

Impact Assessment – Section 9 Academies Act Duty

Introduction

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 Southwark Free School proposal is to establish a two form entry, 3-11, non-selective and non denominational primary school in the London Borough of Southwark. The first year the school will be ran from a temporary site and will have an intake of 30 children in Reception year, building to a full capacity of 420 places by 2018. It is also proposed to provide a nursery of 60 part-time places when full.
3. The proposer group and identified partners have been working closely with and will draw upon the experience of two high performing primary schools in Tower Hamlets, Old Ford and Culloden. Southwark and Tower Hamlet Councils have similar demographics with most of the pupils being from minority ethnic backgrounds, who speak English as an additional language. The Southwark Free School's vision is to provide high quality primary schooling for children from lower income families.

Catchment Area and its Characteristics

4. It is proposed to establish the Free School in the South Bermondsey Ward in Central Southwark. The proposed permanent site for the Free School is 399 Rotherhithe New Road, SE16 and will form part of a wider residential and retail development project to be ready for occupation in 2014 – this impact analysis is based on this location. Southwark is ranked 26th most deprived borough in the UK from 354, and is in the top 10 per cent most deprived districts in the country. 34 per cent of Southwark's primary intake qualifies for free school meals against a national average of 17 per cent. It is no surprise that Southwark includes neighbourhoods with some of the worst child poverty in the country, as well as some of the highest levels of childhood obesity, violent crime and youth unemployment. Through an online campaign, door-to-door leafleting and face-to-face canvassing, 222 responses were received to their public survey of which 214 (96 per cent) were positive. The high rate of return suggests there is potentially more parental support for a new school in this locality.
5. Evidence suggests there is an increasing need for primary places at Reception level in Southwark with the demand for primary places

forecast to grow by 18.4% over the next five years. The neighbouring boroughs of Tower Hamlets, Lambeth and Lewisham are projected to grow by 13%, 16% and 26% respectively. Any potential negative impact on local schools could be mitigated by the growing populations in Southwark and its neighbouring boroughs.

Table 1: Number of Primary school population and projections in Southwark 2010/11 – 2015/16

Capacity			Number of pupils (on roll)					% Increase in primary population
Capacity as at May 2011	Surplus capacity 2010/11	Projected surplus capacity 2015/16	Actual 2010/11	Forecast 2012/13	Forecast 2013/14	Forecast 2014/15	Forecast 2015/16	2010/11 – 2015/16
23109	11.7%	-4.5%	20402	21897	22710	23454	24150	18.4%

The School's Admissions Policy

6. The School will serve the community of South Bermondsey and will seek to draw children of all abilities from the local vicinity in which it will be located. If the school is oversubscribed, after the admission of pupils with statements of special educational needs, the school will prioritise children in the following order:
 - children in care;
 - children whose acute medical and social needs justify the allocation of a place in the school;
 - brothers and/or sisters of pupils attending the Southwark Primary Free School at the time of the proposed admission (living at the same address); and
 - applicants living nearest the school by straight line distance.

Local Authority Perspective

7. The Department wrote to the local authority on 7th March requesting their view on the impact of the proposed Free School on other local schools in the area. The authority responded on 19 and 23 April.
8. The LA has made a commitment to guarantee every child who wants a place at a local primary school which it plans to achieve through strategic place planning. The authority acknowledge that demand for primary places in Southwark is growing, particularly in the south of the borough and has invested in a combination of temporary and permanent places from September 2012 to meet this need. However, the local authority also stated that in the north of the borough, deficit of places has been dealt with by the temporary expansion of three primaries and only one of six schools most local to the proposed Free School site was oversubscribed (using first preference choices during the 2012 admissions round) with the majority having vacancies in their

reception year. The authority therefore does not believe that there is a need for this Free School.

9. Through the LAs primary place strategy, the LA believes that there will be no shortfall of reception places in the north of the borough in 2012 neither do they predict a shortfall in 2013. However, consideration is required of the wider demographic area as South Bermondsey, (where the proposed Free School is to be located) is more central, with the proposed Southwark Free School potentially attracting pupils from both the north and south. With the dense population of Southwark, the authority acknowledges that there will always be some movement across London local authority boundaries. From a snapshot of primary admission data collected by the LA for 2012 and 2011 entry, there was an exchange of around 6% of pupils equating to between 198 and 167 places respectively. In 2011, 90.3% of pupils received one of their top three preferences.
10. The local authority is not a supporter of the Free Schools policy, but is supportive of providing high quality places in the borough including Free School proposals that align with the borough's vision for educational excellence. The LA acknowledges the Southwark Free School's commitment to strong leadership, teaching and learning as well as to providing a broad and balanced curriculum. The LA also acknowledges the successful model and track record of the two Tower Hamlets primary schools Old Ford and Culloden that the Free School has worked closely with and is attempting to replicate.

Consultation and Representations

11. A statutory consultation was carried out over a six-week period between 12 March 2012 and 23 April 2012. This was preceded by an extensive awareness campaign from proposal stage where the Trust sought to engage as many local parents and families as possible in support of its ideas; gathering 222 signatures of parents with 214 backing the proposal, through local community events and street level campaigning including a 7000 leaflet drop.
12. Responses to the consultation were largely positive although feedback from the LA and Simon Hughes MP, while supportive of the vision and ethos of the school, raised concerns on demand and stated that no additional places were required in the north of the Borough for 2012 or 2013 as well as airing planning matters relating to the proposed permanent site. The Trust has looked to meet with Simon Hughes MP and Southwark Local Authority representatives to discuss their concerns further.
13. As part of the Trust's consultation plan, three informal consultation events were held (30 March and 3 and 18 April) as well as meetings with leadership staff from two Federated primary schools. In addition, the Trust wrote to the 35 local primary head teachers, 31 registered local nurseries, local politicians, local authority officers, local businesses and service providers.

14. For the purposes of the statutory consultation, the question 'Do you agree that that Southwark Free School should open in September 2012, which would involve us entering into a funding agreement with the Secretary of State for Education?' was asked. From 35 direct responses, 29 answered 'Yes', two answered 'No' with four 'Don't knows'. Further public meetings to continued the local engagement and provide feedback were held.

Impact on nearby maintained schools and Academies

15. A one mile radius of the proposed location for the Southwark Free School has been used for this impact assessment being the average distance travelled to primary school in the area and the maximum distance the majority of people travel to primary school. There is a total of 22 primary schools within a one mile radius of the proposed Free School; seven of these are rated as having a moderate impact rating with the remaining 15 rated as minimal. None of the 22 schools is rated as having a high impact. It is these seven schools that are considered to be most likely to be affected if the proposed school is established and have therefore restricted the in depth analysis to these as part of this impact assessment.
16. The seven primary schools listed in Table 2 below are a mixture of small, medium and large primaries with a similar pupil make-up. Three schools have been rated as good by Ofsted (Camelot, Ilderton and St Georges) following their last inspection, with two, (Phoenix and Peckham Park) being rated as satisfactory. None are rated as outstanding but the two remaining primaries, (Gloucester and Rotherhithe) were rated inadequate.

Table 2: List of primary schools (within 1.0 mile) with an impact rating of ‘moderate’

School Name 2010	Type	Sex of school	Faith Yes/No	Capacity	Headcount of pupils 2010	Surplus	Distance (miles)	Ofsted Rating
Phoenix Primary School	Community	Mixed	No	315	350	-35	0.21	3
Camelot Primary School	Community	Mixed	No	525	474	51	0.36	2
Ilderton Primary School	Community	Mixed	No	420	357	63	0.42	2
Harris Peckham Park Primary School	Academy Converter	Mixed	No	525	372	153	0.62	3
Gloucester School	Community	Mixed	No	630	543	87	0.71	4
Rotherhithe Primary School	Community	Mixed	No	420	467	-47	0.74	4
St George's Church of England Primary School	Voluntary Aided	Mixed	Yes	210	167	43	0.95	2

Impact Ratings

17. A minimal rating implies that the school will not lose pupils to the free school or may lose some but will still be able to fill most or all of its places. It will not significantly impact on the school's overall attainment and ability to improve.
18. A moderate rating implies that the school may lose some pupils but should still be able to fill most of its places. However there might be some impact on the school's overall attainment and ability to improve

19. A high rating implies that the school may lose some pupils and may exacerbate surplus capacity already in the school. There may be a significant impact on the school's overall attainment and ability to improve.

Summary of the seven local primary schools considered to be potentially most affected

The 2011 national average for KS2 achievement in primary schools is 74% and 79% in the London Borough of Southwark.

Phoenix Primary School, formerly named Eveline Lowe Primary School, is a mixed 3-11 Community school. The school was one of the three schools included in phase one of Southwark's Schools for the Future Primary Programme. It was housed in both a 1967 Grade 2 listed building and an Edwardian building on a split site on Marlborough Grove, Bermondsey. The major works started on site in the autumn of 2009. The main teaching areas of the re-named Phoenix Primary School, are now on one site on the east side of Marlborough Grove and pupil form intake has since increased from 45 to 60, bringing the total number of pupils at the school to 420.

One third of pupils are known to be eligible for free school meals, being higher than usual. Around three quarters of pupils come from a wide range of minority ethnic heritages and the proportion of pupils who speak English as an additional language is higher than average, but currently very few are at an early stage of learning the language. An average proportion of pupils have special educational needs and/or disabilities, but the proportion of pupils with statements of special educational needs is below average.

In February 2007 the school was deemed to require special measures, however, in October 2007 the school became part of a Federation with Ilderton Primary School under one executive head teacher and one governing body. Following a series of monitoring visits, the school was inspected again in June 2009, when it was deemed to be providing a **satisfactory** quality of education.

Impact rating is considered **moderate** despite being within a quarter of a mile of the proposed Free School. With 74% of pupils achieving the expected level in English and Maths in 2011, this represents a slight decrease on the previous year (81%) but an increase from 2009 (68%). Achievement is therefore relatively consistent with the expectation that a Free School close by will help maintain a higher standard of education.

Camelot Primary School is a Community school with a capacity for 525 pupils with an intake of around 75 per year group but had a surplus of over 21% in 2010/11 but filled most of its Reception places. In 2009, the school was rated as **good** in its last Ofsted report. In 2010

attainment in Key Stage 2 was 56% in English and 75% in maths at Level 4 or above.

The school has below average attainment so parents may be attracted to an alternative school. The school currently has a relatively large number of surplus places (51) at nearly 10%, so if they do lose some potential pupils it could exacerbate the situation particularly as the school is well within a half mile distance. However, the school has been rated as good by Ofsted in its last report, so we do not expect the potential loss of pupils to the new school to be significant enough to affect the long term financial viability. Additionally, any loss of pupils to the new Free School may be mitigated by the increased demand for primary places over the next few years across the borough. Based on this information, an impact rating of '**moderate**' has been considered appropriate.

Ilderton Primary School

Ilderton Primary School is located within half a mile of the proposed Free School and is a larger than average-sized primary. Its pupils come from a wide range of ethnic and social backgrounds and girls slightly outnumber boys. The school runs a breakfast club from 8.00am and an Early Bird club from 8.30am daily. One independent contractor provides an after-school club. The largest ethnic groups are of White British, Black African or Black Caribbean heritage. Over a quarter of pupils speak English as an additional language. The proportion of pupils who are known to be eligible for free school meals is well above average at 38%. The proportion of disabled pupils and those who have special educational needs is higher than average; needs include pupils with moderate or specific learning difficulties, as well as speech, language and communication issues, and a few pupils with emotional or behavioural difficulties. At the last Ofsted inspection in March 2012 the school was rated as being **good**.

The school has a capacity of 420 pupil places but shows a deficit in the number of pupils on roll at January 2011 as 357 (13.3%). The school meets the government's current floor standards, which set the minimum expectations for pupils' attainment and progress. Ofsted reported that pupils' attainment by the end of Year 6 is well above average (although their attainment in reading is higher than in writing because marking does not consistently emphasise how to improve handwriting or spelling). The school has above average attainment at Key Stage 2 with 84% of pupils achieving the expected level in English and Maths in 2011, a drop from 98% attainment in 2009.

The impact rating for Ilderton is considered **moderate**. Although the establishing of Southwark Free School is likely to further impact on numbers, it is not considered that this will be significant or reduce the schools long term financial viability.

Harris Academy Peckham Park, previously known as Peckham Park Primary School (converted to a Harris Academy in September 2011) is a 2 form entry, 3-11 age range and above average sized

school, located within 0.4 miles of the proposed Free School and is part of the Harris Federation. EYFS is offered in the Nursery and Reception classes. The majority of pupils are from minority ethnic backgrounds, and more than half are learning English as an additional language. Over half the pupils are eligible for free school meals, which is particularly high. The proportion of pupils with special educational needs and/or disabilities and with a statement is above average. The school is emerging from a period of turbulence and uncertainty and has had several head teachers, but the most recent one being in post since April 2009. The former school was judged **satisfactory** by Ofsted in 2010 and in 2010/11 had 153 surplus places which equates to 29% of total capacity.

The predecessor school had below average Key Stage 2 attainment in 2010, with 64% of pupils achieving the expected level in English and maths compared with 74% nationally. The opening of the proposed primary Free School so close to this school could be expected to have an adverse impact, however, given that the Harris Foundation has taken over the running of the school, parents are more likely to anticipate a rapid increase in attainment levels in a shorter time span than otherwise expected and so Impact rating is considered **moderate**

Gloucester School is a 3 form entry, with an age range 3-11 and much larger than average primary school with a capacity of 630 pupils, situated within 0.71 miles of the proposed Free School. The EYFS is made up of Nursery and Reception class provision. The proportions of pupils with special educational needs and/or disabilities is slightly above average, plus pupils from minority ethnic backgrounds is much higher than average and speaking English as an additional language is higher than average, although few pupils are at an early stage of learning English. There have been a number of changes in senior staff over recent years and the governing body was replaced by an interim executive board in 2009. The interim head teacher joined the school in September 2010. The school was judged **inadequate** by Ofsted in 2010 and was undersubscribed with 87 surplus places in 2010/11 (31%). Having been placed in special measures, Ofsted completed its fourth inspection in March 2012 reporting that progress since being subject to special measures is satisfactory and progress since the previous monitoring inspection is good – this shows a slight improvement.

The percentage of pupils achieving Level 4 or above in English and maths in 2011 was 64% being substantially below average attainment at Key Stage 2. It is possible that establishing the proposed Free School could exacerbate the surplus situation and have a negative effect on the long term financial viability of this school. However, a **moderate** rating is considered to be appropriate for Gloucester school as it is towards the outer limit of travel and being a particularly large primary, could feasibly absorb some reduction in pupil numbers.

Rotherhithe Primary School

Rotherhithe Primary School is a larger than average primary located some three quarters of a mile from the proposed Free School. As with other schools in the area, there is a much higher than average proportions of pupils of minority ethnic heritage and speak English as an additional language. The school's capacity is 420 but currently is currently oversubscribed by 11% (467 on roll) with 49.8% eligible for free school meals. The turnover of staff is high and the school serves an area of multiple deprivations. The school provides childcare for 26 children between the ages of 6 months and 5 years during term time and the school was designated as a children's centre in 2008. The school hosts, but does not manage, out-of-school care. The school gained a Gold Artsmark in 2008 and a Healthy Schools award in 2009.

The school was last inspected in September 2011 following a notice to improve (issued in February 2011). The head teacher and one of the two deputies have since left. An interim executive head teacher from another Southwark school judged to be outstanding has led the school prior to the school federating with Redriff Primary School (January 2012) with an executive head teacher assuming the leadership of both schools. The deputy head teacher at Rotherhithe Primary School has become the new head. This arrangement will provide additional stability following changes in the leadership of the school.

From the last Ofsted inspection it was reported that the most recent tests and assessments of pupils' work indicated that attainment is rising – this followed an **unsatisfactory** award. Whilst attainment by the end of Year 6 remains low it showed strong improvement in English, mathematics and science. Despite attainment levels being low but rising and oversubscription of the school, it is not felt that the proposed Free School will have an adverse effect on Rotherhithe or on its long term financial viability although some pupil loss on current levels could be anticipated and so Impact rating is considered **moderate**.

St George's CE Primary School

An interim assessment by Ofsted carried out in January this year reported that the school's performance has been sustained from the previous 2009 inspection where the school was rated as **good**. From the earlier inspection it was recorded that St George's school is smaller than average – capacity is 210 but showing a surplus of places of 20%. Almost all of its pupils come from minority ethnic groups and speak a first language other than English. The school has about double the average proportion of pupils with learning difficulties and/or disabilities. The largest group of these pupils has dyslexia. The number of pupils eligible for free school meals is higher than usual at 24.3%. The Early Years Foundation Stage comprises one Reception class.

As the school is rated as sustained good and given the distance between this school and the proposed Southwark Free School (1 mile) as well as being a designated faith school (C of E) it is considered that

the establishment of the new school will not have a significant detrimental effect in terms of pupil loss or future financial viability and so Impact rating is considered **moderate**.

Conclusion

20. Taking into account of the demographic data of the borough as a whole rather than looking at the proposed location within the borough, a current and future projected shortage of primary places across Southwark can be seen. There is also significant cross borough exchange of pupils attending Southwark schools from outside the borough as well as those travelling outside the borough. The proposed Southwark Free School with a proposed capacity of 420 when full will ease the basic need demand for both Southwark overall and assist in reducing basic need in its neighbouring boroughs.
21. Individual planning areas do not fully reflect the pressure that Southwark, along with other boroughs, is under (as a result of the increased birth rate and the reduced migration of parents from London). The authority therefore plans across a wider area to ensure that the need for places is met in the future.
22. Any impact on local schools also needs to be balanced with the positive impact that the Southwark Primary Free School will have in improving parental choice by widening the number and type of places available in local primary state provision, and by driving up standards in the surrounding schools. Both of these features are key aims of the Free Schools policy and we would expect the Southwark Free School to meet these aims in a particularly deprived area.
23. Officials have also considered the impact on local FE institutions, Academies, secondary, AP and special schools. However, because of the proposed Free School age range there will be no direct impact on them.
24. Given all this information, we consider that the impact of establishing the Southwark Primary Free School on existing maintained primary schools and other institutions in the local and surrounding area is outbalanced by the positive impact that the school will have on parental choice and in driving up standards in nearby and neighbouring borough institutions. **It is therefore considered appropriate for the Secretary of State to enter in to a Funding Agreement** with the Academy Trust in light of the possible impacts.