

Cabinet Member for Education

10 March 2015

Name of Cabinet Member:

Cabinet Member for Education - Councillor D Kershaw

Director Approving Submission of the report:

Executive Director of People

Ward(s) affected:

Bablake, Westwood, Woodlands and Wainbody

Title:

Proposed Finham Park 2 Free School: e-Petition

Is this a key decision?

No

Executive Summary:

Finham Park 2 has applied to the Secretary of State to establish a new free school in the south west of the city. The school will provide 800 places comprising 600 11-16 year old places and 200 post 16 places. The proposed admission number is 120. An e-Petition was registered with the City Council on 10th December 2014 which requested the Council to provide information in support of the petition regarding "the negative impact Finham Park 2 will have on surrounding schools, the Council will then supply this information to the Secretary of State under Section 9 of the Academies Act 2010." This report sets out the Council's position with regards to the proposal as set out in a letter to the Secretary of State dated 28th January 2015.

Recommendations:

The Cabinet Member is requested to:

- 1) Note the e-Petition
- 2) Request that officers write to the organiser of the petition to advise them of the City Council's current position in relation to Finham Park 2.

List of Appendices included:

Appendix 1: Finham Park e-Petition

Background papers:

None

Other useful documents:

None

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Report title:

1. Context (or background)

- 1.1 An application was made to the Secretary of State in May 2014 to open a new free school for 800 students comprising 600 11-16 year old and 200 post 16 places. In October 2014 the Secretary of State approved the application to move to the 'pre-opening' stage of the free school process and thereby to set up Finham Park 2 to open in September 2015. The location of the new school is as yet to be determined but will be between Broad Lane and Charter Avenue, West of the A45. It is likely that the school will initially be accommodated at a temporary location pending determination of a permanent site.
- 1.2 Where the Secretary of State is deciding whether to enter into academy arrangements in relation to a new educational institution, or arrangements in respect of an existing educational institution which will provide education for pupils at a wider range of ages, section 9 of the Academies Act 2010 (the Act) requires that the Secretary of State take into account the likely impact of entering into the arrangements on maintained schools, Academies, FE institutions and alternative provision in the area in which the provision is proposed to be , or is, situated. Section 10 of the Act requires that the person entering into the academy arrangements with the Secretary of State, consult as they determine appropriate, as to whether they should enter into academy arrangements. Consultation has been undertaken and the decision now rests with the Secretary of State.
- 1.3 An e-Petition with 446 signatures has been registered with the City Council (refer to appendix 1), which states that "We require the council to provide information in support of this petition regarding the negative impact Finham Park 2 will have on surrounding schools, the council will then supply this information to the Secretary of State under Section 9 of the Academies Act 2010." The e-Petition closed on 23rd January 2015.

2. Options considered and recommended proposal

- 2.1 The City Council submitted its Section 10 comments to the Secretary of State on 28th January 2015, which are outlined in paragraph 2.2 of this report.
- 2.2 The City Council is currently developing a strategy for addressing the anticipated shortfall of secondary places over coming years. In summary:
 - 2.2.1 Planning of secondary places is currently based upon a citywide approach. There will be a projected shortfall of approximately 660 (22 forms of entry - FE) Year 7 places by September 2024. This allows for a 5% planning margin to enable a reasonable degree of parental preference to be exercised.
 - 2.2.2 Additional secondary Year 7 places will not be required until September 2018 when only one additional FE will be required, although this could probably be accommodated by maintaining a slightly lower planning margin than the 5%.
 - 2.2.3 The most acute need for additional secondary places will be during the period 2019 to 2022. In September 2019 a minimum of an additional 9 FE of Year 7 places will be required; rising to a further 4FE in 2021 and 7FE in 2022. No decisions have yet been taken in relation to how these additional places will be delivered – either when, how or in what locations within the city. Ultimately rising rolls will impact on all areas of the city and with the potential development of housing this could lead to a significant increased demand for places.

2.2.4 Concern has also been raised with the City Council regarding the proposed location in the south west and the short to medium term impact on three neighbouring schools – Tile Hill Wood, Woodlands and Westwood – which are academies. At this stage it is impossible to measure the specific impact this proposal may have on these and other secondary schools in the city. We are aware however, that Finham Park 2 has received 186 applications for the 120 Year 7 places available. Of these, 142(76%) of the applicants reside in either the Tile Hill Wood / Woodlands or Westwood catchment areas. The full impact can only be assessed once the allocations process has been completed and the 120 places offered – this of course cannot happen until the site for the new Finham Park 2 is confirmed. It is therefore unfortunate that the Education Funding Agency has been unable to confirm this within the consultation period. At this stage therefore it can be reasonably assumed that if the proposal were to go ahead it would result in Year 7 numbers reducing at neighbouring schools although for the reasons stated above it is not possible to calculate the exact quantum at this stage.

2.2.5 The position in October 2014 regarding numbers on roll (NOR) / surplus places at schools in the south west of the city, was as follows:

Academy	Year 7 PAN	Year 7 (October 2014)	Actual Surplus	Surplus %	Net Capacity	Total NOR October 2014	Actual Surplus	Surplus %
Finham Park	240	238	2	0.8	1,484	1,500	-16	-1.1
Tile Hill Wood	237	169	68	28.7	1,356	1,009	347	25.6
Westwood	157	113	44	28.0	864	565	299	34.6
Woodlands	210	145	65	31.0	1,199	799	400	33.4
Total	844	665	179	21.2	4,903	3,873	1,030	21.0

2.2.6 These figures do not take into account the recently opened Warwick Manufacturing Group Academy for Young Engineers adjacent to Westwood Academy which currently has 230 Year 10 to Year 13 students on roll. (There is also a Catholic Secondary School – Bishop Ullathorne – serving this area. In September 2014 there were approximately 24% surplus places at this school).

2.2.7 The figures demonstrate that schools in the south west of the city are currently carrying an average of 21% surplus places and therefore there is no current requirement for additional places in this part of the city.

2.2.8 Historically a number of pupils from the Westwood, Tile Hill Wood and Woodlands catchment areas have opted for schools outside of the city, Kenilworth and Heart of England in particular. Both have recently increased their published admission numbers (PAN's) providing between them an additional 60 Year 7 places per annum. A total of 113 Year 7 places were allocated at these two 'out of area' schools for September 2014 admissions from those living within the Westwood (45), Tile Hill Wood (27) and Woodlands (41) catchment areas.

2.2.9 Should this proposal be approved, then the Governing Bodies of each of the schools will need to prepare a plan to effectively manage/mitigate the impact of a reduced intake over the next 4 years. Secondary schools have already been effectively managing the implications of falling rolls over recent years, resulting from a falling birth rate. The three schools most directly affected would need to manage the situation over the short term because it the City Council's view that they will continue to be an essential part of school provision in the south west of the city.

2.2.10 The City Council's adopted policy with respect to new secondary schools is clear in that if any free school, Academy or University Technology College (UTC) is established in the City, the City Council will seek to engage with the providers in order to minimise the detrimental effects on other schools in the city and to encourage collaboration with existing schools and the Local Authority, and to encourage that school to work in a positive and constructive way with other schools in the city.

2.2.11 The Council acknowledges the high quality of provision that the current Finham Park School provides and partnership working with the Local Authority in supporting other schools to raise standards. We therefore have confidence that such a provision, if approved, will be of high quality and enable more young people to attend an outstanding school.

3. Results of consultation undertaken

3.1 Under Section 9 of the 2010 Academies Act the Secretary of State must take into account what the likely impact of establishing the additional school will be on maintained schools, academies, institutions within the further education sector and alternative provision in the area in which the additional school is (or is proposed to be) situated. The DfE wrote to the Council on 7th January 2015 inviting comments on the proposal. These are set out in paragraph 2 of this report.

3.2 Free schools are legally Academies and as such subject to the consultation requirements set out in Section 10 of the 2010 Academies Act and therefore should 'consult such persons as the person thinks appropriate' on 'whether the arrangements should be entered into.'

3.3 In this case, the 'Academy arrangements' refer to the Funding Agreement which the Academy Trust needs to enter into with the Secretary of State, before a Free School can open. This is essentially a form of contract, which sets out the conditions under which a Free School will be funded by the Education Funding Agency (EFA).

3.4 The Section 10 Finham Park 2 consultation ran from 8 December 2014 until 30 January 2015 inclusive and provided an opportunity for key stakeholders to feedback via the website and through attendance at 'drop in' sessions. All responses received are currently being considered by the Trust directors, and will be documented in the summary of the consultation. This will be submitted to the Secretary of State in order to allow her to consider it as she draws up the Funding Agreement for the school. The outcome of this consultation has not yet been published by the school.

4. Timetable for implementing this decision

4.1 Subject to the Secretary of State deciding to enter a funding agreement the new Finham Park 2 free school would open in September 2015, initially admitting up to 120 Year 7 students.

5. Comments from Executive Director of Resources

5.1 Financial implications

The three schools most likely to be affected – Westwood, Woodlands and Tile Hill Wood – all became academies in 2011 and therefore receive their funding directly from central Government.

5.2 Legal implications

The City Council has a statutory duty under Section 14 of the 1996 Education Act to provide sufficient school places.

6. Other implications

6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?

In the long term this proposal will assist the City Council to fulfil its statutory responsibilities regarding the provision of school places.

6.2 How is risk being managed?

There are no direct risks to the Council. Should this proposal be approved, then the Governing Bodies of each of the three schools affected will need to prepare a plan to effectively manage/mitigate the impact of a reduced intake over the next 4 years. It the Council's view that they will continue to be an essential part of school provision in the south west of the city.

6.3 What is the impact on the organisation?

None.

6.4 Equalities / EIA

Public authority decision makers are under a duty to have due regard to 1) the need to eliminate discrimination, 2) advance equality of opportunity between people who share a protected characteristic and those who do not 3) foster good relations between persons who share a relevant protected characteristic and people who do not (public sector equality duty - s 149(1) Equality Act 2010). The applicable protected characteristics are disability, gender reassignment; race, religion or belief, sex; sexual orientation, pregnancy or maternity.

Decision makers must be consciously thinking about these three aims as part of their decision making process with rigour and with an open mind. The duty is to have "due regard", not to achieve a result but to have due regard to the need to achieve these goals. Consideration being given to the potential adverse impacts and the measures needed to minimise any discriminatory effects.

6.5 Implications for (or impact on) the environment

None.

6.6 Implications for partner organisations?

None.

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This report is published on the council's website: www.coventry.gov.uk/councilmeetings

Appendix 1

Finham Park 2 – ePetition

“We the undersigned are of the opinion that the proposed location of Finham Park 2 will have a negative impact on Tile Hill Wood School and Language College and Woodlands and Westwood Academies.

The establishment of Finham Park 2 will affect the viability of the schools listed, by reducing pupil numbers, which will impact on funding and staffing levels directly affecting the education of current and future pupils.

We require the council to provide information in support of this petition regarding the negative impact Finham Park 2 will have on surrounding schools, the council will then supply this information to the Secretary of State under Section 9 of the Academies Act 2010.”

Petition Organiser: Woodlands Ward Resident

End Date: 23 January 2015

Number of Signatures: 446