

**Title: CET Primary School, Westminster**  
**Author: Department for Education (DfE)**

**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 institution would likely to 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.

**Background**

2. CET Primary Westminster Free School proposal is a 4–11, non-denominational co-educational primary school in Westminster. The School will follow the admissions procedure of the London Borough of Westminster.

3. CET Primary School Westminster proposes to open with two reception classes each of 28 pupils (56 pupils) in September 2012, building up to an eventual capacity of 392. Both the temporary sites and the preferred permanent site are situated on the North Wharf road in the Hyde Park ward of Westminster.

4. The proposers are an educational charity who founded the Moat independent special school in 1998 for children with specific learning difficulties.

**Catchment Area, its Characteristics and Admissions**

5. The school's admissions arrangements are compliant with the new Admissions Code. Places will be first allocated to children with statements of special educational needs. In the event of oversubscription, places will then be allocated as follows:

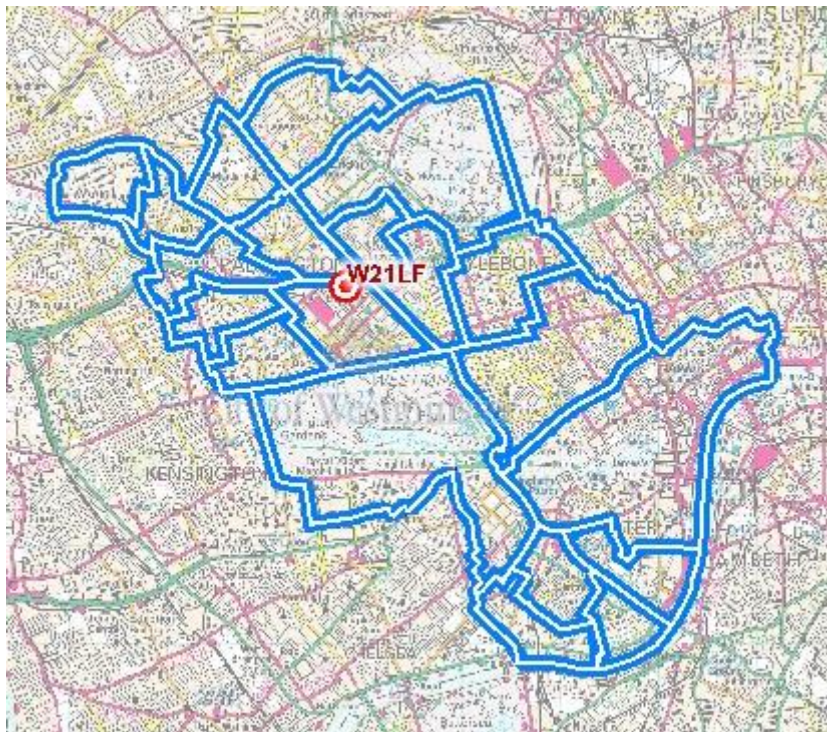
- (a) Children in public care or formerly looked after.
- (b) Children with exceptional medical, social, or other needs that can only be met by providing a place at the particular school concerned rather than any other school. Applications made under this category will only be considered if supporting evidence from an appropriate professional (e.g. doctor or social worker) is attached to the application form. This supporting evidence must set out the particular reasons why the school in question is the most suitable and the difficulties that would be caused if the child had to attend another school.
- (c) To brothers and sisters of a child who will be already attending the school when the child is admitted, including the separate infants and junior schools. The definition of 'sibling' includes twins, triplets, half-brothers/sisters, foster siblings and step brothers/sisters, residing in the same family home.

(d) Children living nearest to the school using straight line measurement from the main entrance of the school to the main entrance of the child's home.

6. CETPS Westminster will operate a waiting list for each year group. Where in any year the school receives more applications for places than there are places available, a waiting list will be determined solely in accordance with the oversubscription criteria. Where places become vacant they will be allocated to children on the waiting list in accordance with the oversubscription criteria.

7. The school has received 44 applications for 56 places to date and parents will be made offers of places for their children subject to the signing of the Funding Agreement.

8. The permanent site of CETPS Westminster will be based in the Hyde Park ward in Westminster. The school does not have a self-defined catchment area. For the purposes of the impact assessment, we have created a proxy catchment area of one mile based on the distance at which at least 80% of primary school pupils in the LA travel to school. We have therefore assessed the impact on all primary schools within a one mile radius of the Free School. It is officials' view that it will be unlikely that schools situated over 1 mile away from the Free School will be impacted or will be more than minimally impacted.



9. In Westminster, there is currently a 2.9% surplus of primary places, and the primary school population is projected to grow significantly over the next five years. Any potential negative impact on local schools should be

mitigated by the growing population. If no new primary school places were added there would be 2.4% shortfall of places by 2015/16.

Capacity			Number of pupils on roll					
Capacity as at May 2011 (negative value = deficit of places)	Surplus capacity 2010/11 (negative value = deficit of places)	Projected surplus capacity 2015/16 (negative value = deficit of places)	Actual 2010/11	Forecast 2011/12	Forecast 2012/13	Forecast 2013/14	Forecast 2014/15	Forecast 2015/16
			Primary	Primary	Primary	Primary	Primary	Primary
10,917	2.9%	2.4%	10,601	10,544	10,723	11,021	11,053	11,182

		Academic year 2010/11		2011/12 – 2015/16
LA	Number of places in 2011	No of pupils	Surplus %	% increase in population
Westminster	10,917	10,601	2.9%	6.1%

### Projected number of 0-19 persons in Westminster 2011-2016

10. GLA Population Projections show that in 2011 there were 10,678 0-19 year olds in Westminster which is expected to rise by 6.1% to 11,182 in 2016.

11. Westminster's ethnic profile is unique in England and almost half of Westminster's residents are White British, and another fifth white from outside the UK and Ireland. Thirty per cent of the population are from non White and Black and Minority Ethnic (BME) communities, which rises to 44% for children. The range of languages that are spoken by the population further demonstrates the diversity of the population. 17% of pupils in Westminster's schools speak a first language other than English

### Local Authority View

12. Westminster are facing increasing demand for pupil places and recognise that the additional places provided by CETPS Westminster will contribute to the increased supply of places the LA is planning for. The number of borough-wide resident applications has risen to 1590 representing a 12% rise in the equivalent stage last year.

### Representations

13. No direct representations have been received by the Department but a public consultation has been carried out by the proposer group. Free Schools are obliged, under Section 10 of the Academies Act 2010, to consult with those persons they think are appropriate as to whether the Academy Trust should enter into the Funding Agreement with the Secretary of State.

14. The Academy Trust has used various methods to carry out their consultation. This included in person (LA, parents, some potential parents and nurseries), direct email or post to primary and secondary schools, newspaper and website notices for the wider community. It has also used flyers and forms for residents in the local area. The Trust asked for responses to a questionnaire which included the following question on its website and allowed 4 weeks for responses:

“Do you agree that CET should enter into a Funding Agreement with the Secretary of State to open a new Free Primary School in Tower Hamlets?”

15. We believe the consultation undertaken by the Academy Trust is sufficient to comply with s.10 of the Academies Act 2010. Although this consultation lasted 4 weeks, the Trust also previously ran a 6 week consultation in a neighbouring area of Westminster. As a result, Officials think it is reasonable for the Secretary of State to enter into the Funding Agreement with the Academy Trust.

**The impact on the majority of primary schools in the local area will be minimal**

16. It is expected that the majority of primary schools will feel a minimal impact from CETPS Westminster. Many of these schools are oversubscribed so, even if they did lose pupils to the Free School, they should still be able to fill most or all of their places. Additionally, the primary population is set to increase over the next few years so any loss of pupils to the Free School should also be mitigated by the increased demand in the area.

### Schools where the impact is moderate

School name	Distance from Free School (miles)	Impact rating	Capacity (2010/11)	Pupils on roll (2010/11)	Surplus places in the school (Sept 2011)	% of Y6 pupils attaining Level 4 in English and maths in 2011 <sup>1</sup>	Ofsted rating
<b>Schools where the impact has been assessed as being moderate from list of all nearest schools listed below</b>							
King Solomon Academy	0.26	Moderate	900	418	53.6%	No data	Outstanding
Paddington Green Primary School	0.30	Moderate	390	410	-5.1%	68%	Satisfactory
St Edward's RC Primary School	0.44	Moderate	420	407	3.1%	67%	Good
St James's and St Michael's CofE Voluntary Aided Primary School	0.52	Moderate	175	162	7.4%	63%	Good
Edward Wilson Primary School	0.69	Moderate	381	382	-0.3%	67%	Satisfactory

<sup>1</sup> National average for 2011 was 74% and for Westminster was 78%

### **King Solomon Academy**

17. The Academy opened in September 2007 and is an all-through school for 3–18 year-olds. Almost half of the pupils are entitled to a free school meals which is higher than average. Most of the pupils are from diverse minority ethnic groups and over two-thirds of pupils speak a language other than English. About a quarter of pupils have learning difficulties and/or disabilities, which is higher than the national average.

18. The school is currently building up to its capacity so although it appears undersubscribed the school has no issues with recruiting pupils. The latest Ofsted inspection found the school to be outstanding in all aspects.

19. With CET's background in special needs and early identification and intervention of pupils' individual needs it is possible that parents of pupils with SEN could seek to move them to the new Free School. Given the success of King Solomon, however, the impact of Free School opening within close proximity remains moderate.

### **Paddington Green Primary School**

20. This is a larger-than-average mainstream mixed primary school. The school is oversubscribed although a significant number of pupils join or leave the school at times other than normal admission or leaving times. The percentage of pupils in receipt of free school meals is well above the national average. A quarter of the pupils are from refugee or asylum seeker families.

21. The latest Ofsted inspection found the school to be satisfactory. Data for 2010, which is yet to be validated, indicates that pupils' level of attainment did not improve, although the school's own targets were achieved in most core subjects.

22. The impact of a Free School is likely to be moderate.

### **St Edward's RC Primary School**

23. The school is a voluntary aided faith school for 3- 11 years old. The school provides well for pupils with learning difficulties and/or disabilities. These pupils are carefully integrated into the school and make good progress. Pupils for whom English is not their first language also make good progress because they receive effective early support so that their individual learning needs are met well and their fluency in English improves. Ofsted judged the school to be good in 2009 and an interim assessment shows that the school's performance has been sustained.

24. The school is less likely to lose any pupils to the non faith Free School. Therefore, the impact of a Free School is likely to be moderate.

### **St James's and St Michael's CE Primary**

25. This is a smaller than an average primary school, with 162 pupils roll in 2011. The proportion of pupils known to be eligible for free school meals is lower than the average in Westminster. Just under three quarters of pupils speak English as an additional language, and currently around ten pupils are at an early stage of learning the language. The proportion of disabled pupils and those who have special educational needs is higher than average. There is also higher than usual turnover of pupils; however the proportion joining and leaving the school other than at the normal starting points is decreasing. Children's attainment on entry to the Nursery is well below average and the school's value added is well above the national average. Ofsted rated the school as a good school in 2010.

26. Given CET's background in special needs and early identification and intervention of pupils' individual needs it is possible that parents of pupils with SEN could seek to move them to the new Free School. However, the impact of a new school opening with in close proximity remains moderate.

### **Edward Wilson Primary School**

This is a larger than average community school in Westminster, with children from 3-11 years. Attainment on entry into nursery shows children to be well below what is expected for their age. The majority of pupils are from minority ethnic communities and around 90% are learning English as an additional language. There are increasing numbers of refugees. Jan 2012 census data shows that 61.5% are eligible for FSM out of the 423 pupils used for FSM calculation in the Performance Tables. In June 2011 Ofsted judged the school as satisfactory, having made good progress in making improvements and good progress in demonstrating a better capacity for further improvement.

27. The impact of a Free School is likely to be moderate.

### Other Schools where the impact is minimal

School name	Distance from Free School (miles)	Impact rating	Capacity (2010/11)	Pupils on roll (2010/11)	Surplus places (2010/2011)	% of Y6 pupils attaining Level 4 in English and maths in 2011 <sup>2</sup>	Ofsted rating
<b>Schools where the impact has been assessed as being minimal from list of all nearest schools listed below</b>							
Gateway Primary School	0.45	Minimal	630	602	4.4%	77%	Outstanding
Hallfield Primary School	0.67	Minimal	630	602	4.4%	88%	Satisfactory
Christ Church Bentinck CofE Primary School	0.35	Minimal	210	255	-21.4%	88%	Satisfactory
Hampden Gurney CofE Primary School	0.44	Minimal	210	203	3.3%	100%	Outstanding
St Saviour's CofE Primary School	0.63	Minimal	210	202	3.8%	92%	Good
Our Lady of Dolours RC Primary School	0.77	Minimal	320	294	8.1%	68%	Good
St Joseph's RC Primary School	0.66	Minimal	288	287	0.3%	93%	Outstanding
St Mary's Bryanston Square CofE School	0.47	Minimal	210	196	6.7%	85%	Good
St Mary Magdalene CofE Primary School	0.73	Minimal	210	206	1.9%	69%	Satisfactory

<sup>2</sup> National average for 2011 was 74% and for Westminster was 78%



<b>School name</b>	<b>Distance from Free School (miles)</b>	<b>Impact rating</b>	<b>Capacity (2010/11)</b>	<b>Pupils on roll (2010/11)</b>	<b>Surplus places (2010/2011)</b>	<b>% of Y6 pupils attaining Level 4 in English and maths in 2011<sup>2</sup></b>	<b>Ofsted rating</b>
St Stephen's CofE Primary School	0.96	Minimal	210	205	2.4%	86%	Satisfactory
St Vincent's RC Primary School	0.91	Minimal	210	203	3.3%	90%	Outstanding
Barrow Hill Junior School	0.94	Minimal	240	233	2.9%	91%	Good

28. Of the 12 other schools considered, all have been assessed as being minimally affected by the opening of the Free School. All are unlikely to lose a significant number of pupils to the Free School. Even if they did lose some pupils to the Free School, they should still be able to fill most, if not all, of their places. Nine of the 12 schools are also faith schools so are unlikely to lose pupils to the non-faith Free School.

29. Eight of the 17 schools have above national average attainment at Key Stage 2 in English and Maths in 2011 (with attainment ranging from 75% to 100%). Nine of the schools have below average Key Stage 2 attainment (with only 55% to 72% pupils achieving the expected levels at Key Stage 2 in Maths and English in 2011).

30. Six of the 17 schools have been rated as satisfactory and five schools have been rated outstanding by Ofsted. The establishment of the Free School is likely to improve standards in the area through increased competition.

### **Impact on Secondary Schools, Special Schools, Alternative Provision and FE institutions**

21. CETPS Westminster will be a school admitting children of primary age. It will begin with an intake of two reception classes of 28 pupils each (56 pupils). It will have no specialist SEN provision but will work to accommodate the needs of pupils where the school is named in their statement of SEN. As such, it is unlikely to have any direct impact on local secondary schools, Special Schools, alternative provision and even less likely to impact post-16 and FE institutions.

31. As the CET organisation has experience in the special schools sector with an existing independent special school and are likely in this Free Schools to have a focus on identifying the needs of pupils early, it is possible that CET Westminster could attract some pupils who might have otherwise been catered for in special schools.

32. The introduction of a new primary school may, however, have an indirect impact on local secondary schools in terms of the types of primary feeder schools in the area for local secondary schools.

33. Westminster's projections show a rise is expected between now and 2015/16 but because of the greater degree of predictability of secondary age pupil numbers five or more years in advance, the planning of expansions to meet demand is a more certain process. For these reasons the impact on secondary schools and FE institutions is assessed as being negligible.

### **Conclusion**

34. Although there is currently a surplus of places in Westminster, local authority figures indicate that the primary population will rise over the next few years leading to a deficit of places. Westminster LA has indicated it that the

additional places provided by CETPS Westminster will contribute to the increased supply of places they are planning for.

35. The impact on the majority of primary schools should be minimal and for those where the impact is moderate it is unlikely that they will lose significant numbers to the new Free School. Any loss of pupils to the Free School should also be mitigated by the increased demand in the area.

36. As a new provider, the Free School has the potential to have a positive impact on the local area by offering further choice for parents.

37. In light of the possible impacts officials consider it is appropriate for the Secretary of State to enter into a Funding Agreement with the Academy Trust.