

**Title: Batley Grammar School**

**Author: Department for Education (DfE)**

**Annex A**

**Impact Assessment – Section 9 Academies Act Duty**

- 1 Section 9 of the Academies Act 2010 places a duty upon the Secretary of State to take into account what the impact of establishing the additional school would be likely to be on maintained schools, Academies and institutions within the further education sector in the area in which the additional school is (or is proposed to be) situated.

**Background**

- 2 The proposal is for a 700 place 4-18 school located on the existing site of Batley Grammar School, Carlinghow Hill, Batley, West Yorkshire, to open in September 2011. The school will have an initial capacity of 605 (September 2011), rising to 624 in 2012 and reaching capacity of 700 by 2014. The school is located in a deprived area and has excellent results, achieving significantly better than local maintained schools. There is a strong emphasis on maths, reflected in good and improving results. On the basis of this, the school intends to explore a mathematics specialism, which will increase options for the local area; there are no other schools in the local authority offering this specialism, and so this is unlikely to have a negative effect. Rather, it will enhance provision: the school intends to develop outreach projects and to work with other schools. The specialism will also provide an opportunity to support innovative teaching and free resources for local schools.
- 3 The school will develop existing links with local businesses and schools, including the Birkenshaw, Birstall, Gomersall (BBG) Academy Trust, Heckmondwike Grammar School (a converter Academy 2010), and on-going discussions with Batley Business and Enterprise College to explore the possibility of sharing staff and support services. Overall, the free school aims to be outward-reaching in its relationship with other schools in North Kirklees, to improve education and to deliver better value for money.
- 4 There are 32 maintained schools and Academies within a four mile radius, and three FE institutions within a seven mile radius of Batley Grammar School, which may be impacted by the establishment of the free school. As part of their consultation, Batley Grammar has been proactive in seeking the views of primary, secondary, sixth form and FE institutions across the local authorities whose schools lie within a five mile radius, and who have been invited to comment. This included requests to headteachers of these schools to distribute registration of interest forms among their Y4-Y6 pupils. From the 66 responses received, none were from headteachers.

- 5 They have also consulted the Director of Children's Services in Kirklees.

### Catchment area

- 6 The school is located in North Kirklees and the majority of its pupils will be drawn from this area. Up to February 2011, the school received 1318 registrations of interest/applications in principle.
- 7 Batley Grammar School's (Academy) admissions policy has been agreed by officials and is compliant with the Admissions Code and the school has not requested any derogations from the Code. The school is using different admissions criteria for primary and secondary entry. The school admissions policy for both primary and secondary is compliant with the published Admissions Code.

### Primary

- 8 The school will use distance criteria for admissions at primary level, and existing primary pupils will be guaranteed entry into the secondary school. If oversubscribed, after children with statements of SEN, priority will be given to looked-after children, then children with siblings at either the primary or the secondary school. Should a tie-break be necessary at this stage, children will be selected based on distance from the school. All remaining places will be allocated based on distance from the school.

### Secondary

- 9 At secondary level, the school will use fair-banding admission criteria to ensure a proportionate spread of pupils across five different ability bands. All children who apply for a place will be required to sit fair banding tests, except children with statements of SEN, for whom this would not be appropriate. If oversubscribed, after children with statements of SEN, priority will be given to looked-after children, and then children already attending the primary school, then siblings at the secondary school. Should a tie-break be necessary at this stage, places will be allocated by random allocation. The remaining applicants will be selected by random allocation with equal proportions from the five ability bands.
- 10 The local authority has raised concern that the admission policy is not clearly defined and there are concerns that the SEN over-subscription criteria cannot be used as such. In response, the Education Adviser is satisfied that the admissions policy is compliant with the Admissions Code and with the SEN criteria.
- 11 The school is aware that a number of pupils who live in North Kirklees

attend schools in other areas, including Bradford and Leeds. The Leeds Director of Children's Services confirmed (Jan 2011) that there were 919 Kirklees children in secondary education in Leeds schools. The Batley Grammar free school will, by providing high-quality co-education in North Kirklees, result in greater retention of pupils in North Kirklees.

#### Nearby maintained primary schools

- 12 There are 20 maintained primary schools in the Batley postcode area. **Table 1** shows that, of these, seven are faith-based (five are Church of England and two are Roman Catholic), nine have more pupils on role than planned pupil numbers provide for, three of which are over-subscribed by more than 25%. Nine schools have surplus places, three of which are under-subscribed by more than 25%; these are within a two mile radius of Batley Grammar School, and so the impact of the increased places which the free school will bring, although small, is most likely to be marginal. This marginal impact would be balanced by the positive impact that the school will have in improving parental choice and by encouraging higher standards in surrounding schools.
- 13 Three primary schools are rated by Ofsted as outstanding, nine as good, and eight as satisfactory.
- 14 The impact on these schools is likely to be marginal, particularly as Batley Grammar School is offering a small number of additional places (34) at primary level.

#### Nearby maintained secondary schools and FE Colleges

- 15 There are 12 maintained secondary schools within a four-mile radius of the proposed free school. **Table 2** shows that, of these, six have surplus places, of which three have a surplus of over 30%. Two are rated by Ofsted as 'outstanding', two as 'good', seven as 'satisfactory', and one as 'unsatisfactory'.
- 16 For Kirklees overall, data shows that the secondary population is declining, resulting in an increase in the percentage surplus. In 2010/11 this is 12.79%, rising to 14.79% by 2012/13.
- 17 Batley Grammar currently has 202 pupils in years 7-11, and is looking to increase places by 154 in September 2011, by a further 40 in 2012, and by 24 in 2013, at which point they will have reached capacity of 420.
- 18 There are three FE colleges within a seven mile radius, one is rated as 'outstanding', one as 'good' and one as 'inadequate'. Kirklees College, which has the inadequate rating, is most likely to be affected though, given its large size (at 3,961 pupils) this impact is likely to be minimal.

- 19 The school will continue to develop existing links with local businesses and schools, including the Birkenshaw, Birstall, Gomersall (BBG) Academy Trust, Heckmondwike Grammar School (a converter Academy 2010), and on-going discussions with Batley Business and Enterprise College to explore the possibility of sharing staff and support services. Overall, the free school aims to be outward-reaching in its relationship with other schools in North Kirklees, to improve education and to deliver better value for money.
- 20 Given the small numbers involved in the creation of the free school, and its existence as a current independent school, the impact on individual schools was considered to be minimal and, as such, further consideration has not been given to individual schools.

#### Local Authority opinion

- 21 We have consulted Kirklees LA on the proposal to establish a free school in Batley. The authority is evaluating free school proposals in the context of their strategic planning for north Kirklees, which takes into account proposed developments at Batley Girl's High School, and the E-Act Academy and for a free school application from the Birkenshaw, Birstall and Gomersal Alliance (BBGA). Based on evidence submitted in a report by Prof David Woods to the Secretary of State and PFS, the authority asserts that there is no need for additional places in the area. Informally, the authority is less concerned that the relatively small numbers of additional places at Batley Grammar will have a significant effect on surplus places. Evidence provided by Batley Grammar School indicates sufficient demand for increased places at the free school, both for September 2011 and for subsequent years.

#### Conclusion

- 22 Taking account of the relatively small number of additional places being offered at Batley Grammar School, the impact on individual schools is likely to be marginal, other than for relatively poor-performing schools. This needs to be balanced with the positive impact that the proposed free school will have, by improving parental choice and by driving up standards in surrounding schools. Both are key aims of the free school policy, and we would expect Batley Grammar School to drive up standards in schools across the board, and by improving standards for young people in the area.
- 23 Given this information, we consider that the impact of establishing the Batley Grammar School free school on maintained schools, Academies and FE institutions in the surrounding area is out-balanced by the positive impact that the school will have on parental choice and in driving up standards in nearby institutions.

**TABLE 1**

## Maintained primary schools within the Batley postcode area

School name	LA	Faith	Ofsted rating	Total places	Pupils on roll	Surplus places	% surplus places	% FSM	Sex
Batley Parish C of E	Kirklees	C of E	Outstanding (02.11)	210	266	-56	-26	17	Mixed
Birstall County Primary	Kirklees	None	Satisfactory (05.09)	175	116	59	34	21	Mixed
Brownhill Infant	Kirklees	None	Good (02.09)	180	173	7	4	8	Mixed
Carlinghow Princess Royal	Kirklees	None	Satisfactory (02.10)	315	317	-2	-6.5	48	Mixed
Field Lane	Kirklees	None	Outstanding (02.09)	210	214	-4	-2	19	Mixed
Fieldhead Junior Infant and Nursery	Kirklees	None	Satisfactory (05.10)	157	154	3	2	56	Mixed
Hanging Heaton C of E	Kirklees	C of E	Satisfactory (07.08)	124	131	-7	-5.5	5	Mixed
Healey	Kirklees	None	Satisfactory (04.10)	385	373	12	3	29	Mixed
Hyrstmount	Kirklees	None	Satisfactory (01.11)	360	267	93	26	11	Mixed
Lydgate	Kirklees	None	Good (06.09)	367	260	107	29	22	Mixed
Manorfield	Kirklees	None	Good (10.10)	270	340	-70	-26	16	Mixed
Mill Lane	Kirklees	None	Good (02.09)	157	153	-4	-2.5	26	Mixed

Park Road	Kirklees	None	Good (06.09)	237	210	27	11	21	Mixed
Purlwell	Kirklees	None	Good (11.10)	270	356	-86	-32	13	Mixed
St Mary's Catholic Primary	Kirklees	Roman Catholic	Satisfactory (09.09)	310	323	-13	-4	14	Mixed
St Patrick's Catholic Primary	Kirklees	Roman Catholic	Outstanding (12.07)	240	253	-13	-5.5	2	Mixed
St Peter's C of E	Kirklees	C of E	Good (02.09)	210	201	9	4	27	Mixed
St Saviour's C of E	Kirklees	C of E	Good (06.09)	240	238	2	1	5	Mixed
Staincliffe	Kirklees	C of E	Satisfactory (09.10)	356	349	7	2	21	Mixed
Warwick Road	Kirklees	None	Good (11.10)	315	346	-31	-10	11	Mixed

TABLE 2

## Maintained secondary schools, North Kirklees

School name	LA	Faith	Ofsted rating	Total places	Pupils on roll	Surplus places	% surplus places	% FSM	Sex
Batley Business & Enterprise College	Kirklees	None	Satisfactory (05.08)	879	560	319	36		Boys
Batley Girls' High School	Kirklees	None	Good (02.11)	1262	1123	139	11		Girls
Birkdale High School	Kirklees	None	Satisfactory (12.09)	750	480	270	36		Mixed
Castle Hall School	Kirklees	None	Satisfactory (03.10)	870	853	17	2		Mixed
Earlsheaton Technical College	Kirklees	None	Unsatisfactory (11.10)	947	866	81	9		Mixed
Heckmondwike Grammar	Kirklees	None	Outstanding (03.11)	1146	1312	-166	-15		Mixed
Spenn Valley Sports College	Kirklees	None	Satisfactory (06.10)	900	891	9	1		Mixed
St John Fisher Catholic College	Kirklees	Roman Catholic	Satisfactory (04.11)	1069	1204	-135	-12		Mixed
Community Science College at Thornhill	Kirklees	None	Good (03.10)	900	660	240	27		Mixed
Mirfield Free Grammar	Kirklees	None	Outstanding (03.11)	1360	1424	-64	-5		Mixed
Westborough High School	Kirklees	None	Satisfactory (03.09)	900	879	21	2		Mixed
Whitcliffe Mount	Kirklees	None	Satisfactory (01.08)	1350	1271	79	6		Mixed