

Title: City Gateway 14-19 Provision
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 be likely to be on maintained schools, academies, institutions within the further education sector and alternative provision in the area in which the additional institution is (or is proposed to be) situated.
2. This assessment fulfils that duty by considering the possible impact of the proposed City Gateway 14-19 Provision on the viability of other near-by Pupil Referral Units, alternative provision and Further Education Institutions. It also considers in broad terms the potential impact on other educational institutions in the London Borough of Tower Hamlets (LBTH).

Background

3. City Gateway 14-19 Provision is proposed under the auspices of City Gateway, a charitable Trust which provides training courses for young people which aim to prepare them for employment. It will provide alternative provision for 14-16 year olds and level 2 and level 3 vocational courses for 16-19 year old student, targeting young people in Tower Hamlets and neighbouring boroughs who are, or who are at risk of being, NEET. City Gateway 14-19 Provision plans to open in September 2012 with a total intake of 242 learners (42 14-16 pupils and 200 16-19 students), rising to a total of 486 learners in 2014/15. The aim of the Free School is to broaden and expand the existing educational offer that City Gateway has by providing alternative provision to pre-16 learners struggling to cope in traditional school settings and by catering for a larger number of 16-19 students. The provision will therefore combine teaching and learning with pastoral care, provided by a staff of tutors and progression workers who are focussed on preparing the pupils for further education or employment. The school will open on a temporary site at 28 Ensign Court, Ensign Street, London E1 8ND, and hope to move to a permanent one in Tower Hamlets in 2013.

Local context

4. The Ensign Street site is in the St Katherine's and Wapping ward of Tower Hamlets. City Gateway 14-19 Provision does not have a self-defined catchment area. However, the proposers anticipate that most learners will come from within Tower Hamlets and neighbouring LAs within the 5 mile radius boundary. The percentage of pupils in PRUs in Tower Hamlets who are claiming free school meals in 2012 is 84.2%.
5. The actual district number of secondary pupils in Tower Hamlets in 2010/11 was 14,944 with 18% forecast growth to 2017/18 representing one of

the highest in the country. The secondary school capacity in the LA is 15,410, and in 2010/11 there was a small surplus of 3.04% of places. However, City Gateway 14-19 Provision will serve both 14-16 and 16-19 year old learners. There are 20 schools within a two mile radius of the Ensign Street site, and 15 PRUs within a seven mile radius.

6. Although the ethnic profile of Tower Hamlets is very diverse, over half the population is from non-white British ethnic groups. The school census data in 2012 shows that 88% of secondary school pupils in Tower Hamlets are classified in an ethnic group other than white British. 64% are from the Bangladeshi ethnic group.

2011 LA forecast – secondary places

Capacity			No. of pupils							
May 2011	Surplus 2010/11	Forecast deficit 2017/18	Actual deficit 2010/11	Forecast 2011/12	Forecast 2012/13	Forecast 2013/14	Forecast 2014/15	Forecast 2015/16	Forecast 2016/17	Forecast 2017/18
15,410	3.04%	-18%	14,944	14,871	15,008	15,262	15,705	16,304	16,884	17,551

Admissions to City Gateway 14-19 Provision (CGP)

7. The Free School provides alternative provision which means that it is not suitable for all learners. The admissions process for 14-16 year olds for CGP is therefore different from that of a mainstream school as direct application by parents will not be possible. Instead the local authority and/or local schools can refer 14-16 year old pupils. All 14-16 year old admissions to CGP will be subject to an initial review of the best pathway for the learner and a discussion with the parents and learners themselves. 16-19 admissions are not subject to the Admissions Code, but must be fair, objective and transparent.

Admission of 14-16 year olds

8. The process will work as follows:

(a) Local Authority as Commissioner:

- i. City Gateway is seeking to join Tower Hamlets Secondary Partnership.
- ii. Through this process, LBTH will consider the best pathway for the learner following a decision by the LA commissioning under its duties under section 19 of the Education Act 1996, and place them with a new provider.
- iii. LBTH and CGP will review the best pathway for the learner. This will then be discussed with the parents and learner at an admission meeting before the referral is complete.

- iv. If CGP is deemed appropriate, the learner will come on to the CGP roll, with CGP becoming the learner's full time education provision.
- v. Financial arrangements will be made between CGP and LBTH.

(b) School as Commissioner

- i. Schools can commission CGP to provide alternative provision on a part time or full time basis for those learners they deem need an alternative environment and curriculum to succeed.
- ii. The school and CGP will review the best pathway for the learner. This will then be discussed with the parents and learner at an admission meeting before the referral is complete.
- iii. For any referral over two days, LBTH will be informed, in writing, by CGP.
- iv. The school will work with LBTH to make financial arrangements.
- v. The learner may remain on the school's roll, may transfer to CGP's roll, or may be designated as 'dual roll'. This will be agreed between the school, LBTH CGP on a case by case basis and all such decisions will comply with the requirements of section 434 of the Education Act 1996.

9. Where an initial discussion has taken place, either through the Secondary Partnership or with a school, and there has been no further contact from the referrer in respect to the Learner taking up the provision place, the parent or referrer has 14 working days from the date of the initial discussion to inform CGP as to their decision. After 14 working days with no contact, the CGP will assume that the provisional place is no longer required for that learner and may offer that place to another learner.

10. If there are more requests for referrals than there are places at any particular time, and after the admission of learners with a statement of special education needs where City Gateway is named on the statement, places will be allocated as follows:

- (a) Children in public care (children looked after by a local authority under section 22 of the Children Act 1989). As per the standard admissions process prior to oversubscription, the school and CGP will review the best pathway for the learner. This will then be discussed with the parents and learner at an admission meeting before the referral is complete.

- (b) A detailed review of each request will be made by the Senior Leadership Team at CGP looking at a number of factors (e.g. prior attainment or work experience history) to determine the best fit. This review will be documented and submitted to the Chair of the Board of Governors with a recommendation.

11. Given the referral arrangements described above, a waiting list is not appropriate for pre-16 pupils. To date (29 August 2012) CGP received 28 referrals for 42 FTE 14-16 year old places.

Admission of 16-19 year olds

12. Learners aged 16-19 years old will come to CGP through the following routes:

- (a) A continuing learner from CGP's 14-16 provision, with a place guaranteed following an objective assessment of the learner's progress and future plans.
- (b) Self-referral, where the learner seeks out CGP and applies for provision.
- (c) Peer-referral, where a current learner refers one of their friends or family members to CGP.
- (d) Referral from LBTH bodies, such as social services, youth offending team.
- (e) Referral for national statutory bodies, such as JobCentrePlus and Metropolitan Police.
- (f) Referral from secondary schools for post year-11 opportunities
- (g) Third Sector organisations.

13. CGP will meet with each learner to discuss and identify the courses and pathways that are most appropriate for their level of skills. The Governing Body will publish specific criteria in relation to minimum entrance requirements, for example in relation to a particular Apprenticeship programme, on the CGP website. These criteria, which might include prior attainment or work history experience, will be the same for internal and external transfers. Existing CGP Learners will be automatically admitted if they meet the entry requirements.

14. Admission to the Post-16 Provision will not be refused if a learner has failed to meet entry requirements for a course. In this case the learner will be offered an alternative course for which he has met the requirements subject to availability of places after allocation to other students who have already applied for that course.

15. Where the number of external applications exceeds the number of Post-16 places available, the following order of priority will be used to allocate the remaining places:

- (a) Children in public care (children looked after by a local authority under section 22 of the Children Act 1989). As per the standard admissions process the school and CGP will review the best pathway for the learner. This will then be discussed with the parents and learner at an admission meeting before the referral is complete.
- (b) A detailed review of each request will be made by the Senior Leadership Team at CGP looking at a number of factors to determine the best fit. This review will be documented and submitted to the Chair of the Board of Governors with a recommendation.
16. For Post-16, in addition to the right to appeal, unsuccessful applicants will be offered an opportunity to be placed on the Waiting List. The order of the Waiting List will be determined in accordance with the over-subscription above.
17. To date (29 August 2012), CGP has received 125 applications for the 200 16-19 places. Confirmation of places to referrers and formal offers to learners will be made very shortly after the supplementary funding agreement has been signed.

Representations

18. CGP developed a consultation website (www.proposedcg14-19.org.uk) to host a consultation letter, survey questionnaire and other content outlining the case for the Free School. In addition, over 280 consultations letters were sent to various interested parties including:
- The Directors of Children's Services and the Heads of Admissions for the London Borough of Tower Hamlets and neighbouring authorities of Newham, Southwark, Hackney, Islington, Greenwich, Lewisham, Waltham Forest and Westminster and City of London.
 - 82 Secondary Schools within a 3 mile radius of the school.
 - 17 further education and higher education institutions in LBTH and neighbouring local authorities.
 - Local Pupil Referral Units and alternative education providers in the area.
 - Local businesses and partners of the existing City Gateway charity.
19. The consultation period ran from 18 June to 30 July 2012. During this period, consultation meetings were also held with a number of individuals including Terry Bryan of LBTH who has responsibility for referrals, the Mayor of Tower Hamlets and councilors.
20. Overall, there were seven online and email responses, most of which wrote in favour of the proposal. Two respondents sought clarification about CG's class size and assurance that this would not be detrimental to vulnerable groups. The low level of responses is not particularly surprising

given the nature of the proposed provision which is unlikely to impact negatively on the viability of other schools and institutions in the area as set out in paragraphs 20-22 below. This is also confirmed by the local authority view below.

Local authority view

21. The Department sent Section 9 consultation letters to LBTH, Newham, Southwark, Hackney, Islington, Greenwich, Lewisham, Waltham Forest and Westminster and City of London. LBTH responded stating its support for the proposed CGP. Isobel Cattermole, Corporate Director for Children, Schools and Families in a letter of 3rd August welcomed the expansion of alternative provision places at CG to cater for disadvantaged 14-19 year old learners in the borough, and in particular the opportunity to extend the provision into the 14-16 year old age group. The authority is offering active support to CG in developing high quality teaching and learning for this cohort. Southwark London borough also responded to confirm that it has no objections to the plans. None of the other London boroughs replied.

Impact on other secondary schools, Pupil Referral Units (PRUs) and 6th Form colleges

22. CGP does not have a self-defined catchment area. For the purposes of the impact assessment, we have, therefore, created a proxy catchment area. Due to the nature of the provision, we have assessed the impact on all secondary schools that fall within a 10 mile radius of CGP, but because of the numbers and the fact that referrals are expected to be predominantly from nearby schools we limited our analysis to those that fell within 2 miles. We have also included all PRUs within 10 miles of CGP. All sixth form and FE colleges that fall within the same ten mile radius have also been included with a limit of the ten closest ones.

Table A: Schools within a 10 mile radius¹

School	Capacity	Ofsted rating	Performance (% 5a*-c including Eng & Maths 2011 (including equivalents))	Distance from proposed institution	Surplus places
Bethnal Green Technology College	901	Satisfactory (latest)	79	1.3 miles	174
Bishop Challoner Catholic Collegiate Boys School	600	Good	53	0.8 miles	13
Bishop Challoner Catholic Collegiate Girls School	1100	Good	59	0.8 miles	59
Swanlea School	604	Outstanding	65	0.9 miles	-95
Sir John Cass Foundation and Redcoat CofE Secondary School	1233	Outstanding	82	1.1 miles	-362
Harris Academy	1150	Outstanding	64	1.1 miles	226

¹ All secondary schools within ten miles of CG have been included with a limit of twenty closest ones

Stepney Green Maths and Computing College	923	Outstanding	59	1.2 miles	76
Beacon College	1200	Satisfactory	66	1.2 miles	159
St Saviour's and St Olave's CofE School	658	Outstanding	71	1.3 miles	-94
Central Foundation Boys School	828	Good	64	1.4 miles	-131
Globe Academy	1595	Good	44	1.4 miles	671
Oaklands School	600	Outstanding	60	1.4 miles	-52
City of London Academy (Southwark)	1200	Good	43	1.4 miles	131
Morpeth School	1200	Outstanding	58	1.5 miles	115
St Michael's Catholic college	600	Outstanding	67	0.6 miles	83
Haggerston School	942	Satisfactory	54	1.6 miles	172
Raine's Foundation School	911	Good	59	1.5 miles	81
Walworth Academy	1140	Good	69	1.6 miles	237
London Nautical School	872	Satisfactory	55	1.8 miles	203

Table B: Sixth Form and General Further Colleges in the area²

School	Number of learners aged 16-18	Ofsted rating	Performance (% 16-18 achieving 2 or more A-levels or equivalent 2011)	Distance from proposed institution
Southwark College	844	Inadequate	97	0.9 miles
Hackney Community College	1280	Good	99	1.6 mile
Tower Hamlets College	1711+173 part time	Satisfactory	92	2.2 miles
Westminster Kingsway College	2066	Good	91	2.5 miles
Lewisham College	2375	Satisfactory	65	3.4 miles
City of Islington College	4010	Outstanding	97	3.9 miles
City of Westminster College	2155	Satisfactory	94	4.6 miles
The Brooke House Sixth Form	1319	Satisfactory	95	3.5 miles
Christ the King Sixth Form College	2088	Good	99	4.2 miles
Newham Sixth Form College	2576	Good	97	4.3 miles

Table C: Pupil Referral Units within a ten mile radius of CG³

School	Age range	Ofsted rating	Distance from CG
Tower Hamlets PRU	7-16	Good	1.3 miles
New Regent's College	14-16	Good	1.7 miles
Southwark Inclusive Learning Service	11-16	Good	1.9 miles
New River College	14-16	Good	2.7 miles
New Directions	14-16	Good	3.4 miles
Behaviour Support and Tuition Service	11-16	Good	4.4 miles
Wittington Hospital Class	5-16	Outstanding	5.0 miles
Agincourt House	5-18	Good	5.0 miles
Abby Manor College	11-19	Good	5.5 miles
Beachcroft School	5-16	Satisfactory	5.5 miles

² All sixth form and FE colleges within ten miles of CG have been included with a limit of ten closest ones

³ All PRUS within ten miles of CG have been included with a limit of fifteen closest ones

Newhaven PRU	5-16	Good	5.7 miles
Park Campus	11-16	Satisfactory	5.8 miles
Williams House, Medical Needs PRU with tuition service	4-19	Satisfactory	6.5 miles
The Latimer Education Centre/PRU	5-18	Satisfactory	6.6
Haringey PRU	5-18	Satisfactory	6.7

23. The vast majority of schools which were included provide good or outstanding education (as judged by Ofsted), as do the PRUs. Only 50% of colleges provide outstanding or good levels of education with the rest in the adequate or unsatisfactory category. In the first year, the Free School will take up to 42 FTE pupils of 14-16 year age group and up to 200 16-19 year old students, rising to 180 FTE pupils and 306 students respectively by 2015/16. Only the Globe Academy is rated as moderate/high impact as it is currently failing to fill around half its places, so any further loss of pupils could have a negative effect on its long-term viability. However, the projected growth in secondary age population in Tower Hamlets the location of the Free School is 18% over the next 5 years. The equivalent growth in Southwark the location of the Globe Academy is 12%, so any negative impact could be mitigated by the project increase in demand in the area.

24. As with any Free School, we expect CGP to achieve high educational standards and outcomes for its pupils and learners, and for this to inspire other local schools to improve. CG's existing apprenticeship programme is rated as outstanding by Ofsted. Going forward, it could be argued that better quality provision for more learners might pull up quality in other institutions (especially colleges) in order to compete for students. The impact will be beneficial in improving educational standards for children in this part of LBTH.

Conclusion

25. Our assessment is that the establishment of CGP will have little or no impact on the viability of other maintained secondary schools, (except for the Globe Academy where we consider that the impact may be moderate) PRUs and colleges in the area, even when it is operating at full capacity in 2016. However, we expect the school to perform well and to have some beneficial impact on educational standards in the area.

26. Taking all the above into account and considering the potential impact of CGP on existing providers, is officials' view that it would be appropriate for the Secretary of State to enter into the Funding Agreement with the Academy Trust.