

Committee/Meeting: Cabinet	Date: 31 July 2013	Classification: Unrestricted	Report No: CAB 013/134
Report of: Corporate Director Education, Social Care & Wellbeing Originating officer(s) Pat Watson, Head of Building Development		Title: Proposals for BowSchool Wards Affected: Bow East, Bromley by Bow	

Lead Member	Cllr Oliur Rahman
Community Plan Theme	A Prosperous Community
Strategic Priority	Priority 3.1: Improve educational aspiration and attainment

1. **SUMMARY**

- 1.1 On 10 April Cabinet agreed to the publication of statutory proposals for Bow School to be expanded and to admit both girls and boys. An objection in the form of a petition has been received in the six week consultation period so Cabinet is required to consider the objection before deciding whether the proposals should be implemented.

2. **DECISIONS REQUIRED**

The Mayor in Cabinet is recommended to:-

- 2.1 Agree that statutory proposals for the enlargement and change of character of Bow School from September 2014 should be implemented as published.

3. **REASONS FOR THE DECISIONS**

- 3.1 Proposals have been developed to expand BowSchool, admit both boys and girls and transfer to a larger site. Cabinet has previously considered the response to the initial consultation and agreed that statutory proposals should be published. An objection has been received to the proposals therefore Cabinet has to consider the response to the consultation before deciding if the proposals should be implemented.

- 3.2 The LA must take a decision on statutory proposals within 2 months of the end of the consultation period or the matter must be referred to the Schools Adjudicator.

4. ALTERNATIVE OPTIONS

- 4.1 The due process has been followed in the consultation on the proposals. The final stage is the determination following consultation, in relation to which the options are set out in paragraphs 6.35 and 8.8 of the report.

5. BACKGROUND

- 5.1 On 10 April 2013 Cabinet received a report on the background to the development of the proposals to expand Bow School, admit both boys and girls and transfer to a larger site. The report included details of the consultation that had taken place.
- 5.2 The statutory process for changes to a school, including enlargement and change of character, require that after the initial consultation statutory proposals are published for a six week period. At the end of the six week period, any comments or objections received have to be considered before determination of the proposals.
- 5.3 Under the Council's scheme of delegation, where no objections are received, the Corporate Director has delegated authority to determine that published proposals should be implemented. Where any objection is received, the matter has to be determined by Cabinet.
- 5.4 The statutory proposals for Bow School were published on 22 April. These met the requirements of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007. One objection was received during the six week period.

6. BODY OF REPORT

- 6.1 There is a statutory framework for implementing certain alterations to schools, including enlargements and other changes of character. The requirements are included in the Education & Inspections Act 2006 with associated regulations. For community schools, the Local Authority (LA) can propose and determine certain alterations, including enlargement and change of character.
- 6.2 The prescribed process requires a two stage consultation process. The initial, pre-statutory consultation should provide information on the proposals and include a wide range of consultees. The outcome of this stage is then considered and, if the LA agrees, statutory proposals are published for a specified period (in this case six weeks). After this period, the LA must consider any responses to the second consultation and decide whether or not to implement the proposals, or modify them in the light of the consultation. This decision has to be taken within 2 months of the end of the six week period or the matter is referred to the Schools Adjudicator.

- 6.3 There is a right of appeal to the Schools Adjudicator for certain parties against the LA's decision.
- 6.4 The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 specify the process to be followed and matters to which the local authority and the Schools Adjudicator are required to have regard to in making decisions on statutory proposals. The following paragraphs set out the relevant matters to be considered for the present case.

Effect on Standards & School Improvement

- 6.5 The 2006 Act places duties on local authorities to secure delivery of provision and to respond to representations from parents about the provision of schools. On making a decision on proposals for expansion and change of character, the LA should be satisfied that they will contribute to raising standards, to the diversity of provision, the delivery of the Every Child Matters principles and equal opportunities.

Bow School Proposals

- 6.6 The Bow School proposals have been put forward to address the shortcomings of the existing school site, to meet the need for additional places and to ensure better access to secondary places in this area of the borough. The proposals will contribute to the overall range and quality of provision and offer extended school opportunities for students. No students will be displaced as a result of the proposals.

Conclusion

- 6.7 The proposals will contribute to raising standards, help every local child to achieve their potential, and ensure that there is equality of opportunity by providing sufficient school places.

Equal Opportunity Issues

- 6.8 The LA should consider whether there are any sex, race or disability discrimination issues arising from the proposals. This includes ensuring there is a range of opportunities to access school places which reflect the ethnic and cultural mix of the area whilst ensuring that such opportunities are open to all.

Bow School Proposals

- 6.9 The proposals for Bow School are to admit girls and boys in the expanded school. Bow School is at present one of three boys' schools in Tower Hamlets: Stepney Green School is a community boys' school and Bishop Challoner Boys' School is a Roman Catholic School. The proposals for Bow will reduce the number of boys' single sex community school places but the report to Cabinet on 10 April showed that the school at its new site will significantly improve the opportunities for girls living in the Bow area to access a secondary school near their home and reduce the distances they now have to travel to access a school place.

Conclusion

- 6.10 The proposals will reduce the choice of boys' community school places in Tower Hamlets but that is balanced against the provision of more places overall and providing choice for girls in the Bow area.

The Need for Places

Travel & Accessibility For All

- 6.11 In considering the proposals, the LA should be satisfied of the need for additional school places. Consideration should also be given to the need to ensure that children do not have to make unreasonable journeys to school.

Bow School Proposals

- 6.12 There is an increasing need for school places in Tower Hamlets to meet the needs of the rising school age population, as has previously been reported to Cabinet. By providing additional secondary school places in the Bow area, the LA is contributing to meeting the need and is ensuring that pupils living in the Bow area can access a school without travelling significant distance.

Conclusion

- 6.13 The proposals meet the needs of the rising local population. The school is accessible for local children and the additional places will reduce travel distances for children in this area who cannot now obtain a place locally. Providing sufficient school places ensures that all children are able to access a school place and have equal education opportunities.

Capital Funding

- 6.14 In considering the proposals, the LA should be satisfied that capital funding for implementation is available.

Bow School Proposals

- 6.15 The report to Cabinet on 10 April confirmed that there is capital funding provision for implementing the proposals for Bow School (£31.740m).

Conclusion

- 6.16 Capital funding has been identified to implement the proposals.

SEN Provision

- 6.17 The guidance in the regulations has particular reference to considerations relating to SEN provision, especially the impact of any reorganisation proposals on provision.

Bow School Proposals

- 6.18 There are no specific implications for SEN provision in the expansion proposals. There are no proposals to change any SEN provision. The school is an inclusive school and will continue to be so as a larger school. The new building will be accessible throughout.

Conclusion

- 6.19 There are no implications for specific SEN provision

Views of Interested Parties

6.20 The guidance requires consideration of the views of interested parties, including any comments submitted during the four week period.

Bow School Proposals

6.21 The report to Cabinet in April 2013 set out the responses that had been received to the initial consultation on the expansion proposals. Although the response to the consultation period was low, there was support for the proposals from parents and the school community.

6.22 The report to Cabinet on 10 April set out the consultation that has taken place. In summary this includes:

- Various meetings with parents and boys of the Bow School as the proposals for the Bow Lock site were developed, including the proposed admission of girls
- A consultation period was held from 7 January to 15 February 2013. This consultation was publicised on the Council's website and on the school's website, hard copy consultation documents were issued to all parents and carers of boys now on roll at Bow and to parents of children in years 4 and 5 of primary schools local to Bow School. A meeting was held at the school during the consultation period.

6.23 The response to the consultation was limited. As previously reported to Cabinet, the consultation paper included a form to return and responses were also received via the Council's website. The analysis of those returned is as follows:

	Agree	Disagree	Not sure
I agree with the proposal to expand the school to provide more places	17	1	
I agree with the proposal to admit both girls and boys to the school	14	3	1
I agree with the proposed transitional admissions arrangements	13	1	4
I agree with the proposal to transfer the school to a new site	16	1	1

6.24 During the statutory consultation period, no comments or objections other than the petition referred to at paragraph 1.1 have been received. The Headteacher and governing body have not had contact from any parents or prospective parents expressing concerns about the proposal to admit girls. The petition received has 170 signatures. Although it states that signatories include parents of boys now at Bow School, it is not made clear how many people that includes. All addresses given, except one, are in Tower Hamlets. The petition states:

We, the undersigned, parents/potential parents/guardians of the Bow Boys' School (Paton Close, Fairfield Road, London E3 2QD), residents living locally and all over the borough would like to register our objection to the proposal

to transform the Boys' School into a mixed school on the following grounds:

- Firstly, the proposed transformation would be a denial of the choice of single sex school granted to us and our children without proper and effective consultations with us
- Secondly, if this initiative is implemented, the choice of single sex boys' school in the borough will be diminished
- Thirdly, the establishment of a mixed school will adversely impact the attainment of children and discipline in the school. It is confirmed by research that attending a single sex school contributes to children's performance and achievements
- Finally this significant change of the existing character of the school would have an adverse effect on our young children's life, education and welfare.

In the circumstances we would like to request you not to proceed with this proposal any further without proper and genuine consultations with parents, potential parents, guardians, carers and residents living within the catchment area of the school, locally and all over the borough.

Response to the points raised in the petition

Loss of choice of single sex school

- 6.25 The proposals to admit girls and boys to Bow School will mean that there will be one boys' community school in Tower Hamlets, Stepney Green School, rather than two as at present. There will still be a boys only community school available for parents to apply to, as well as a boys' Roman Catholic school. In considering the decision to publish statutory proposals, Cabinet considered the implications of Bow admitting girls for the overall gender balance of existing mixed schools in Tower Hamlets.
- 6.26 The proposal for Bow to admit girls as well as boys is associated with the expansion of the school from 125 places each year to 270 places. The Cabinet report gave details of the position of girls living in certain areas of the borough, Bow East and West, who have to travel the longest distances to access a school. If Bow remained a boys' school at the new site and at the proposed larger size, the additional capacity being created would not properly meet the needs of the growing school age population and girls would be adversely affected.
- 6.27 The Equality Analysis included as Appendix 1 shows the trend in recent years for the number of 1st preference applications for single sex schools. For all three boys' schools, the data shows a decrease in the number of applicants. Applications declined by 20% from 395 in 2011 to 315 in 2013. The number of 1st choice applications to single sex girls' schools has increased, rising by 12% from 612 in 2011 to 684 in 2013.
- 6.28 The geographical distribution of 1st preference applications for Bow School shows that these are predominantly from those for whom it is the

local school, not necessarily that the choice is based on Bow as a single sex school. (See Equality Analysis).

Impact on children now at the school and impact on attainment in comparison with a single sex school

- 6.29 The debate around single sex versus co-educational (co-ed) is an on-going pedagogical argument. Although national data tends to show that single sex girls' schools might produce the best results, there is more to consider than solely achieving academic results. Overwhelmingly, the most important factor is the school itself.
- 6.30 In Tower Hamlets there is no significant evidence that mixed schools perform less well than single sex schools. All secondary schools in Tower Hamlets, boys', girls' and mixed, are judged as good or outstanding. This is a comprehensive judgement made by OFSTED based on the ethos, provision and outcomes of the school. The highest performing school in Tower Hamlets is a mixed school. The least well performing is a boys' school. Behaviour, which includes students' attitudes to learning, is judged as good or better in all Tower Hamlets secondary schools. Seven schools are judged to have outstanding behaviour, five of those seven are mixed schools, one is a girls' school and one is a boys' school.
- 6.31 In March 2013 Bow School was judged by OFSTED to be a "good and improving school". This provides a sound basis for the changes which the school will be undertaking by moving to the new site, expanding and admitting girls.
- 6.32 The petition states that the change would have "... an adverse effect on our young children's life, education and welfare". It should be noted that the Headteacher and governing body of Bow School have been carefully planning for the transition to the new school site to ensure that disruption to students' education is minimised. By relocating to the new site, the school will have the benefit of very significantly improved facilities.

The proposals should not proceed pending further consultation

- 6.33 As indicated above, the consultation process has been carried out according to the statutory requirements for a two stage process. The matters relating to the admission of girls to the school were taken into account in considering the decision on publication of statutory proposals. There was limited response from parents of boys now at the school and prospective parents of children at local primary schools in the catchment area.
- 6.34 It is noted that the petition makes reference only to part of the proposals for Bow School, admitting girls, and does not make reference to the expansion of the school. The proposals are part of the relocation of the school to new, purpose built premises with up to date accommodation and facilities for the benefit of all students. These new facilities are part of the wider provision of choice of good schools with excellent facilities across the borough.

Conclusion

- 6.35 Views of interested parties received in the initial consultation showed that members of the school community supported the expansion. Little response from outside the immediate school community was received at that stage, despite the wide dissemination of the consultation proposals.
- 6.36 The objection to the statutory proposals by means of the petition is noted. The LA has to decide on the balance of benefits for the proposed changes to Bow School. It is recognised that the change of character of Bow School will reduce the number of boys' single sex community school places available, but this must be balanced against the benefit for girls in the area to be able to access the new places at Bow School.

CONCLUSION & RECOMMENDATION

- 6.37 After consideration of the relevant matters, the Local Authority can:
- i. reject the proposals;
 - ii. approve the proposals;
 - iii. approve the proposals with modification (eg. an amendment to the effective date); or,
 - iv. approve the proposals subject to a specific condition (eg. securing funding, obtaining planning permission).
- 6.38 Paragraphs 6.5 to 6.36 set out all the relevant matters to be taken into consideration in reaching a decision on the proposals for Bow School to be expanded and admit girls and boys. The consultation process and publication of statutory proposals have been carried out in accordance with the requirements.
- 6.39 After consideration of these matters, it is recommended that proposals should be approved as published and implemented at Bow School.

Admission Arrangements – Transitional Exemption Order

- 6.40 The report to Cabinet on 10 April set out the proposed transitional arrangements for admission to the school as it admits girls. The proposed arrangements are as follows:
- 6.41 For four years from September 2014, girls will only be admitted at Year 7 until the year groups have both girls and boys. The Year 7 places will be designated equally with 135 places for girls and 135 places for boys. The places will be filled in this priority order:
- Pupils who apply from each gender will be considered in accordance with banding arrangements and the admissions criteria for community schools up to a maximum of 135 places for boys and 135 places for girls. This may mean that some pupils may be initially refused a place because the target number for that gender has been filled.
 - Any places remaining after national offer day and applications received outside the normal point of entry will be filled in accordance with the admission criteria regardless of gender.
 - After September 2018, the school will operate the normal admission arrangements for community schools in Tower Hamlets.

- 6.42 Cabinet agreed these proposed arrangements. Subject to the recommendations of this report being agreed, this will also allow the Council to issue a Transitional Exemption Order because the existing boys' school is not now required to comply with the Sex Discrimination Act 1975 (as amended).

7. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 7.1 The report to Cabinet on 10 April confirmed that there is capital funding provision for implementing the proposals for Bow School (£31.740m) and that the revenue costs will be funded through the Dedicated Schools Grant. The move to a new school would also have implications for the Grouped Schools PFI contract which in 2013/14 financial year relies on Bow's contribution of £0.285m, but these had been factored into long-term planning for the PFI contract.

8. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 8.1 One of the Council's duties in respect of education is to secure that sufficient schools are available for primary and secondary education in Tower Hamlets. This obligation arises under section 14 of the Education Act 1996. The schools must be sufficient in number, character and equipment to provide all pupils with the opportunity of appropriate education.
- 8.2 In deciding what provision to make in respect of primary and secondary schools, the Council is required to consider the need to secure diversity in the provision of schools and increasing opportunities for parental choice. This sits alongside the Council's general equality duty, which requires it to have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't. Equalities issues are addressed in the body of the report.
- 8.3 Section 19 of the Education and Inspections Act 2006 provides that where a local authority proposes to make prescribed alterations to a maintained school, it must publish its proposals. The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 ("the Prescribed Alterations Regulations") specify what alterations made by local authorities are prescribed alterations and specify the procedure to be followed when publishing and determining such proposals. The enlargement of a school's premises so as to increase the school's capacity by: (a) more than 30 pupils; and (b) 25% or 200 pupils (whichever is the lesser) is a prescribed alteration. The proposals described in this report fall within that definition so the procedure in the Prescribed Alterations Regulations must be followed.
- 8.4 The Prescribed Alterations Regulations require the Council to follow a two stage process involving consultation prior to publication of a proposal, followed (assuming the Council wishes to proceed) by publication of the

proposal. The Council has just completed the second stage of consultation, which involves the publication of the Council's proposal. The Regulations specify requirements for the publication of proposals –

- The publicity must include prescribed information, details of how complete copies of the proposal may be obtained and a statement that any person may object or comment on the proposal (including an address to which these should be sent and the date by which they should be sent).
- The information must be posted in a conspicuous place in the school's area, at the main entrance to the school and in a local newspaper.
- The complete set of proposals must be sent to the governing body within one week of the date of publication and to anyone who requests a copy within one week of the request.
- A complete set of the proposals and a copy of the published information must be sent to the Secretary of State within one week of the date of publication.

8.5 A person who wishes to object or make comments must have 6 weeks within which to do so, from the date of publication of the proposal information.

8.6 The Council is required to have regard to the Secretary of State's guidance as to consultation on proposals. The guidance recommends that the consultation allows adequate time, provides sufficient information for those being consulted to form a considered view and makes clear how the views can be made known. Proposers must be able to demonstrate how they have taken into account the views expressed during the consultation in reaching any subsequent decision as to the publication of proposals.

8.7 The report states that consultation complies with the requirements of the Regulations and guidance.

8.8 It is for the Council to determine the proposals (and this is an executive function). In doing so, the Council has the options outlined in paragraph 6.35 above. The report correctly identifies that the council must determine the proposals within 2 months from the end of the consultation period.

9. ONE TOWER HAMLETS CONSIDERATIONS

9.1 The expansion of schools is necessary to ensure the Council meets its legal obligation to secure sufficient schools for Tower Hamlets, but will also promote equality of opportunity for children and young people (including within the meaning of the Equality Act 2010). There is a loss of single sex boys' secondary school places, but this has to be balanced against the improvement of opportunities for girls to be able to access the places at the new accommodation for Bow School.

9.2 The provision of school places and the LA's admission arrangements aim to promote fair access to schools particularly in terms of the distance from

home and to allow siblings to attend the same school. The proposed transitional admission arrangements for Bow School enable some support to the school to assist achieving a balanced roll as far as possible as the school undertakes the process of the change of character.

- 9.3 Parents will have a choice of schools, including mixed and single sex schools. A boys' community school (Stepney Green School) and boys' Roman Catholic School continue as part of the range of choice.
- 9.4 An Equality Analysis has been carried out and is included as Appendix 1.

10. **SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT**

- 10.1 The design of the building and materials proposed to be used for Bow School have taken account of sustainability and energy efficiency. Products to be chosen will offer significant energy saving values; insulation products that have an approved environmental profile; and timber from certified sustainable sources.
- 10.2 The design complies with Building Regulations, Part L which has strict guidelines in respect of carbon emission levels and energy efficiency. A significant reduction in carbon emissions will be achieved. Lighting and energy management controls will enable the most efficient use of energy for the building as a whole.

11. **RISK MANAGEMENT IMPLICATIONS**

- 11.1 The project at Bow School has a high capital value and close monitoring of the project through the preparatory stages was in place and continues through implementation stages with appropriate, experienced project management resources. If the proposals do not proceed, there will be a risk to be managed that some children will be without a school place local to their home

12. **CRIME AND DISORDER REDUCTION IMPLICATIONS**

- 12.1 There are no specific implications arising.

13. **EFFICIENCY STATEMENT**

- 13.1 The Council undertook a detailed options analysis of its assets before deciding that the use of the new site for an expanded Bow School provided the best use of assets.

14. **APPENDICES**

Appendix 1 – Equality Analysis

**Local Authorities (Executive Arrangements) (Access to Information)
(England) Regulations 2012**

List of “Background Papers” used in the preparation of this report

Brief description of “background papers”	Name and telephone number of holder and address where open to inspection.
None	N/A