

Title: East Birmingham Network Free School
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Impact Assessment – Section 9 Academies Act Duty

Introduction

Section 9 of the Academies Act 2010 places a duty upon the Secretary of State to take into account what the impact of establishing a new educational 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 school is (or is proposed to be) situated. Any adverse impact will need to be balanced against the benefits of establishing the new school.

Background

- This alternative provision Free School in East Birmingham may have an impact on the 9 PRUs and 15 secondary schools within a 10 mile radius¹ of the proposed site. It may also have an impact on the 15 independent AP providers previously used by the EBN secondary schools and local authority.
- The EBN Free School plans to open in September 2012 with 45 pupils (20 Year 9, 15 Year 10 and 10 Year 11). It will cater for 75 pupils in 2013 (20 Year 9, 25 Year 10 and 30 Year 11) and reach full capacity of 90 in 2014 (20 in Year 9, 30 in Year 10 and 40 in Year 11).
- As part of their consultation, EBN AP Free School sought the views of the following:
 - Other Alternative Provision providers
 - Birmingham Local Authority
 - Solihull Local Authority
 - Local Councillors
 - Pupils of the East Birmingham Network Schools
 - Parents of pupils at the East Birmingham Network Schools
 - Staff of the East Birmingham Network Schools
 - Local businesses/ organisations
 - Local community

The school's admissions policy

- As an alternative provision Free School, EBN will not accept applications for admission from parents. The school will accept referrals through the East Birmingham Network Fair Access Panel from commissioners (secondary schools and the local authority).

¹ This is based on the distance we think it is plausible someone might travel to school in this area.

- The school will open in September with 45 pupils. EBN requires £11,250 per place. The local authority has agreed to fund £477,828 for 2012-13. The remaining £28,422 will be made up by the 12 schools in the East Birmingham Network.

Impact

PRUs

- Birmingham schools, PRUs and AP provision are structured geographically. East Birmingham is one of 5 networks of schools in the city. Referrals for alternative provision from schools take place through a Fair Access Panel in each region. Each Fair Access Panel has access to one PRU. In the case of the East Birmingham Network, that is The Bridge Centre. Referrals from the local authority also go through the Fair Access Panel in the geographical region where the pupil lives. It can therefore be assumed that the establishment of the EBN Free School will have no impact on the other PRUs.
- 2 of the 36 pupils known to be starting at EBN Free School in September are currently at The Bridge Centre PRU. The lead applicant for the Free School, who currently manages the Fair Access Panel on behalf of the East Birmingham Network, has said the PRU is currently 24 over capacity and that the establishment of the EBN Free School will reduce pressure on the PRU. Even after EBN Free School has been established, The Bridge Centre will continue to provide for short-term exclusions from the East Birmingham Network schools, so the EBN Free School is not designed to replace or compete with the PRU.

Schools

- The remaining 34 pupils known to be attending EBN Free School in September come from the 12 schools in the East Birmingham Network. These schools, set out below, are joint sponsors of the EBN Free School:
 - Archbishop Ilsley Catholic Technology College
 - Bishop Walsh Catholic School and Sixth Form Centre
 - Castle Vale Performing Arts College
 - Cockshut Hill Technology College
 - Fairfax School
 - Hallmoor Special School
 - The International School and Community College
 - John Willmott School
 - Ninestiles School, An Academy
 - Park View Business and Enterprise College
 - King Edward VI Sheldon Heath Academy
 - Washwood Heath Technology College

- The EBN Free School will have a positive impact on the 12 schools, providing high quality provision for high needs pupils and supporting the schools in taking pre-emptive action with vulnerable pupils.
- 6 of the 15 schools in a 10 mile radius of EBN Free School are part of the East Birmingham Network. The remaining schools all form part of a different geographical network, and have a similar set-up to East Birmingham in terms of AP referrals, where they too have a sharing panel and a list of alternative provision they can access. The EBN Free School will therefore have no impact on these schools because they will not be able to accept referrals from schools in the other networks.

Alternative Provision

- The lead applicant has provided a list of independent AP providers that the East Birmingham Network has access to. These are:
 - Archway Academy
 - Birmingham Met
 - Centre for Value
 - City United
 - Fairbridge
 - Future First
 - Heart of England
 - Kingsbury Training/Pathways
 - Kingshurst Training
 - Platinum
 - Right Track
 - South Birmingham College
 - Sporting Edge
 - St Paul's Independent School
- None of these providers are based geographically in East Birmingham. Sending pupils to any of these providers involves bussing them out of the area. Opening alternative provision in the East Birmingham area provides a high quality alternative for pupils living in the area that is easily accessible.
- The EBN Free School is likely to have the most impact on Right Track. The East Birmingham Network Fair Access Panel refers approximately 10 pupils per year, out of a maximum capacity of 20. At first glance it would appear that the Free School will have a detrimental impact on this alternative provision. However, Right Track also takes referrals from the education welfare service within the local authority, which place Year 11s new to the area here. They specialise in provision for pupils who do not speak English, and large numbers of travellers are placed and will continue to be placed with them. Finally, EBN Free School can only take 45 pupils this year from a list of 189 pupils awaiting referral, so the East Birmingham Network is likely to still use

Right Track in addition to the EBN Free School.

- City United take 6 or 7 pupils per year from the East Birmingham Network and have a capacity of 30. They also take referrals from the Central Network of schools, as well as the local authority, so this mitigates the impact of the reduction in referrals from the East Birmingham Network. City United focus on sport, with links to Birmingham City Football Club, so is likely to remain an attractive place for referrals. They offer mentoring provision as well as alternative provision so are not solely dependent on AP for survival.
- Kingsbury Training/Pathways takes 4 or 5 pupils a year from the East Birmingham Network. They are primarily a post-16 provider, offering alternative provision as an extra rather than it being their core offer, and take referrals from the local authority. It is therefore unlikely that the establishment of the EBN Free School will have a detrimental impact.
- Sporting Edge is the final AP provider with pupils from the East Birmingham Network. 3 are placed there at the moment, out of a capacity of about 40. This provider is also used by the other networks. These two factors suggest the establishment of the EBN Free School is unlikely to have a significant impact.
- The EBN Free School has agreements in place with South Birmingham College to use them to deliver some aspects of the curriculum. They will be paid for providing this service, so there is a clear advantage to them in the EBN Free School opening.
- The establishment of EBN Free School has the potential to lead to a lowering of charges for alternative provision in the area, with the above independent providers competing with each other for the remaining pupils not placed at EBN Free School.

Consultation responses

- Of 46 people who responded to the consultation survey, 100% supported the proposal and agreed that EBN Free School Trust should enter into a funding agreement with the Secretary of State. The model AP funding agreement was on the consultation website for the whole period. The admissions policy was provided in draft, and was updated on the website as minor tweaks were made following discussion with the Department.
- A group of local residents started a petition against the Yardley Swan Centre being the location of the Free School, which was signed by 163 people, and was largely focussed on parking. The applicant group held a residents meeting and have provided the Department with a summary of the questions asked and the responses given. The applicant group were able to provide reassuring responses on issues relating to parking and the types of pupils that would be in the school. All attendees were given a hard copy of the consultation material and

questionnaire to read and return.

- On the basis of the unanimously positive response to the survey, the Trust voted to enter into a funding agreement with the Secretary of State.

Local authority response

- Birmingham Local Authority was contacted for information on which independent AP providers it uses to meet its s.19 duties. This is information that the Department does not hold, and is not able to obtain it without the input of the LA. Unfortunately, in this case the LA has provided no information in response to this request. As such, we are not able to make a detailed assessment of the likely impact of the new Free School on existing independent AP providers in the area beyond what is set out above.
- The Department has not received any representations from any other individual or body.

Section 9 Conclusion

- Taking into account the small size of the school, the fact that this is alternative provision, and the way the networks within Birmingham already operate, there is unlikely to be a negative impact of the proposed Free School on existing schools not in the East Birmingham Network and PRUs in other networks. The impact on independent AP providers is likely to be negligible. The EBN Free School is likely to have a positive impact on the local authority, The Bridge Centre PRU, the 12 schools that make up the East Birmingham Network and South Birmingham College (who will deliver some aspects of the curriculum). The LA has agreed to fund the majority of the 45 places in September, indicating support for the school.

Tables and Attachments

- *Table 1 – secondary schools within a 10 mile radius*
- *Table 2 – PRUs within a 10 mile radius*

Table 1 - The standards of schools within a ten mile radius of the AP Free School site

School name	% 5A*-C incl Eng and Maths 2009 (incl equivalents)	% 5A*-C incl Eng and Maths 2010(incl equivalents)	% 5A*-C incl Eng and Maths 2011 (incl equivalents)	VA* measure 2011	Ofsted	Distance from EBN Free School (miles)
Cockshut Hill Technology College	30%	52%	58%	1016.2	Satisfactory	1.1
Waverley School	42%	49%	66%	1063.4	Outstanding	1.1
Archbishop Ilsley Catholic School	55%	53%	59%	1001.7	Good	1.3
Lyndon School Humanities College	48%	42%	45%	985.1	Good	1.4
King Edward VI Sheldon Heath Academy	NA	NA	53%	1023.5	#N/A	1.5
Yardleys School	43%	44%	43%	1034	Outstanding	1.6
Ninestiles School, an Academy	51%	64%	66%	1017.2	Outstanding	2.9
Small Heath School	42%	50%	54%	980.1	Outstanding	2.0
Washwood Heath Technology College	33%	51%	52%	1038.9	Satisfactory	2.0
Golden Hillock School. A Specialist College for Sport	38%	42%	51%	1024.2	Satisfactory	2.0
Al-Hijrah Secondary School	72%	72%	75%	995.7	Good	2.2
Bordesley Green Girls' School - Specialisms: Business, Enterprise & Applied Learning	43%	56%	64%	1032.5	Outstanding	2.2
Holy Trinity Catholic Media Arts College	49%	41%	44%	1019.9	Good	2.2
The International School and Community College, East Birmingham	24%	41%	43%	989.8	Satisfactory	2.3
Langley School, Specialist College for the Performing Arts, Languages and Training	57%	68%	68%	986.8	Outstanding	3.5
LA av. Birmingham	48%	55%	58%			
National av.	51%	55%	58%			

* The Value Added score of a school measures how much progress pupils have made between Key Stage 1 (KS1) and KS2 for primary schools, and between KS2 and KS4 for secondary schools, taking into account pupils' prior attainment – so pupils make more progress than would be expected, compared to other pupils nationally with similar prior attainment, in a school with a high Value Added score

Table 2 - Pupil Referral Units within a ten mile radius of the AP Free School site

School name	Age range	Gender	Pupil/teacher ratio	Pedagogy	Ofsted
Hobs Moat Centre	11 - 16	Mixed	15.3	None	Satisfactory
The Behaviour Support Service	5 - 16	Mixed	2.4	None	Outstanding
Triple Crown Centre	5 - 18	Mixed	2.8	None	Outstanding
Criag Croft Education Centre	5 - 16	Mixed	0.5	None	Outstanding
Virtual College	11 – 18	Mixed	3.2	None	Good
The Bridge Centre (KS4 Unit)	14 - 16	Mixed	12.2	None	Satisfactory
Laces	11 - 16	Mixed	0.3	None	Good
Ruskin House	11 - 14	Mixed	2.8	None	Satisfactory
Wodensborough	11 - 14	Mixed	0.8	None	Outstanding

Source: OFSTED and “in your area” on DFE.co.uk