

Item no: 17	Classification: OPEN	Committee: Education, Youth & Leisure Scrutiny Sub-Committee	Date: 14 January 2003
From: Head of Corporate Strategy		Title: Secondary School Provision In East Dulwich	

Context

1. At the sub-committee meeting of 10th December 2002, members examined four options for expanding secondary school provision in the East Dulwich/Nunhead area:
 1. Increase provision at existing local mixed secondary schools (identifying which school(s) to be affected).
 2. Seek to establish a new mixed secondary school in the south of the borough (identifying a proposed site and funding source).
 3. Explore a cross-border planning solution with Lewisham Council.
 4. Propose that Waverley School increase its numbers and change its status from a girls' to a mixed school.
2. Members discounted options 1, 2 and 3 and resolved that officers prepare a report and recommendations on the basis of option 4 for the next meeting, taking into account their comments regarding the demand for single-sex and sixth form provision.
3. There are two possible routings to increasing the numbers and changing the status of Waverley School. Members of the sub-committee may wish to propose consultation on either or both (through Overview and Scrutiny Committee) to the Executive.
4. In addition, as requested by members on 10th December:
 - the Executive Member for Education, Youth and Leisure was invited to attend this meeting of the sub-committee to provide an Executive perspective but he was not available and sends his apologies;
 - a visit to Waverley School was facilitated by officers and attended by Cllrs Graham, Blango and Smeath. Owing to time constraints, the visit was limited to the main (upper) school site. Members may also wish to report back their observations to the sub-committee.

Recommendations

5. The sub-committee may wish to propose the following.
6. That the Executive instruct officers to prepare a thorough feasibility study and costing exercise with regard to the following proposals and then undertake consultation on them, prior to the publication of the relevant statutory notices. The proposals are to:
 - change the character of Waverley from a girls' to a mixed school and expand the school roll from six to eight forms of entry and a post-16 facility; and/or
 - close Waverley School (in its present form), contingent on the school immediately reopening as a mixed City Academy with eight forms of entry and a post-16 facility.

7. As Waverley School is already working with Southwark College to develop joint 14-19 provision, it is suggested that these proposals form the basis of any consultation on the provision of a post-16 facility.
8. It is also suggested that the previous reports and minutes of the sub-committee on this topic are appended to the report (through OSC) to the Executive.
9. In addition, the sub-committee may wish to make a recommendation on the consultation timetable set out below.

Consultation timetable

10. The consultation process as described above would take a minimum of about 6 months. In the case of the closure and re-opening of Warwick Park as a City Academy (which was entirely uncontroversial): the first report to Ratification Committee was 9th October 2001; the initial consultation was reported back to Committee on 18th December 2001; the statutory notice was published on 19th December 2001; the final decision was made by the School Organisation Committee on 20th March 2002.
11. The timetable for the consultation process needs to take into account the relatively long lead time for admissions procedures. For example, if new or different secondary provision were planned for September 2005, the decision would need to be taken by January 2004 to allow time for the correct information to be made available to parents.
12. Taking September 2005 as the example for a proposed start date, an outline consultation timetable would be as follows.

Date	Activity
Jan 2003 (Spring Term)	Executive decision to commence feasibility study and subsequently to undertake initial consultation
Feb-Mar 2003 (Spring Term)	Feasibility study and costings prepared; research to support consultation undertaken
Apr 2003	If required by Executive, second decision to proceed with initial consultation on basis of feasibility study.
May-June 2003 (Summer Term)	Initial consultation undertaken
July 2003	Executive decision to publish statutory notice
Sep-Oct 2003 (Autumn Term)	Statutory consultation
Nov 2003	Outcomes of consultation remitted to SOC
Nov-Dec 2003	Decision by SOC or adjudicator

13. This timetable assumes that every stage of the process is completed on schedule and to the immediate satisfaction of the Executive and SOC.

Resource implications

14. A thorough feasibility study and costing exercise would need to be undertaken prior to the initial consultation phase. The following information is based on a combination of DfES guidance and professional experience. The figures quoted are “ballpark” and should be treated with caution.
15. Expansion of Waverley school from its current size of six to eight forms of entry would require the addition of approximately 2,000 square metres of accommodation. The Upper School premises are currently being enlarged to enable the entire school to be accommodated there and the Lower School vacated.
16. The further enlargement of the Upper School accommodation to provide for eight forms of entry would be difficult given the constraints of the site and would require a feasibility study to ascertain whether this is possible. The cost of such enlargement would depend on the outcome of the feasibility study but, using DfES cost indicators, would be at least £3M.
17. Should it not prove feasible to contain the enlarged school on the Upper School site, the Lower School could be considered. This would require major adaptations to the accommodation to make it suitable for continued school use. The cost of adaptations to make the premises fully fit for purpose could be similar to those that would be incurred in new building at the Upper School.
18. If members were to propose a change of status in the school from girls’ to mixed without expanding the school roll, the cost of the necessary adaptations to the Upper School site (boys’ toilets, changing rooms etc.) would be in the region of £500,000.

The transition from a girls’ to a mixed school and issues of managing a mixed school population

19. If a decision were made to admit boys to all year levels from a particular date, an exemption order would be required under the Sex Discrimination Act 1975 to allow the admission of more boys than girls to achieve a balance. To comply as far as possible with the likely wishes of the current pupils and their parents, boys should be admitted for Year 7 only in the first year of transition. This would mean that the current pupils would be educated with girls only.
20. There is a legal requirement for equality of opportunity for school admissions and in the provision of learning and other activities at a mixed school. This would not in itself prevent the organisation of single-sex classes or separate sports sessions for boys and girls, as long as both had an equal opportunity to benefit from the curricular and extra-curricular activities offered by the school.

Further analysis of local demand for single-sex provision

21. The table below shows all preferences expressed for transfer from primary to secondary girls’ schools in Southwark. The figures for voluntary aided schools will not be completely accurate as it is still possible for parents to make direct applications to them.

School	Preference		
	1 st	2 nd	3 rd
Aylwin	213	158	96
Waverley	82	88	56
Notre Dame (VA)	102	54	39
St Saviour & St Olaves (VA)	317	95	63

22. The Admissions service does not collect data on the reasons why parents/pupils choose a single sex school. It should not necessarily be assumed that a preference for a school which is single sex equates with a preference for single sex education.
23. There is a space on the admissions form for parents to give social/medical reasons why their child should be allocated a place in a particular school. This could include religious conviction. However, social/medical reasons only become relevant in determining admissions where a school is over-subscribed. Thus parents will make full use of this section of the form when applying to The Charter School for their children (which is heavily oversubscribed) but not when applying to Waverley (which is not).
24. The Admissions service has not identified any difficulty in providing a single-sex place for girls who want one, given current provision.
25. The LEA does not collect data on the religious convictions of the pupils in its schools or of their parents. It is therefore not known how many girls in the borough's mixed and single sex schools are Muslims, Christians or other faiths.
26. Under the Human Rights Act, the authority must respect parents' convictions, be they religious or philosophical, throughout all aspects of education, in so far as that is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure. Respect has a stronger meaning than "take account of"; it means that weight must be given to religious and philosophical views. Further information on these views would therefore need to be collected during consultation on the proposal.

Clarification of the consultation and decision-making process

1. *Change of character of Waverley from girls to mixed*
27. The proposed change is a "prescribed alteration" under section 28 School Standards and Framework Act and Regulation 3 and Schedule 1 of the Education (School Organisation Proposals) Regulations 1999. Section 28(5) SSFA requires the Local Education Authority to consult such persons as appear to be appropriate and regard must be had to Guidance.
28. Under the Council constitution, it is for the Executive to decide to go out to consultation prior to the publication of a statutory notice.
29. Paragraph 9 of DfEE Circular 9/99 'Organisation of School Places' provides:
 - all interested parties must be consulted.
 - adequate time must be allowed for the consultation (legal advice would be a minimum of eight weeks).
 - sufficient information must be given to the consultees to allow them to make informed decisions and comments.
 - the responses must be taken into account.
30. In regard to consultees, the Secretary of State suggests that the following should be consulted (this list is not exhaustive, so thought would need to be given to others):
 - the school;
 - any LEA likely to be affected;
 - other schools in the area, including schools in the neighbouring areas which may be affected;

- parents and teachers in the area (not just the subject school) who may be affected by the proposals, including those living in or who have children attending a school in the adjoining area;
 - the LSC;
 - diocesan authorities;
 - relevant partnerships;
 - independent schools, if they will be affected.
31. After the consultation period, the Executive will need to decide whether or not to go to publication of the statutory notice, as this is a Key Decision under the constitution.
32. If the Executive decides to proceed, the statutory notice is published in accordance with section 28(3) SSFA and the Regulations. A period of 2 months is given - now known as the “representation period” as a result of Education Act 2002 amendments - and people may make objections as well as comments within that 2 month period.
33. The prescribed information must be sent to the School Organisation Committee within one month of the end of the 2 month representation period, including objections and comments.
34. The Regulations require the School Organisation Committee to make a decision within 2 months of the receipt of the information, otherwise it is sent to the Schools Adjudicator. SOC may now also refer the matter to the Adjudicator if it thinks fit (section 75 and Schedule 10 EA 2002).

2. *Closure and re-opening of Waverley as a City Academy*

35. The decision-making and consultation process would follow a similar pattern as for the change of status outlined above, albeit with a different statutory notice. There would be additional issues to be addressed over and above the school organisation issues, such as the transfer of staff and of the land, as was the case with Warwick Park. This is likely to extend the process. It would also be necessary to identify and engage a sponsor. Identifying a sponsor, concluding negotiations over funding arrangements and establishing the new Academy means that this routing could take anything up to a year longer than the first.

3. *The development of a post-16 facility at Waverley*

36. The proposal to open a sixth form is a prescribed alteration and so would need to be included as a part of the process of consultation and statutory notice to change the school to mixed. However, the ultimate decision on both capital and revenue funding for new post-16 provision rests with the Learning and Skills Council.

Issues to be taken into account by the Executive and School Organisation Committee in reaching a decision

37. Schedule 3 to the Regulations and DfEE Guidance on School Organisation Proposals 2000 sets out the relevant issues. The key issues in this context would include:
- the likely effect on the balance of provision for boys and girls;
 - details of any transitional period required;
 - the effect on standards (i.e. will it improve standards?);
 - parental preferences and the popularity of Waverley and other schools in the area;
 - social exclusion;

- increase in provision;
- the need for a particular kind of provision (mixed or single-sex) in the area;
- the effect on other institutions;
- the effect on school journeys;
- the cost effective use of funds;

38. At least outline evidence on most of these issues has been heard and considered by the sub-committee during the course of this scrutiny. A full evidence base on each of them, with evidence both for and against the proposal, would need to be gathered through research and consultation and put before the Executive and SOC for them to make a determination.

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Background Papers	Held at	Contact
Minutes of EYL Scrutiny Sub-Committee meetings on 09.10.02, 11.11.02 and 10.12.02.	Southwark Town Hall Peckham Road SE5 8UB	Louise Gardiner 020 7525 7460
EYL Scrutiny Sub-Committee : Items 5 (09.10.02), 9 (11.11.02) and 12 (10.12.02)	Southwark Town Hall Peckham Road SE5 8UB	Louise Gardiner 020 7525 7460