

## **Title: Everton Free School**

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

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

1. Section 9 of the Academies Act 2010 (as amended by the Education Act 2011) places a duty upon the Secretary of State to take into account what the likely impact of establishing the school would 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. Everton Free School is a 14-19 alternative provision Free School in Liverpool designed specifically to provide high quality learning tailored to the individual needs of young people who, for a variety of reasons, are not able to access full-time mainstream education. It intends to have a maximum capacity of up to 200 full-time equivalent students divided between 60 in Key Stage 3, 60 at Key Stage 4 and 80 at post 16. The school plans to open in temporary accommodation with up to 37 FTE pupils in KS4 (with the possibility of some of that number being in KS5) in September 2012.

3. Liverpool is in the top 2% of deprived Local Authority Districts, ranked 5 out of 326 based on the average rank of deprivation according to the Indices of Deprivation 2010. Liverpool also has the highest average score of the 326 Local Authority Districts according to the Indices of Deprivation 2010.

#### **Admissions and Catchment Area**

4. As an alternative provision Free School, admissions to the Everton Free School will be made via a referrals process for pupils in KS3 and KS4; it will not accept applications for admissions from parents. Pupils in KS5 will be referred and can also self refer. The school expects to receive referrals from local schools, Liverpool City Council and possibly neighbouring councils such as Sefton and Knowsley.

5. The Everton Free School is an equal opportunities non-discriminatory school and referral applications for admission of young people from diverse backgrounds, and with varying needs, will be welcomed. Each referral will be considered on an individual basis against the admissions criteria. The school is fully committed to policies of non-discrimination as defined in legislation.

6. There is no defined catchment area due to the nature of the school, but a proxy area was created for the purpose of this assessment of 20 miles, limited to the nearest 15 secondary schools and 15 alternative provision institutions. This radius reflects that as an AP school Everton Free School can be expected to draw from a relatively wide catchment area. There are 15 schools (but only 11 covering the relevant age range) and 15 Pupil Referral Units within this proxy area.

## **Local Authority View**

7. Liverpool City Council did not respond to the formal section 9 letter requesting their views on the impact of the Free School. Neither did the Council provide us with a list of the provision it currently uses so we are unable to assess the impact on AP providers, such as independent AP schools, other than PRUs. However, the LA did respond to the Trust's Section 10 consultation, confirming that it is supportive of the school opening and it has subsequently provided us with some indicative data (see paragraph 12 for further details).

## **Representations**

8. No form of representation has been received by the Department but the applicants have carried out a Section 10 public consultation with local stakeholders. The formal statutory consultation was carried out by the applicants between 28 May and 2 July and asked whether, based on the information already published, Everton Free School should enter into a Funding Agreement with the Department. 178 people (90%) said yes. 16 people said no (8%) and 3 people said maybe (2%).

9. In order to ensure that individuals and organisations who might be interested in Everton Free School proposals had the opportunity to take part in the public consultation, the consultation document, consultation questionnaire, website details and dates of the drop-in events were sent to the following individuals/organisations:

- Over 400 educational establishments in Merseyside (email to the Head Teacher with a link to the website and a request to distribute the information to staff, parents, students and governors as appropriate)
- Local councillors at Liverpool City Council (via email)
- Liverpool MPs (via letter and hard copy)
- Everton in the Community Partners (via letter and hard copy)
- Everton supporters who have signed up to receive email updates from Everton in the Community. This database exceeds 150,000 members.

## **Ratings for individual secondary schools and Pupil Referral Units within 20 miles of the AP Free School site**

10. Analysis of the impact of the Free School has been undertaken on 15 local secondary schools and 15 Pupil Referral Units (PRUs), all within 20 miles of the proposed school. 11 of the PRUs take students of the same age as the Everton Free School.

11. In general, a relatively small AP school drawing students from across the city will have minimal impact on any individual secondary schools or colleges. This is for two main reasons: first, their offer is sufficiently different and indeed complementary to the more traditional secondary school and post-16 provision available locally; and, secondly, the size of the school limits any impact it might have on much larger secondary schools and colleges. Overall, therefore, no significant impact is considered likely on secondary schools and colleges. There will be no impact on primary schools as Everton in the Community will not take referrals from children of primary age.

12. Additionally, Liverpool City Council has provided a limited amount of information about referrals to alternative provision each year. There are approximately 100 FTE places available in its maintained secondary AP; we are told the places are always full. There are also 540 FTE places available in independent secondary AP used by the Council for Years 10 and 11; referrals to this provision can be made by schools and neighbouring authorities as well as Liverpool City Council. The Council does not have data available on the FTE number of referrals to these independent places but it has said that it refers around 275 pupils (in Years 10 and 11) and that Liverpool schools also refer around 600 pupils of the same age directly. It appears highly unlikely that Everton's 200 places (NB but only up to 120 places in Years 10 and 11 as it is a 14-19 school) will have anything more than a minimal effect on the 11 PRUs within a 15-mile radius of the school. The nearest 'outstanding' PRU is almost 12 miles away; the nearer PRUs are mostly rated 'good' with two 'satisfactory'. The limited data and information that we have on the local independent alternative provision also suggests a minimal impact.

13. The Table in Annex A.1 provides further details of the impact on local Secondary Schools and PRUs.

## **Section 9 Conclusion**

14. Taking into account the size of the school, the fact that this is alternative provision, Everton in the Community Trust's existing working relationships with local schools, and the demand suggested by the local Council, there is unlikely to be a negative impact of the proposed Free School on existing mainstream schools in the local area. Overall, the impact on local education institutions is likely to be minimal.

## **Recommendation**

15. Based on the information above we believe that it is appropriate for the Secretary of State to enter into a Funding Agreement with Everton Free School Trust.