The statutory proposal was published on 7 November 2008. The representation period is 4 weeks. Objections and comments on the proposal must be sent by 4 December 2008 to:

Susan Lupton, Head of Planning and Development Services, Walsall Children's Services - Serco, Education Development Centre, Pelsall Lane, Rushall, Walsall, West Midlands. WS4 1NG

*“My Walsall, my future”*

#### Alteration description

4. A description of the proposed alteration and in the case of special school proposals, a description of the current special needs provision.

Walsall Metropolitan Borough Council intends to enlarge Birchills CE (Voluntary Controlled) Primary School from 1.5 forms of entry to 2 forms of entry from 1 September 2011. The current admission number for the school is 45 and the proposed admission number is 60. The current capacity of the school is 315 and the proposed capacity is 420. The current number of pupils registered at the school is 278.

#### School capacity

5.—(1) Where the alteration is an alteration falling within any of paragraphs 1 to 4, 8, 9 and 12-14 of Schedule 2 or paragraphs 1-4, 7, 8, 18, 19 and 21 of Schedule 4 to The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007, the proposals must also include—

- (a) details of the current capacity of the school and where the proposals will alter the capacity of the school, the proposed capacity of the school after the alteration;

The current Net Capacity of the School is 315.

The proposed capacity after the alteration (enlargement) is 420.

- (b) details of the current number of pupils admitted to the school in each relevant age group, and where this number is to change, the proposed number of pupils to be admitted in each relevant age group in the first school year in which the proposals will have been implemented;

The current number of pupils admitted to the school in each relevant age group is 45. In the first school year in which the proposal is implemented, the number of pupils to be admitted to the reception year group is 60; the number of pupils to be admitted to other year groups will be 45.

- (c) where it is intended that proposals should be implemented in stages, the number of pupils to be admitted to the school in the first school year in which each stage will have been implemented;

From September 2011 onwards the number of pupils to be admitted to the reception year group will be 60. The increased intake would move up through the school until it applied to all year groups.

- (d) where the number of pupils in any relevant age group is lower than the indicated admission number for that relevant age group a statement to this effect and details of the indicated admission number in question.

The increased admission number would move up through the school and apply to the year groups as indicated in the table below.

<u>School Year</u>	<u>Adm No = 60</u>	<u>Adm No =45</u>
2011/12	Reception (Rec)	Y1,Y2, Y3, Y4, Y5 & Y6
2012/13	Rec & Y1	Y2, Y3, Y4, Y5 & Y6
2013/14	Rec, Y1 & Y2	Y3, Y4, Y5 & Y6
2014/15	Rec, Y1, Y2 & Y3	Y4, Y5 & Y6
2015/16	Rec, Y1, Y2, Y3 & Y4	Y5 & Y6
2016/17	Rec, Y1, Y2, Y3, Y4 & Y5	Y6
2017/18	All year groups	No year groups

(2) Where the alteration is an alteration falling within any of paragraphs 1, 2, 9, 12 and 13 to 4, and 7 and 8 of Schedule 2 or paragraphs 1, 2, 8, 18 and 19 of Schedule 4 to The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 a statement of the number of pupils at the school at the time of the publication of the proposals.

The number of pupils on roll at Birchills CE Primary School is 293. In addition, there are 44 part-time pupils attending the nursery class. (Data from October 2008 School Census).

#### **Implementation**

5. Where the proposals relate to a foundation or voluntary controlled school a statement as to whether the proposals are to be implemented by the local education authority or by the governing body, and, if the proposals are to be implemented by both, a statement as to the extent to which they are to be implemented by each body.

The proposal is to be implemented by the local authority.

#### **Additional Site**

6.—(1) A statement as to whether any new or additional site will be required if proposals are implemented and if so the location of the site if the school is to occupy a split site.

A new or additional site is not required.

(2) Where proposals relate to a foundation or voluntary school a statement as to who will provide any additional site required, together with details of the tenure (freehold or leasehold) on which the site of the school will be held, and if the site is to be held on a lease, details of the proposed lease.

Not applicable

#### **Changes in boarding arrangements      NOT APPLICABLE**

7.—(1) Where the proposals are for the introduction or removal of boarding provision, or the alteration of existing boarding provision such as is mentioned in

paragraph 7 or 14 of Schedule 2 or 4 to The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 —

- (a) the number of pupils for whom it is intended that boarding provision will be made if the proposals are approved;

Not applicable: the school does not have any boarding places and none are proposed.

- (b) the arrangements for safeguarding the welfare of children at the school;

Not applicable: the school does not have any boarding places and none are proposed.

- (c) the current number of pupils for whom boarding provision can be made and a description of the boarding provision;

Not applicable: the school does not have any boarding places and none are proposed.

- (d) except where the proposals are to introduce boarding provision, a description of the existing boarding provision.

Not applicable: the school does not have any boarding places and none are proposed.

(2) Where the proposals are for the removal of boarding provisions or an alteration to reduce boarding provision such as is mentioned in paragraph 7 or 14 of Schedule 2 or 4 to The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 —

- (a) the number of pupils for whom boarding provision will be removed if the proposals are approved;

Not applicable: the school does not have any boarding places and none are proposed.

- (b) a statement as to the use to which the former boarding accommodation will be put if the proposals are approved.

Not applicable: the school does not have any boarding places and none are proposed.

**Transfer to new site**

**NOT APPLICABLE**

8. Where the proposals are to transfer a school to a new site the following information—

- (a) the location of the proposed site (including details of whether the school is to occupy a single or split site), and including where appropriate the postal address;

Not applicable

- (b) the distance between the proposed and current site;

Not applicable

- (c) the reason for the choice of proposed site;

Not applicable

- (d) the accessibility of the proposed site or sites;

Not applicable

- (e) the proposed arrangements for transport of pupils to the school on its new site;

Not applicable

- (f) a statement about other sustainable transport alternatives where pupils are not using transport provided, and how car use in area will be discouraged.

Not applicable

### **Objectives**

9. The objectives of the proposals.

The objectives of the proposal are to enlarge Birchills CE Primary School to two forms of entry by increasing the number of pupils to be admitted to the reception year group in September 2011 and subsequent years from 45 to 60.  
The enlargement is necessary in order to meet the demand for additional places in the local area as a result of house-building.

### **Consultation**

10. Evidence of the consultation before the proposals were published including—

- (a) a list of persons who were consulted;  
(b) minutes of all public consultation meetings;  
(c) the views of the persons consulted;

- (d) a statement to the effect that all applicable statutory requirements in relation to the proposals to consult were complied with; and
- (e) copies of all consultation documents and a statement on how these documents were made available.

- (a) a list of consultees is provided as Appendix A.
- (b) minutes of public consultation meetings are provided as Appendix B.
- (c) the views of the persons consulted are provided in Appendix C.
- (d) all applicable statutory requirements, in relation to the proposal, to consult were complied with.
- (e) a copy of the consultation document is provided as Appendix D.

The consultation document together with a letter of explanation was made available to the Consultees as detailed in Appendix A. Copies were also made available at Birchills CE Primary School, the local community centre, local libraries and on-line. A large print version was also available on request. The letters and consultation documents detailed the dates, times and locations of meetings for the student council, staff, governors and parents. Consultation documents were also available at the consultation meetings. Detailed notes were made at all of the meetings. All consultation responses have been retained.

#### **Project costs**

- 11.** A statement of the estimated total capital cost of the proposals and the breakdown of the costs that are to be met by the governing body, the local education authority, and any other party.

The estimated total capital cost of the proposal to significantly enlarge Birchills CE Primary School is in the region of £1 million; these works would be undertaken as part of a larger scheme to address suitability and structural issues. This cost would be met by the local authority.

- 12.** A copy of confirmation from the Secretary of State, local education authority and the Learning and Skills Council for England (as the case may be) that funds will be made available (including costs to cover any necessary site purchase).

At the meeting on 22 October 2008, Cabinet received a report on the outcome of consultation on a proposal to significantly enlarge Birchills CE Primary School from 1 September 2011.

Members were advised that if the proposal went ahead, there would be a requirement for significant capital investment at the school in order to provide additional teaching accommodation and to undertake other planned improvements and also to address structural problems with the building. The cost of the works which would be required should the proposed enlargement be agreed would be met by funding from section 106 developer contributions, formulaic allocations (Basic Need) from the Department for Children, Schools and Families (DCSF) and from the funding to be made available to Walsall through the Primary Capital Programme.

Having considered all of the information contained in the report, Cabinet decided to approve the publication of a statutory proposal to significantly enlarge Birchills CE Primary School from 1 September 2011.

### Age range

13. Where the proposals relate to a change in age range, the current age range for the school.

The current age range of the school is 3 to 11 years old. This will not change as part of this proposal.

### Early years provision

14. Where the proposals are to alter the lower age limit of a mainstream school so that it provides for pupils aged between 2 and 5—

(a) details of the early years provision, including the number of full-time and part-time pupils, the number and length of sessions in each week, and the services for disabled children that will be offered;

Not applicable

(b) how the school will integrate the early years provision with childcare services and how the proposals are consistent with the integration of early years provision for childcare;

Not applicable

(c) evidence of parental demand for additional provision of early years provision;

Not applicable

(d) assessment of capacity, quality and sustainability of provision in schools and in establishments other than schools who deliver the Early Years Foundation Stage within 3 miles of the school;

Not applicable

(e) reasons why such schools and establishments who have spare capacity cannot make provision for any forecast increase in the number of such provision.

Not applicable

### Changes to sixth form provision

**NOT APPLICABLE**

15. (1) Where the proposals are to alter the upper age limit of the school so that the school provides sixth form education or additional sixth form education, a statement of how the proposals will—

(a) improve the educational or training achievements;

(b) increase participation in education or training; and

- (c) expand the range of educational or training opportunities for 16-19 year olds in the area.

No change will be made as part of this proposal.

- (2) Where the proposals are to alter the upper age limit of the school so that the school will provide sixth form education, the proposed number of sixth form places to be provided.

No change will be made as part of this proposal.

- 16. Where the proposals are to alter the upper age limit of the school so that the school ceases to provide sixth form education, a statement of the effect on the supply of 16-19 places in the area.

**Special educational needs                      NOT APPLICABLE**

- 17. Where the proposals are to establish or change provision for special educational needs—

- (a) a description of the proposed types of learning difficulties in respect of which education will be provided and, where provision for special educational needs already exists, the current type of provision;

Not applicable

- (b) any additional specialist features will be provided;

Not applicable

- (c) the proposed numbers of pupils for which the provision is to be made;

Not applicable

- (d) details of how the provision will be funded;

Not applicable

- (e) a statement as to whether the education will be provided for children with special educational needs who are not registered pupils at the school to which the proposals relate;

Not applicable

- (f) a statement as to whether the expenses of the provision will be met from the school's delegated budget;

Not applicable

- (g) the location of the provision if it is not to be established on the existing site of the school;

Not applicable

- (h) where the provision will replace existing educational provision for children with special educational needs, a statement as to how the local education authority believes that the new provision is likely to lead to improvement in the standard, quality and range of the educational provision for such children;

Not applicable

- (i) the number of places reserved for children with special educational needs, and where this number is to change, the proposed number of such places.

Not applicable

**18.** Where the proposals are to discontinue provision for special educational needs—

- (a) details of alternative provision for pupils for whom the provision is currently made;

Not applicable

- (b) details of the number of pupils for whom provision is made that is recognised by the local education authority as reserved for children with special educational needs during each of the 4 school years preceding the current school year;

Not applicable

- (c) details of provision made outside the area of the local education authority for pupils whose needs will not be able to be met in the area of the authority as a result of the discontinuance of the provision;

Not applicable

- (d) a statement as to how the authority believe that the proposals are likely to lead to improvement in the standard, quality and range of the educational provision for such children.

Not applicable

**19.** Where the proposals will lead to alternative provision for children with special educational needs, as a result of the establishment, alteration or discontinuance of existing provision, the specific educational benefits that will flow from the proposals in terms of—

- (a) improved access to education and associated services including the curriculum, wider school activities, facilities and equipment with reference to the local education authority's Accessibility Strategy;
- (b) improved access to specialist staff, both educational and other professionals, including any external support and outreach services;
- (c) improved access to suitable accommodation; and
- (d) improved supply of suitable places.

Not applicable

**Sex of pupils**

**NOT APPLICABLE**

**20.** Where the proposals are to make an alteration to provide that a school which was an establishment which admitted pupils of one sex only becomes an establishment which admits pupils of both sexes—

- (a) details of the likely effect which the alteration will have on the balance of the provision of single sex education in the area;

Not applicable

- (b) evidence of local demand for single-sex education;

Not applicable

- (c) details of any transitional period which the body making the proposals wishes specified in a transitional exemption order (within the meaning of section 27 of the Sex Discrimination Act 1975).

Not applicable

**21.** Where the proposals are to make an alteration to a school to provide that a school which was an establishment which admitted pupils of both sexes becomes an establishment which admits pupils of one sex only—

- (a) details of the likely effect which the alteration will have on the balance of the provision of single-sex education in the area;

Not applicable

- (b) evidence of local demand for single-sex education.

Not applicable

**Extended services**

22. If the proposed alterations affect the provision of the school's extended services, details of the current extended services the school is offering and details of any proposed change as a result of the alterations.

Not applicable

**Need or demand for additional places**

23. If the proposals involve adding places—

- (a) a statement and supporting evidence of the need or demand for the particular places in the area;

Additional primary school places are needed in order to meet an increasing demand for primary school places in the area as a result of recent and planned residential developments. Some smaller developments have already received planning permission and major developments which are planned along the A34 corridor (including the Reedswood, Caparo and Birch Street sites would result in further increased demand. In order to meet this, and increased pupil numbers associated with other residential developments on the northern side of the town centre, it is proposed to provide additional places at Birchills CE Primary School and increase the number of reception places to 60 from 1 September 2011.

- (b) where the school has a religious character, a statement and supporting evidence of the demand in the area for education in accordance with the tenets of the religion or religious denomination;

Birchills CE Primary School is a voluntary controlled Church of England Primary School. It attracts pupils from a wide range of religious backgrounds and the increased demand for places is expected to cover this same range.

- (c) where the school adheres to a particular philosophy, evidence of the demand for education in accordance with the philosophy in question and any associated change to the admission arrangements for the school.

Not applicable

24. If the proposals involve removing places—

- (a) a statement and supporting evidence of the reasons for the removal, including an assessment of the impact on parental choice;

Not applicable

- (b) a statement on the local capacity to accommodate displaced pupils.

Not applicable

**Expansion of successful and popular schools**

**25A.** (1) Proposals must include a statement of whether the proposer considers that the presumption for the expansion of successful and popular schools should apply, and where the governing body consider the presumption applies, evidence to support this.

(2) Sub-paragraph (1) applies to expansion proposals in respect of primary and secondary schools, (except for grammar schools), i.e. falling within:

(a) (for proposals published by the governing body) paragraphs 1 and 2 of Part 1 to Schedule 2 and paragraphs 12 and 13 of Part 2 to Schedule 2; ;

(b) (for proposals published by the LA) paragraphs 1 and 2 of Part 1 to Schedule 4.

of the Prescribed Alteration regulations.

(3) Whilst not required by regulations to provide this information for any LA proposals to expand a voluntary or foundation school, it is desirable to provide this below.

It is not considered that the presumption for the expansion of popular and successful schools should apply.

**Additional information in the case of special schools NOT APPLICABLE**

**25.** Where the proposals relate to a special school the following information must also be provided—

- (a) information as to the numbers, age range, sex and special educational needs of the pupils (distinguishing boarding and day pupils) for whom provision is made at the school;

Not applicable

- (b) information on the predicted rise or fall (as the case may be) in the number of children with particular types of special educational needs requiring specific types of special educational provision;

Not applicable

- (c) a statement about the alternative provision for pupils who may be displaced as a result of the alteration;

Not applicable

- (d) where the proposals would result in the school being organised to make provision for pupils with a different type or types of special educational needs with the result that the provision which would be made for pupils currently at the school would be inappropriate to their needs, details of the other schools which such pupils may attend including any interim arrangements and transport arrangements to such schools;

Not applicable

- (e) where the proposals relate to a foundation special school a statement as to whether the proposals are to be implemented by the local education authority or by the governing body, and if the proposals are to be implemented by both, a statement as to the extent to which they are to be implemented by each body.

Not applicable

## Appendix A Consultees

Consultation on:	A Proposal to significantly enlarge Birchills CE Primary School from 1 <sup>st</sup> September 2011
Consultees:	<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Parents of all pupils at Birchills CE Primary School</li> <li><input checked="" type="checkbox"/> Headteacher, Governors and Staff of Birchills CE Primary School</li> <li><input checked="" type="checkbox"/> Student Council at Birchills CE Primary School</li> <li><input type="checkbox"/> Headteachers of all Walsall Schools</li> <li><input checked="" type="checkbox"/> Councillor Z Ali, Portfolio Holder for Children's Services</li> <li><input checked="" type="checkbox"/> Ward Councillors</li> <li><input checked="" type="checkbox"/> All Walsall Councillors</li> <li><input checked="" type="checkbox"/> Chair of St Matthews Birchills and Leamore Local Neighbourhood Partnership</li> <li><input type="checkbox"/> Professional Associations and Trade Unions: ATL, NAHT, NASWUT, NUT, PAT, SHA, TGWU, UNISON and GMB/APEX</li> <li><input type="checkbox"/> Education Welfare Officers for Birchills CE Primary School</li> <li><input type="checkbox"/> Walsall Children's Services OMB</li> <li><input type="checkbox"/> Finance Resource Consultant for Birchills CE Primary School</li> <li><input type="checkbox"/> School Improvement Advisor for Birchills CE Primary School</li> <li><input type="checkbox"/> Denis O'Rourke, Head of Education Asset Management</li> <li><input checked="" type="checkbox"/> The Officer responsible for school organisation in neighbouring LAs (please bring this letter to the attention of any school that may be affected)</li> <li><input checked="" type="checkbox"/> Diocesan Schools Commission – Fr Marcus Stock</li> <li><input checked="" type="checkbox"/> The Church of England Diocese of Lichfield – Colin Hopkins</li> <li><input type="checkbox"/> Paul Goddard-Patel, Governor Support</li> <li><input checked="" type="checkbox"/> Bruce George MP, Walsall South Constituency</li> <li><input checked="" type="checkbox"/> David Brown –Director of Children's Services , Walsall Council</li> <li><input checked="" type="checkbox"/> Paul Sheehan – Chief Executive, Walsall Council</li> <li><input checked="" type="checkbox"/> Jane Evans – Director of Commissioning Walsall tPCT</li> <li><input checked="" type="checkbox"/> Henry Seaton – Black Country LSC (Walsall)</li> <li><input checked="" type="checkbox"/> Mike Bell – Black Country LSC</li> </ul>
Public Access:	<p>Walsall Library  Pleck Library  Beechdale Library  Blakenall Library  St Matthews Church Hall  Birchills SureStart  Blakenall SureStart  Walsall Children's Services Website  <a href="http://www.educationwalsall.com">www.educationwalsall.com</a> (access through the School Organisation link)</p>
Responses to:	<p>Susan Lupton  Head of Planning and Development Services  Walsall Children's Services  Education Development Centre  Pelsall Lane  Rushall  Walsall  WS4 1NG</p>

KEY:  Distributed by email     Distributed by mail

# Consultation Meeting Notes

<b>Location:</b>	Birchills CE Primary School
<b>Meeting with:</b>	School Council
<b>Date:</b>	15 September 2008
<b>Time:</b>	1.30 pm

**PRESENT:**

Walsall Children's Services - Serco	Birchills CE Primary School	Others
Avril Walton – AW	Head Teacher	Steve Rayner – Lichfield Diocese
Susan Lupton – SL	12 Children	
Kate Mann – KM		
Tom Williams – TW		

Head Teacher opened the meeting and AW made introductions. AW gave an outline of the proposal. All questions were raised by the Children unless stated otherwise.

**Questions, Comments and Responses**

➤ **We would need more teachers if there were more children**

AW                      We would look to provide the right amount of staff for the increase in pupils

---

➤ **We need a bigger class for more children**

AW                      We would work with your Head Teacher to make sure that the building was suitable for the increase in pupil numbers.

---

➤ **Would there be enough toilets if there were more children?**

AW                      We would ensure there were enough toilets in response to the increase in pupil numbers.

---

➤ **If the school was made bigger would the playground get smaller?**

AW We would work with your Head Teacher to make sure that there would be enough play area after the increase in accommodation.

---

➤ **We would need more equipment, books, toys and libraries**

AW Once the decision has been agreed then we would make sure there would be enough equipment for all the children coming to Birchills.

---

➤ **We need waterproof stuff and carpets**

AW Once the decision has been agreed then we would make sure there would be enough equipment for all the children coming to Birchills.

---

➤ **How can we make the school [numbers] bigger if there is not enough space?**

AW We would work with your Head Teacher to make sure that the building was suitable for the increase in pupil numbers.

---

➤ **Would the dinning hall be made bigger?**

AW We would look to look at how much space would be needed for the increase in pupil numbers.

---

➤ **If the school building was made bigger would it be demolished or would parts be demolished and re built?**

AW We would look at the plans for any new building required and look at how best it would work. There are different options that may require demolishing or building new rooms joined by corridor.

---

➤ **If there were 60 in each class would there be 2 lines for dinner?**

AW There would be 60 in each year but 2 classes for those 60 children.

Head Teacher There would be 2 classes like there are now but with more children

AW We would make sure it was better for you not worse and ensure you had enough attention from your teachers.

---

➤ **What about the assembly hall?**

SL We will look at everything to make sure your school can cope with more pupils.

AW It's nice to have everyone together and some schools can't always do it.

SL What we're doing now is asking people's opinions and then we will speak to elected people and explain what people think. Then if they agree we will put a notice in the paper of the changes and then if everyone agrees we will work with your Head Teacher and an architect to make the school as good as possible. We will then draw up a plan and people will come here and build it.

AW Have you seen that Tom and Kate are writing everything down, this is for a record of what you're saying for the elected members.

---

➤ **If we made the school bigger would we have enough playground?**

AW We would work with your Head Teacher to make sure you had enough playground.

---

➤ **Could we have more tyres on the field to play on?**

AW We would look to look at how much space would be needed for the increase in pupil numbers.

---

AW closed the meeting and thanked the children for their input.

## Consultation Meeting Notes

<b>Location:</b>	Birchills CE Primary School
<b>Meeting with:</b>	Parents
<b>Date:</b>	15 September 2008
<b>Time:</b>	2.30 pm

**PRESENT:**

Walsall Children's Services - Serco	Birchills CE Primary School	Others
Avril Walton – AW	Head Teacher	Steve Rayner – Lichfield Diocese
Susan Lupton – SL	1 Parent	
Kate Mann – KM		
Tom Williams - TW		

One parent came to attend the meeting as a parent governor but due to the turnout she volunteered to return later for the Governors' meeting which she was attending anyway along with other governors

## Consultation Meeting Notes

Location:	Birchills CE Primary School
Meeting with:	Staff
Date:	15 September 2008
Time:	3.45 pm

### PRESENT:

Walsall Children's Services - Serco	Birchills CE Primary School	Others
Avril Walton – AW	Head Teacher	Steve Rayner – Lichfield Diocese
Susan Lupton – SL	Deputy Head Teacher	
Kate Mann – KM	17 Staff	
Tom Williams – TW		

AW opened the meeting, made introductions and gave an outline of the proposal. All questions were raised by the Staff unless stated otherwise.

### Questions, Comments and Responses

➤ **How far away is the final decision?**

AW We shall be reporting the results of this consultation to cabinet on 22 October and if they agree we shall then publish a statutory notice in the press for a 6 week representation period from 7 November then allow a final decision to be made in January.

➤ **Do you know where the new houses will be built and what stage are they at?**

SL Some of the projects have planning permission and others are pending a decision but there is also the increase in the birth rate of the area so there will be an increase in pressure on places across the borough. The new developments are all in the A34 corridor towards the Reedswood golf course.

➤ **What is the mix of housing in the development?**

SL There is a mix of property types, some of which will be made available as social housing.

---

➤ **What if we increase the admission number to 60 and then we don't meet that are we at risk of being closed?**

AW From the information we have we're confident that you will be able to meet the new admission number.

---

➤ **How will this affect the nursery?**

SL We're not planning to change the school's nursery arrangements as at the moment there is a 52 place nursery which would be the number expected for a 2FE primary school.

---

➤ **Would this have an impact on any of the neighbouring schools?**

SL Parents will still be able to state a preference for their child's school; additional places are needed in the area and it is more logical to make an increase in numbers here. It is more difficult to take a 1FE school to 1.5FE than a 1.5FE to 2FE.

---

➤ **If this proposal goes ahead, what would the start date for the building work?**

SL We don't know at this stage and we must not pre-empt the outcome of the decisions made by cabinet, although it would be foolish not to plan for the resources required. You are all aware of the problems with this building and it will cost a lot of money to resolve those issues. It is proposed to address these issues as part of a scheme to enlarge the school.

---

➤ **Would the parents, staff and governors have any say in these changes?**

AW We would work with the head and other staff to make sure there were paired classes and the right amount of circulation space.

SL We try and get the children involved in the project as a learning experience.

AW We are confident that if we get a decision in January then we can complete the building changes by September 2011. But we realise that it is hard to work during building work and we have to look at how to get the best out of the accommodation to reduce disruption.

SL We would work very closely with the school to ensure that the best possible accommodation was provided within the budget and some compromise would have to be reached.

- 
- **I think it is an exciting time for the school and the pupils. It is a move in the direction we want to go.**

AW                    It is a positive change for the school and a very good opportunity for younger colleagues to have such a project on their CV.

---

AW closed the meeting and thanked the Staff for their input.

## Consultation Meeting Notes

Location:	Birchills CE Primary School
Meeting with:	Governors
Date:	15 September 2008
Time:	6 pm

**PRESENT:**

Walsall Children's Services - Serco	Birchills CE Primary School	Others
Avril Walton – AW	Head Teacher	Steve Rayner – Lichfield Diocese
Susan Lupton – SL	Deputy Head Teacher	
Kate Mann – KM	Chair of Governors	
Tom Williams – TW	1 Foundation Governor	
	3 Parent Governors	
	1 Staff Governor	
	1 LA Governor	

Chair of Governors opened the meeting and welcomed everyone. AW introduced the Walsall Children's Services - Serco staff and outlined the proposal.

**Questions, Comments and Responses**

➤ **In the consultation document there was nothing said about changes to the nursery, are there any changes to be made?**

SL            There are no changes proposed for the nursery provision, this is because the school is currently established with 52 nursery places which is in line with a 2FE school.

Steve Rayner Is the 52 nursery to 60 reception places discrepancy based on staffing ratios?

SL            Ratio of staff for nursery places is 1 to 13, and although another child brings in more funding another member of staff costs significantly more. There are places available in Walsall nursery classes as some parents chose to use other provisions for nursery age children.

➤ **At face value the proposal seems a win-win with extra money for the building, why wouldn't we want this?**

AW Some schools don't like change and the process will cause some disruption to learning.

SL We are aware of current problems in the building and they were due to be resolved, but at the same time we're also aware of housing proposals and therefore of changes required. Birchills was the best choice to change from 1.5FE to 2FE rather than a 1FE school to 1.5FE. We're aware of all the current building issues we also want to solve the problem of working out how to get the building to work best as a school. We would also look to improve accessibility: the current arrangements involve changes in level (stairs) to stay on the ground floor.  
We will be returning to cabinet on 22 October and informing them of the consultation responses. If cabinet decides to go ahead a statutory notice will be published on 7 November and the final decision would be taken in January 2009. We will then work together with the school community to implement the proposal in 2011. This timescale allows for the completion of the building work before the school begins admitting more children. Many schools make good use of building projects and bring it into the curriculum.

➤ **You have been involved with this process before, how are the children housed during construction?**

SL This depends on the project and we may have to use mobile classrooms and we would work with staff to fit in the building work with the school circumstances. Builders are often keen to work on school projects and liaise closely with the school to ensure the success of the project.

AW We try to ensure disruption to education is kept to a minimum, for example no noise during SATs week.

➤ **If we go ahead with this proposal is there an assurance that all structural issues will be dealt with?**

SL We will have to look at the whole building to make sure the building works as a school. Obviously there are challenges as we're not starting with a blank canvas so we will have to work with the staff and governors to make the best of the project.

AW There may have to be some compromise to meet the budget.

➤ **Would staff be involved with the architect's plans?**

SL We generally work very closely with the head and governors, but we're happy to meet with a site committee and want to work with you to meet any preferences.

---

➤ **Would attention be paid to the outside spaces?**

AW Yes we still have to provide safe play areas and in some cases projects cost more to keep people safe and educated.

---

➤ **Is there a ratio for play space?**

AW Yes and we would aim to be within the government guidelines.

---

➤ **At Birchills we currently have a good pupil/teacher ratio and we would not like to lose that with the increase in children?**

AW Those arrangements are for the school to decide but the school could teach the children in classes of 30 but with withdrawal groups and more support staff.

---

➤ **With the proposed work and changes there would be issues with parking**

SL During the project we would have to provide a site for a compound for the builders and part of the planning application is to look at arrangements for building traffic and delivery timings to reduce disruption. We would look at what other parking might be available locally and an approach could perhaps be made to the mosque.

---

➤ **Would the new build incorporate new security?**

SL Security of the site is a separate issue from the new build, and at this stage we can't pre-empt the process and plan in too much detail.

Steve Raynor We can seek the advice of the police on these issues to make sure the new build is secure.

AW Often new accommodation is more secure than before.

---

➤ **Access can't be decided now but what about more car parking?**

SL This will be looked at as the project is not for just new classrooms.

AW We would look to improve access.

---

➤ **Will there be a compromise on accommodation or on car parking?**

AW There will always have to be a compromise due to budgets.

Chair of Govs Hopefully it will be something addressed when consulting with the staff and governors

---

➤ **In terms of the consultation process is it better to have responses individually or 1 single response or even a motion passed by the governors?**

AW We're happy to take responses individually on the forms, or a letter and we have two colleagues noting your responses during this meeting.

---

➤ **Who sets the budget for the project?**

AW We have to get the funding from the council and the school contributes their DFC. SL has lots of experience in dealing with quantity surveyors and contractors and will make sure we apply for the appropriate funding.

SL We realise that there are individual problems with each school that have to be overcome.

AW What we could do is just add new classes to meet the new requirements. But we need to address the condition issues anyway. The problems with the school would have been dealt with but they have now moved to the top of the list.

---

➤ **If you propose a budget to the council is there any chance it will be cut?**

SL We take lots of professional advice when setting the budget and then work to deliver the project within budget. Occasionally unforeseen issues may require us to reconsider the budget. Proposed budgets for all other schemes have been approved by cabinet.

---

➤ **Is there a chance that politically it may be changed?**

SL            We have to get the funding based on surveys.

AW            There is currently lots of money available from central government for Building Schools for the Future and Primary Capital Fund.

---

The Chair of Governors proposed a motion in favour of the proposal – this was passed unanimously. The Chair of Governors then closed the meeting.

Appendix C

**Views of Persons Consulted**

Consultation meetings at which representatives from Walsall Children's Services – Serco and the Lichfield CE diocese were present were held on 15 September 2008 with the School Council, parents, staff and governors. Attendance at the various meetings comprised 12 pupils, 1 parent, 19 staff, and 7 governors.

The meetings took the form of a presentation by Walsall Children's Services – Serco, followed by a question and answer session.

Matters raised by attendees included additional accommodation requirements, teaching arrangements, classroom, library and other resources, and the arrangements for the proposed scheme.

Comments were generally very supportive of the proposal and the Governors passed a unanimous resolution supporting the proposed enlargement.

The Lichfield CE Diocesan Board of Education has considered the proposal to significantly enlarge Birchills CE Primary School and has sent a letter to convey their explicit support to the proposal".

The views given at the consultation meetings are provided in Appendix B where the questions raised and observations made are detailed together with the responses given.

Approximately 500 copies of the consultation document, which included a response form, were issued and the document was also available on the Walsall Children's Services – Serco website. Fifteen consultation response forms were returned; eleven from parents, one from a pupil, one from a member of staff, and one 'other'. Of these, thirteen supported the proposal and two were unsure. Comments were generally supportive of the proposal and included observations about the need to address existing premises issues as part of any associated works, and also staffing implications for lunchtime supervision if pupil numbers are increased. Concerns raised by those who were unsure about the proposal were that the school would be overcrowded and that there would be 60 pupils in a class. It was made clear in the consultation document that the school could operate with two classes in each year group and that the accommodation would be enlarged in line with pupil numbers.

All parents, staff and governors were sent an invitation to the consultation meetings along a copy of the consultation document. In view of this and the coverage in the local media, there was a high level of awareness of these meetings. In this context, the low attendance at the consultation meeting for parents and the small number of consultation responses received can only be interpreted as indicative of support for the proposal. In the past where proposals have been unpopular, attendance at consultation meetings has been very high and a large number of consultation responses were received.

## **BIRCHILLS CE PRIMARY SCHOOL**

**Proposal to significantly enlarge  
BIRCHILLS CE PRIMARY SCHOOL  
from  
1 September 2011**

## **CONSULTATION DOCUMENT**

**5 September 2008**

**Proposal to significantly enlarge  
Birchills CE Primary School  
from 1 September 2011**

**Introduction**

Walsall Children's Services, Serco, is undertaking public consultation on a proposal to significantly enlarge Birchills CE Primary School from 1 September 2011.

The consultation period starts on 5 September and ends on 10 October 2008. No decisions will be taken by Walsall Council until October 2008, following full consideration of consultation responses.

**Birchills CE Primary School**

Birchills CE Primary School provides primary education for pupils between the ages of 3 and 11 years. The school has 45 places in each year group and places for a total of 315 pupils (excluding the nursery class). In addition, there are 52 part-time places in the nursery class. The school is a Church of England voluntary controlled school and is in the Lichfield diocese.

**What is the proposal?**

It is proposed to increase the number of places in the reception year group from 45 to 60 from September 2011. This would enable the school to operate with two classes in each year group, commencing with the reception admissions in the 2011/2012 school year and then progressing up through the school. The school would become a 2 FE (forms of entry) school; currently it is 1.5 FE.

**Why do we want to do this?**

Additional primary school places are needed in order to meet an increasing demand for primary school places in the local area as a result of recent and planned residential developments. Some smaller developments have already received planning approval and major developments which are planned along the A34 corridor (including the Reedswood, Caparo and Birch Street sites) would result in further increased demand. In order to meet this, and increased pupil numbers associated with other residential developments on the northern side of the town centre, it is proposed to provide additional places at Birchills CE Primary School and increase the number of reception places to 60 from 1 September 2011.

**Why would this be good for Birchills CE Primary School?**

The school's funding would increase in line with pupil numbers and more staff could be employed. The proposal to enlarge the school to 2 FE would enable it to operate with two classes in each year group as the increased intake moved up through the school. The number of mixed age classes would reduce over time.

**How would this affect pupils at Birchills CE Primary School?**

The impact on existing pupils would be minimal. The proposed increase in reception places would not be introduced until September 2011 when up to 60 pupils would be admitted. It is

## Appendix D

planned that these pupils would be taught in two classes and that they would continue to be taught in two classes as they moved up through the school, rather than in mixed-age classes.

### How would this affect staff at Birchills CE Primary School?

As pupil numbers increased, the school would receive additional revenue funding to enable it to employ additional staff and provide teaching resources etc. An increase in the number of staff would allow the school to review the organisation of curriculum and other responsibilities.

### Will there be any changes to the school building?

If the proposal goes ahead, there would be a requirement for significant capital investment at the school in order to provide additional teaching accommodation. At the same time, it is proposed to undertake other improvements including reorganisation of the existing accommodation to create infant and junior areas and circulation, accessibility and staff accommodation would also be improved. Significant investment is planned to address structural problems with the building and there would be cost efficiencies from undertaking some of this work as part of a larger scheme. However, the feasibility of undertaking some of this structural work in the shorter term is being explored.

### How can I make my views known?

Consultation meetings will be held for the School Council, parents, staff and governors on Monday 15 September 2008. Meetings will be held at Birchills CE Primary School as follows:

School Council	Parents	Staff	Governors
Monday 15 September 1 30 pm	Monday 15 September 2 30 pm	Monday 15 September 3 45 pm	Monday 15 September 6 00 pm

Although it may not be possible for everyone to attend these meetings, the attached consultation response form provides an opportunity to comment on the proposal.

Please do complete the consultation response form. We do want to hear your views. Unfortunately it will not be possible to send individual replies to consultation responses; however, issues raised will be included in a report on the outcome of consultation which will be considered by Walsall Council (Cabinet).

All responses should be received by 10 October 2008. A report on the response to the consultation will be considered by Walsall Council (Cabinet) on 22 October 2008.

### What happens next?

The timetable overleaf is provisional and is dependent upon decisions at each stage, however, every effort will be made to keep to it.

## Appendix D

5 September 2008	Consultation starts (5 weeks)
10 October 2008	Consultation ends
22 October 2008	Walsall Council (Cabinet) considers response to consultation and decides whether to proceed with the proposal
7 November 2008	Statutory notice published, 6 weeks representation period follows
January 2009	Consideration of proposal by Walsall Cabinet and notification of decision to parents, staff and governors

### Where can I get more information?

More information is available from:

Susan Lupton,  
Tel 01922 686231  
[Susan.lupton@walsallcs.serco.com](mailto:Susan.lupton@walsallcs.serco.com)

Kate Mann  
Tel 01922 686361  
[kate.mann@walsallcs.serco.com](mailto:kate.mann@walsallcs.serco.com)

This document is available in large print. Please contact:

Tom Williams  
Tel 01922 686354  
[Thomas.Williams@walsallcs.serco.com](mailto:Thomas.Williams@walsallcs.serco.com)

## BIRCHILLS CE PRIMARY SCHOOL

Proposal to significantly enlarge

**BIRCHILLS CE PRIMARY SCHOOL**

from

**1 September 2011**

### CONSULTATION RESPONSE FORM

Walsall Children's Services, Serco, is undertaking public consultation on a proposal to significantly enlarge Birchills CE Primary School from 1 September 2011. The consultation period ends on 10 October 2008.

A consultation document has been published and is available from Walsall Children's Services (Serco), Birchills CE Primary School and Walsall, Pleck, Beechdale and Blakenall Libraries and from St Matthew's Church Hall. It is also available on the Walsall Children's Services - Serco, website:-[www.educationwalsall.com](http://www.educationwalsall.com) and can be accessed through the School Organisation section.

All interested parties are invited to make their views known by using this form to comment on the proposals.

The form should be returned by **10 October 2008** to:-

Susan Lupton  
Head of Planning and Development Services  
Walsall Children's Services - Serco  
Education Development Centre  
Pelsall Lane, Rushall  
Walsall, WS4 1NG

Please note that it will not be possible to reply individually to consultation responses. However, issues raised will be included in a report on the outcome of consultation which will be considered by Walsall Council (Cabinet).

Comments and objections made during this consultation period will not automatically go forward into the statutory phase of the process.

**Proposal to significantly enlarge  
Birchills CE Primary School  
from 1 September 2011**

**Consultation Response Form**

It will help us to analyse consultation responses if you would indicate your interest in the proposal:

**Birchills CE Primary School**

- Pupil
- Parent/carer of a pupil
- Governor
- Member of staff

**Other**

Please state your interest .....

1. Do you support the proposal to enlarge Birchills CE Primary School?

- Yes
- Unsure
- No

2. Do you have any comments on the proposal to enlarge Birchills CE Primary School?

Comment:

This form should be returned by **10 October 2008** to the address given overleaf.  
Thank you for completing this consultation response form.

**Susan Lupton**

---

**From:** Paul Williams [williams@bdsc.org.uk]  
**Sent:** 03 December 2008 15:35  
**To:** Susan Lupton  
**Subject:** Expansion of Birchills CE Primary School

Appendix 2 .

Dear Sue

I write in response to the statutory notice to enlarge Birchills CE Primary School.

In light of the threatened forthcoming recession and possible downturn in national and presumably regional demand for new houses do you still envisage the need for an enlarged Birchills school?

Could not the £1m be better spent elsewhere?

If the A34 corridor housing developments are not certain to go ahead as planned, we must object to any threat to numbers at St Patrick's, given that surrounding schools currently already have some kind of surplus - Bentley Drive 13.10%, Croft Community 17.48%.

Best wishes,

Paul Williams  
Assistant Director of Schools

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22/12/2008

Appendix 3

ARCHDIOCESE



OF BIRMINGHAM



Director of Schools:  
Rev Fr Marcus Stock M.A., S.T.L.

DIOCESAN SCHOOLS COMMISSION

61 Coventry Road  
Coleshill  
Birmingham  
B46 3EA

Susan Lupton  
Head of Planning and Development Services  
Walsall Children's Services  
Education Development centre  
Pelsall Lane  
Rushall  
Walsall WS4 1NG

Telephone: 01675 430230

Fax: 01675 430321

Email: [bdsc@bdsc.org.uk](mailto:bdsc@bdsc.org.uk)

Web-site: [www.bdsc.org.uk](http://www.bdsc.org.uk)

Our Ref: 335 Lupton 16.12.08. PW SS

hed 19.12.08.

16 December 2008

Dear Sue

**Re: Expansion of Birchills CE Primary School Walsall**

Thank you for providing me with the information regarding the expansion of Birchills Primary School which helped to put the proposal in context particularly regarding the limited places at Key Stage 1.

However there would appear to be a number of assumptions about new housing, the primary pupil yield from any development and the movement of families into the areas close to the town centre.

With 'no absolute certainty as to when any development will be completed' and the possibility that the demand for places does not materialise as you predict, our objection would remain.

I am sure you understand our position in that continued Catholic provision with strong numbers in St Patrick's school is our prime concern.

Yours sincerely

Paul Williams  
Assistant Director of Schools

## APPENDIX 4

### Statutory Guidance – Factors to be Considered by Decision Makers

Extract from DCSF Guidance Document: Expanding a Maintained Mainstream School or Adding a Sixth Form

4.15 Regulation 8 of The School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2007 (as amended) provides that both the LA and schools adjudicator **are required** to have regard to guidance issued by the Secretary of State when they take a decision on proposals. Paragraphs 4.16 to 4.64 below contain the statutory guidance.

4.16 The following factors should not be taken to be exhaustive. Their importance will vary, depending on the type and circumstances of the proposals. All proposals should be considered on their individual merits.

#### EFFECT ON STANDARDS AND SCHOOL IMPROVEMENT

##### A System Shaped by Parents

4.17 The Government's aim, as set out in the Five Year Strategy for Education and Learners and the Schools White Paper *Higher Standards, Better Schools For All*, is to create a schools system shaped by parents which delivers excellence and equity. In particular, the Government wishes to see a dynamic system in which:

weak schools that need to be closed are closed quickly and replaced by new ones where necessary;

the best schools are able to expand and spread their ethos and success; and

new providers have the opportunity to share their energy and talents by establishing new schools – whether as voluntary schools, Trust schools or Academies – and forming Trusts for existing schools.

4.18 The EIA 2006 amends the Education Act 1996 to place new duties on LAs to secure diversity in the provision of schools and to increase opportunities for parental choice when planning the provision of schools in their areas. In addition, LAs are under a specific duty to respond to representations from parents about the provision of schools, including requests to establish new schools or make changes to existing schools. The Government's aim is to secure a more diverse and dynamic schools system which is shaped by parents. The Decision Maker should take into account the extent to which the proposals are consistent with the new duties on LAs.

##### Standards

4.19 The Government wishes to encourage changes to local school provision where it will boost standards and opportunities for young people, whilst matching school place supply as closely as possible to pupils' and parents' needs and wishes.

4.20 Decision Makers should be satisfied that proposals for a school expansion will contribute to raising local standards of provision, and will lead to improved attainment for children and young people. They should pay particular attention to the effects on groups that tend to under-perform including children from certain ethnic groups, children from deprived backgrounds and children in care, with the aim of narrowing attainment gaps.

4.21 Decision Makers should be satisfied that when proposals lead to children being displaced, any alternative provision will meet the statutory SEN improvement test (see paragraphs 4.57-4.63).

### **Diversity**

4.22 The Government's aim is to transform our school system so that every child receives an excellent education – whatever their background and wherever they live. A vital part of the Government's vision is to create a more diverse school system offering excellence and choice, where each school has a strong ethos and sense of mission and acts as a centre of excellence or specialist provision.

4.23 Decision Makers should consider how proposals will contribute to local diversity. They should consider the range of schools in the relevant area of the LA and whether the expansion of the school will meet the aspirations of parents, help raise local standards and narrow attainment gaps.

### **Every Child Matters**

4.24. The Decision Maker should consider how proposals will help every child and young person achieve their potential in accordance with Every Child Matters' principles which are: to be healthy; stay safe; enjoy and achieve; make a positive contribution to the community and society; and achieve economic well-being. This should include considering how the school will provide a wide range of extended services, opportunities for personal development, access to academic and vocational training, measures to address barriers to participation and support for children and young people with particular needs, e.g. looked after children or children with special educational needs (SEN) and disabilities.

## **SCHOOL CHARACTERISTICS**

### **Boarding Provision**

4.25 In making a decision on proposals that include the expansion of boarding provision, the Decision Maker should consider whether or not there would be a detrimental effect on the sustainability of boarding at another state maintained boarding school within one hour's travelling distance of the proposed school.

4.26 In making a decision on proposals for expansion of boarding places the Decision Maker should consider:-

- a. the extent to which boarding places are over subscribed at the school and any state maintained boarding school within an hour's travelling distance of the school at which the expansion is proposed;
- b. the extent to which the accommodation at the school can provide additional

boarding places;

- c. any recommendations made in the previous CSCI/Ofsted reports which would suggest that existing boarding provision in the school failed significantly to meet the National Minimum Standards for Boarding Schools;
- d. the extent to which the school has made appropriate provision to admit other categories of pupils other than those for which it currently caters (e.g. taking pupils of the opposite sex or sixth formers) if they form part of the expansion;
- e. any impact of the expansion on the continuity of education of boarders currently in the school;
- f. the extent to which the expansion of boarding places will help placements of pupils with an identified boarding need; and
- g. the impact of the expansion on a state maintained boarding school within one hour's travelling distance from the school which may be undersubscribed.

### **Equal Opportunity Issues**

4.27 The Decision Maker should consider whether there are any sex, race or disability discrimination issues that arise from the changes being proposed, for example that there is equal access to single sex provision for the other sex to meet parental demand. Similarly there needs to be a commitment to provide access to a range of opportunities which reflect the ethnic and cultural mix of the area, while ensuring that such opportunities are open to all.

### **NEED FOR PLACES**

#### **Creating Additional Places**

4.28 In considering proposals, the Decision Maker should consider the supporting evidence presented for the increase, and take into account the existence of spare capacity in neighbouring schools, but also the quality and popularity with parents of the schools in which spare capacity exists and evidence of parents' aspirations for places in the school proposed for expansion. The existence of surplus capacity in neighbouring less popular or successful schools should not in itself prevent the addition of new places.

4.29 Where the school has a religious character, or follows a particular philosophy, the Decision Maker should be satisfied that there is satisfactory evidence of sufficient demand for places for the school to be sustainable.

4.30 Where proposals will add to surplus capacity but there is a strong case for approval on parental preference and standards grounds, the presumption should be for approval. The LA in these cases will need to consider parallel action to remove the surplus capacity thereby created.

#### **Expansion of Successful and Popular Schools**

4.31 The Government is committed to ensuring that every parent can choose an excellent school for their child. We have made clear that the wishes of parents should

be taken into account in planning and managing school estates. Places should be allocated where parents want them, and as such, it should be easier for successful and popular primary and secondary schools to grow to meet parental demand. For the purposes of this guidance, the Secretary of State is not proposing any single definition of a successful and popular school. It is for the Decision Maker to decide whether a school is successful and popular, however, the following indicators should all be taken into account:

- a. the school's performance;
  - i) in terms of absolute results in key stage assessments and public examinations;
  - ii) by comparison with other schools in similar circumstances (both in the same LA and other LAs);
  - iii) in terms of value added;
  - iv) in terms of improvement over time in key stage results and public examinations.
- b. the numbers of applications for places;
  - i) the Decision Maker should also take account of any other relevant evidence put forward by schools.

4.32 The strong presumption is that proposals to expand successful and popular schools should be approved. In line with the Government's long standing policy that there should be no increase in selection by academic ability, this presumption does not apply to grammar schools or to proposals for the expansion of selective places at partially selective schools.

4.33 The existence of surplus capacity in neighbouring less popular schools should not in itself be sufficient to prevent this expansion, but if appropriate, in the light of local concerns, the Decision Maker should ask the LA how they plan to tackle any consequences for other schools. The Decision Maker should only turn down proposals for successful and popular schools to expand if there is compelling objective evidence that expansion would have a damaging effect on standards overall in an area, which cannot be avoided by LA action.

4.34 Before approving proposals the Decision Maker should confirm that the admission arrangements of schools proposed for expansion fully meet the provisions of the Schools Admissions Code. Although the Decision Maker may not modify proposed admission arrangements, the proposer should be informed that proposals with unsatisfactory admission arrangements are unlikely to be approved, and given the opportunity to revise them in line with the Code of Practice. Where the LA, rather than the governing body, is the admissions authority, we will expect the authority to take action to bring the admission arrangements into line with the School Admissions Code.

### **Travel and Accessibility for All**

4.35 In considering proposals for the reorganisation of schools, Decision Makers should satisfy themselves that accessibility planning has been properly taken into

account. Facilities are to be accessible by those concerned, by being located close to those who will use them, and the proposed changes should not adversely impact on disadvantaged groups.

4.36 In deciding statutory proposals, the Decision Maker should bear in mind that proposals should not have the effect of unreasonably extending journey times or increasing transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable routes e.g. for walking, cycling etc. The EIA 2006 provides extended free transport rights for low income groups – see Home to School Travel and Transport Guidance ref 00373 – 2007BKT-EN at [www.teachernet.gov.uk/publications](http://www.teachernet.gov.uk/publications) . Proposals should also be considered on the basis of how they will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school.

### **ADDITION OF SIXTH FORMS BY 'HIGH PERFORMING' SCHOOLS**

4.37 There should be a strong presumption in favour of the approval of proposals for a new sixth form where:

- a. the school is a high performing specialist school that has opted for a vocational specialism; or
- b. the school, whether specialist or not, meets the criteria for 'high performing' and does not require capital support.

4.38 Where a new sixth form is proposed by a specialist school that has met the 'high performing' criteria and which has opted for a vocational specialism, capital funding will be available from the 16-19 Capital Fund.

4.39 There should also be a strong presumption in favour of proposals for a new sixth form where the school, whether specialist or not, is assessed as meeting the DCSF criteria for 'high performing' and does not require additional capital resources. This presumption will apply to proposals submitted to the Decision Maker within:

- a. twelve months from the date a school commences operation with vocational specialist school status; or
- b. twelve months from the date a school is informed of its Ofsted Section 5 inspection results which would satisfy DCSF criteria for 'high performing' status as set out at <http://www.standards.dcsf.gov.uk/specialistschools/guidance2007/?version=1>

[NOTE: 'submitted to the Decision Maker' above refers to when proposals and representations are with the Decision Maker, following the end of the representation period]

4.40 The school should ensure that, in forwarding its proposals to the Decision Maker, it provides evidence that it meets one of the criteria at paragraph 4.37 above.

4.41 It is important that any new school sixth form works in partnership with other providers to ensure young people have access to a wide range of learning opportunities. In assessing proposals from 'high performing' schools to add a sixth form, Decision Makers should have regard to the importance of collaborative working.

## 16-19 Provision 'Competitions'

4.42 Non statutory competitions for new 16-19 provision were introduced from January 2006. They are being administered by local LSCs, in line with their role as commissioner of 16-19 provision. The establishment of new institutions by competition will involve a 2 stage approval process:

- a. the competition selection process;
- b. approval of the outcome by existing processes (e.g. Decision Maker approval of school/LA proposals and Secretary of State approval of college/LSC proposals, as required by law).

4.43 Competitors will be eligible to apply to the 16-19 Capital Fund. Where a competition is 'won' by a school, they must then publish statutory proposals and these must be considered by the Decision Maker on their merits.

4.44 Where proposals to establish sixth forms are received, and the local LSC is running a 16-19 competition, the Decision Maker must take account of the competition when considering the proposals.

## 16-19 Provision

4.45 The Learning and Skills Act 2000 provides an entitlement to further education and training for young people aged 16-19. Schools and colleges should offer high quality provision that meets the diverse needs of all young people, their communities and employers. 16-19 provision should be organised to ensure that, in every area, young people have access, within reasonable travelling distance, to high quality learning opportunities across schools, colleges and work-based training routes.

4.46 In September 2003 Ministers set out their **five key principles** for the reorganisation of 16-19 provision, following requests from partners (including LSC and LAs) for more clarity on Government expectations. Decision Makers should therefore consider all proposals which affect local 16-19 provision (ie both proposed school expansions and proposals to add a new sixth form) in the context of these principles.

4.47 Details of the five key principles can be found in '[Principles underpinning the organisation of 16-19 provision](http://www.teachernet.gov.uk/docbank/index.cfm?id=5233)' booklet - <http://www.teachernet.gov.uk/docbank/index.cfm?id=5233> .

Briefly they are:

- a. quality – all provision for all learners should be high quality, whatever their chosen pathway;
- b. distinct 16-19 provision – all young people should be attached to a 16-19 base which will meet the particular pastoral, management and learning needs of this group;
- c. diversity to ensure curriculum breadth – well-managed collaboration between popular and successful small providers will enable them to remain viable and to share and build on their particular areas of expertise;

- d. learner choice – all learners should normally have local access to high quality 16-19 provision in a range of settings and any proposals for change to this provision should take into account the views of all stakeholders;
- e. affordability, value for money and cost effectiveness – proposals for change should include how any capital and recurrent costs and savings will lead to improved educational opportunities.

### **Conflicting Sixth Form Reorganisation Proposals**

4.48 Where the implementation of reorganisation proposals by the LSC conflict with other published proposals put to the Decision Maker for decision, the Decision Maker is prevented (i.e. by the School Organisation Proposals by the LSC for England Regulations 2003) from making a decision on the “related” proposals until the Secretary of State has decided the LSC proposals (see paragraphs 4.13 to 4.14 above).

## **FUNDING AND LAND**

### **Capital**

4.49 The Decision Maker should be satisfied that any capital required to implement the proposals will be available. Normally, this will be some form of written confirmation from the source of funding on which the promoters rely (e.g. the LA, DCSF, or LSC). In the case of an LA, this should be from an authorised person within the LA, and provide detailed information on the funding, provision of land and premises etc.

4.50 There can be no assumption that the approval of proposals will trigger the release of capital funds from the Department, unless the Department has previously confirmed in writing that such resources will be available; nor can any allocation ‘in principle’ be increased. In such circumstances the proposals should be rejected, or consideration of them deferred until it is clear that the capital necessary to implement the proposals will be provided.

4.51 Proposals should not be approved conditionally upon funding being made available, subject to the following specific exceptions. For proposals being funded under the Private Finance Initiative (PFI) or through the Building Schools for the Future (BSF) programme, the Decision Maker should be satisfied that funding has been agreed ‘in principle’, but the proposals should be approved conditionally on the entering into of the necessary agreements and the release of funding. A conditional approval will protect proposers so that they are not under a statutory duty to implement the proposals until the relevant contracts have been signed and/or funding is finally released

### **Capital Receipts**

4.52 Where the implementation of proposals may depend on capital receipts from the disposal of land used for the purposes of a school (i.e. including one proposed for closure in related proposals) the Decision Maker should confirm whether consent to the disposal of land is required, or an agreement is needed, for disposal of the land. Current requirements are:

- a. Community Schools – the Secretary of State’s consent is required under paragraph 2 of Schedule 35A to the Education Act 1996 and, in the case of playing field land, under section 77 of the Schools Standards and Framework

Act 1998 (SSFA 1998). (Details are given in DfES Guidance 1017-2004 *The Protection of School Playing Fields and Land for Academies* published in November 2004).

b. Foundation and Voluntary Schools:

(i) playing field land – the governing body, foundation body or trustees will require the Secretary of State's consent, under section 77 of the SSFA 1998, to dispose, or change the use of any playing field land that has been acquired and/or enhanced at public expense.

(ii) non-playing field land or school buildings – the governing body, foundation body or trustees will no longer require the Secretary of State's consent to dispose of surplus non-playing field land or school buildings which have been acquired or enhanced in value by public funding. They will be required to notify the LA and seek local agreement of their proposals. Where there is no local agreement, the matter should be referred to the Schools Adjudicator to determine. (*Details of the new arrangements can be found in the Department's guidance 'The Transfer and Disposal of School Land in England: A General Guide for Schools, Local Authorities and the Adjudicator'*)

<http://publications.teachernet.gov.uk/default.aspx?PageFunction=productdetails&PageMode=spectrum&ProductId=DfE-1017-2004&> .

4.53 Where proposals are dependent upon capital receipts of a discontinuing foundation or voluntary school the governing body is required to apply to the Secretary of State to exercise his various powers in respect of land held by them for the purposes of the school. Normally he would direct that the land be returned to the LA but he could direct that the land be transferred to the governing body of another maintained school (or the temporary governing body of a new school). Where the governing body fails to make such an application to the Secretary of State, and the school subsequently closes, all land held by them for the purposes of the discontinued school will, on dissolution of the governing body, transfer to the LA unless the Secretary of State has directed otherwise before the date of dissolution.

### **New Site or Playing Fields**

4.54 Proposals dependent on the acquisition of an additional site or playing field may not receive full approval but should be approved conditionally upon the acquisition of a site or playing field.

### **Land Tenure Arrangements**

4.55 For the expansion of voluntary or foundation schools it is desirable that a trust holds the freehold interest in any additional site that is required for the expansion. Where the trustees of the voluntary or foundation school hold, or will hold, a leasehold interest in the additional site, the Decision Maker will need to be assured that the arrangements provide sufficient security for the school. In particular the leasehold interest should be for a substantial period – normally at least 50 years – and avoid clauses which would allow the leaseholder to evict the school before the termination of the lease. The Decision Maker should also be satisfied that a lease does not contain provisions which would obstruct the governing body or the headteacher in the exercise

of their functions under the Education Acts, or place indirect pressures upon the funding bodies.

### **School Playing Fields**

4.56 The Education (School Premises) Regulations 1999 set out the standards for school premises, including minimum areas of team game playing fields to which schools should have access. The Decision Maker will need to be satisfied that either:

a. the premises will meet minimum requirements of The Education (School Premises) Regulations 1999; or

b. if the premises do not meet those requirements, the proposers have secured the Secretary of State's agreement in principle to grant a relaxation.

Where the Secretary of State has given 'in principle' agreement as at paragraph 4.46(b) above, the Decision Maker should consider issuing conditional approval so that when the Secretary of State gives his agreement, the proposals will automatically gain full approval.

## **SPECIAL EDUCATIONAL NEEDS (SEN) PROVISION**

### **Initial Considerations**

4.57 When reviewing SEN provision, planning or commissioning alternative types of SEN provision or considering proposals for change LAs should aim for a flexible range of provision and support that can respond to the special educational needs of individual pupils and parental preferences, rather than necessarily establishing broad categories of provision according to special educational need or disability. There are a number of initial considerations for LAs to take account of in relation to proposals for change. They should ensure that local proposals:

- i. take account of parental preferences for particular styles of provision or education settings;
- ii. offer a range of provision to respond to the needs of individual children and young people, taking account of collaborative arrangements (including between special and mainstream), extended school and Children's Centre provision; regional centres (of expertise ) and regional and sub-regional provision; out of LA day and residential special provision;
- iii. are consistent with the LA's Children and Young People's Plan;
- iv. take full account of educational considerations, in particular the need to ensure a broad and balanced curriculum, including the National Curriculum, within a learning environment in which children can be healthy and stay safe;
- v. support the LA's strategy for making schools and settings more accessible to disabled children and young people and their scheme for promoting equality of opportunity for disabled people;
- vi. provide access to appropriately trained staff and access to specialist support and advice, so that individual pupils can have the fullest possible opportunities to make progress in their learning and participate in their school

and community;

- vii. ensure appropriate provision for 14-19 year-olds, taking account of the role of local LSC funded institutions and their admissions policies; and
- viii. ensure that appropriate full-time education will be available to all displaced pupils. Their statements of special educational needs will require amendment and all parental rights must be ensured. Other interested partners, such as the Health Authority should be involved.

4.58 Taking account of the considerations, as set out above, will provide assurance to local communities, children and parents that any reorganisation of SEN provision in their area is designed to improve on existing arrangements and enable all children to achieve the five Every Child Matters outcomes.

### **The Special Educational Needs Improvement Test**

4.59 When considering any reorganisation of SEN provision, including that which might lead to some children being displaced through closures or alterations, LAs, and all other proposers for new schools or new provision, will need to demonstrate to parents, the local community and Decision Makers how the proposed alternative arrangements are likely to lead to improvements in the standard, quality and/or range of educational provision for children with special educational needs. All consultation documents and reorganisation plans that LAs publish and all relevant documentation LAs and other proposers submit to Decision Makers should show how the key factors set out in paragraphs 4.60 to 4.63 below have been taken into account. Proposals which do not credibly meet these requirements should not be approved and Decision Makers should take proper account of parental or independent representations which question the LA's own assessment in this regard.

### **Key Factors**

4.60 When LAs are planning changes to their existing SEN provision, and in order to meet the requirement to demonstrate likely improvements in provision, they should:

- identify the details of the specific educational benefits that will flow from the proposals in terms of:
  - a) improved access to education and associated services including the curriculum, wider school activities, facilities and equipment, with reference to the LA's Accessibility Strategy;
  - b) improved access to specialist staff, both education and other professionals, including any external support and/or outreach services;
  - c) improved access to suitable accommodation; and
  - d) improved supply of suitable places.
- LAs should also:
  - i. obtain a written statement that offers the opportunity for all providers of existing and proposed provision to set out their views on the changing pattern of provision seeking agreement where possible;
  - ii. clearly state arrangements for alternative provision. A 'hope' or 'intention' to find

- places elsewhere is not acceptable. Wherever possible, the host or alternative schools should confirm in writing that they are willing to receive pupils, and have or will have all the facilities necessary to provide an appropriate curriculum;
- iii. specify the transport arrangements that will support appropriate access to the premises by reference to the LA's transport policy for SEN and disabled children; and
  - iv. specify how the proposals will be funded and the planned staffing arrangements that will be put in place.

4.61 It is to be noted that any pupils displaced as a result of the closure of a BESD school (difficulties with behavioural, emotional and social development) should not be placed long-term or permanently in a Pupil Referral Unit (PRU) if a special school place is what they need. PRUs are intended primarily for pupils who have been excluded, although LAs can and do use PRU provision for pupils out of school for other reasons such as illness and teenage pregnancies. There may of course be pupils who have statements identifying that they have BESD who have been placed appropriately in a PRU because they have been excluded; in such cases the statement **must** be amended to name the PRU, but PRUs should not be seen as an alternative long-term provision to special schools.

4.62 The requirement to demonstrate improvements and identify the specific educational benefits that flow from proposals for new or altered provision as set out in the key factors are for all those who bring forward proposals for new special schools or for special provision in mainstream schools including governors of foundation schools and foundation special schools. The proposer needs to consider all the factors listed above.

4.63 Decision Makers will need to be satisfied that the evidence with which they are provided shows that LAs and/or other proposers have taken account of the initial considerations and all the key factors in their planning and commissioning in order to meet the requirement to demonstrate that the reorganisation or new provision is likely to result in improvements to SEN provision.

## **OTHER ISSUES**

### **Views of Interested Parties**

4.64 The Decision Maker should consider the views of all those affected by the proposals or who have an interest in them including: pupils; families of pupils; staff; other schools and colleges; local residents; diocesan bodies and other providers; LAs; the LSC (where proposals affect 14-19 provision) and the Early Years Development and Childcare Partnership if one exists, or any local partnership or group that exists in place of an EYDCP (where proposals affect early years and/or childcare provision). This includes statutory objections and comments submitted during the representation period. The Decision Maker should not simply take account of the numbers of people expressing a particular view when considering representations made on proposals. Instead the Decision Maker should give the greatest weight to representations from those stakeholders likely to be most directly affected by the proposals.