

<b>Item No.</b> 4.	<b>Classification:</b> Open	<b>Date:</b> 20 January 2011	<b>Meeting Name:</b> Cabinet
<b>Report title:</b>		Outcome of the final consultation process on the proposed provision of sixth forms at Sacred Heart Roman Catholic Secondary School and St Michael's Catholic College	
<b>Ward(s) or groups affected:</b>		All	
<b>Cabinet Member:</b>		Councillor Catherine McDonald, Children's Services	

### **FOREWORD – COUNCILLOR CATHERINE McDONALD, CABINET MEMBER FOR CHILDREN'S SERVICES**

- 1 This report asks the Cabinet to decide whether to agree the proposal for the provision of sixth forms at Sacred Heart Roman Catholic Secondary School and St Michael's Catholic College from September 01 2011.
- 2 I have looked at the statutory process that has been undertaken and am satisfied that all the education stakeholders have been given the opportunity to comment on the proposed changes. The report sets out a full response to the comments received.
- 3 The consultation period finished on 25 November 2010 and the authority needs to make a decision before 25 January 2011, therefore it is important that the Cabinet considers the proposal at this special meeting.
- 4 The Cabinet as Decision Maker must in considering the proposals for sixth forms from these two schools take account of all the factors included in this report and its appendices. DfE guidance advises that the Decision Maker should only turn down proposals for successful and popular schools to expand if there is compelling objective evidence that expansion would have a damaging effect on standards overall in an area, which cannot be avoided by LA action. In addition the DfE guidance also notes that there is a strong presumption of approval for proposals from a high performing school that does not require capital support, as long as it does not undermine the viability of an existing high quality post 16 provider.
- 5 There have been four objections to the statutory notice for these proposals. The report and its appendices summarise and address these objections in detail. In summary the objectors are concerned about the impact of the proposed provision on the neighbouring sixth form colleges, that the schools have not provided sufficient information to justify the proposals and that there could be an adverse effect on the BSF programme. While there will be some impact on the neighbouring sixth form colleges, because they are high quality post 16 providers this should not undermine their viability or have a damaging effect on standards overall. The schools have provided additional information which is included in the report. The schools have also provided written confirmation that there will be no additional costs to the currently agreed BSF programme as a result of the addition of sixth forms.

### **RECOMMENDATION**

- 6 Cabinet decides whether to agree to the provision of sixth forms at Sacred Heart Roman Catholic Secondary School and St Michael's Catholic College from September 1 2011.

## **BACKGROUND INFORMATION**

- 7 Sacred Heart and St Michael's are currently 11-16 schools. The schools are situated in the north and centre of the borough and recruit widely, including from neighbouring boroughs. The two schools are proposing to increase their provision by expanding to include sixth forms of 150 places from 1 September 2011. As VA schools the two schools are their own admissions authorities and therefore undertook the initial consultation in September 2010 on the proposal to add sixth forms to these schools from September 2011.
- 8 Following the initial informal consultation stage, the schools' governing bodies formally considered the outcome of initial consultation in October 2010 and agreed to the publication of the required statutory notice. Initial consultation was also carried out on a proposal to add a sixth form to St Thomas the Apostle College; their proposal was also included in the statutory notice. Subsequently, however, the school has withdrawn their application to add a sixth form. Their proposal is therefore set aside and not appraised further.
- 9 The formal statutory process for the addition of sixth forms at Sacred Heart Roman Catholic Secondary School and St Michael's Catholic College has now been carried out and Cabinet as Decision Maker are asked to decide whether to agree the proposals in the light of the appraisal in this report.

## **KEY ISSUES FOR CONSIDERATION**

### **Policy implications**

- 10 The governing bodies of these two VA schools have been planning to extend their provision by adding sixth forms for some time. Both schools had Pathfinder sixth forms in 2005, which was temporary provision for two years to enable the schools to develop and understand the impact of sixth form provision on the schools.
- 11 We are at a time of great change in terms of the local authority's role in overseeing the Borough's secondary schools. The recently published white paper signals a diminishing role for local councils and greater independence for schools in determining how best to meet the needs of their pupils. Currently we have 16 secondary schools, of which 11 are now independent state academies. These academies all currently offer, or plan to develop, sixth form provision. Of the remaining 5 voluntary aided schools, one currently has a sixth form and of the other four Catholic schools two are keen to develop their own provision from September 2011. Currently Southwark is a net exporter of sixth form learners with students travelling significant distances to a wide variety of providers that include two Catholic sixth form colleges in the boroughs of Wandsworth and Lewisham.
- 12 The statutory notice (attached as Appendix 1) was published in the South London Press on 26 October 2010 and the Southwark News on 28 October 2010. It was displayed at the schools on the main gates and in the local libraries. Four representations have been received as a result of the publication of the statutory notice.

- 13 The Cabinet is the Decision Maker for all statutory proposals, except where there are certain rights of appeal to the Adjudicator. The formal statutory notice consultation process has been carried out and the Cabinet are now asked to decide whether to agree that a sixth form should be provided at Sacred Heart Roman Catholic Secondary School and St Michael's Catholic College.
- 14 The schools' accommodation is being upgraded and improved under Southwark's Building Schools for the Future (BSF) programme. Capital expenditure on additional accommodation for the sixth forms is not proposed under BSF in either school. The schools have provided written confirmation that there will be no additional accommodation required to deliver their sixth forms or costs arising through the currently agreed BSF programme. The BSF projects will continue to develop in line with the BSF business case.
- 15 The schools' proposals for the delivery of a sixth form offer have been reviewed and are considered viable. Each school has provided a draft accommodation strategy (appendices 8 and 9), which demonstrate how they will accommodate the new sixth forms. In each case they will provide for 50 students in the first year, rising to 150 in subsequent years. St Michael's and Sacred Heart propose to extend and intensify their timetabling and use additional facilities locally, which the schools will secure. Sacred Heart are to move to the New School Aylesbury building while their new accommodation is built. Although New School Aylesbury is designed to accommodate 5FE and a sixth form the school are aware, and have accepted, that additional costs will be incurred in connection with providing a sixth form offer, for which they will be liable while they are temporarily accommodated as a result of the additional building management and maintenance costs that will arise.
- 16 The Department for Education (DfE) guidance (which is still current although subject to review) is that there is a strong presumption that proposals to expand successful and popular schools should be approved. Both schools in this case are successful and popular, as confirmed in paragraphs 29 to 31. The guidance advises that the Decision Maker should only turn down proposals for successful and popular schools to expand if there is compelling objective evidence that expansion would have a damaging effect on standards overall in an area, which cannot be avoided by LA action. In addition the DfE guidance also notes that there is a strong presumption of approval for proposals from high performing schools that do not require capital support. The guidance explains that the fact that an existing school or college with large numbers of post-16 students might recruit a smaller number of students aged 16-19 is not, of itself, sufficient to meet this condition where the presumption school can show there is reasonable demand from students to attend the school after age 16. As an outstanding school, Sacred Heart is a high performing school and both popular and successful. St Michael's is not currently judged by Ofsted to be high performing (Ofsted 2007 satisfactory) but is definitely popular (demonstrated by preferences expressed) and successful in terms of GCSE outcomes. Both schools are aware that they will not be receiving any capital support, which is another element of the presumption.
- 17 DfE guidance requires that the following criteria are reviewed by the Decision Maker.

#### **A - Effect on standards and school improvement**

- 18 The two schools are effective schools, which are achieving good to outstanding results. Sacred Heart school was judged to be outstanding during its Ofsted inspection in 2010. St Michael's was graded satisfactory in 2007 but since then results have improved dramatically and attainment would now be considered high. The GCSE results for the two schools are shown below.

	2007	2008	2009	2010 unvalidat ed
St Michaels 5+A*-C	65%	78%	85%	90%
St Michael's 5+A*-C inc Eng & Maths	41%	59%	54%	74%
Sacred Heart 5+A*-C	83%	80%	93%	92%
Sacred Heart 5+A*-C inc Eng & Maths	78%	70%	82%	86%

- 19 There are four Catholic secondary schools in Southwark: Notre Dame, Sacred Heart, St Michael's and St Thomas the Apostle College. None of these schools currently offer substantive post 16 provision. The two schools (Sacred Heart and St Michael's) submitting this proposal believe that many of their students, and others in their local communities, would benefit from provision of a widened school based delivery. The schools believe that they can offer continuity, support and guidance for students within the distinctive environment of successful and popular Catholic schools. Such provision would be local, involving students in less out of Borough travel, and would be more tuned to learner needs. Through collaboration the two schools will be able to offer an appropriate curriculum provision on an efficient and affordable basis, reducing the displacement of pupils.
- 20 On average only 30% of Year 11 go from the two schools to St Francis Xavier (SFX) Sixth Form College, which is oversubscribed. However, this group of young people represents less than 10% of the student population of SFX, a situation that is mirrored at Christ the King (CTK), where 40% of Year 11 go from these two schools, which is 10% of the CTK intake. Additionally Southwark College has cut all A level provision and is therefore limiting choice for the schools' student population post 16.
- 21 The two schools are particularly successful in raising standards for groups that are identified as traditionally underachieving. This includes black African and Caribbean groups who make above average progress.
- 22 The schools believe that continuation of provision beyond the age of 16 will have a positive impact on standards because of the expertise developed and contained within the schools. A characteristic of the schools is the commitment to pastoral care, guidance and support along with commitment to the aims of Every Child Matters.
- 23 The strategy and curriculum proposed at these schools is in Appendix 2.
- 24 DfE guidance emphasises the support for the expansion of successful and popular schools. This proposal would have the effect of adding post 16 places in two successful and oversubscribed schools. The likelihood is that recruitment to the sixth forms would be good given the competition for existing provision. The provision of a sixth form at each school should therefore contribute to school improvement and the raising of standards.

## **B - The Need for Places**

- 25 Currently the primary pathways for students at the schools are to continue their post 16 education at the St Francis Xavier Sixth Form College at Clapham Common or at Christ The King (CTK) Sixth Form College in Lewisham. Alternatively students could continue provision in another Southwark school. Both Colleges were established in the 1990s as a result of a decision by the Catholic Diocese to promote a pattern of 11-16 secondary schools and sixth form colleges. St. Francis Xavier was graded 'outstanding' in its last Ofsted inspection, and Christ the King 'good with outstanding features' and there is a high demand for places in both.

- 26 At present 60% of young people travel out of the Borough to study post 16. Many, particularly those studying for level 1 and 2 qualifications do not complete their courses and become NEET (Not in Education, Employment or Training). It is the Borough's role to commission appropriate courses from schools, academies and The College, mindful of the need to have a strong offer across Levels 1-3. As two schools with impressive GCSE results it is expected that they will offer appropriate Level 3 courses (A level or equivalent) but the Borough is also mindful of the need to cater for the relatively small percentage of pupils who require courses at levels 1 (foundation) and 2 (GCSE or equivalent).
- 27 Southwark College has now withdrawn from teaching A levels and instead focuses on vocational and technical learning. This has been factored into borough wide planning and will undoubtedly add demand for additional places in schools and academies.
- 28 It is anticipated that the proportion of students staying on at Southwark schools will increase significantly over the next ten years. This would be consistent with the pattern already established for statutory age pupils. By 2015 all 16-18 year olds will be required to remain in education or progress to a job with training. This has been a key issue in future place planning. Approved plans allow for the number of 16-19 places to increase from 1325 to 3040. This is based on the predicted Year 11 school and academy population in 2016 and staying on rates into Years 12 to 14.

### **C- The Expansion of Successful and Popular Schools**

- 29 The two schools are achieving success for their pupils and performing above national averages against a number of key measures as shown in Appendix 3. The popularity of these schools is shown by the preferences expressed for places over the last three years as shown in Appendix 4.
- 30 Both of the schools have specialist status. Sacred Heart - mathematics and computing, languages and St Michael's - business and languages.
- 31 In addition the schools achieve high performance in other subjects and this will provide the basis for determining the post 16 subjects to be offered.

### **D - Travel and Accessibility for all**

- 32 The main alternative provision for students at the two schools is that at the St Francis Xavier Sixth Form College which is located at Clapham Common and Christ the King Sixth Form College in Lewisham. This may involve a longer journey for some students although many already travel some distance to attend their home schools. Travel by public transport could involve journeys taking up to one hour involving walking and change of transport, although that is mostly free on buses and trams for 16 and 17 year olds. The pattern of post 16 provision is that many students are prepared to travel to their destination of choice, whether by bus, train, cycling or on foot.

### **E - 16-19 Provision**

- 33 The schools intend to widen learner choice and develop a distinctive Catholic provision based on the principles set out in Appendix 5.
- 34 The schools' proposals meet the key features of 16-19 provision as follows:
- **Quality** – the two schools can evidence high quality provision pre 16 and this will be translated into the sixth form provision across a range of learning pathways at different levels of qualification. By sharing teaching across the programme the two

schools can ensure high quality taught input by subject specialists, equity and excellence.

- **Distinctiveness** – the provision will be developed in line with Diocesan policy and Catholic tradition of these schools with the purpose of offering direct benefit to both the Catholic and wider communities in Southwark through a locally based sixth form provision.
- **Progression and diversity to ensure curriculum breadth** – the schools are collaborating so as to develop a wide offer both in subject and level of qualification. They are drawing on the school specialisms and known areas of strength in terms of pupil performance at 16. Students will be able to access provision across the two schools through the common timetable and effective use of ICT.
- **Participation, Learner choice and satisfaction** – at present students from these schools realistically have a choice of attending sixth form college out of the Borough or the local FE College. Few are likely to transfer to sixth forms in the other schools and academies. This proposal offers learners the choice of pursuing their studies through their schools.

## **F - SEN Provision**

- 35 The schools are committed to continuation of support to pupils with special educational needs. Sacred Heart is committed to resourced provision for pupils with autistic spectrum disorder as part of the BSF and SEN strategy for Southwark. The school understands that there is a significant demand for post 16 education from this group of students. St Michael's and Sacred Heart are both engaged in a pilot project providing vocationally orientated post 16 education for vulnerable students and it is the intention to run this practice across the two schools. If the proposal is agreed the schools aim to provide strong continuing support for pupils with SEN who choose to transfer to the sixth forms. The two schools will have new buildings under the BSF programme which will be fully DDA compliant.

## **Community impact statement**

- 36 As a Borough with four Catholic schools the provision of two Catholic sixth forms will widen choice for those young people who meet the sixth form admissions criteria (for both schools the criteria prioritise Catholic students but any vacant places will be offered to non Catholics who will be welcome to apply). It will therefore have a positive impact on the Southwark Catholic community while not disadvantaging other religious groups.

## **Resource implications**

### **Capital**

- 37 The two schools are to benefit from provision of new facilities under the BSF programme and do not expect to draw on any additional Council capital in connection with these proposals.

### **Revenue**

- 38 The recent Comprehensive Review set out a clear message that there would be “unit cost reductions in the 16-19 participation budget”, in addition, there is no longer a guaranteed increase in other grants as a result of increasing Sixth Form numbers. This risk will need to be managed by the individual schools within their overall budget. Further there are also low risks to the Local Authority revenue budgets as a result of increased participation.

## **Consultation**

- 39 In carrying out the consultation process on the proposed provision of the sixth forms letters were sent to the following stakeholders: parents and carers of pupils, staff and governors at these schools, Headteachers and chairs of governors of Southwark schools, SFX and CTK, local MPs and councillors, the YPLA, (Young People's Learning Agency, established in April 2010 as the successor body to the LSC) the Southwark Diocesan Board and Commission, trade unions and Directors of neighbouring authorities.
- 40 There were responses both in favour of and against the proposals. Parental consultation showed 76% of parents at Sacred Heart overwhelmingly supported a sixth form; 80% of parents at St Michael's overwhelmingly supported a sixth form. Parents have also expressed their desire for pupils to continue their post 16 education in a whole school environment and have expressed a view that they do not want their children travelling out of the borough. Feedback from pupil voice has also shown that pupils want a sixth form and do not want to go out of borough for post 16 education. There were six responses against the proposals at the initial consultation stage including the local Archdiocese, Notre Dame RC Girls School, SFX, CTK and Lambeth and Lewisham Children's Services. Five comments from local primary and secondary schools were in favour.
- 41 These responses to the initial consultation are appraised in detail in Appendix 6.
- 42 There have been four objections as a result of the publication of the statutory notice. These are from the Archdiocese of Southwark, Notre Dame RC school, CTK and SFX. These are summarised and appraised in Appendix 7.
- 43 The principal objections are
- That there are already two very successful Catholic post 16 institutions that meet the needs of the young people from these two schools and in this climate it would be costly and poor value for money if each school were to open a sixth form.
  - The schools do not provide sufficient evidence to justify the opening of the two sixth forms.
  - The small sixth forms would be unviable and have an adverse effect on 11-16 provision at the schools and would also adversely affect recruitment to the sixth form colleges.
  - That the proposals could adversely affect the BSF programme.
- 44 In summary the responses to these objections are
- That the schools have identified that their current pupils are not achieving as well post 16 as the current authority average and in their view this should improve with the provision of school sixth forms. The schools will pay for the capital costs of the new provision from their own resources and consider that the improvements to the local sixth form offer will be better value for money for the school community.
  - The schools have provided additional supporting information including draft accommodation strategies that are included in this report.
  - The schools have confirmed that they do not anticipate adverse effects on their 11-16 provision. While there are likely to be fewer pupils going from these schools to the sixth form colleges there is not evidence that this would undermine their viability or have a damaging effect on standards overall.
  - The schools have provided written confirmation that there will be no additional costs to the BSF programme as a result of adding these sixth forms.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Strategic Director of Communities, Law & Governance**

- 45 Under the Education and Inspections Act 2006 (the Act) , s19, where there is a proposal to make a prescribed alteration the governing body is required to publish those proposals and consult as required under the Act and as required by the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (the Regulations). The required consultation period in this case is of 4 weeks.
- 46 The Regulations provide that the Local Authority is the decision maker under s.21 (2) (f) of The Act. The Constitution of Southwark Council provides that such a decision should be taken by the Cabinet.
- 47 .As stated in the body of the report, St Thomas the Apostle College has withdrawn their application to add a sixth form. The Cabinet is advised that in these circumstances the Governing Body of the College need to formally write to the Council and the Schools Adjudicator with a notice of their intention. In addition, such a notice must be placed at the main entrance to the school and all other entrances if there is more than one.
- 48 The Cabinet are advised to give consideration to the following prior to making a decision:
- i) Is the Cabinet satisfied that it is in receipt of all the information required to reach a decision. If not, the Cabinet should write to the proposer specifying a date by which the information should be provided.
  - ii) Do the published notice comply with statutory requirements?
  - iii) Has the statutory consultation been carried out prior to the publication of the notice
  - iv) Are the proposals “related” to other published proposals
- 49 It is noted that there were a number of objections to the proposals. The Cabinet are advised to satisfy itself that there was an adequate and appropriate response to the objections.
- 50 The Cabinet will note that the proposals were published and consulted on as one notice. It is advised that despite this fact each proposal is to be considered on an individual basis.
- 51 Once the prescribed process has been followed, the Cabinet must consider and determine the proposals within two months of the conclusion of the consultation period. In this case that is before 25 January 2011. A failure to act in accordance with the Regulations will result in the matter being referred to the Schools Adjudicator who will then take that decision.
- 52 Accordingly, the proposers are under a statutory duty to implement any proposals which the Cabinet or schools adjudicator has approved, by the implementation date.
- 53 Having reviewed this document, there is evidence to support the position that the notice was published and consulted upon in accordance with the Guidance. Additionally, the objections have been noted, which is all that is required of the Local Authority.



## Finance Director CSO116

54 The Revenue and Capital resources issues are identified under the section detailing resource implications.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
DfE Regulations and Guidelines	Tooley Street, London SE1 2TZ	Martin Wilcox 020 7525 5018

## APPENDICES

No.	Title
Appendix 1	Public notice
Appendix 2	Strategy and curriculum
Appendix 3	Success in respect of pupil achievement at 16
Appendix 4	Parental demand
Appendix 5	Schools' 16-19 principles
Appendix 6	Summary of initial consultation responses
Appendix 7	Summary of statutory consultation responses
Appendix 8	Draft Sacred Heart Sixth Form Accommodation Strategy
Appendix 9	Draft St Michael's Catholic College Sixth Form Accommodation Strategy

## AUDIT TRAIL

<b>Cabinet Member</b>	Councillor Catherine McDonald, Children's Services	
<b>Lead Officer</b>	Jane Bailey, Assistant Director 11-19 and Youth Services	
<b>Report Author</b>	Martin Wilcox, Education Planning Officer	
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<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Communities, Law and Governance	Yes	Yes
Finance Director	Yes	Yes
<b>Cabinet Member</b>	Yes	Yes
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