

<b>MAYOR AND CABINET</b>			
<b>Report Title</b>	Decision to change the age range of Addey and Stanhope School		
<b>Key Decision</b>	Yes	Item No.	
<b>Ward</b>	Brockley		
<b>Contributors</b>	Executive Director for Children and Young People		
<b>Class</b>	Part 1	Date:	10 July 2019

## **1. Summary**

- 1.1 This report provides the results of the statutory period of representation conducted by the Addey and Stanhope Governing Body on their proposal to change the age range of the school from 11-18 to 11-16.
- 1.2 This report then goes on to seek decision from the Mayor (as LA Statutory Decision Maker) to enable this change of age range, and as a result allow Addey and Stanhope to close its Sixth Form provision permanently.

## **2. Purpose**

- 2.1 The report feeds back on the representation period and seeks a decision from the Mayor regarding the proposed change of age range at Addey and Stanhope School with effect from 31 August 2019, thus effectively closing the currently suspended sixth form provision.

## **3. Recommendations**

- 3.1 The Mayor & Cabinet is recommended:
- 3.2 to note the results of the period of representation conducted by the Addey and Stanhope Governing Body on the proposal to change the age range of the school, with effect from 31 August 2019.
- 3.3 to agree that the age range of Addey and Stanhope School is changed from 11-18 year olds to 11-16 year olds as of 31 August 2019.

## **4. Policy Context**

- 4.1 The proposal to change the age range of Addey and Stanhope School will contribute to the following key priority outcome of Lewisham's Corporate Strategy 2018-2022:

- **Giving children and young people the best start in life** – every child has access to an outstanding and inspiring education and is given the support they need to keep them safe, well and able to achieve their full potential

4.2 The Local Authority has a duty to ensure the provision of sufficient places for pupils of statutory school age

### ***Place Planning Strategy 2017-22***

4.5 A recommendation of the 2016 Lewisham Education Commission Report was for the Council to develop a new 5 year Place Planning Strategy that succeeded the Primary Strategy for Change. Officers reviewed what had gone on before and what needs to be achieved in the future, and the draft strategy went through a public consultation process. The strategy was approved by Mayor and Cabinet on 22 March 2017.

4.6 Within the new strategy the council committed to constantly review its forecasting to ensure that the supply of school places met need as accurately as possible, as both undersupply and oversupply can have knock on effects on school standards and finances.

4.7 Indeed the strategy highlights the need for schools to periodically re-assess what they are offering to ensure that they can continue to recruit students and ensure that high standards of teaching and learning are met, thus enabling better outcomes for our children and young people.

### ***School Organisation Requirements***

4.8 Proposals to change the age range must comply with the provisions set out in *The Education and Inspections Act 2006 (EIA 2006)* and *The School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2013*. These set out the statutory process for making changes to a school, and statutory guidance on making changes to a maintained school indicates 4 stages to making a prescribed alteration to a maintained school. These are:

- 1) Publication of a Statutory Notice
- 2) Representation period
- 3) Decision making
- 4) Implementation

4.9 In the case of Voluntary Aided schools (which Addey and Stanhope is) the Governing Body is able to propose and conduct the publication and representation periods, with the Mayor (as statutory decision maker) then making the decision.

## **5. Background**

- 5.1 This proposed change of age range follows a previous decision by the Governing Body to suspend entry to the 6<sup>th</sup> Form phase, taken in August 2016, and seeks to make that previous decision permanent
- 5.2 The proposal means that as of 31 August 2019 Addey and Stanhope School would provide for pupils aged 11-16.

**Rationale:**

- 5.3 The decision to suspend the sixth form outlined concerns focused on the following factors and these are still relevant to the proposed closure:

***Recruitment***

- 5.4 In the current competitive climate the recruitment of students to the sixth form did not meet its targets over the final four years of its operation resulting in a 50% under-utilisation of the provision.

***Retention***

- 5.5 The retention of students from Year 12 to Year 13 at Addey and Stanhope was 79%. This further reduced numbers and together with the under-recruitment of students it is a reasonable conclusion that the sixth form is not viable, with many subjects inevitably running with very small numbers.

***The sixth form curriculum offer***

- 5.6 The sixth form offer was limited (14 A Level subjects and four Level 3 vocational qualifications) and there was strong local competition from larger, well-established providers that have a more comprehensive offer. Small class sizes were not financially viable nor could they offer effective teaching, learning and assessment or a quality experience for students.

***Standards and student outcomes***

- 5.7 The original proposal for post-16 provision described how Addey and Stanhope planned a sixth form which would be high achieving and academically excellent. However, with the first full KS5 examination results, the quality of outcomes was unsatisfactory, and below local and national benchmarks. This had a negative impact on student choice, the promotion and reputation of the sixth form, and future recruitment.

***The capacity of the leadership team to manage priorities in the school***

- 5.8 The school has had a range of urgent priorities, not least regarding the improvement in performance at KS3 and KS4. The suspension of the sixth form has allowed significant improvement at KS3 and KS4 in order to ensure good outcomes for the next Ofsted inspection and support recruitment at Year 7.

***The financial viability of the sixth form***

- 5.9 The reality is that the sixth form was being subsidised from the budget for KS3 and KS4 and there reaches a point where this risked impacting on KS3 and KS4 funding. The current suspension has allowed staff resources to be reduced and reallocated with associated savings.

- 5.8 Officers support the proposed change of age range for the following reasons:
- 5.8.1 The sixth form provision was not recruiting students for 3 years and in that time we did not see an impact on the wider FE offer for Lewisham Children and Young people, either in terms of breadth of opportunity, or lack of provision.
  - 5.8.2 Prior to suspension of the sixth form intake, the school was struggling to recruit and was offering a narrow curriculum due to the associated financial constraints, as such the likelihood of the provision becoming a provision of choice if it were re-opened would be relatively low.
  - 5.8.3 Being a four form of entry secondary school, the financial environment for the school is already challenging, and re-starting their sixth form provision would be a financial burden that would be felt across the rest of the key stages, and could result in resources being diverted away from KS3/4 provision.
- 5.9 Officers draw attention to the following potential negative issues relating to closure;
- 5.9.1 The public perception of shutting a sixth form provision and thus reducing choice. However, the sixth form has already suspended intake for the past 3 years, and as such the decision is to solidify one that has already been enacted by the school.
  - 5.10 On balance, officers believe that the arguments for the change of age range vastly outweigh the arguments against, particularly taking into that the sixth form has already suspended intake for a number of years, the likely narrow breadth of any potential sixth form offer, and the likely drain on already squeezed school finances.

## **6. Publication and Representation**

- 6.1 The statutory notice and proposal for the change of age range of Addey and Stanhope School were published on 17 May 2019, with the representation period running for 5 weeks until 21 June 2019.
- 6.2 During that period the governing body received zero responses despite the notice being published in the South London Press and the proposal on the school website. Additionally the proposal was sent to all staff, parents and carers.
- 6.3 Following further communication with the governing body, officers believe that they have completed the statutory process properly and that a lack of response actually suggests that stakeholders do not regard the change of age range as a negative proposition.

- 6.4 As such, officers recommend that the Mayor agree to the change of age range of Addey and Stanhope School from 11-18 year olds to 11-16 year olds, with an implementation date of 31 August 2019.

## 7. Factors relevant to a making a decision on school organisation proposals

When making a decision on a school organisation proposal the Decision Maker must consider the following factors:

### 7.1 Consideration of consultation and representation period

The decision-maker will need to be satisfied that the appropriate consultation and/or representation period has been carried out and that the proposer has had regard to the responses received. If the proposer has failed to meet the statutory requirements, a proposal may be deemed invalid and therefore should be rejected. The decision-maker must consider all the views submitted, including all support for, objections to and comments on the proposal.

*The consultations have been undertaken in accordance with the statutory requirements. Stakeholders have been involved in the development of the proposals. The notices have been published as required (See appendix 2 & 3). Views submitted, including all support for, objections to and comments on the proposals have been reported to the decision maker.*

### 7.2 Education standards and diversity of provision

Decision-makers should consider the quality and diversity of schools in the relevant area and whether the proposal will meet or affect the needs of parents, raise local standards and narrow attainment gaps.

*As with secondary education as a whole, due to the mobility of students we consider the supply of places for post 16 provision across the whole borough.*

*Based on Lewisham residents (aged 16-18) who stayed in borough for post-16 study (2124) and imported learners (1709) there are sufficient places in Lewisham institutions to meet these learner needs, as the capacity within Lewisham post-16 institutions is c. 7500..*

*Regarding standards, the table below provides details of the most recent Ofsted inspection for all Lewisham institutions with Post-16 provision.*

School / College	Date of Last Ofsted	Overall Effectiveness*
<b>School Sixth Form</b>		
Forest Hill School (SFH6)	December 2017	3 Overall (16-19 provision – 2)
Haberdashers' Askes	March 2019	2 Overall

Hatcham College		(16-19 provision – 2)
Haberdashers' Askes Knights Academy	July 2017	2 Overall (16-19 provision – 2)
Prendergast School	November 2013	1 Overall
Sedgehill School	May 2018	3 Overall (16-19 provision – 3)
Sydenham School (SFH6)	May 2017	2 Overall (16-19 provision – 2)
<b>Special Sixth Form</b>		
Greenvale School	June 2018	1 Overall
Drumbeat School and ASD Service	March 2019	2 Overall (16-19 provision – 1)
<b>FE or Sixth Form College</b>		
Lewisham Southwark College (NCG)	May 2018	3 Overall
Christ the King Catholic Sixth Form College: Lewisham	April 2017	2 Overall

*\* Ofsted ratings – 1 Outstanding, 2 Good, 3 Requires Improvement, 4 Inadequate*

### 7.3 Equal opportunity issues

The decision-maker must comply with the Public Sector Equality Duty (PSED), which requires them to have 'due regard' to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it; and
- foster good relations between people who share a relevant protected characteristic and people who do not share it.

*Due regard has been had to the Council's lawful obligations under s149 of the Equality Act 2010. The proposal does not have any adverse effect on equal opportunity.*

### 7.4 Community cohesion

Schools have a key part to play in providing opportunities for young people from different backgrounds to learn with, from, and about each other; by encouraging through their teaching, an understanding of, and respect for, other cultures, faiths and communities. When considering a proposal, the decision-maker should consider its impact on community

cohesion. This will need to be considered on a case-by-case basis, taking account of the community served by the school and the views of different groups within the community.

*The proposal does not have any adverse effect on community cohesion.*

#### 7.5 **Travel and accessibility**

Decision-makers should satisfy themselves that accessibility planning has been properly taken into account and the proposed changes should not adversely impact on disadvantaged groups.

The decision-maker should bear in mind that a proposal should not unreasonably extend journey times or increase transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable walking or cycling routes. A proposal should also be considered on the basis of how it will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school.

*The Decision maker has received advice that due to the current suspension of the sixth form, that this change in age range will ensure no material changes to travel and accessibility.*

#### 7.6 **Funding**

The decision-maker should be satisfied that any necessary funding required to implement the proposal will be available and that all relevant local parties (e.g. trustees of the school, diocese or relevant diocesan board) have given their agreement. A proposal **cannot** be approved conditionally upon funding being made available.

Where proposers are relying on the department as the source of capital funding, there can be no assumption that the approval of a proposal will trigger the release of capital funds from the department, unless the department has previously confirmed in writing that such resources will be available; nor can any allocation 'in principle' be increased. In such circumstances the proposal should be rejected, or consideration deferred until it is clear that the capital necessary to implement the proposal will be provided.

*No new or additional funding is required to implement the proposal*

- 7.7 The Mayor is recommended to agree the proposal that Addey and Stanhope School should change its age range from 11-18 year olds to 11-16 year olds with effect from 31 August 2019.

### 8. **Financial Implications**

#### **Capital Financial Implications**

- 8.1 There are no capital financial implications as a result of this report.

## **Revenue Financial Implications**

- 8.2 The report notes that the 6<sup>th</sup> form provision has so far been subsidised by the main schools delegated budget share. Closure of the 6<sup>th</sup> form provision could result in more resources to be targeted to the main key stage 3 and 4 provision. Schools are currently under a lot of financial pressure, this school is currently in a deficit budget position and would benefit from this move.
- 8.3 There are no expected redundancies as a result of this decision.

## **9. Legal Implications**

- 9.1 The Human Rights Act 1998 safeguards the rights of children in the borough to educational provision, which the local authority is empowered to provide in accordance with its duties under domestic legislation.
- 9.2 Section 14 of the Education Act 1996 obliges each local authority to ensure that there are sufficient primary and secondary school places available for its area i.e. the London Borough of Lewisham, although there is no requirement that those places should be exclusively in the area. The Authority is not itself obliged to provide all the schools required, but to secure that they are available.
- 9.3 In exercising its responsibilities under section 14 of the Education Act 1996 a local authority must do so with a view to securing diversity in the provision of schools and increasing opportunities for parental choice.
- 9.4 The Education and Inspections Act 2006 places requirements on local authorities to make their significant strategic decisions concerning the number and variety of school places in their localities against two overriding criteria:
- to secure schools likely to maximise student potential and achievement;
  - to secure diversity and choice in the range of school places on offer.
- Section 19 of the Education and Inspections Act 2006 provides that where a local authority or the governing body of a maintained school proposes to make a prescribed alteration to a maintained school and it is permitted to make that alteration, it must publish proposals.
- 9.5 The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 provide that changes to the age limit of a school are prescribed alterations which means that statutory proposals have to be published, and there must be a period of four weeks for representations before a decision is made. Similarly, The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 requires that where there is a proposal to close a school these will require statutory proposals to be published and there must be a period of four weeks from the date of publication for objections or comments to be

received. Proposals to change the age limit of a school will be determined by the local authority as decision maker.

- 9.6 The relevant Guidance advises that the Mayor as decision maker will need to be satisfied that the appropriate consultation and/or statutory representation process has been carried out and that the proposer has had regard to the responses received. The Mayor must consider all the views submitted, including all support for, objections to and comments on the proposals.
- 9.7 Any decision to change the age range of Addey and Stanhope School should be taken in the light of the representations received to the statutory consultation and the DfE Guidance for Decision-Makers attached at Appendix 4.
- 9.8 Decisions must be made within a period of two months of the end of the representation period or be referred to the Schools Adjudicator.

### **Equalities Legislation**

- 9.8 The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 9.9 In summary, the Council must, in the exercise of its functions, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
  - advance equality of opportunity between people who share a protected characteristic and those who do not.
  - foster good relations between people who share a protected characteristic and those who do not.
- 9.10 It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed at 9.9 above.
- 9.11 The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. The Mayor must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.

- 9.12 The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:

[www.equalityhumanrights.com/en/advice-and-guidance/equality-actcodes-practice](http://www.equalityhumanrights.com/en/advice-and-guidance/equality-actcodes-practice)

[www.equalityhumanrights.com/en/advice-and-guidance/equality-acttechnical-guidance](http://www.equalityhumanrights.com/en/advice-and-guidance/equality-acttechnical-guidance)

- 9.13 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

The essential guide to the public sector equality duty  
Meeting the equality duty in policy and decision-making  
Engagement and the equality duty: A guide for public authorities  
Objectives and the equality duty. A guide for public authorities  
Equality Information and the Equality Duty: A Guide for Public Authorities

- 9.14 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

[www.equalityhumanrights.com/en/advice-and-guidance/public-sectorequality-duty-guidance#h1](http://www.equalityhumanrights.com/en/advice-and-guidance/public-sectorequality-duty-guidance#h1)

## **10. Crime and Disorder Implications**

- 10.1 There are no crime and disorder implications.

## **11. Equalities Implications**

- 11.1 This report supports the delivery of the Council's Equalities programme by ensuring that all children whose parents/carers require a place in a Lewisham school will be able to access one.

- 11.2 The Council's Comprehensive Equality Scheme for 2016-20 provides an overarching framework and focus for the Council's work on equalities and helps ensure compliance with the Equality Act 2010.
- 11.3 Specifically this report seeks to make permanent a change that has been in place for 3 years and as such makes no material change to the current landscape of sixth form provision within the borough.

## **12. Environmental Implications**

- 12.1 Every effort will be made to enhance rather than detract from school environments in the solutions to providing amalgamations of schools.

## **13. Background documents**

**Appendix 1** – Change of age range of Addey and Stanhope School - Anonymised Representation responses.

**Appendix 2** – Copy of Proposal to change the age range of Addey and Stanhope School

**Appendix 3** – Copy of Statutory Notice to change the age range of Addey and Stanhope School

**Appendix 4** – Statutory Guidance for Decision Makers

If there are any queries on this report, please contact Matt Henaughan, SGM  
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