

# Report to Cabinet

**13 April 2022**

<b>Subject:</b>	Ormiston Sandwell Community Academy – Proposed Expansion
<b>Cabinet Member:</b>	Cabinet Member for Children and Education, Councillor Karen Simms
<b>Director:</b>	Director of Children and Education, Michael Jarrett
<b>Key Decision:</b>	Yes
<b>Contact Officer:</b>	Rachel Hill, Project Officer, School Organisation and Development, Education Support Services rachel_hill@sandwell.gov.uk

## 1 Recommendations

- 1.1 That subject to a satisfactory financial appraisal being completed by Strategic Finance, approval be given to the allocation of £763,000 from the council's Basic Need / School Condition funding to fund refurbishment works to Ormiston Sandwell Community Academy (the Academy), Lower City Road, Tividale, Oldbury, B69 2HE.
- 1.2 That the Director – Law and Governance and Monitoring Officer be authorised to enter into a funding agreement on terms agreed by the Director of Children and Education as required to enable Ormiston Academy Trust (the Trust) and the Academy to procure and complete the refurbishment works as referred to in 1.1 above.

## 2 Reasons for Recommendations

- 2.1 The Local Authority has a statutory duty to ensure a sufficient supply of school places. Whilst the unprecedented growth in the birth rate experienced over recent years has started to ease, the Borough continues to receive a high demand for school places, primarily due to increased migration and retention rates.



- 2.2 The Schools Capital Programme aligns to service needs so that the council can meet its statutory responsibility of ensuring every child in Sandwell has access to a good school place by seeking to build on its commitment to expand successful and popular schools.
- 2.3 Secondary school places are required in Oldbury and Ormiston Academy Trust has agreed to increase its Published Admission Number from 210 to 240 to offer an additional 150 places.
- 2.4 Following a feasibility report commissioned by the Trust and discussions with the council it was identified that no new accommodation was required. Internal refurbishment will provide suitable accommodation to support the additional 150 places.
- 2.5 The Trust and Academy will procure the works on behalf of the council. This will provide best value for money and minimise the council's risk. A Funding Agreement will be agreed between the council and the Trust. The Trust will provide evidence, or a statement of account for payments to its contractor to support each invoice submitted to the Authority for payment.

### 3 How does this deliver objectives of the Corporate Plan?

	<p>The Best Start in Life for Children and Young People</p> <p>The recommendation in this report supports the desire of the council to focus resources on the specific needs and aspirations of the community. This 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.</p>
---	---

### 4 Context and Key Issues

- 4.1 The Academy has completed a feasibility report. The report considered the implications on the school estate moving from 1050 pupils to 1200 pupils. The report was based on a schedule of accommodation analysis and discussions held with the council in targeting key areas of improvement.
- 4.2 The feasibility report identified the following refurbishment works:



- Conversion of two classrooms to an additional Science Laboratory
- Extension of the existing dining space with relocation of existing canopy to support outdoor dining, wet break times and outdoor learning
- Extension of the kitchen servery into Dining Room
- Additional toilets would be introduced across S Block, Dining and Sports areas to ensure 60 are provided
- Changing room layouts are altered to provide for better use and supervision of larger groups

4.3 The Academy will also look at improving the location of the entrance and surrounding environment. The Trust are proposing to fund works to increase the parking provision, allowing the existing car park to operate as a safe pick up and drop off zone therefore moving cars off the road and highway verges.

4.4 The Funding Agreement will ensure that any procurement of contracts necessary for this proposal undertaken by the Trust are in accordance with the Public Contracts Regulations 2015 and the Council's Procurement and Contract Procedure Rules.

4.5 Ormiston Academy Trust's handbook includes its procurement and spending decisions guidance. The Academy trust must be able to show that public funds have been used as intended by Parliament. The Academy must ensure;

- spending has been for the purpose intended and there is probity in the use of public funds
- spending decisions represent value for money
- internal delegation levels exist and are applied
- a competitive tendering policy is in place and applied, and the procurement rules and thresholds in the Public Contracts Regulations 2015 and Find a Tender service are observed
- professional advice is obtained where appropriate.



## 5 Consultation

- 5.1 The Academy conducted a consultation on expanding its Published Admission Number (PAN) between 8 October and 26 November 2021. All parents / carers, residences in Lower City Road, schools across Sandwell and local Trade Unions were provided a copy of the consultation letter.

## 6 Alternative Options

- 6.1 Do nothing. To do nothing is not a viable option for the Authority. Following the Academy's successful educational attainment over recent years the school has become a very popular choice for parents / carers. In 2021/22 the Authority was unable to meet all parental preferences for the Academy from the local area, which led to pupils having to be offered places at a substantial home to school distance. St. Michael's CE High School, being the nearest alternative secondary school was also over-subscribed, so was unable to offer places to children that could not secure a place at the Academy. For September 2022 Year 7 intake both schools and neighbouring Q3 Academy Tipton are oversubscribed.
- 6.2 Permanent expansion at an alternative local secondary school. Through the Authority's Schools Capital Programme most local secondary schools have already received significant investment to increase pupil capacity.

Currently the Authority is awaiting the opening of Shireland / CBSO sponsored free school in West Bromwich (September 2023), which will offer 150, Year 7 places upon opening. Windsor Olympus Academy is a second free school the Department for Education (DfE) schedules to open at the same time, to 180, Year 7 pupils. Following Cabinet approval on 1 September 2021 (Decision No.154/21), the Health Futures UTC, West Bromwich, soon to be re-named as Shireland Biomedical UTC, will offer 120, Year 7 places this September.

- 6.3 Permanent extension at Ormiston Sandwell Community Academy. The Authority approached the Trust and Academy with the offer to relocate the modular block currently sited at Perryfields Academy, which would have provided the equivalent of 8 teaching bases as currently configured. The Trust has undertaken a feasibility of the Academy's existing accommodation, which has proved that there is sufficient area



within the existing Academy buildings, which with some remodelling and refurbishment, can provide sufficient accommodation for the proposed additional form of entry. The works package also provides a very economical solution to the Authority for a 1 form entry expansion of an existing secondary school.

Alternative proposals for re-use of the Perryfields modular block will be subject to a future Cabinet report.

- 6.4 Temporary extension at the Academy. A temporary solution would not be conducive to educational provision. Use of temporary buildings has been discounted through negotiation with the Trust as an unviable option for delivery of permanent school places required in the local area. Compared to both options for either re-use of the modular block, or the planned refurbishment works, a temporary building solution is not considered to offer value for money for the Authority.

## 7 Implications

<p><b>Resources:</b></p>	<p>The direct allocation of Basic Need funding received from the DfE is based on the annual School Capacity return submitted to the Department.</p> <p>The allocation of £763,000 will be from the council's Basic Need / School Condition funding.</p> <p>Staffing implications: none</p> <p>Land implications: no change to LA's land holding. The Academy holds a leasehold of the school site as per the Academies Act 2010. Programmed works will add value to LA asset.</p> <p>Building implications: improvement of existing school buildings.</p>
--------------------------	---



<p><b>Legal and Governance:</b></p>	<p>In accordance with the Education Act 1996 the council has a statutory duty to ensure there are sufficient schools available for the children of Sandwell. Any school organisation changes arising out of the development of the project will be subject to the relevant statutory processes.</p> <p>The council shall ensure that through a Funding Agreement with the Trust any procurement of contracts necessary for this proposal are undertaken in accordance with the Public Contracts Regulations 2015 and in line the Council's Procurement and Contract Procedure Rules.</p>
<p><b>Risk:</b></p>	<p>The Corporate Risk Management Strategy (CRMS) has been complied with – to identify and assess the significant risks associated with this decision / project. This includes (but is not limited to) political, legislation, financial, environmental and reputation risks.</p> <p>Based on the information provided, it is the officers' opinion that for the significant risks that have been identified, arrangements are in place to manage and mitigate these effectively.</p> <p>If this report is not agreed, then the council will risk having an insufficient level of school places which is contrary to the council's statutory responsibility. If there is an insufficiency of school places this will have a detrimental impact on children's future access to school places within Sandwell and the council's reputation will be detrimentally affected.</p> <p>The council's directorate risk register currently includes an amber risk in respect of school place planning. The recommendations above if approved, will assist in the continued mitigation of this risk.</p> <p>The project risk register identifies rising construction prices over the last 12 months. The risk has rated</p>



	<p>amber and mitigation of this risk has been included on the risk register.</p> <p>The Trust will be requested to manage a Project Risk Register with the Authority during the lifetime of the project to ensure that time, cost and quality are continually monitored to mitigate any risk to the council once the project is completed. There are currently no significant risks identified.</p>
<b>Equality:</b>	An Equality Impact Assessment initial screening has been undertaken and a full Equality Impact Assessment is not required for this report.
<b>Health and Wellbeing:</b>	<p>These project proposals will build upon established Academy provision, where strong links at popular and oversubscribed schools have been developed.</p> <p>There will be a positive impact for young people because it will provide school places at good and outstanding schools.</p>
<b>Social Value</b>	The Academy is a local employer. Admission of 150 additional pupils, 30 per year from 2022/23 onwards will require staffing to increase to provide teaching, student welfare and administrative support. Through the expansion there will be greater opportunity for local children to attend the Academy and develop skills to enter further education or employment beyond year 11.

## 7. Appendices

List appendices

## 8. Background Papers

List source/background documents

