


## REPORT TO CABINET

6 May 2020

<b>Subject:</b>	<b>Bleakhouse Junior School and Warley Infant School – Proposed Closure and Expansion</b>
<b>Presenting Cabinet Member:</b>	<b>Councillor Joyce Underhill – Cabinet Member for Best Start in Life</b>
<b>Director:</b>	<b>Lesley Hagger, Executive Director – Children’s Services Chris Ward, Director – Education, Skills and Employment</b>
<b>Contribution towards Vision 2030:</b>	
<b>Key Decision:</b>	Yes
<b>Cabinet Member Approval and Date:</b>	Councillor Joyce Underhill – Cabinet Member for Best Start in Life: 16.4.20
<b>Director Approval:</b>	Lesley Hagger, Executive Director – Children’s Services: 16.4.20 Chris Ward, Director – Education, Skills and Employment: 16.4.20
<b>Reason for Urgency:</b>	This report has been scheduled on the forward plan along with recommended timelines
<b>Exempt Information Ref:</b>	This is a public report and does not contain exempt information.
<b>Ward Councillor (s) Consulted (if applicable):</b>	No
<b>Scrutiny Consultation Considered?</b>	Councillor Rajbir Singh, Chair – Children’s Services and Education Scrutiny Board:
<b>Contact Officer(s):</b>	Martyn Roberts, School Place Planning and Capital Manger, Education Support Services, Education, Skills and Employment Directorate Email: <a href="mailto:martyn_roberts@sandwell.gov.uk">martyn_roberts@sandwell.gov.uk</a>

### DECISION RECOMMENDATIONS

That having taken the results of consultation into account, approval is given to;

1. the publication of a Statutory Proposal to:-
  - i) formally close Warley Infant School, Bleakhouse Road, Oldbury B68 9DS; and
  - ii) increase the age range of Bleakhouse Junior School, Bleakhouse Road, Oldbury B68 9DS from the ages of 8-11 years old to 3-11 years old to accommodate the displaced pupils from Warley Infant School;
2. subject to no objections being raised during the statutory representation period for the Statutory Proposal as referred to in 1 above, authorise the Director – Education, Skills and Employment to make a final decision on proposal for the prescribed alterations at Warley Infant School and Bleakhouse Junior School, Bleakhouse Road, Oldbury B68 9DS, in conjunction with Director of Law and Governance and Monitoring Officer, and in consultation with the Cabinet Member for Best Start in Life; and
3. in the event that any objections are raised during the statutory representation period for the Statutory Proposal, a report is submitted to the Cabinet with full details of representations received to inform a final decision on the proposal.

## **1 PURPOSE OF THE REPORT**

- 1.1 To consider the outcome of Stage 1 statutory consultation (Appendix 1) undertaken on a proposal to close Warley Infant School and expand Bleakhouse Junior School, both located in Bleakhouse Road, Oldbury.
- 1.2 Following consideration of the Stage 1 consultation, Cabinet are requested to approve the publication of a Statutory Proposal to close Warley Infant School on 31 August 2020, and expand the age range of Bleakhouse Junior School from 8-11 years to 3-11 years with effect from 1 September 2020. The proposal, if agreed, will provide for the formal amalgamation of two twinned schools in Oldbury to form a 420 statutory place primary school, with a 26 full time equivalent place Nursery.

## **2 IMPLICATION FOR VISION 2030**

- 2.1 The recommendation in this report supports the desire of the council to focus resources on the specific needs and aspirations of the community, which contributes to the Council's Vision 2030 Ambition 1 – Raising aspirations and resilience, Ambition 3 – Young people to have skills for the future, Ambition 4 – Raising the quality of schools.

## **3 BACKGROUND AND MAIN CONSIDERATIONS**

- 3.1 Bleakhouse Junior School and Warley Infant School are co-located on a single site in Bleakhouse Road, Oldbury. Both schools continue to operate as community controlled schools. Each school has a Governing Board responsible for the day to day management and performance of their school. Each school receives a delegated school budget from the Local Authority to operate.
- 3.2 Both schools remain popular, Warley Infants School has a Published Admission Number (PAN) of 60 places for Reception, Bleakhouse Junior School a PAN of 60 for admission into Year 3, providing a total pupil capacity of 420 places across both schools. In addition, Warley Infants School has capacity to operate a non-statutory 26 full time equivalent (fte) place Nursery.
- 3.3 The recent resignation of the Head Teacher at Warley Infant School provides an opportunity for the Local Authority to consider closure of the school. With a concurrent extension of the age range of Bleakhouse Junior School from 8 to 11 years old, to 3 to 11 years old, the Junior School could then operate as a 420 place, two form entry primary school with the transfer of infant aged children to the primary school.
- 3.4 The Authority has adopted a similar successful policy across a number of infant and junior twinned schools, most recently through amalgamations or enlargements, which resulted in the opening of Galton Valley Primary, Pennyhill Primary, Summerhill Primary (now Academy) and Yew Tree Primary Schools. All four primary schools subsequently proceeded with expansions to provide a total of 585 additional school places to support the Authority's statutory duty to provide sufficient school places in response to the unprecedented birth rate growth experienced over the past decade.

- 3.5 Warley Infant School forms part of the existing Primary Private Finance Initiative (PFI) Schools contract with Total School Solutions (Sandwell) Ltd. Upon the closure of the school, and expansion of the age range at Bleakhouse Junior School to form an enlarged 420 place primary school, the day to day responsibility for the Infant School site and building would transfer to the Governing Board of the Bleakhouse Primary School.
- 3.6 Once a final decision is made on the proposal the Authority would arrange to vary its Project Agreement with the PFI operator to reflect the change in governance from Warley Infant School to Bleakhouse Primary School.
- 3.7 The Governing Boards of both schools have been very supportive of the proposal since their early engagement with the Authority.
- 3.8 A number of benefits have been identified with the proposal. Administratively, duplication of functions with staffing and use of spaces can be reviewed by the enlarged primary school. Financially the new school budget would see economies of scale compared to the two former individual budgets, with a similar number of employees appointed to the expanded Primary School.
- 3.9 Utmost consideration for the proposal is that children attending the school should not see any major upheaval as a result of the closure of Warley Infant School and the extension of the age range at Bleakhouse Junior School. The advantage the proposal brings are as detailed in paragraph 3.8 above.
- 3.10 The new primary school will continue to serve a highly populated residential area of the Borough where the demand for primary school places remains high. The proposal will support parental choice, maintaining quality provision in the area.

## **4 THE CURRENT POSITION**

- 4.1 In March 2020, the council consulted with a range of stakeholders on a proposal to close Warley Infant School and permanently increase the age range of Bleakhouse Junior School to take effect from September 2020.
- 4.2 Stakeholders included all parents / carers of all pupils attending both schools, staff, governors, local ward councillors and the local Member of Parliament.

- 4.3 A consultation event to meet with senior education officers by an appointment was arranged at Bleakhouse Library for 24 March 2020 for any stakeholder to meet to raise questions. Unfortunately, due to the extreme measures implemented to control the spread of Covid-19, the library and both schools were forced to close before the event was due to be held. However, questions raised by two separate sets of parents / carers were answered, with the offer to raise any follow up questions with officers during the consultation period.
- 4.4 Subject to approval of the report recommendations, a Statutory Proposal to close Warley Infant School and extend the age range of Bleakhouse Junior School from 8-11 years to 5-11 years will be published, followed by a four-week statutory consultation period.
- 4.5 Following completion of the statutory consultation period all representations will be considered. Subject to no objections being received authority is sought to grant to the Director – Education, Skills and Employment, authority to make a final decision on the Statutory Proposal in consultation with the Cabinet Member for Best Start in Life.
- 4.6 Should any objections be received during the statutory consultation period a further report will be submitted to Cabinet for a final decision.

## **5 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)**

- 5.1 The five-week initial consultation process undertaken by the council (Stage 1) commenced on 2 March 2020 and ended on 6 April 2020 with the following stakeholders consulted:
- Warley Infant School Governing Board
  - Bleakhouse Junior School Governing Board
  - Parents / carers at both schools
  - School staff
  - All schools in Sandwell
  - Ward Councillors
  - Member of Parliament
  - Trade Unions

- 5.2 The consultation elicited a positive response with a clear majority of those responding supporting the proposal.

Category	Number Responding	Yes (to the proposal)	No (to the proposal)	Don't know
Parents	5	5		
Staff	1		1	
Governors				
More than one category				
Community member				
TOTAL	6	5	1	

Of the 6 consultees responding to the proposal, 5 were supportive. Comments included:

*“It has been difficult over the years with the 2 schools running differently, sometimes both having the same things going on at the same time, different holidays, training days etc”*

*“..by merging the two schools the children will know one set of rules and feel more settled with the move from infant to junior and being more familiar with teaching staff.”*

*“...more diversity of staff and consistent staff.”*

The one consultee that did not agree to the proposal provided no reasons as to why they objected.

- 5.3 Stage 2 is the statutory stage of consultation which, in accordance with prescribed regulations, the council is required to publish a ‘Statutory Proposal’. The Statutory Proposal will formally publicise the proposed closure of Warley Infants School, and the extension to the age range of Bleakhouse Junior School to 3-11 years of age, to enable the school to operate as a two-form entry primary school.
- 5.4 Arrangements for publication will follow a similar format to the first consultation exercise, i.e., uploaded via each school’s website and key stakeholders accordingly advised. Following publication of the formal proposal and a statutory notice on 1 June 2020 a representation period will last 4 weeks, during which time any objections or observations could be made to the council. At the expiry of the representation period on 28 June 2020, any objections received will need to be considered, and a final decision made on the Statutory Proposal.

- 5.5 A formal consultation would be arranged with staff if a decision is taken to close Warley Infant School and extend the age range of Bleakhouse Junior School.

## **6 ALTERNATIVE OPTIONS**

- 6.1 To not proceed: would continue to lead to inefficiencies in revenue expenditure across both schools with duplication of certain functions and spend, and not provide the opportunities to streamline across one school.
- 6.2 Closure of Bleakhouse Junior School: the school has a substantive Head Teacher in post, whereas the Warley Infant School Head Teacher post is vacant. With the number of staff posts currently vacant the Infant School could not support a successful expansion to its age range to operate at the two-form entry primary school model required.
- 6.3 Closure of both schools: the Authority would not be able to establish a new community maintained school to replace the two existing schools, but would be required to seek a free school sponsor to open a replacement school.

## **7 STRATEGIC RESOURCE IMPLICATIONS**

- 7.1 The Department for Education “Scheme for financing local authority maintained schools” (Updated 1 April 2020) states the budget shares of schools for which approval for discontinuation has been secured, will be made available until closure on a monthly basis, net of estimated pay costs.
- 7.2 Where a school has been established or is subject to a prescribed alteration as a result of the closure of a school, the authority may add an amount to the budget share of the new / enlarged school to reflect all or part of the unspent budget share, including any surplus balances carried forward from previous funding periods of the closing school for the funding period in which it closes.
- 7.3 If the proposed amalgamation is approved, the Authority intend to act as described above; giving all unspent budget share to Bleakhouse Junior School, and any surplus balances carried forward, and there would no additional financial resource implication of this proposal.

7.4 Warley Infant School site and building forms part of the Primary Schools PFI Agreement for four schools in the Borough, and both the council's and school's existing contractual commitments will continue to be provided for with the expansion of Bleakhouse Junior School to include the Infant School.

7.5 No major capital works are proposed for the school sites.

## **8 LEGAL AND GOVERNANCE CONSIDERATIONS**

8.1 Statutory consultation was carried out in accordance with guidance issued by the DfE entitled "*Opening and Closing Maintained Schools, Statutory guidance for proposers and decision makers November 2019*" and "*Making Significant Changes ('prescribed alterations') to maintained schools Statutory guidance for proposers and decision makers October 2018*" and under *The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013*.

## **9 EQUALITY IMPACT ASSESSMENT**

9.1 An Equality Impact Assessment initial screening has been undertaken and a full Equality Impact Assessment is not required for this report.

## **10 DATA PROTECTION IMPACT ASSESSMENT**

10.1 The transfer of data to Bleakhouse Primary School following the closure of Warley Infants School, including pupil and staff records, will be subject to the usual data protection measures employed by each of the current schools.

10.2 All schools are required to accord with the General Data Protection Regulation.

## **11 CRIME AND DISORDER AND RISK ASSESSMENT**

11.1 There are no crime and disorder issues relevant to this proposal.

11.2 The Corporate Risk Management Strategy has been complied with. The Cabinet has a statutory duty under the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 to make a decision on a prescribed alteration proposal. Based on the information provided, it is the officers' opinion that there are no current "red" risks that need to be reported with regards to this proposal.



- 11.3 Agreement to the report recommendations may result in minor risks being highlighted, namely inadequate publication of the Statutory Proposal, or the receipt of any objections during the statutory notice period. Appropriate mitigation measures have been identified to minimise the occurrence of any such risks, including a follow up report to Cabinet should any such objections be received.

## **12 SUSTAINABILITY OF PROPOSALS**

- 12.1 The proposed expansion of Bleakhouse Junior School will accommodate projected levels of pupil demand which is expected to be sustained into the foreseeable future.

## **13 HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)**

- 13.1 The proposed expansion will accommodate projected levels of pupil demand which is expected to be sustained into the foreseeable future.

## **14 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND**

- 14.1 The freehold of both schools is held by Sandwell Land and Property Limited. An underlease has been granted to the Council. Warley Infant School forms part of the existing Primary PFI Schools contract with Total School Solutions (Sandwell) Ltd. The land is leased to the Total School Solutions (Sandwell) Ltd for the duration of the PFI contract.

- 14.2 The proposals will not affect the council's asset management plan.

## **15 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

- 15.1 The decision maker for this proposal is the Cabinet as advised in Decision Maker's guidance issued by the Department for Education (DfE).
- 15.2 To ensure the enlarged Bleakhouse Primary School can open with effect from 1 September 2020 Cabinet is requested to delegate authority to the Director – Education, Skills and Employment to make a final decision on the proposal, in conjunction with the Director – Monitoring Officer, and in consultation with the Cabinet Member for Best Start in Life.
- 15.3 If, during the statutory representation period following publication of the Proposal, objections are received to the council's proposal then the Director – Education, Skills and Employment will arrange to submit a report to Cabinet detailing the objections received and seek a final decision on the proposal.

## 16 **BACKGROUND PAPERS**

16.1 None

## 17 **APPENDICES**

Appendix 1 - Consultation document

**Lesley Hagger**  
**Executive Director of Children's Services**

**Chris Ward**  
**Director – Education, Skills and Employment**