

Item no.

City of Westminster

Committee:	Date:	Title of Report:
<u>Urgency Committee of Cabinet</u>	<u>21 July</u> <u>16 December</u> <u>2003</u>	<u>Review of Secondary School</u> <u>Places and Provision –</u> <u>Consultation outcomes, final</u> <u>proposals and publication of</u> <u>statutory notices</u> <u>Proposal for</u> <u>consultation in Spring 2003</u>
Classification:	Report of:	
For General Release	Director of Education	
Wards involved	All	
Policy context	Civic Renewal – Education Guarantee programme	
Financial Summary	The proposals require significant capital investment and a preferred funding route is identified. <u>are being from as supplementary estimate approved by the Cabinet Member for Finance and Support Services. outline To be added – Chris Undrell/Richard Ennis</u>	
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1. Summary of this report

- 1.1 The report seeks updates Cabinet on the outcomes of consultation on the approval of a preferred option for the future organisation of secondary schools in Westminster, approved by Cabinet on 16 December 2002. It also updates Members on current and future progress on the two proposed Academies, and identifies areas that will be addressed with the sponsors in taking these proposals forward through the current feasibility stage including an outline assessment of the financial implications. These options have been prepared in the light of public and professional stakeholder consultation carried out on the basis of Cabinet's approval of three options on 15 July 2002. It was not possible to despatch this report in accordance with the usual statutory timescale as it was necessary to ensure that the report included as up to date information as possible, including an analysis and assessment of consultation responses.

- 1.2 Consultation has confirmed strong public support for the City Council's preferred option to close North Westminster Community School in 2006 and to replace this by involving establishing a two new six-form entry schools at Westbourne Green sponsored by Chelsfield plc under the DfES Academies programme. These proposed schools will be at Westbourne Green, sponsored by Chelsfield plc, and at Oakington Road site of North Westminster Community School (NWCS) sponsored by the United Learning Trust (ULT).
- 1.3 Consultation also supports the proposed expansions of St George's RC School and St Augustine's CE School, and there would be firm support for any future expansions of St Marylebone CE Girls' School and Westminster City Boys' School. will accommodate another six form entry school. The preference is for this to be as a second Academy and an outline expression of interest has been submitted to DfES. If this is unsuccessful the alternative will be to establish a refocused NWCS on Oakington Road. In addition it is proposed to expand St Augustine's CE School and St George's RC Secondary School each by two forms of entry, subject to site feasibility. The preferred option will be subject to a round of public consultation before consideration by Cabinet in March 2003.
- 1.4 The key messages from consultation are that the proposals should ensure that standards in secondary schools improve and that existing pupils and staff are affected as little as possible while the changes are happening. Strong support is indicated for providing more school places for local pupils of all faiths, ensuring that proposals do not lead to unreasonable extra travel distances for pupils, and that the proposals will have a positive impact on the local areas.
- 1.5 The consultation also sought views about potential alternative uses for the NWCS Penfold Street site. The main uses emerging are: a vocational, 14-19 or college location; adult education; primary school; special school; pre-school uses; a site for the pupil referral unit or SEN base; or staff professional development centre. These options will be evaluated in the next phases of the review.
- 1.6 Consideration is being given to preferred funding streams, and the scope for submitting a bid to the DfES under the recently announced "Building Schools for the Future" programme which is specifically targetted at major secondary school renewal programmes. An announcement by the DfES of a bidding round and related criteria is imminent.
- 1.7 No issues have been raised in consultation that require the City Council's proposals to be modified. Any issues that arise will be addressed as the proposals are developed. It is therefore proposed to take forward the specific proposals that have been subject to consultation this term will then be taken forward to the publication of statutory publication of notices in September, around Easter 2003. Following at two months statutory consultation period of six weeks these City Council's proposals will be

submitted for statutory approval to the Westminster School Organisation Committee (SOC) on 27 November/June/July 2003 for a decision.

- 1.8 The proposals for an Academy school on Westbourne Green form part of a wider regeneration initiative for the local area. This involves the relocation of those services displaced by the school, community facilities in the Academy and nearby, and enhancements to the surrounding built environment. Specific project management arrangements for these elements, integrated with the secondary review project, have been established. are subject to two conditions:
- no adverse conclusions coming forward from the health and environmental assessments now under way, and due to be received in January 2003; and
 - satisfactory proposals being developed for the relocation of those services displaced by the school both during the redevelopment and in the long run.

2. Recommendations

2.1 That the Cabinet:

- Approves as a basis the publication of statutory notices for public consultation the preferred option for the future organisation of secondary schools in Westminster set out in section 7.2xx, namely the proposed closure of North Westminster Community School and expansions to St Augustine's CE and St George's RC schoolsYY.
- Agrees that, subject to a satisfactory outcome to this statutory consultation, the proposals be submitted for approval to the School Organisation Committee, as the body with statutory powers to determine these changes.
- Authorises the Director of Education, in consultation with the Cabinet Member for Schools, and where appropriate other Members, to take any necessary action to progress the proposals, including submission of bids to DfES for funding.
- Note that a further report will be submitted to Cabinet on 8 December 2003 following the meeting of the School Organisation Committee and progress towards the Funding Agreements by both Academies.

3. Background to this report

- 3.1 The secondary review is a key part of the "Education Guarantee" programme within Civic Renewal. It also forms a key part of the City Council's School Organisation Plan, while the Local Education Authority (LEA) Inspection report of July 2002 reiterates that the secondary review should identify and include options to take account of the diversity of the local population; it emphasises the need to move forward without undue delay.
- 3.2 Cabinet has considered reports on fourthree previous occasions since February 2002, most recently on 16 December 2002 when Cabinet endorsed

the preferred option involving the establishment a new six-form entry school at Westbourne Green sponsored by Chelsfield plc under the DfES Academies programme. Alongside this the proposals adopted by Cabinet included a preference for setting up another six-form entry school as a second Academy on the Oakington Road site of NWCS. Cabinet also supported the expansion St Augustine's CE School and St George's RC Secondary School, each by up to two forms of entry, subject to site feasibility.

- 3.3 The DfES confirmed in late January 2003 approval to release feasibility funding for the Westbourne Green Academy. The Oakington Road Academy was approved in principle, subject to gaining a sponsor.
- 3.4 A project manager for the Westbourne Green Academy was appointed by the sponsors, the City Council and DfES to lead the Academy through its (typically 6- to 9-month) Feasibility Stage to the signing of a funding agreement. During this time the Academy project team has to complete a specific series of actions, prior to submitting its proposed funding agreement to the DfES.
- 3.5 The Westbourne Green Academy steering group has been meeting three-weekly since May and has a further eight scheduled meetings before its December 2003 target date for completing all feasibility stage requirements.
- 3.6 Following a series of meetings with officers and members, including the Leader of the Council, ULT agreed in late May 2003 to sponsor the Oakington Road Academy. ULT is sponsoring three other Academies in Lambeth, Manchester and Northampton. A project manager is now in place and the first Academy steering group meeting is scheduled for the end of July. Whilst several months behind its Westbourne Green counterpart, it is expected, with the sponsor's prior experience of Academy development, that this project will swiftly get up to speed, and align itself with the other Academy's development stage.

~~3.3 The vision for secondary education demands that all schools attain a minimum baseline, which ideally means that they:~~

- ~~•are an appropriate size to deliver cost-effective education, and that resources are effectively used and targetted at pupil need;~~
- ~~•have manageable sites, so that each institution can develop and maintain a strong, unifying culture of high achievement and positive behaviour;~~
- ~~•are part of an effective and collaborative 16-19 City-wide consortium that ensures that every young person has clear progression routes offering equal access to a broad range of high quality 16+ opportunities;~~
- ~~•have appropriate systems that ensure that all pupils achieve to the best of their abilities;~~
- ~~•build on and develop strong curricular and organisational structures to promote the needs of all faith and cultural groups; and~~
- ~~•work within a robust social inclusion agenda.~~

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3.4 — In addressing options a two phase approach has been adopted. First, focusing principally on NWCS and the north west of the City Council's area, and a second phase which pulls together remaining parts of Westminster.

3.5 — The three options approved for consultation are set out in Appendix 4, with the common elements to these options being:

- Reduction in size of NWCS from its current twelve forms of entry, with redevelopment of the school onto one site (or in certain circumstances, two sites).
- NWCS redeveloped on either the North Wharf Road, Upper School site (possibly linked to the Penfold Street lower school site), or Oakington Road (lower school) site, or redeveloped in new premises at Westbourne Green
- A new school developed either on Oakington Road, or Westbourne Green
- Expansions by up to two forms of entry as part of the first phase of both St George's RC School and St Augustine's CE School, linked to admissions changes
- Consideration in the second phase of expansions to St Marylebone School and Westminster City School, subject to demand at that time, and to making Pimlico smaller.

3.6 — The report to Cabinet in July also considered options for a new school and the scope for greater innovation and diversity. In this context three key areas have been considered in the shaping of options — namely

- the scope for an Academy under the DfES programme to be established in Westminster,
- how best to meet the needs of an increasingly diverse population, including proposals to establish a school submitted by the Multi-Faith Secondary Schools Trust (reported to Cabinet in May); and
- the feasibility of a specialist 16-19 or 14-19 centre.

3.7 — The three options included proposals for an Academy to be established as part of the reprovisioning of places arising from the reduction in size of NWCS. Cabinet authorised the Director of Education, in consultation with the Cabinet Member for schools, to submit an expression of interest in an Academy to DfES on behalf of Westminster LEA in response to the "London Challenge" programme which includes establishing at least 25 new Academies in London. A proposal received from the Multi-Faith Secondary School Trust to establish a secondary school that specifically provides faith-based education for a number of faiths in Westminster was also put forward as part of the consultation. Opportunities for developing a joint vocational, specialist, or 14-19 facilities that could not be provided for elsewhere, and to serve as a base for the development of shared 14-19 initiatives, where required, were not included in the phase 1 proposals but remain possible as part of phase 2.

4. Consultation Process

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Public consultation via the consultation document

- 4.1 The public consultation process was launched on 5 June 2003 with the publication of the consultation document "Westminster's Secondary Schools Review" and questionnaire.
- 4.2 The questionnaire sought views on the proposals to:
- Create two new Academies to replace North Westminster Community School, which will close in 2006.
 - Create more places at St George's and St Augustine's schools.
 - Expand St Marylebone Girls' school and Westminster City Boys' school.
 - Work with Pimlico school on a major capital works programme to address its building requirements.
 - Work with Headteachers to ensure specialist status for each school that reflects its curriculum strengths.
- 4.3 The consultation document was circulated via schools to all parents, school staff, and was also available in libraries, One-Stop Services and on the Council's web site, with on-line responses. There was also some direct mailing to key stakeholders including all school Governors, Youth Clubs, Amenity Groups, Community Groups and the Diocesan Boards.
- 4.4 Some 427 completed questionnaires were received in response to the consultation by 1 July 2003. Although a higher level of responses would have been desirable, the feedback has provided information consistent with the previous consultation and has not raised any additional questions or concerns. Furthermore it has been supplemented through consultation meetings which have been held with parents and a range of other stakeholders.
- 4.5 An analysis on the responses is included as part of a report on the consultation phase as a whole, which is available as background paper. The key points raised through responses to the consultation document are considered in section 5. However, it should be noted that through analysis of the feedback, there is evidence of strong public support for the Council's proposals for the secondary school review.
- 4.6 The consultation also sought views on the relative importance of five key considerations arising from the review. Nearly four in five of those responding (79%) felt that it was very important that the proposals ensured that school standards continue to improve, with a further 9% rating this as fairly important (i.e. 88% rated this as important). This compared to 2% rating this as not important and 10% not responding or not having a view. The responses to this and the other issues are set out below:

How important?	Very	Fairly	Very & Fairly	Not very/ not at all	Rating
Ensure that school standards continue to improve	78.7%	8.9%	87.6%	2.1%	+85.5
Existing staff & pupils are affected as little as possible	59.7%	19.9%	79.6%	5.6%	+74.0
More school places for local pupils of all faiths	59.3%	18.7%	78.0%	9.9%	+68.1
Proposals do not lead to unreasonable extra travel for pupils	49.4%	26.9%	76.3%	9.8%	+66.5
Changes have a positive impact on local area	49.4%	26.0%	75.4%	9.4%	+66.0

Public consultation via public meetings

- 4.7 In addition to the distribution and publicly available consultation document there were meetings with parents from four of the schools that serve as NWCS feeder primary schools or which are located in the NWCS area, namely Gateway, Paddington Green, St Edward's and Christchurch Bentinck.
- 4.8 Attendance at these meetings was variable, ranging from six parents at Christchurch Bentinck to 45 at Gateway. These meetings supported the proposals and discussions focussed more on concerns about implementation rather than the proposals themselves. Further details setting out the specific concerns raised can be found in the background paper.
- 4.9 There were also two public meetings, one in the north and one in the south of the borough, held as part of the consultation process. Neither meeting was particularly well attended with just over 40 parents at the north of the borough meeting and only four parents at the south of the borough meeting.
- 4.10 As with the parents' meetings, concerns focussed more on implementation or on issues such as admissions, which were not directly related to the proposals for consultation. In particular the key issues and concerns relating to implementation were the impact the proposals may have on their children and the local community. These are considered in section 5 below.

Stakeholder consultation

- 4.11 Running parallel with the public consultation was a separate, more detailed consultation with a range of key stakeholders. This also involved key consultation with staff at St Augustine's, St George's and NWCS on the proposals and the impact they will have on their schools.
- 4.12 As part of the wider stakeholder consultation there were presentations to the Maida Vale and Bayswater Area Fora and the three Area Youth Councils, with Voluntary Action Westminster's Community Network, and VAW's Children and Young People's Forum.

- 4.13 There has also been ongoing dialogue with Diocesan Boards and officers from neighbouring boroughs on the Secondary Schools Review's proposals. This is an ongoing process and will continue throughout the life of the review.
- 4.14 Consultation responses have also been received from the 6th Form Partnership of the secondary schools and two local colleges, the London Central Learning & Skills Council, and Westminster Teachers Association (WTA). The latter response is dealt with in section 10 below.
- 4.15 Feedback from this strand of the consultation was generally in line with that at the public meetings. A more detailed analysis of this feedback was tabled at the June Schools Performance Panel and is available as a background paper.

Overview and Scrutiny Process

- 4.16 As part of the overview and scrutiny process the Schools Performance Panel has been closely involved at all stages in examining the proposals for the review. In February the Panel considered points arising from the December 2002 Cabinet report, the findings of the health and environmental impact appraisal studies for Westbourne Green, and the proposed approaches to consultation. An informal member briefing was held on 8 May, arising from which a Member visit took place on 20 June 2003 to the ULT-sponsored Academy in Manchester, which opens in September 2003. At the Panel on 23 June 2003 Members received presentations from the sponsors of both proposed Academies on their plans. The Panel was also updated on the progress on the Secondary Schools Review including the communication and consultation process. The feedback and comments from the Panel have been included in the development of the Secondary Schools Review proposals.

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~~5.1 — As part of the overview and scrutiny process Schools Performance Panel has carefully considered the options and related issues. At the Panel on 10 September, facilitated by an expert witness Tony Smith, Director of Education, Arts & Libraries at Devon County Council, Members scrutinised proposals from Multi-Faith Secondary School Trust and DfES Academies Unit. This was followed by a site visit on 15 October by the Chair, Vice Chair and three other members to Westbourne Green and NWCS sites. The expert witness submitted a report to the Panel on 28 October when members of the Panel indicated~~

- ~~That the proposal for a Multi-Faith school should not be pursued in Westminster as a significant number of practical issues are unresolved and could not be dealt with within the timescales set for this review.~~
- ~~Proposals to set up a school under DfES Academies programme be strongly considered, subject to clarification of capital and other issues.~~
- ~~A new school on Westbourne Green was favoured, as it was seen to offer an opportunity for regenerating the area.~~

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~~5.2. At their 27 November meeting the Panel received two reports, one on Academies proposals and the second will consider on the feasibility of establishing a school of the Westbourne Green site, taking account of concerns about operational and management requirements, and the health and environmental impacts. Members also received a submission from the Secretary of the local branch of the National Union of Teachers.~~

5.6 Key points and issues arising from consultation

~~6.1 The issues that were subject to public and professional consultation are addressed in turn:~~

- 5.1 Apart from the WTA response, which reflects the National Union of Teachers' in-principle objections to the Academies programme, no significant objections have been brought forward to suggest that the planned changes should be reconsidered. Nevertheless the consultation has helped to crystallise specific issues and concerns that will need to be resolved and addressed before final proposals are brought to the School Organisation Committee. These are considered below.

Additional travel and associated costs

- 5.2 Consultation with parents and the public, particularly the meeting with Gateway parents, raised concerns about the additional travel and associated costs if NWCS was closed and pupils had to travel to the two new academies further to the west of the borough.
- 5.3 The main areas about which concerns have been expressed are the Church Street, Lisson Green and Lisson Grove areas, which are within walking distance of the existing NWCS Penfold Street Lower School site. This is principally the NW8 8 sub-postcode district. Data from the current (2003) secondary transfers show that 108 Year 6 pupils live in this area, of which only just over one third will be transferring to NWCS. Just under half (51) will transfer to other Westminster schools (with almost as many transferring to Quintin Kynaston as NWCS), with the balance (20) expected to transfer outborough, virtually all to RC single-sex schools.
- 5.4 It is recognised that these additional travel requirements are a genuine concern to the families affected and these issues will be addressed in the discussions with both two sponsors.
- 5.5 The increased travel distances for some pupils needs to be balanced with the significant reduction in journey times for Year 10 and Year 11 pupils living in W9 and W10 attending either Westbourne Green or Oakington Road rather than NWCS North Wharf Road Upper School site. The Academy sites are around 0.8 mile closer to communities in areas around Queen's Park and Wilberforce School than the existing Upper School. This compares to a similar increase in distance to the Academies for pupils living in Lisson Grove, for whom Quintin Kynaston will in future be the nearest school.

Building and environmental issues:

- 5.6 Parents also expressed an interest in the design and build of the new academies and wanted to be assured that any buildings would stand the test of time, and avoid, say, the difficulties of building design that have arisen at Pimlico. There was also some concern about any environmental impact associated with the development of a secondary school at the Westbourne Green school site, particularly in respect of pollution levels locally.
- 5.7 Both Academy designs will be subject to planning applications and there will be a full public consultation at that time. Health and environmental assessments which have already been carried out in respect of the Westbourne Green site did not indicate any adverse impacts that could not be mitigated.

Admissions

- 5.8 A recurring issue that was raised throughout the consultation exercise related to the admissions process for secondary schools. The City Council's secondary review proposals have always sought to provide a link through admissions changes to the strategic aim of increasing the proportion of Westminster residents choosing a Westminster secondary school. Whilst many of the admissions issues raised did not arise directly from the secondary review it is important to note that parents remain concerned about admissions and the transfer to secondary school. These parental concerns will be addressed through the secondary admissions processes and other communications and consultations with parents and schools.
- 5.9 A number of specific points were raised from the 6th Form partnership which includes all the Westminster Secondary Schools and the two FE Colleges in relation to the size of the proposed sixth forms at the two Academies.

Future uses for Penfold Street:

- 5.10 The consultation sought views on future preferred educational uses for the NWCS Penfold Street site. The public consultation indicated possible uses including: a vocational, 14-19 or college location; adult education; primary school; special school; pre-school uses a site for the pupil referral unit or SEN base; or staff professional development centre. These options will be evaluated in the next phases of the review.
- 5.11 The Westminster 6th Form partnership of schools and colleges have formally registered an interest in Penfold Street becoming a centre of Vocational Excellence for Westminster, offering courses for 14 –16 and 16 –19 students. The partnership believes that a centre for Vocational Excellence would increase the variety of courses at Levels 1, 2, and 3 offered for students wanting to progress through the vocational options as envisaged in DfES '14 –19 Opportunity and Excellence' proposals. This expression of interest will be considered further, alongside others, in the next phase of the review.

~~Vision for secondary education and key principles –~~

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6.2 — Six aspects of a vision for secondary schools were identified for consultation, that secondary schools:

- are big enough to offer a full subject range, with excellent resources and staff, effectively used and targetted at pupil need;
- are small enough to provide a learning environment that encourages a well-disciplined focus on hard work and achievement;
- are part of the 16-19 City-wide Westminster Partnership providing high quality 16+ opportunities;
- are places where all pupils achieve to the best of their abilities;
- respect the needs of all faith and cultural groups; and
- are distinctive, with specialisms based on curriculum strengths.

6.3 — The public consultation responses indicated strong support for these elements, in particular focus on achievement (83% support), respecting the needs of all faith and cultural groups (75%), and size of schools (71%).

6.4 — The professional consultation endorsed the focus on ensuring a culture of achievement and good behaviour with several of those who replied stressing that a strong contributory factor would be if all schools could achieve a balanced pupil intake in terms of ability, gender, social mix etc. This also reflects concerns that the pupil intake to any new school should be balanced to avoid any impact on intakes to other schools and that a robust agenda for social inclusion is in place.

6.5 — These consultations have therefore provided endorsement of the key vision and principles and indicated relative priorities within this.

6.6 — The public consultation sought views of relative strength of support for expanding existing small schools, reducing NWCS in size on fewer sites, and opening a new school. Responses indicated:

- Overall support for reducing NWCS in size and on fewer sites (54% in favour with only 11% opposing), with parents from NWCS only slightly less in favour (46% in favour and 16% opposed).
- Strong support for setting up a new school — 75% in favour (with 48% strongly in favour) and only 5% against. (Almost two thirds of NWCS parents — 63% — support a new school).

6.7 — The professional consultation did not explore these issues directly, as earlier stakeholder consultations had sought views about the size of schools.

6.8 — Both consultation sought views on whether a new school should be established as a specialist school, under the Academies route, or as a multi-faith school, in response to a proposal received from the Multi-Faith Secondary Schools Trust.

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6.9 The public consultation did not reveal any conclusive outcomes, although there was slightly more support for a specialist type school (58%) than for a Multi-Faith school (49%).

6.10 The professional consultation sought views about whether each type of school was compatible with the needs of young people in Westminster, or whether any alternatives might be considered. The key points relating to specialist schools were:

- Clear support for the specialist approach, although there is still a degree of opposition to both specialisms or academies.
- Key role of admissions issues in relation to pupils' ability to access places in specialist schools. This reflects concerns that places in faith based specialist schools are not generally accessible to all children, due either to admissions criteria and/or gender.
- Wish for places in new school to be openly available and for the school to be inclusive, and to follow admissions criteria for community schools.
- Location of places in relation to population and other schools.
- Concerns about role of business sponsors in the governance of any academy.

6.11 The professional consultation responses were overwhelmingly opposed to the proposals for multi-faith secondary school. The main reasons cited were: the exclusive and potentially divisive nature of the intake drawn from four faiths; the complexity of the proposals and practical difficulties in the school's organisation and running; the mismatch with the ethnic and cultural diversity in Westminster. There were several responses, nevertheless, supporting the proposals and others that recognised that the proposals were visionary and innovative.

6.12 As indicated above, the Schools Performance Panel recommended that the proposal for a Multi-Faith school should not be pursued in Westminster as a significant number of practical issues are unresolved and could not be dealt with within the timescales set for this review. They also advised that proposals to set up a school under DfES Academies programme be strongly considered, subject to clarification of capital and other issues.

6.13 The public consultation indicated two main alternatives for a new school: a broadly-based, community comprehensive school; and single-sex schools. These are discussed below.

6. Other key issues for public consultation

The expansion of St Augustine's CE School and St George's RC School

6.1 The LEA and the Planning Department have worked closely with the London Diocesan Board and the Roman Catholic Archdiocese of Westminster to carry out feasibility studies for the options for the proposed expansions of St Augustine's and St George's schools.

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- 6.2 The preferred design for St Augustine's envisages a redesign of the primary and secondary school campus. The proposals for St George's involve new build on a City Council owned site opposite the school. Initial planning issues have been identified and addressed in the preferred proposals for both sites.
- 6.3 Discussions with the RC Diocese about admissions changes have resolved issues of principle and similar initial discussions with the CE Diocese have not raised any areas of concern.
- 6.4 As both site feasibility and admissions issues have been progressed satisfactorily it is intended to include proposals to expand both schools from 2006 in the statutory public notices.

Pimlico School

- 6.5 The report to Cabinet in December updated Members of progress in discussions with Pimlico governors at that time.
- 6.6 Following meetings with Pimlico governors the City Council has indicated its preference for a new build solution to the long-running site and buildings issues at the school. The Pimlico governing body is meeting in July and September 2003 to determine its response to the approach indicated by the City Council.

7. Director of Education's Response to the Consultation

- 7.1 No issues have been raised in consultation that require the City Council's proposals to be modified. Any issues that arise will be addressed as the proposals are developed.
- 7.2 It is therefore proposed to take forward the following specific proposals that have been subject to consultation this term to the publication of statutory notices in September 2003, namely the
- closure of NWCS with effect from 31 August 2006, and
 - expansion of St Augustine's CE School and St George's RC School, each by up to two forms of entry.
- 7.3 Following a statutory consultation period of six weeks these proposals will be submitted for statutory approval to the Westminster School Organisation Committee (SOC) at their meeting on 27 November 2003.
- 7.4 Issues arising from consultation will be addressed either directly in developing the proposals or in discussion with both two Academy sponsors.

~~8.6 Further development work has been carried out with Chelsfield plc to take forward their initial proposals to form a joint revised expression of interest to establish an Academy on the Westbourne Green site which has been submitted to DfES as part of the current bidding round. This submission (Appendix zz) is conditional on Cabinet's approval to this recommendation.~~

- ~~8.7 The expression of interest is supported by a detailed joint proposal for developing an Academy on Westbourne Green, a copy of which has been sent to Members. If Westbourne Green were not considered suitable as a school site (see Section xx below), then the Director of Education considers that the next best alternative would be to develop a new school on the NWCS North Wharf Road site.~~
- ~~8.8 The LEA's proposals for a new pattern of secondary schools will need to ensure that the quality of environment and education in the other local schools is improved in order to ensure a "level playing field" with a new school in several respects, in particular pupil and staff recruitment and retention. The Director of Education, having consulted the Cabinet Member for Schools, considers that a second Academy provides an effective way of overcoming the concerns about "parity of esteem" that were expressed by the Schools Performance Panel at its meeting on 28th October 2002. If NWCS were refocused in this way as an Academy it would provide a more robust way of addressing this concern.~~
- ~~8.9 While the possibility of a second Academy is therefore being fully evaluated, an outline expression of interest for second Academy has been submitted to DfES as part of the current round. The Head, governors and staff of NWCS have been informed that this is under consideration.~~
- ~~8.10 As with the initial submission, this bid is to reserve the Authority's position. DfES has indicated they have several potential sponsors, willing to establish an Academy in Central London. Submission of this expression of interest would allow the LEA to evaluate whether any of these potential sponsors~~

8. Timescales

- ~~8.1~~ 1 The timescales for taking forward the review to a successful conclusion remain as advised to Cabinet in December 2002. It is intended to publish statutory notices for the proposed closure of NWCS and the expansions to St Augustine's and St George's early in September. Following six weeks statutory consultation the proposals would be submitted to the School Organisation Committee for consideration. The SOC propose to consider these at scheduled meeting on 27 November. ÷
- 8.2 The initial project timescales envisage that all building works will be underway by Autumn 2004. The Oakington Road Academy sponsors ULT have indicated a preference for the Academy to open September 2005, even if in existing buildings. This will be discussed fully with ULT and any necessary consequential changes will be reflected in the published notice in September 2003.

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9.10 Property Implications

9.1 The secondary review proposals have significant implications for property. The proposed Westbourne Green Academy will require the relocation of certain civic facilities currently housed there. The site will be transferred to the Trust set up to run the Academy (see Section 13 below). Similarly, the proposal for the Oakington Road Academy will result in a transfer of that site to the relevant Trust. Prior to this certain other property changes will be considered with the sponsors in order to maximise the potential footprint used for that school.

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9.2 With regard to St. Augustine's and St. George's schools, planning is on track for property work to facilitate expansion by up to two FE at each school. This is being progressed so that St. George's is ready to embark on the full planning and development stage for partial new build on the existing and an adjacent site, and alterations and refurbishment of existing buildings. St. Augustine's is at a similar stage, with the preferred option that is being considered involving a complete new build of both the secondary and neighbouring primary school on the current campus.

9.3 Discussions with Pimlico School governors are at an early stage and, although the City Council is seeking to resolve outstanding issues of principle by early in the Autumn term, they do not form part of the review leading to this round of public notices.

9.4 The closure of NWCS is linked to the disposal of the North Wharf Road site. The legal issues relating to that disposal are dealt with below.

9.5 As previously indicated the Penfold Street (NWCS Marylebone Lower House) site will remain in use for other educational or lifelong learning purposes. A number of potential options have been identified and these will be considered in the next phase of the review.

10. Financial Implications

~~AB/CU etc plus confidential capital appendix~~

Revenue funding

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10.1 The revenue costs in the current year of the secondary review project are £225,000, in respect of staff salaries and consultation costs.

10.2 A growth bid is being included in the current budget options round to include the impact of the secondary review changes of higher intakes that take effect from September 2006 on overall pupil numbers.

10.3 The establishment of the Academies will impact on the City Council's revenue funding, as the two new schools will be directly funded, and will not receive funding via the traditional LEA route. This will also include an element for central costs which are not currently delegated. It is understood that these revenue changes will take place in 2007 if both Academies come on stream in

September 2006. The implications of these funding changes on the Section 52 annual Education Budget Statement are currently being assessed.

Capital

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10.4 The secondary review proposals will require a significant amount of funding to add to the other Education capital requirements and it is envisaged that these ultimately can be met from any capital receipt arising from the disposal of North Wharf Road. In the case of the Academies the sponsors and government will meet the capital costs in full.

10.5 The DfES has recently announced significant changes to the capital funding regime for schools' capital, in particular for major secondary school programmes, where it is proposed that the entire school stock be renewed over a 10-15 year period ("Building Schools for the Future"). The DfES will announce within the next week or so details of criteria against which bids for major schemes for secondary schools can be submitted. It is anticipated that the secondary review proposals are likely to meet the DfES requirements for "Pathfinder bids" under this scheme. Both Diocesan Boards have indicated their support for such an approach. The report seeks delegated authority for the Director of Education, in consultation with the Cabinet Members for Schools and for Finance, to progress such a bid.

10.6 The City Council's preference is for the proposed Pathfinder bid to include funding to provide opportunities for tackling the requirements for Pimlico School. The support of the Governing Body to this approach is being sought.

10.7 As this DfES funding stream only becomes available from 2005-06 the City Council will have to consider the cash flow issues and the capital funding routes for meeting any costs which fall in 2004-05.

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11.4. Staffing Implications/ Staff Consultation/TUPE Implications

~~11.1 Peter Gaskin to add
Staff Consultation~~

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11.1 All trade unions and professional associations have been presented with information on the options and consulted through the departmental Joint Consultative Committees. They have also received copies of the consultation document. This dialogue is ongoing and will continue.

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11.2 A consultation response was received from Westminster Teachers Association (WTA). Their main concerns expressed were:

- Transition from the current arrangements to any future arrangements;
- Two new 6FE mixed 11-18 Comprehensive Community Schools would be the appropriate response from to the needs of the local community;
- Public bodies not private companies should involved in the development and running of public education;

- Specialist schools are “too rigid and suggests an exclusively vocationalist orientation which is inappropriate for children transferring from primary school”; and
- The creation of two Academies will create a two-tier system of education.

11.3 WTA is committed to its involvement in the Secondary Schools Review. A full copy of the Association’s response is available as a background paper.

11.4 Consultation meetings have been held with staff at NWCS, St George’s and St Augustine’s. The Director of Education and the secondary head teachers have ensured that staff have been briefed and will continue to do so.

Academies and TUPE

11.5 As previously reported to Cabinet, this is a complex area of law and it is anticipated that where Academies replace an existing school there will be a transfer of undertakings under the Transfer of Undertakings (Protection of Employment) Regulations 1981 (TUPE). A TUPE situation requires statutory consultation with staff and their representatives to enable individuals and their trade unions and professional associations to ask questions. The City Council intends to put in place facilities to address employee concerns on both a group and individual basis.

11.6 Discussions with Chelsfield and DfES about pupil transition are ongoing, while similar discussions with ULT will begin shortly. Meaningful consultations with staff can begin once a plan for pupil transition and curriculum models have been finalised by both sponsors. It is intended to resolve outstanding issues of pupil transition with the two sponsors as quickly as possible.

11.7 The current state of discussions with Chelsfield and DfES are set out in a separate appendix, which is Confidential by virtue of paragraph 11 of Part 1 of Schedule 12A to the Local Government Act 1972.

Expansion of Schools

11.8 As indicated to Cabinet in December, the proposed school expansions will offer the potential for the City Council to nominate staff to be considered to school governing bodies for any newly created posts, where appropriate, recognising that governing bodies make decisions in relation to the type and number of staff at their schools.

Recruitment and Retention of staff

11.9 The City Council acknowledges the difficulties of recruiting and retaining all staff and in particular teachers. The Education Department will continue to develop initiatives to reduce turnover and attract high calibre teachers and recognises the need to take account of market forces.

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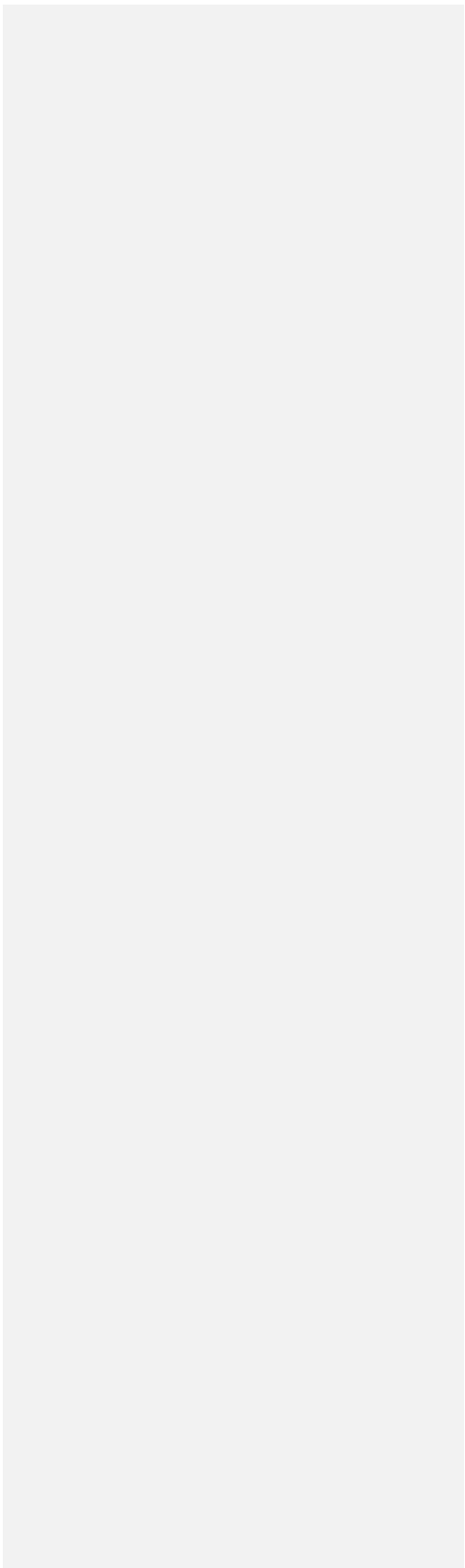
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12.2 Performance Plan Implications

12.12.1 The secondary review forms a key part of the Education (Schools) Performance Plan and is also part of the Education Guarantee within Civic Renewal.

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13.3. Legal Implications

~~HELEN CUTTS TO DRAFT THE FOLLOWING IS FROM JULY CABINET REPORT ADD SOMETHING ABOUT LEGAL STATUS OF ACADEMIES & PROCESSES FOR APPROVAL~~

~~13.1 There is a statutory obligation on the LEA to secure a school place for every resident child.~~

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~~13.2 The City Council consulted during summer term 2003 on its proposals for closing NWCS and expanding St Augustine's and St George's Schools. The next step is for the publication of statutory notices setting out these proposals, followed by a six-week period for consultation and objection. Decisions on these changes rest with the School Organisation Committee (SOC), not the City Council. Should the SOC fail to reach a unanimous decision the proposals would pass to the Schools' Adjudicator.~~

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~~13.3 Academies are independent schools which are not maintained by Local Education Authorities but are funded partly by an initial contribution from a sponsor and then directly by the DfES. Academies are established as charitable companies limited by guarantee. Each academy is under the control of its Trust body and its Governing Body, which would typically comprise representatives of its sponsor, members of the local community, the LEA, staff and parents.~~

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~~13.4 The land which the academy occupies is transferred from the LEA to the Academy Trust on a long lease at a peppercorn rent under a scheme approved by the Secretary of State for Education and Skills and will revert to the LEA if the school closes or moves. Where an academy replaces an existing school the staff would transfer under the Transfer of Undertakings Protection of Employment Regulations. Expression of interests for both academies have been accepted by the Secretary of State for development, and the proposals are now being worked up so that the Academy Trust is in a position to enter into a Funding Agreement with the Secretary of State. This Agreement constitutes a binding agreement for an Academy to open by a specified date and will set out in detail how the Academy is to be funded.~~

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~~13.5 The terms for the transfer of a site to an Academies Trust will typically be as set out in a model lease provided by DfES. This contains provision for the site to revert to the City Council in the event of the school ceasing or moving.~~

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~~13.6 The proposed closure of NWCS and the proposed disposal of the North Wharf Road site will result in certain legal restrictions in respect of playing fields, which are defined to include hard play spaces.~~

Section 77 of the School Standards and Framework Act 1998 provides that any proposals to dispose of any playing fields (as defined above) used in connection with community and voluntary aided schools require the specific consent of the Secretary of State for Education and Skills. Applications are

assessed against strict criteria by a School Playing Field Advisory Panel who advise the Secretary of State who makes the decision.

Section 123 of the Local Government Act 1972 states that a local authority shall not, except with the consent of the Secretary of State for Transport, Local Government and the Regions, dispose of land for a consideration less than the best that can reasonably be obtained. .

Schedule 35A of the Education Act 1996, as amended, places a restriction on disposals of land used for community school purposes unless the land is to be transferred for the purposes of an Academy. If an Academy is to be established the LEA must transfer the site to the Academy Trust.

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14.5. Ward Members' Comments

14.5.1 While the contents of this report apply to all wards, the proposals have more direct impact on the following 13 wards in the north of Westminster: Abbey Road; Bayswater; Bryanston and Dorset Square; Church Street; Harrow Road; Hyde Park; Lancaster Gate; Little Venice; Maida Vale; Marylebone High Street; Queen's Park; Regent's Park; and Westbourne. Ward Member's comments were sought in December and those received were reported to Cabinet at that time.

15.6. Consultation

15.6.1 Details of public and professional stakeholder consultation is set out in section 5xx above..

16.7. Proposed Reasons for Decision

16.7.1 It is necessary to progress the secondary review to the final stages in order to address the need for additional school places, to meet the obligations in the School Organisation Plan, and to fulfil the "Education Guarantee" priorities within Civic Renewal. The recommendations set out above progress the review by confirming that the proposals that have been subject to public and stakeholder consultation during the summer term should now be subject to the publication of statutory notices. This will be followed by a further consultation round, prior to a final decision by School Organisation Committee.

If you have any queries about this report or wish to inspect any of the background papers please contact Tony Benton on 020-7641-3222 or abenton@westminster.gov.uk

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Background Papers (TO BE UPDATED)

The documents referred to in compiling this report are:

- Report of Director of Education to the Cabinet on 18 February 2002 on **Review of Secondary School Places and Provision – Phase 2 Vision and Illustrative Models**
- Report of Director of Environment and Leisure to the Cabinet on 18 February 2002 on **Proposals for Westbourne Green and North Wharf Road**
- Report of Director of Education to the Cabinet on 20 May 2002 on **Review of Secondary School Places and Provision – Outcome of Stakeholder Consultation**
- Report of Director of Education to the Cabinet on 15 July 2002 on Review of Secondary School Places and Provision – Options for Public Consultation
- Report of Director of Education to the Schools Performance Panel on 10 September 2002 on Review of Secondary School Places and Provision
- Report of Tony Smith, Director of Education, Arts & Libraries, Devon County Council, and Expert Witness to the Schools Performance Panel on 28 October 2002 on Review of Secondary School Places and Provision
- Report of Director of Education to the Schools Performance Panel on 27 November 2002 on Review of Secondary School Places and Provision: Proposals under DfES Academies Programme
- Report of Director of Education to the Schools Performance Panel on 27 November 2002 on Review of Secondary School Places and Provision: Suitability of Westbourne Green site
- Expression of Interest submitted by Westminster City Council and Chelsfield plc – Proposal to Establish an Academy at Westbourne Green in the City of Westminster December 2002
- A proposal for an Academy and civic facilities at Westbourne Green, Westminster City Council and Chelsfield plc (November 2002)
- Expression of Interest submitted by Westminster City Council – **Proposal to Establish an Academy at Oakington Road in the City of Westminster** December 2002
- Report of Acting Director of Education to the Schools Performance Panel on 26 February 2003 on **Review of Secondary School Places and Provision**
- Report of Director of Education to the Schools Performance Panel on 23 June 2003 on **Update on Secondary Schools Review**
- Report of the Schools Strategy Manager **Responses to the Secondary School Review Consultations** (Internal - July 2003)

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