

Item No. 12.	Classification: Open	Date: 9 December 2014	Meeting Name: Cabinet
Report title:		Approval for the Extension of St Thomas the Apostle College's (STAC) age range from 11-16 to 11-18	
Wards or groups affected:		All	
Cabinet Member:		Councillor Victoria Mills, Children and Schools	

FOREWORD – COUNCILLOR VICTORIA MILLS, CABINET MEMBER FOR CHILDREN AND SCHOOLS

The quality of post 16 learning in Southwark schools is good and improving. As a borough we are out performing both London and the rest of the country in the quality of outcomes for young people.

We are also ensuring that the majority of our young people are participating in learning. The proposal to open a sixth form at St Thomas the Apostle College will add to the range of provision within Southwark and help us to ensure the best outcomes for our young people.

Our ambition would be for STAC to offer the widest possible breadth of curriculum at sixth form, working collaboratively with the sixth form already in place at Sacred Heart School, Camberwell and through its close links to other Southwark schools. Together with the excellent teaching, rapidly improving results and strong school ethos we think this would ensure that both existing STAC students and those that join at sixth form could meet their full potential and progress successfully to higher education, employment or training.

STAC has undergone rapid and substantial change over the last three years and the summer 2014 exam results, with 76% of students achieving 5 A*-C passes including English and Maths, are a testament to the hard work of the school's leadership, teachers and students. This proposal is therefore timely and the council looks forward to supporting the school as it no doubt rises to this new challenge.

RECOMMENDATION

1. It is recommended that cabinet approve the opening of a sixth form provision at St Thomas the Apostle College.

BACKGROUND INFORMATION

Raising Participation

Indicator	Southwark	London	England
Average point score per student	715.4	669.1	680.2
Average point score per entry	214.5	210.0	210.4
Substantial level 3 qualification	96.3%	88.5%	87.8%

2. In September 2013 new legislation was introduced that required all young people to participate in learning until the end of the year in which they turned 17. In September 2015 the age will rise to 18.
3. There is a duty on the local authority to ensure that there is a sufficient breadth of provision to meet the needs of all young people. We are currently performing very well in ensure that our young people do participate – our pupil absence rates are 1% lower than the national average. For the RPA cohort – 16 yr olds or Yr 12. Southwark is ABOVE the national and London average at 96.2% participation in Southwark compared to 93.5% nationally and 94.7% in London.

	Number of 16 year olds known to the LA	Meeting the duty through:					Total	Of those not meeting the duty		
		Full time education and training	Apprentices	Employment combined with training	Working towards participation			Part time education	Employment with non-accredited training	Temporary break from learning
ENGLAND	583,213	88.8%	3.6%	0.5%	0.6%	93.5%	0.2%	0.3%	0.5%	
LONDON	84,893	92.7%	1.6%	0.1%	0.2%	94.7%	0.2%	0.1%	0.2%	
Southwark	2,747	94.3%	1.5%	0.3%	0.1%	96.2%	0.1%	0.0%	0.2%	

Why open a sixth form at STAC?

4. Currently 81% of pupils at STAC have an address in Southwark, 13% with an address in Lewisham and 6% Lambeth. 65% of the Southwark pupils come from 4 wards - Peckham, The Lane, Livesey and Nunhead. At present the majority continue their studies post 16 out of the borough.
5. A recent survey of pupils revealed that 84% of the current year 11 would prefer to stay at the school for their sixth form studies.
6. The opening of a sixth form at STAC would increase the breadth of choice for Southwark young people and increase our capacity to meet the raising participation requirements.

Statutory duties of the council

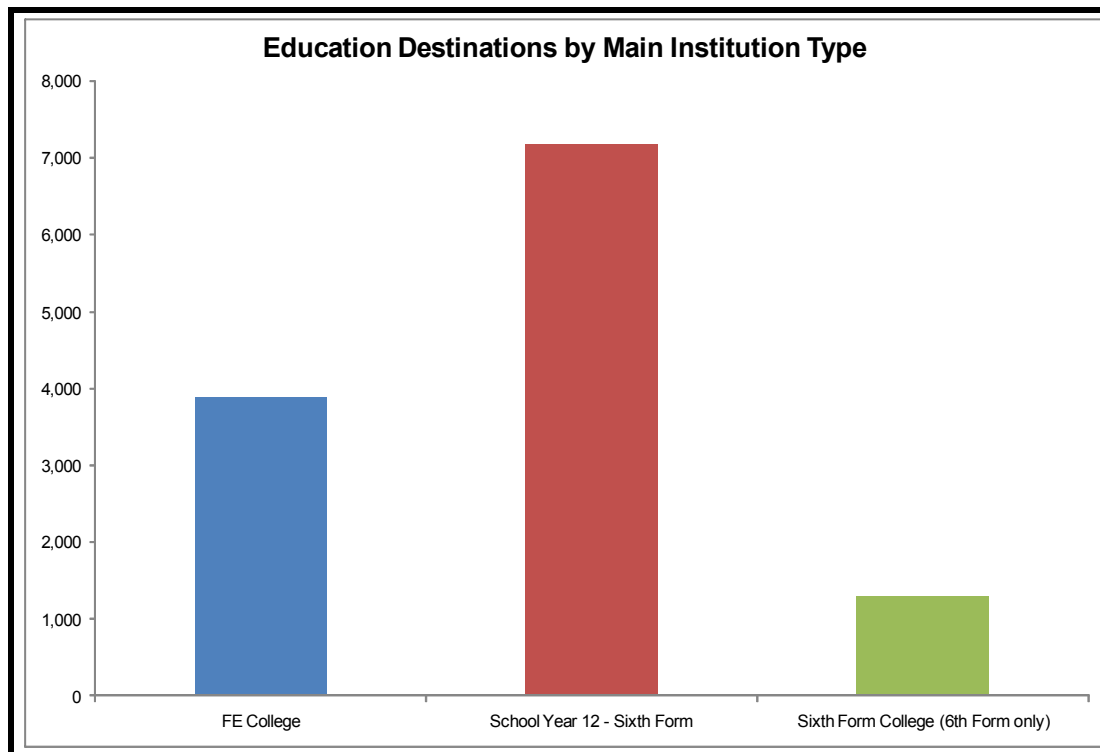
7. The addition of sixth form provision to a school is a “prescribed alteration”, and is subject to a statutory process outlined in the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 and Department for Education guidance. The Regulations determine that the decision making body on this type of proposal is the local authority, and sets out the matters that the Council, as decision maker, should consider when making its final decision. Under the Council’s present constitutional governance arrangements, these decisions are determined by Cabinet.
8. Cabinet must determine the proposal within 2 months of the expiry of the end of the representation period – failure to do so will result in the decision being taken by the Schools Adjudicator. The right of appeal against this decision can, in this case, solely be exercised by the RC (Roman Catholic) Dioceses within 4 weeks of a Cabinet decision, which would also result in the Schools Adjudicator thereafter making a determination.

9. It should be noted that, when issuing a decision, cabinet can:
- approve the proposal without modification;
 - approve the proposal with modifications, having consulted the LA and/or governing body (as appropriate);
 - approve the proposal – with or without modification – subject to certain prescribed events (such as the granting of planning permission) being met;
 - reject the proposal.

KEY FACTORS FOR CONSIDERATION

Travel to learn patterns

10. Currently the majority of Southwark young people choose to continue their post 16 studies out of the borough, although the trend is declining. There are several reasons for this:
11. There are continuing issues around the quality of provision at Lewisham and Southwark College. Ofsted carried out a full inspection of the college in October 2013 and found the provision to be inadequate. Monitoring visits in Jan and March 2014 reported that insufficient progress was being made to address the issues. This means that this is not the local college of choice for young people – the numbers attending A Level courses at the college were so low they were not noted in the DfE performance tables.. The number young people who study there has declined significantly in previous years.
12. Many of our school sixth forms have been only recently established. Previously pupils who were looking to follow an A level programme would choose to attend recognised sixth form colleges such as St Francis Xavier (Wandsworth) or Christ the King (Lewisham).
13. Data provided by Building Futures CLC demonstrates that the majority of young people who live in central London choose to attend a school sixth form.



Quality of Southwark Provision

14. Recently published data shows that the quality of post 16 learning in our schools is of a high standard. (Appendix 2 includes a full summary of the performance data). The average point score per pupil (APS) showed a slight decline but was still better than both the national and London scores. Amongst all Local Authorities in England, Southwark was positioned 29th highest and in the top quartile - an improvement of 17 places (46th in 2013) and moving from the 2nd quartile. The average point score per entry remained stable and we remain in the top quartile for this measure. The benchmark for level 3 qualifications is two passes (A-E) at A level or an equivalent. Southwark is ranked 8th in the country with 96.3% of students in learning achieving at least this standard.
15. Our schools are also improving the percentage of young people who achieve the very highest grades. This year saw a jump of 35 places in the league table, placing us in the second quartile for the first time. This success has been due to the increase in the number of school sixth forms and the maturing of the quality of their provision. The close links between STAC, Sacred Heart and St Michaels will ensure expertise is shared.

Financing the proposal

16. Post 16 education is funded by the Education Funding Agency (EFA), based on the EFA national funding formula and rates. For maintained schools, this funding is paid to the school via the council. School budgets are delegated to the governing body of the school, including responsibility for the management of the school's budget and maintaining financial sustainability of school. Any funding risks associated with the proposed opening of the sixth form would sit with the school.
17. There is no anticipated impact on council revenue budgets.

Consultation

18. The governing body of the school is required by the Education and Inspections Act 2006 to publish proposals and consult where they propose to make a “prescribed alteration” The proposal was published on the 23 October 2014. The school has sent out a flyer to all local residents, a detailed questionnaire to all parents and sent a copy of the proposal to all of the relevant stakeholders outlined in the guidance. The school held an open consultation event on the 20 November 2014. The consultation period closed on the 23 November 2014. The consultation responses from pupils and parents were universally positive. There were no responses from the flyers posted through residents’ doors or from the notice displayed outside the school. The local authority is satisfied that the mandatory consultation took place in accordance with the guidance and within the timescales allowed within the guidance.
19. No responses were received from the stakeholders contacted as part of the statutory process.
20. The local authority is supportive of the proposal to expand the school to include a Sixth Form.

Community impact statement

21. The paragraph above refers to the consultation undertaken by the school, which has sought to engage students, parents and the wider local community. The creation of a sixth form at STAC would increase choice for young people in Southwark, providing continuity of learning for those who currently attend the school.
22. The school has indicated in paragraph 4d of their report that they are aware of diversity and inclusion issues and would provide a supportive environment for all students. In terms of the equalities target groups with protected characteristics (women; BME people; young people and children; disabled people; LGBT people; people from different faith groups; and older people), the school and the local authority believes that there will no adverse affects on older people as the school caters only for children and young people. That women will benefit from the proposal as there will be more sixth form places available to them in the borough; that, as the school and the borough are both diverse in population, additional provision will affect all BME and non-BME groups equally positively; that LGBT people will not be directly affected by the proposal; and that, as the school is a Catholic establishment, it will benefit Catholic residents with education for their children, but will not detract from non-Catholic provision elsewhere. It is therefore felt that there will be no disproportionate adverse effects on groups with protected characteristics.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Legal Services

23. The decision the Cabinet is being asked to take is one that it is reserved to Cabinet under the Council's Constitution. Section 15ZA Education Act 1996 places a duty on local authorities to ensure that enough suitable education and training provision is made for young people over compulsory school age but under 19. A young person ceases to be of compulsory school age at the end of

the school year after their 16th birthday. However, there is now a duty on young people to participate in full time education or training; an apprenticeship; or full time employment (with suitable training) up to age 17 (rising to 18 in 2015).

24. When considering what is “suitable” education, local authorities must have particular regard to age, aptitude and ability; any learning difficulties; the quality of education or training; and the locations and times at which education or training is to be provided. Local authorities must also seek to encourage diversity and choice in education and training provision; seek to enable young people subject to the duty to participate (described above) to fulfil that duty; and consider education and training that might be provided by others. Local authorities must work with each other in ensuring there is enough suitable education and training. Local authorities must also encourage young people aged 16-19 to participate in education or training. In relation to pupils being educated in schools, local authorities are also bound by the duty to take into account parental preference in so far as to do so avoids unreasonable public expenditure.
25. The legal requirements on local authorities in relation to school organisation are contained in the Education and Inspections Act 2006. The Act requires that local authorities or governing bodies must publish proposals where they propose to make a “prescribed alteration” and the alteration is one that they are capable of making. “Prescribed alterations” are set out in the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (“the Regulations”). Where a prescribed alteration is proposed, the Regulations set out what a proposal must contain and a statutory procedure that must be followed by the proposer. Statutory and non-statutory guidance for proposers and decision makers has been issued by the Secretary of State in January 2014. Cabinet is advised that the expansion of a school to add sixth form (16-19) provision is a “prescribed alteration” under the 2013 Regulations. The proposal is one that is capable of being proposed by a school (as is the case here), and the local authority is the decision maker. The report advises that proposals have been published by the school, and have been subject to the mandatory consultation period. Cabinet is advised to consider the guidance for decision makers (referred to in the background papers) to inform its decision.
26. Cabinet is also reminded of the duty to have due regard to the public sector equality duty under s.149 Equality Act 2010 in noting the recommendations in particular those identified in the Community Impact Statement.

Strategic Director of Finance and Corporate Services (FC14/033)

27. The strategic director of finance and corporate services notes the recommendation in this report for the opening of sixth form provision at St Thomas the Apostle college.
28. The report identifies that there are no direct financial implications for the council.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
DfE School Organisation Maintained Schools, Guidance for proposers and decision-makers, January 2014	Children's and Adults Services, 160 Tooley Street, London SE1 2QH	Ric Euteneuer, School Place Planning Strategy Officer 020 7525 5018
DfE School Organisation Maintained Schools, Guidance for proposers and decision-makers, Annex B Guidance for decision makers, January 2014		
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/278418/School_Organisation_Guidance_2014.pdf		
DfE School Organisation Maintained Schools, Guidance for proposers and decision-makers Appendix A Further information for proposers, January 2014		
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/278420/School_Organisation_Guidance_2014_-_Annex_A.pdf		

APPENDICES

No	Title
Appendix 1	Proposal for consultation published by St Thomas the Apostle College
Appendix 2	Performance data, St Thomas the Apostle College

AUDIT TRAIL

Cabinet Member	Councillor Victoria Mills, Children and Schools	
Lead Officer	Merril Haeusler, Director of Education	
Report Author	Darren Coghlan, Head of Secondary and Further Education Employment and Inclusion	
Version	Final	
Dated	28 November 2014	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Legal Services	Yes	Yes
Strategic Director of Finance and Corporate Services	Yes	No
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team	28 November 2014	