

Item no:	Classification: OPEN	Committee: Executive	Date: 25 March 2003
From: Overview & Scrutiny Committee		Title: Secondary School Provision in East Dulwich	

Purpose

To consider the outcomes of the scrutiny of secondary school provision in East Dulwich/ Nunhead.

Recommendations

Overview & Scrutiny Committee recommends that the Executive:

- Notes this report and the attached report of Education, Youth & Leisure Scrutiny Sub-committee;
- Notes that (in the context of recent press speculation about further Government initiatives, including the establishment of City Academies) the Committee supports the efforts of the Executive to proactively investigate the opportunities that these initiatives present;
- Decides whether or not to pursue Option A in the report from the sub-committee, i.e. to establish a small boys school on the Waverley Lower School site with the intention of federating under a single Head and Governing Body with Waverley School.
- Decides whether or not to pursue Option B in the report from the sub-committee, i.e. changing Waverley School from girls to mixed, expanding the roll and establishing post-16 provision.

Overview & Scrutiny Committee further recommends that:

- If the Executive chooses to pursue Option A, they should first investigate whether there is a will from the Council, the Governors of Waverley School and residents in order to make a success of it.
- If the Executive chooses to pursue Option B, a thorough feasibility study as to the chances of success should be carried out;
- Any feasibility study proposed by the Executive should first be considered by full Council Assembly.

Background Information

At its meeting of 19 February 2003, Overview & Scrutiny Committee considered the report by Education, Youth & Leisure Scrutiny Sub-Committee. The recommendations set out above reflect the resolutions of the Committee at the meeting. The resolutions in full were as follows; Overview & Scrutiny Committee:

- noted the recommendations of the sub-committee and thanked them for their deliberations;

- recognised that simply retaining a single-sex school at Waverley Upper School site will present difficulties to Waverley School in retaining staff and attracting pupils and is likely to challenge under the terms of the Education Act 2002 by community groups;
- noted that Option B, namely changing Waverley School from girls to mixed, expanding the role and establishing post-16 provision, will present difficulties to the Council and that such an option will be vigorously challenged by the Governing Body of Waverley School. A thorough feasibility study as to the chances of success should be carried out if the Executive chooses to pursue this option;
- noted recent press speculation about further Government initiatives, including the establishment of City Academies and supports the Executive's efforts to proactively investigate the opportunities that these initiatives present;
- believes that Option A, namely to establish a small boys school on the Waverley Lower School site with the intention of federating under a single Head and Governing Body with Waverley School, offers an opportunity to increase educational provision in the East Dulwich and Nunhead area; however this Option requires a will from both the Council, the Governors of Waverley School and residents. If this will is not forthcoming, and the Executive should investigate this beforehand, from each of these bodies Overview & Scrutiny Committee recognises that this Option is unlikely to succeed;
- requests that any feasibility study proposed by the Executive should first be considered by full Council Assembly.

Further background information is contained in the attached report from Education, Youth & Leisure Scrutiny Sub-Committee.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Comments of the Strategic Director of Education & Culture

Introduction

The purpose of this paper is to provide background information to assist members in their scrutiny of the issues around new secondary education provision in the East Dulwich area of Southwark.

The case for a new secondary school would need to be justified in the context of school place planning in the borough. The suitability of the Waverley Lower School building and the costs associated with establishing a new school must also be considered.

School place planning

On the basis that the City of London Academy is built in Bermondsey and offers 180 new Year 7 places from September 2003, and that Warwick Park also becomes a City Academy and increases in size by at least two forms of entry, it would not be possible on current pupil roll projections to make a traditional Basic Need case for new provision. (The DfES definition of Basic Need is on the basis that all places in all secondary schools within three miles in the borough are shown as full in the LEA's projections of pupil numbers - in Southwark's case this includes all the borough secondary schools).

Table 1 (below) shows that a Basic Need case for some new secondary school provision in the borough is only possible if the new provision at the City Academy (150 out of the 180 places) and Warwick Park (60 places) is excluded.

The planning projection information is, however, based on historic trends, which include the considerable cross border movement of pupils to secondary schools outside the borough. The opening of The Charter school encouraged parents to send their children to a Southwark secondary when they would not previously have done so. The same argument could be made for the opening of the Bermondsey City Academy and, potentially, for a new quality secondary school in East Dulwich. Factoring this into school roll projections is more difficult.

There is evidence that there are sufficient pupils at primary schools in the area who do not currently go to a Southwark secondary school who could attend a new local secondary school if one were to be provided - although this would be at the expense of schools in neighbouring boroughs, such as Lewisham.

We are aware that there is pressure for secondary places in Lewisham. Their School Organisation Plan confirms that in the light of current projections there is the need in principle to consider providing additional places. Lewisham is currently undertaking a secondary review to this effect.

On the question of providing a boys' school on the Waverley Lower School site to complement Waverley girls', there is still clearly a gender imbalance across the borough's schools as there was in 1998 when the LEA unsuccessfully proposed changing the status of Waverley to a mixed school.

The provisional returns for January 2003 show a Year 7 intake of 170 pupils for Waverley School against an agreed admissions limit of 180 pupils.

Proposition 12 in the SOP is to aim for a broad balance between the numbers of boys and girls in mixed schools.

Waverley Lower School Building

It would be possible to use the Lower School site and buildings for a new school, although considerable work would be required, because the buildings are in a poor state of repair and the main specialist facilities have been developed at Waverley Upper. Consideration would need to be given to the possible shared use of facilities e.g. the shared use of the proposed new sports hall at the Upper School.

The Lower School site has an area of 0.75 hectares (1.85 acres). This would be small for a separate secondary school. Most of the borough's secondary schools have a site area in the range of 4.5 acres to 9.5 acres.

To provide a school with 6 forms of entry and a sixth form (say 1,150 pupils) would require accommodation of approximately 8,500m² (gross area). This is based on the upper end of the DfES guidance set out in Building Bulletin 82. The main Victorian building has a gross floor area of 2,800m².

The main teaching block dates from 1896 and is a substantial School Board for London Building. Although it is not listed, it fronts onto Peckham Rye Common and there could well be opposition to its demolition and redevelopment from the Peckham Society, the Friends of Peckham Rye and others. The building could be adapted to provide general teaching, music and drama. A lift could be provided to allow full access. This would then require the provision of substantial additional accommodation to provide the full range of facilities required for a new secondary school. The amount of new building to be provided in this way would depend upon the number of pupils envisaged for the new school but - because of the limited site area - it would be necessary to build a block of between 3 and 6 storeys. The preliminary costs of such a proposal could be in the order of £15-20 million, depending upon the size of the school.

The Lower School site has limited external playspace. It would be necessary to provide some play courts on Peckham Rye Common. For a 6-form entry school to meet curriculum games requirements three courts would be required:-

- 1 - 36m x 72m
- 2 - 18m x 36m

In addition the school would have use of grassed pitches on the Common.

There are number of considerable issues that need to be resolved before a new secondary school could be established on the Lower school site. The basic need case does not yet exist; the costs of such a project have to be secured; the Lower School site is currently earmarked for a capital receipt to meet the demands of the Council's capital programme.

Table 1

Projected need for overall places assessed against total Southwark secondary school places 2003-2011 based on the January 2002 rolls.

Year	Total Roll and projected need	Places	Surplus places	Surplus %
2003	10544	11000	456	4.1
2004	10802	11170	368	3.3
2005	11028	11410	382	3.3
2006	11103	11650	547	4.7
2007	11136	11890	754	6.3
2008	11279	12130	851	7.0
2009	11258	12130	872	7.2
2010	11231	12130	899	7.4
2011	11215	12130	915	7.5

Comments of the Borough Solicitor & Secretary

Overview and Scrutiny Committee has made recommendations to the Executive to consider two options:-

- (A) the establishment of a small boys school on the Waverley Lower School site with the intention of federating under a single Head and Governing Body with Waverley School;
- (B) the changing of Waverley School from a girls only school to a mixed school, increasing the admission number, and establishing post-16 provision.

Option A

A brief outline of the legal process is set out in paragraphs 10-14 of the Report from the Education Youth & Leisure Scrutiny Sub-Committee. Since then, Consultation has commenced on new School Organisation procedures arising from the Education Act 2002.

Proposals for additional secondary schools will be decided by the Secretary of State under section 70 EA 2002. The draft Education (Additional Secondary Schools Proposals) Regulations 2003 will commence on 1st June 2003.

It is intended that any proposals for a new secondary school for which a statutory notice has been published before that date will proceed in accordance with current procedure, and the final decision will be made by the School Organisation Committee. A decision by the Executive to publish a notice will have to be made by 30th May 2003. Pre-publication Consultation would have to commence by 30th March 2003 (to allow a reasonable period of 8 weeks taking account of the significance of the proposal and the Easter school holidays) and this requires a decision by the Executive. It is the view of the Borough Solicitor & Secretary that there is insufficient information available at this early stage for the consultation to be properly informed. Members should also consider whether the available information is sufficient for them to make a fully informed decision.

The new (proposed) procedure will therefore apply as follows:-

- the Executive will make a decision to undertake consultation. Primarily, this will be in relation to the subjects covered by the later Notice inviting proposals;
- consultation of 6 to 8 weeks minimum, depending on the issues involved;
- the Executive will make a decision whether or not to publish the Notice inviting proposals, and as to the matters covered by the Notice;
- Notice inviting proposals is published;
- Promoters, including the LEA itself, have 2 months to make proposals in response to the Notice;
- Any proposals by the LEA will require a decision by the Executive, after consultation has taken place;
- All of the proposals by the LEA and other promoters must then be published;
- People have one month in which to object or make comments in relation to any of the proposals;
- Within a week, all proposals and comments or objections are to be forwarded to the School Organisation Committee;

- Within a month thereafter, the SOC must consider and comment on the proposals, comments and objections, having regard to Guidance;
- By the same date, the SOC must forward the proposals, objections/comments, results of consultation, and SOC's own comments to the Secretary of State;
- The Secretary of State may refuse or approve a proposal, or he may modify them, after consulting with the LEA and promoter.

The Notice Inviting Proposals will need to, amongst other things, identify a site, explain the accessibility of the site, explain why a new school is necessary, give an opening date, and provide information on the numbers of pupils, upper and lower age limits, and whether it is single sex or mixed provision.

Proposals by Promoters must include those matters set out in Part 1 of the draft Regulations and those by the LEA must include those matters set out in Part 2 of the draft Regulations (see attachment 1). Given the extent of the issues to be considered and the very short period of time available to promoters to submit proposals, it is the view of the Borough Solicitor & Secretary that Members should consider whether a feasibility study would assist particularly the LEA's decision whether or not to make a proposal.

Sections 24 & 25 Education Act 2002 give governing bodies the power to federate maintained schools so that they have a single governing body constituted under a single instrument of government. Regulations will make further provision, however, these have not been made. Unless future Regulations or Guidance so provide, it is the view of the Borough Solicitor & Secretary that federated schools will each require a Headteacher.

Option B

A brief outline of the legal process is set out in paragraphs 12, 22-23 of the Report from the Education Youth & Leisure Scrutiny Sub-Committee. The recently commenced consultation on new School Organisation procedures arising from the Education Act 2002 indicates that some changes will also be made to the existing requirements.

It is the intention that the draft amendments to the Education (School Organisation Proposals) Regulations 1999 will apply from 1st June 2003. The information to be contained in the proposals published by the LEA and in documents forwarded to the School Organisation Committee is very extensive (see attachment 2).

Most, if not all, of this information would be needed for pre-publication consultation and for the Executive to make a fully informed decision to proceed with statutory publication. Members should consider whether a feasibility study would assist. Any feasibility study will also need to examine the impact of the Human Rights Act and Race Relations Act (as amended).

Members should consider whether they currently have sufficient information available to them at present, to make a fully informed decision to choose between pursuing either Option A or Option B.

Consideration of Feasibility Studies by Council Assembly

The decisions whether or not proceed with pre-publication consultation and thereafter, publication, are matters reserved to the Executive under the Constitution. In making these decisions, any feasibility study, if undertaken, should be considered.

The Constitution provides that Council Assembly is to make decisions in respect of functions, which are the responsibility of the Executive, but which are not in accordance with the Policy and Budget Framework.

The proposal for a new secondary school in the East Dulwich and Nunhead area is part of the School Organisation Plan (SOP), approved by SOC on 29th January 2003 and approved by Council Assembly on 18th September 2002. The functions are therefore within the Policy Framework.

Given the process to be undertaken, whichever option is ultimately pursued, a new secondary school will not be opening for a number of years. Accordingly, it will not be outside of the Budget for 2003/4 agreed by Council Assembly.

Members of the Executive should also consider the impact consideration by Council Assembly would have on the timetable. Members are referred to paragraphs 6-7 on the Report from the Education Youth & Leisure Scrutiny Sub-Committee in this regard.

BACKGROUND PAPERS

Background Papers	Held at	Contact
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
Minutes of Overview & Scrutiny Committee meeting on 19.02.03	Southwark Town Hall Peckham Road SE5 8UB	Lucas Lundgren T: 020 7525 7224
Education, Youth & Leisure Scrutiny Sub-Committee, items: <ul style="list-style-type: none">• 5 (09.10.02)• 9 (11.11.02)• 12 (10.12.02)• 17 (14.01.03).	Southwark Town Hall Peckham Road SE5 8UB	Louise Gardiner T: 020 7525 7460
Overview & Scrutiny Committee item 48 (19.02.03)	Southwark Town Hall Peckham Road SE5 8UB	Lucas Lundgren T: 020 7525 7224

AUDIT TRAIL

Lead Officer	Ian Hughes, Head of Corporate Strategy	
Report Author	Graeme Gordon, Adviser to the Education, Youth and Leisure Scrutiny Sub-Committee	
Version	Final	
Key Decision?		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Borough Solicitor & Secretary	Yes	Yes
Chief Finance Officer	No	No
Executive Member	No	No