

<b>Item no:</b> <b>48</b>	<b>Classification:</b> OPEN	<b>Committee:</b> Overview & Scrutiny Committee	<b>Date:</b> 19 February 2003
<b>From:</b> Education, Youth & Leisure Scrutiny Sub-Committee		<b>Title:</b> <b>Secondary School Provision in East Dulwich</b>	

### **Scrutiny Project Brief**

1. To review secondary education provision within East Dulwich; to consider the case for a new mixed secondary school in the East Dulwich/Nunhead area.

### **RECOMMENDATIONS of the Sub-Committee**

2. That the Executive pursue one of the following options for increasing secondary education provision in the East Dulwich/Nunhead area, with Option A being the preferred option of the sub-committee:
  - A. Establish a new (small) boys 11-19 school, with 3-4 forms of entry on the Waverley Lower School site, which might subsequently federate with Waverley Girls School (or perhaps another school), and which shares mixed post-16 facilities with Waverley (or perhaps other schools).
  - B. 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; 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.
3. That the Executive note the desire of the Sub-Committee that any course of action agreed should recognise and nurture the pastoral strengths of Waverley School, particularly in promoting girls' participation in sports.

### **Both Options - matters for consideration**

#### *Feasibility and costing*

4. Whichever option is pursued, it is recommended that a full feasibility study and costing exercise is undertaken as a preliminary step.

#### *New post-16 provision*

5. Whichever option is pursued, proposals for new post-16 provision would have to be endorsed by the Learning & Skills Council to have any realistic prospect of approval. Depending on the precise nature of the facility proposed, the final decision might rest with the LSC (as budget holder) or the School Organisation Committee/Adjudicator. As the LSC are supporting work already underway by Waverley School and Southwark College to develop joint 14-19 provision, it is suggested that these proposals should form the basis of any consultation on the provision of a post-16 facility locally.

### *Draft process timetable*

6. This would have to take into account the relatively demanding statutory framework for consultation on changes to education provision and 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.
7. Taking September 2005 as the example for a proposed start date, an outline process timetable would be as follows.

<i>Date</i>	<i>Activity</i>
Feb 2003 (Spring Term)	Executive decision to commence feasibility study
Mar-Apr 2003 (Spring Term)	Feasibility study and costings prepared; research to support consultation undertaken
Apr 2003	Executive 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
Dec 2003	Decision by SOC, adjudicator or Secretary of State

### *Availability of Waverley Lower School site for redevelopment*

8. It has been agreed with the City of London that the Waverley Lower site will be required as temporary accommodation for Year 7 pupils for the City of London Academy for 2003/4, given the continuing dispute over the Paterson Park site. It might also be required for 2004/5, should planning problems persist. There is no current proposal to make the Waverley Lower site available for this purpose beyond July 2005.

### **Option A - new (small) boys school on Waverley Lower School site - matters for consideration**

#### Context

9. This proposal was adopted as the preferred option by the sub-committee at its meeting of 14<sup>th</sup> January 2003. It was put forward as a compromise, which could be supported by all sides in the debate and so potentially provide a quick solution for increasing local provision. Factors taken into account by the sub-committee included:
  - The perceived inadequacy of secondary school provision in the area, as evidenced by submissions from the EDEN campaign and a petition presented by Cllr Banya.
  - The fact that no suitable site for a new, full-sized (6 to 8 forms of entry) 11-19 mixed secondary school could be identified in the local area.

- The acceptance on all sides of the desirability of a quality, mixed post-16 facility as part of any solution.
- The strength of opposition to a change in status of Waverley School from girls' to mixed expressed by the governing body; and the fact that this course of action had already been pursued unsuccessfully in the past and could lead to a period of conflict between the Council and Waverley School which was not in the interests of the school or its community.

### Process

10. Section 70 of the Education Act 2002 proposes a change to the process for establishing new maintained schools. It was due to come into force on 20<sup>th</sup> January 2003. However, as of 23<sup>rd</sup> January 2003, no regulations under this provision have been published by the government and this section of the Act has therefore yet to be implemented.
11. The latest advice from DfES is that draft regulations will be published for consultation shortly with a view to implementing the new provisions from 1<sup>st</sup> June 2003. Thus, depending on the timing of the decision of the Executive, the process for establishing a new school might be governed by the old or new regulations.

### *Existing process - under the School Standards and Framework Act 1998*

12. Section 28 of the School Standards and Framework Act and Regulation 3 and Schedule 1 of the Education (School Organisation Proposals) Regulations 1999 govern the process which has to be followed to establish a new school or make a prescribed alteration to an existing school. In outline, the process is as follows:
  1. Executive decision to undertake consultation prior to the publication of a statutory notice
  2. Consultation period of at least eight weeks
  3. Executive decision to publish the statutory notice
  4. Statutory consultation period of two months
  5. Outcomes of consultation (information as prescribed by regulation) sent to the School Organisation Committee within one month of the end of the statutory consultation period
  6. School Organisation Committee make a decision within two months of receipt of the information, otherwise it is sent to the Schools Adjudicator for determination

### *New process - under the Education Act 2002*

13. The detailed requirements of the process will be contained in the regulations and accompanying guidance when published. The Act proposes two significant changes to the process for establishing a new maintained secondary school:
  - Rather than simply publishing its own proposals for a new school, the local education authority will be required to identify a site for a new school, then invite proposals for a school on that site. The LEA will then be required to publish for consultation all the proposals received (which may include its own proposal).
  - The final decision will rest with the Secretary of State, after consideration and comment by the School Organisation Committee.
14. It is anticipated that the Secretary of State would judge any proposal from (at least) three key perspectives: its contribution to redressing any gender imbalance, its contribution to enhancing standards, and it being cost-effective.

- On gender balance, the issue would be whether the proposal improves the balance of provision for boys and girls in the borough. There are currently four girls' secondary schools to one boys' secondary school in the borough, and the borough's mixed schools have more boys than girls attending them, so this would appear - on the face of it - to be the case.
- On standards, the issue would be what the proposal will do to raise attainment in the borough. In particular: what would a new Waverley boys' school do to enhance attainment at the existing Waverley girls'?
- On cost-effectiveness, the general DfES view is a minimum of 6 forms of entry for the economic case to be made, although as few as 5 forms of entry are arguable. The counter argument might be that both Notre Dame and St Saviours are relatively successful schools with 4 forms of entry. However, these are VA schools and their size is a historical fact, rather than a matter of deliberate planning.

#### Feasibility and resource implications

15. A full feasibility study and costing exercise would be necessary to establish the cost and practicalities of developing a new boys' school on the Lower School site.
16. Based on professional experience, without the benefit of such an exercise, the view is that the site could accommodate a new school of 3-4 forms of entry, without buildings of excessive height and without encroaching on Peckham Rye Common. In very round figures, the cost could be up to £20M.
17. According to DfES definitions, based on current projections of pupil numbers, there is no Basic Need for a new secondary school in the borough (whether in East Dulwich/Nunhead or another area, as the DfES works to a 3 mile radius). Without evidence of Basic Need, the DfES is not required to provide capital funding. No alternative source of capital funding has been identified by the sub-committee.

#### **Option B - changing Waverley School from girls' to mixed, expanding the role and establishing a post-16 facility - matters for consideration**

##### Context

18. At the sub-committee meeting of 10<sup>th</sup> 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.
19. 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.
20. A further option explored by the sub-committee at its meeting of 14<sup>th</sup> January 2003 was to have Waverley School go mixed, but with boys and girls accommodated on separate sites i.e. with 4 forms of entry of girls 11-16 plus mixed post-16 facility on the Upper School site, and 4 forms of entry of boys 11-16 on the Lower School site. This option was also discounted, following legal advice, as contrary to sex discrimination legislation.

21. Option B reflects the two different possible routings to increasing the numbers and changing the status of Waverley School.

### Process

22. The process would be similar to that outlined above in relation to the establishment of a new school under the School Standards and Framework Act. A change of status from girls to mixed, an increase in numbers, a proposed closure followed by reopening as an academy, and the establishment of a sixth form are all prescribed alterations within the meaning of the legislation.
23. If the academy route were chosen, 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, which might extend the process. It would also be necessary to identify and engage a sponsor.

### Feasibility and resource implications

24. 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.
25. 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.
26. 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.
27. Should it not prove feasible to contain the enlarged school on the Upper School site, the Lower School site 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.
28. 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

29. 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.
30. 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.

### Background information

31. The scrutiny process began on 9<sup>th</sup> October 2002. Written submissions and oral evidence have been received from members of the EDEN campaign and the headteacher and governors of Waverley School. A petition from local parents has been received. Technical, professional and legal advice has been provided by officers in written reports and orally at meetings of the sub-committee. Members of the sub-committee have debated the issues over four separate meetings and have visited Waverley School, at the invitation of the governing body.

32. A full account can be found in the reports and minutes of the sub-committee, any of which will be copied to members on request.

### AUDIT TRAIL

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<b>Version</b>	Final draft		
<b>Key Decision?</b>			
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER</b>			
	<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
	Borough Solicitor & Secretary	Yes	-
	Chief Finance Officer	No	No
	<b>Executive Member</b>	No	No

### BACKGROUND PAPERS

<b>Background Papers</b>	<b>Held at</b>	<b>Contact</b>
Minutes of Education, Youth & Leisure Scrutiny Sub-Committee meetings on 09.10.02, 11.11.02 and 10.12.02 and 14.01.03.	Southwark Town Hall Peckham Road SE5 8UB	Louise Gardiner T: 020 7525 7460
Education, Youth & Leisure Scrutiny Sub-Committee, items: <ul style="list-style-type: none"> <li>• 5 (09.10.02)</li> <li>• 9 (11.11.02)</li> <li>• 12 (10.12.02)</li> <li>• 17 (14.01.03).</li> </ul>	Southwark Town Hall Peckham Road SE5 8UB	Louise Gardiner T: 020 7525 7460