

**Open Report on behalf of Debbie Barnes, Assistant Director for Children's Services**

Report to:	<b>Executive Councillor for Children's Services and Adult Learning</b>
Date:	<b>12 December 2011</b>
Subject:	<b>Proposal to open a sixth form at Sir William Robertson High School, Welbourn</b>
Decision Reference:	<b>01979</b>
Key decision?	<b>No</b>

**Summary:**

The Sir William Robertson High School is a rural co-educational secondary school in Welbourn operating within a selective education system. It is a popular school which has been regularly oversubscribed in recent years with a total number on roll in Years 7 - 11 as at the October 2011 census of 856 (capacity 838).

This report seeks to advise the Executive Councillor on making the final decision regarding the opening of a sixth form at the Sir William Robertson High School with effect from 1 September 2012.

The proposal has been put forward and developed by the governing body of the school which has carried out the consultation process. The statutory process necessary to make the prescribed change of amending the upper age limit at the school to enable the addition of a sixth form must meet the requirements of the Education and Inspections Act 2006 (EIA 2006) and follow the guidance of the Department for Education (DfE), previously the Department for Children, Schools and Families (DCSF). (A copy of the relevant guide is attached as Appendix A)

Following the first consultation stage of the statutory process the decision was taken by the governing body to go to the Statutory Notice stage. The Statutory Notice was published on 10 October 2011 (see Appendix B) which initiated the 4 week statutory period during which representations (i.e. objections or comments) can be made. The Complete Proposal (Appendix C) was also published and made available at this time. This statutory period ended on 7 November 2011 and the process is now entering the final stage when the Local Authority (LA) as decision maker must take the final decision or refer the decision to the Office of the Schools Adjudicator.

**Recommendation(s):**

It is recommended that the Executive Councillor approves the proposal to amend the upper age limit at Sir William Robertson High School to enable the opening of a sixth form with effect from 1 September 2012 subject to the following two conditions:

(a) the governing body must comply with the appropriate statutory requirements and DfE guidance to ensure that adequate learning spaces and facilities are provided to meet the needs of all pupils at the school

(b) there will be no capital investment by the LA to support this proposal

The criteria on which this recommendation is based are discussed in the "Reasons for Recommendation and Factors to be Considered" section later in this report.

**Alternatives Considered:**

1. That the prescribed alteration proposed in this report is not approved resulting in the age range at Sir William Robertson High School remaining at 11 - 16 with no sixth form provision.

**Reasons for Recommendation and Factors to be Considered:**

There are several factors which the Executive Councillor must take into account when making a decision regarding this proposal and these are detailed below:-

- The strategic priorities for post-16 education for 2012/13 agreed by the Executive state that growth in overall numbers of A level places in school sixth forms and academies should be discouraged beyond current levels. The current proposal is focused on academic A level courses rather than vocational or occupational learning.
- The data available to the LA indicates that there already is sufficient post-16 provision at schools, academies and colleges within Lincolnshire and that this proposal will create surplus capacity. In particular there is an oversupply of A level provision although there does need to be an increase in the number of apprenticeships available as well as increased provision for Learners with Learning Difficulties and/or Disabilities (LLDD). Any surplus capacity created by this proposal may result in a negative impact on existing post-16 providers. This concern, however, held by the LA and highlighted by consultation responses (referred to later in the Consultation section of this report), must be considered alongside the fact that none of these providers submitted an objection during the Representation Period.
- The LA is concerned that the current school buildings and facilities do not have the physical capacity to accommodate a new sixth form. There are no LA funds available for any investment at the school to develop a new sixth form. However, under the proposal, the governing body will fund some refurbishment of existing rooms, lease additional land to cover the shortfall of playing field and team game space and at the same time a more efficient use of the existing

buildings will be employed. The school believe that this, together with a reduction in the Published Admission Number (PAN) for Years 7 - 11, will release the necessary teaching space for the sixth form. To reduce the PAN the governing body must consult on their admissions policy in accordance with the Government's Code on School Admissions. The next annual process of admissions consultation commences in January 2012 which would enable a review of the PAN so that the proposed reduction from 170 to 150 could commence with the September 2013 intake.

- Under the DfE guidance there should be evidence that the proposal will improve educational or training achievements for 16-19 year olds in the area. To evidence this the school have quoted their recent improvement in GCSE examination results which resulted in the school achieving the "Most Improved Schools Award" in 2010 from the Specialist Schools & Academies Trust. During this same period attainment at 5 GCSE A\*-C including English and maths (5ACEM) increased from 33% to 57%. The last full OfSTED inspection in October 2011 categorised the overall effectiveness of the school as "satisfactory" although a subsequent monitoring visit has confirmed that the school has made good progress in both making improvements and in its capacity for sustained improvement. However as the area is already served by Lincoln College with a recent OfSTED rating of "Outstanding" it may be difficult for this proposal to make a significant improvement in educational or training achievements for 16-19 year olds in the area.

- Under the DfE guidance there should be evidence that the proposal will increase participation in education or training for 16-19 year olds in the area. The school believe that the proposal will increase participation and reduce drop-out rates as it will enable Year 11 pupils to continue their post-16 studies at the school avoiding a difficult transition to other providers in an unfamiliar environment and without the staff who have supported them through their previous 5 years at school. However no data or evidence has been presented to substantiate this. The Lincolnshire average (4.7% in 2010) of pupils aged 16 - 18 falling into the Not in Education, Employment or Training (NEET) category is below the national average (over 7%) and this proposal is unlikely to have a significant impact.

- Under the DfE guidance there should be evidence that the proposal will expand the range of educational or training opportunities for 16-19 year olds in the area. The school believe that the proposal will meet this criteria by offering easy direct access to sixth form education. This assumption is based on data obtained by surveys conducted by the school of their current year 10 and 11 pupils.

- As secondary intake numbers begin to fall in line with national demographic trends the reduction in the PAN for Years 7 - 11, which the school plans to implement to accommodate the new sixth form, will help sustain the mainstream secondary school sector across the areas where the school has historically drawn pupils from (Grantham, Sleaford, Newark and Hykeham) which might otherwise face challenges due to under subscription.

- If approval is not given the proposal would not be able to go ahead. One of the alternatives open to the school would be to convert to academy status as an 11-16 school but very quickly apply for a sixth form to the Young People's Learning Agency (YPLA) or its successor body the Education Funding Agency (EFA) if after March 2012. This would not require a Statutory Proposal. Should the school pursue this course of action it would enable the introduction of a sixth form with minimal delay but which would be outside the LA's remit. If, however the proposal is approved the LA would be able to work with the school and have an input for example in advice regarding the curriculum offer and number of places offered.

## **1. Background**

Sir William Robertson High School is one of the largest mixed 11 – 16 schools in Lincolnshire offering education to pupils over a large geographical area. There is no other secondary school or college within a 10 mile driving distance. Currently Year 11 pupils who wish to continue in further education or training must look for a place in Lincoln, Grantham or Newark.

### **Factors to be considered by the Decision Maker**

In reaching a decision the Executive Councillor must have regard to Statutory Guidance issued by the Secretary of State as detailed in the attached guide in Appendix A and referred to in the following paragraphs.

#### *A System Shaped by Parents*

The Government's aim is to create a schools system shaped by parents which delivers excellence and equity by implementing a dynamic system in which weak schools that need to be closed are closed quickly and replaced by new ones where necessary and the best schools are able to expand and spread their ethos and success.

The Executive Councillor must take into account the extent to which the proposal is consistent with the LA's duty to respond to representations from parents about the provision of schools. There were no submissions from parents in the Representation Period. There was a total of 374 responses received in the consultation period with the overwhelming majority (80%) coming from parents and of these 97% were in favour of the proposal. A summary of the responses has been made available to the Executive Councillor and must be fully considered.

Diversity is covered under its own heading later in this report.

#### *Standards*

The Executive Councillor should be satisfied that the proposal will contribute to raising local standards of provision and will lead to improved attainment for children

and young people, paying particular attention to the effect on groups that under-perform with the aim of narrowing attainment gaps, whilst also matching the provision of places as closely as possible to pupils' and parents' needs and wishes.

The governing body believes that this proposal will enable the children and young people of Welbourn and surrounding area to access strong educational opportunities and will present them with the best opportunity of reaching their full potential and consequently will lead to improved standards of attainment. A new sixth form would build on the established academic credentials of the school which was the third highest achieving non-selective school in Lincolnshire in 2010 when measured against the English Baccalaureate standard. The school have achieved improvement in GCSE examination results which resulted in the school receiving the "Most Improved Schools Award" in 2010 from the Specialist Schools & Academies Trust. During this same period attainment at 5 GCSE A\*-C including English and maths (5ACEM) increased from 33% to 57%.

The last full OfSTED inspection in October 2011 categorised the overall effectiveness of the school as "satisfactory" although a subsequent monitoring visit has confirmed that the school has made good progress in both making improvements and in its capacity for sustained improvement. However as the area is already served by Lincoln College with a recent OfSTED rating of "Outstanding" it may be difficult for this proposal to make a significant improvement in educational or training achievements for 16-19 year olds in the area.

### *Diversity*

The Government's aim is to create a more diverse school system offering excellence and choice so that every child receives an excellent education whatever their background and wherever they live. The Executive Councillor should consider how the proposal will affect local diversity taking account of the range of schools in Welbourn and the surrounding area and the impact on the aspirations of parents, and whether the proposal will help raise local standards and narrow attainment gaps. There is no other secondary school or college within a 10 mile driving distance of the school and the governing body believe that this presents significant challenges to the majority of pupils who are committed to accessing further education and training beyond the age of 16.

### *Every Child Achieving their Potential*

The Executive Councillor should consider how the proposal will help every child and young person achieve their potential. This should include considering how the proposal will enable children and young people to have access to extended services, opportunities for personal development, access to academic and applied learning training, measures to address barriers to participation and support for children and young people with particular needs (eg looked after children or children with special educational needs and disabilities). The governing body believes that the proposal will provide greater opportunities for children and young people over the age of 16 in Welbourn and surrounding area who might otherwise not be able to progress to further education or training.

## Equal Opportunity Issues

The Executive Councillor should consider whether there are any sex, race or disability discrimination issues that arise out of the change being proposed. There needs to be a commitment to provide access to a range of opportunities which reflect the ethnic and cultural mix of the area while ensuring that such opportunities are open to all. There are no sex, race or disability discrimination issues arising from this proposal as should the proposal be approved the new sixth form will be open to all. The LA will continue to be committed to provide access to a range of opportunities which reflect the ethnic and cultural mix of the area while ensuring that such opportunities are open to all.

## Need for Places – Creating Additional Places

The current PAN for Years 7 – 11 is 170 per year group at Sir William Robertson High School and it is proposed to reduce this to 150. To reduce the PAN the governing body must consult on their admissions policy in accordance with the Government's Code on School Admissions. The next annual process of admissions consultation commences in January 2012 enabling a review of the PAN so that the proposed reduction from 170 to 150 could commence with the September 2013 intake. This should provide sufficient space over a phased period to enable sixth form places to be provided using existing accommodation without the need for capital investment from the LA.

The table below shows the number on roll as at the October 2011 census and maximum projected intakes for schools within the area. This indicates that there will still be sufficient school places for years 7 – 11 pupils within the area if the PAN is reduced from 170 to 150 as y7 intake numbers fall across the area in line with national trends. It is also worth noting that although Sir William Robertson High School has a total number on roll of 856 there is only a natural number on roll of 173. This would be the number of pupils that would be on roll if all pupils attended their local school. The majority of the pupils that currently attend Sir William Robertson High School live closer to Newark, Grantham, North Hykeham and Sleaford. Although Newark figures are not available it has been confirmed by Nottinghamshire County Council that they have projected surplus year 7-11 places in their secondary schools. The 'area total' row in the table below shows the same for the Lincolnshire schools in the area.

2011 Secondary Sector Capacity Analysis

School Name	2012 PAN	Maximum Projected Intake										October 2011 School Census										Capacity
		2012 /13	2013 /14	2014 /15	2015 /16	2016 /17	2017 /18	2018 /19	2019 /20	2020 /21	y7	y8	y9	y10	y11	y12	y13	Oct 2010 NOR (exc 6th)	Oct 2010 NOR (inc 6th)			
Grantham The Priory Ruskin Academy	210	183	195	184	164	199	200	193	199	192	197	158	200	223	207	64	10	985	1059	1250		
Grantham - West Grantham Academy St Hugh's	125	90	99	90	90	104	100	98	109	102	97	118	123	112	103	-	-	553	553	574		
Grantham Walton Girls' High School	134	139	146	138	115	152	142	143	144	137	143	136	152	134	133	29	26	698	753	670		
North Hykeham North Kesteven School	237	222	222	241	218	236	235	221	239	232	237	227	237	238	239	149	120	1178	1447	1461		
North Hykeham Robert Pattinson School	224	210	212	232	213	221	221	209	231	224	192	223	213	229	220	118	92	1077	1287	1363		
Sleaford St George's Academy	380	337	325	324	328	342	319	333	362	355	397	378	360	366	382	222	174	1883	2279	2250		
Welbourn Sir William Robertson High School	170	162	160	179	168	168	177	167	178	158	156	170	173	183	174	-	-	856	856	838		
<b>Area Total</b>	<b>1480</b>	<b>1343</b>	<b>1359</b>	<b>1388</b>	<b>1296</b>	<b>1422</b>	<b>1394</b>	<b>1364</b>	<b>1462</b>	<b>1400</b>	<b>1419</b>	<b>1410</b>	<b>1458</b>	<b>1485</b>	<b>1458</b>	<b>582</b>	<b>422</b>	<b>7230</b>	<b>8234</b>	<b>8406</b>		

The sixth form intake will be phased in with 60 Year 12 places available in September 2012, 80 in 2013, 100 in 2014 and 100 in 2015. When the sixth form is fully established there will be 200 sixth form places available. It is anticipated that the majority of places will be taken up by children already on roll and an admission number of 20 will be set for new entrants to the sixth form from outside of the school. However funding for sixth form places has not yet been agreed and will need to be discussed with the YPLA or its successor body, the EFA, if after March 2012.

When a proposal involves the expansion of an existing school the Executive Councillor should consider whether there is a need for expansion taking into account the overall supply and likely future demand for places and also considering the quality and popularity of existing provision whilst taking care not to create unnecessary surplus capacity.

The Government is committed to ensuring that every parent can choose an excellent school for their child with the wishes of parents being taken into account. Even where proposals will add to surplus capacity but there is a strong case for approval on parental preference and standards grounds the presumption should be for approval. An expansion proposal for a successful and popular should only be turned down where there is compelling evidence that it would have a damaging effect on standards overall in an area.

#### *Travel and Accessibility for All*

The Executive Councillor should be satisfied that facilities are accessible and that the proposal will not have the effect of unreasonably extending journey times or increasing transport costs or result in too many children being prevented from travelling sustainably due to unsuitable routes. The proposal should be considered on the basis of how it will support and contribute to the Council's duty to promote the use of sustainable travel and transport to school and should not adversely impact on disadvantaged groups.

The majority of the current pupils at Sir William Robertson High School travel by bus (86%) and the school expects that post-16 learners would travel on existing school bus services so the proposal should not significantly increase traffic. The proposal would also remove the need for many local pupils to make lengthy journeys to other schools or colleges in Lincoln, Grantham and Newark so helping to reduce transport costs, both financial and environmental.

#### *16 -19 Provision*

The Executive Councillor must consider whether the proposed sixth form will be an effective 16 – 19 provision. The pattern of 16 -19 provision varies across the country but such provision should be of a high standard which would promote high levels of achievement and also include good progression routes for all learners with high levels of participation and learner satisfaction. Where there is restricted choice in an area and opportunity at age 16 depends on where the young person went to school the case for allowing high quality providers is strong.

### *Funding and Land*

The school have confirmed that if the proposal is implemented there will be a shortfall in playing field space and pitches for team games. The governing body have secured a commitment from a local land agent to lease additional field space to cater for this and no further additional land will be required to implement the proposal.

The LA has recently invested in 14-19 provision at the school with a new media suite and adjoining teaching space which would also be a valuable resource for the new sixth form. There are no funds available for any further investment at the school to develop a new sixth form. The school intend to use existing facilities and accommodation without the need for further buildings. The estimated costs of £10,000 for the refurbishment of a classroom into a common room and quiet study area and additional ICT facilities will be met in full by the governing body.

### *Special Educational Needs (SEN) Provision*

The Executive Councillor should consider the impact of the proposal on the Special Educational Needs provision taking into consideration the guidance laid down in the guide and be assured that the proposal is designed to improve on existing arrangements and enable all children to achieve their potential.

The following key factors must be considered in order to meet the requirement to demonstrate likely improvements in provision:

- a) improved access to education and associated services including the curriculum, wider school activities, facilities and equipment, with reference to the LA's Accessibility Strategy;
- b) improved access to specialist staff, both education and other professionals, including any external support and/or outreach services;
- c) improved access to suitable accommodation; and
- d) improved supply of suitable places.

Pupils with Special Educational Needs make very good progress at the school and the effectiveness of the SEN support was highlighted by OfSTED in their most recent report. The school is committed to inclusivity. The governing body believe that a sixth form would improve all of the above offered to pupils with Special Educational Needs and therefore meet the Special Needs Improvement Test.

### *Views of Interested Parties*

The Executive Councillor should consider the views of all those affected by the proposals or who have an interest in them. This includes statutory objections and comments submitted during both the consultation phase and the Representation Period. The Executive should not simply take account of the numbers of people expressing a particular view when considering representations made on proposals.



Instead the Executive should give the greatest weight to representations from those stakeholders most likely to be directly affected by the proposals – in this case the current pupils and parents with both having a large majority in favour. All representations, especially from the direct stakeholders, must be considered by the Executive Councillor in relation to this proposal prior to the decision being taken. No responses were received in the Representation Period. All responses to the consultation period were collated by the governing body and a summary is included in the Proposal produced by the school (copy attached as Appendix D) and are also referred to later in the Consultation section of this report.

### *The Decision*

In considering the proposals the Executive Councillor can:-

- reject the proposals
- approve the proposals
- approve the proposals with a modification or
- approve the proposals subject to the meeting a specific condition

All decisions must give reasons for the decision whether rejected or approved.

## **2. Conclusion**

The factors to consider in making this decision are within this report and all responses made during the consultation phase and the representation period must be considered. (summarised in Appendix D)

The proposal was initiated by the Headteacher and the governing body of the school.

The school's objective in presenting this proposal is to provide the opportunity for Sir William Robertson High School pupils to continue their post-16 studies at their school offering more choice than was previously available.

For the proposal to be approved the school needs to show that it meets certain criteria as detailed in the DfE guidance (Appendix A). Concerns were expressed by neighbouring secondary school providers during the consultation phase of the process. The LA also had concerns regarding the creation of surplus capacity in the surrounding area and the physical capacity at the school. All these factors are discussed earlier in this report under "Reasons for Recommendation" and must be taken into consideration when the final decision is made.

The Executive Councillor must also be mindful of the conclusion of the Report "Strategic Priorities for 16-19(25) education and training for 2012/2013" which stated that "Any further increase in the numbers of schools and Academies offering A level provision will put increasing strain on existing 6<sup>th</sup> forms whether that is within maintained schools or academies. In order to protect the current infrastructure therefore, any requests from current 11 to 16 schools or

academies for support to develop a sixth form should be considered very carefully against this backdrop”.

The final decision on this proposal requires the balancing of conflicting factors. However, there are two overriding factors. Firstly, the emphasis of current government policy is to give more autonomy to schools and academies and encourage the expansion of the range and availability of provision. And, secondly the DfE guidance gives the greatest weight in a consultation process to parental preference which in this case is very much in support of the proposal. For these reasons the conclusion of this report is to approve the proposal to open a sixth form at Sir William Robertson High School subject to the two conditions as detailed in the Recommendation.

### **3. Legal Comments:**

The legal background for this decision is set out within the report – it is within the remit of the Executive councillor.

### **4. Resource Comments:**

The YPLA provides the revenue funding for post-16 provision and so there are no financial implications for the Local Authority arising from the recommendation in this report. Likewise, the Local Authority has indicated that no capital funding will be available to the school to help refurbish the building and lease neighbouring land. The school currently has an overspend but it is expected that the creation of a sixth form will help address that in the medium term, by making the school more attractive to parents and pupils as numbers on roll fall, and by securing the greater level of funding that sixth form pupils attract. As indicated in the report, there could be financial implications for other schools and colleges in the area if the result is that fewer pupils attend those establishments once a sixth form is established at Sir William Robertson High School.

### **5. Consultation**

The statutory process necessary to make the prescribed change of amending the upper age limit at the school to enable the addition of a sixth form must meet the requirements of the Education and Inspections Act 2006 (EIA 2006) and follow the guidance of the Department for Education (DfE), previously the Department for Children, Schools and Families (DCSF). (A copy of the relevant guide is attached as Appendix A)

All applicable statutory requirements to consult have been complied with.

Under these guidelines the proposer must ensure that sufficient time and information are provided for people to understand and form a view on the proposal and make a response. The consultation document must set out the problem that is

being addressed and invite comment on one or more solutions. The proposer must take all reasonable steps to draw the consultation to the attention of all those who might be interested and take into account their views.

The Education Act 2002 states the requirement for current pupils to be consulted and this was further extended by subsequent legislation to also include all pre-school children over the age of 3. The Education & Inspections Act 2006 specifically includes as interested parties the registered parents of registered pupils at the school and also the appropriate District and Parish Councils for the area. The Headteacher has actively consulted with the students currently attending the school and pupils were all given the opportunity to feedback. A summary of their responses is included in the Proposal produced by the school. (copy attached as Appendix D)

A letter (copy included in the Proposal produced by the school and attached as Appendix D) was sent out to interested parties which are also listed in the Proposal produced by the school (Appendix D) to commence a four week period of consultation from 10 June 2011 to 8 July 2011. A public meeting was held on 20 June 2011 which was attended by teachers and governors of the school together with parents/carers and other interested parties. All attendees were given the opportunity to ask questions and notes were taken. The notes are included in the Proposal produced by the school (Appendix D). There was the opportunity to provide a response to the consultation by 8 July 2011 either by letter, email or by returning the response form attached to the consultation letter. In addition all documentation was made available via the school website at [www.swrhs.org](http://www.swrhs.org).

The responses received during consultation from pupils are summarised in the Proposal produced by the school (copy attached as Appendix D). There were 977 responses of which 869 were in favour of the proposal. The non-pupil written responses received during consultation are also summarised in the Proposal produced by the school (copy attached as Appendix D). In total there were 374 valid responses with 362 supporting the proposal, 10 against and 2 expressing views neither in favour nor against the proposal. 80% (302) of all the consultation responses were from parents with 295 in favour, 5 against and 2 neither for nor against. Of the responses received against the proposal 3 were received from headteachers of neighbouring secondary schools or academies and 1 from a Chair of Governors of a neighbouring secondary school concerned that the proposal will create a surplus of places and that the numbers entering the proposed sixth form will not be financially viable. A further response from Nottinghamshire County Council confirmed that the proposal would have a negative impact on the two Newark secondary schools.

The governing body took the decision to proceed to Statutory Notice (Appendix B) which was published on 10 October 2011 initiating a 4 week Representation Period giving a further opportunity for people and organisations to express their views and ensure that they are taken into account when the final decision is taken by the Executive Councillor in December 2011. The LA, as decision maker, must be able to show that all relevant issues raised are taken into consideration in the decision making process and although points raised can be considered unpersuasive they must not be ignored altogether. There were however, no responses received

during the Representation Period. The last stage of the statutory process would be the implementation of the proposal on 1 September 2012 if it is decided to proceed.

**a) Has Local Member Been Consulted?**

Yes

**b) Has Executive Councillor Been Consulted?**

n/a

**c) Scrutiny Comments**

n/a

**d) Policy Proofing Actions Required**

An Equality Impact Assessment has been completed. (Appendix E)

**6. Appendices**

These are listed below and attached at the back of the report	
Appendix A	DCSF Guide "Expanding a Maintained Mainstream School by Enlargement or Adding a Sixth Form"
Appendix B	Statutory Notice
Appendix C	Complete Proposal
Appendix D	Proposal to Develop a Sixth Form
Appendix E	Equality Impact Assessment

**7. Background Papers**

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Strategic Priorities for 16-19(25) education and training for 2012/2013	Lincolnshire County Council Committee Records(Reference 01927 4 October 2011)

This report was written by Paul Holmes, who can be contacted on 01522 553366 or [paul.holmes@lincolnshire.gov.uk](mailto:paul.holmes@lincolnshire.gov.uk).

