

WANDSWORTH BOROUGH COUNCIL

EDUCATION AND CHILDREN'S SERVICES OVERVIEW AND SCRUTINY COMMITTEE
- 21ST SEPTEMBER 2010

Report by the Director Children's Services on a proposal by ARK Academies with the Neighbourhood Schools Campaign to establish a Free School on the Bolingbroke Hospital site

SUMMARY

Background

The Council has received a request from the Department for Education (DfE) to comment on a proposal submitted by ARK Academies with the Neighbourhood Schools Campaign (NSC) to establish a five form entry secondary 'free school' in Wandsworth. A copy of the proposal is attached as Appendix 1.

Policy:

The Council's policy is to promote parental choice through providing a diversity of types of school.

Issues/proposals

The NSC has been campaigning for a non-selective, non-denominational school on the former Bolingbroke hospital site in Northcote ward since 2009. The NSC's aim is to create 'a small, socially inclusive neighbourhood secondary school'. In May 2010, the NSC chose ARK, an established academy provider to set up and operate the new school. The school they propose would have five forms of entry and a sixth form of 200 pupils. It would be non-selective and non-denominational. After prioritising children with SEN and children in care, straight-line distance is proposed to be the main admissions criterion.

Director of Finance comments:

At this stage the site is owned by St George's Healthcare NHS Trust and any Priority Purchase by the Council would need to be met from government grant which is currently unconfirmed. Academies receive their revenue funding directly from Government and any possible revenue costs of running the school and funding for the school outlined in this proposal and response have to be considered as very approximate estimates at this stage. As Council schools are largely funded on a per-pupil basis then the impact of the opening of a new school on their school budget shares will have to be fully considered in due course.

Supporting information: N/a

Conclusion

The Leader's response to the DfE, in summary, indicates that the Council warmly welcomes and supports the proposal by ARK Academies with the NSC to establish a secondary free school in Wandsworth, subject to the proposers addressing the points raised in the response, and recommends that the school should be 4FE in size with a 150 place sixth form. The NSC is asked to submit further specific evidence on the source and scale of demand for new places and Partnerships for Schools are asked to provide further detail on the level of survey information to better inform current capital estimates. The Director of Children's Services will undertake further consultation with the existing Wandsworth secondary schools.

GLOSSARY

DfE	Department for Education
NHS	National Health Service
NSC	Neighbourhood Schools Campaign
SENCO	Special Educational Needs Co-ordinator

RECOMMENDATION

1. This report is submitted to the Education and Children’s Services Overview and Scrutiny Committee for information. No decisions are required to be made on it by the Council, the Executive or the regulatory and other committees.
2. However, if the Overview and Scrutiny Committee decide that recommendations on it need to be made, these will be submitted to the Executive and/or appropriate regulatory and other committees for consideration.

INTRODUCTION

3. The Council has received a request from the Department for Education (DfE) to comment on a proposal submitted by ARK Academies with the Neighbourhood Schools Campaign (NSC) to establish a 5 form entry (FE) secondary ‘free school’ in Wandsworth. A copy of the proposal is attached as Appendix 1.

What are Free Schools?

4. According to the DfE, “Free schools are all-ability schools set up in response to parental demand”. In all other respects, Free Schools are academies and they have the same statutory basis as academies. They are thus independent schools and have to comply with Independent School legislation and meet the Independent School Standards. They are subject to the Ofsted pre-opening inspection that academies converting from maintained schools undertake and they will continue to be inspected by Ofsted in line with the prevailing requirements. They do not have to comply with the responsibilities placed on local authority maintained schools (except where required by legislation). In particular, Free Schools do not have to comply with National Curriculum although they are required to have a broad and balanced curriculum and to comply with any national testing regime. They are not required to adhere to the School Teachers’ Pay and Conditions Document. They do have to demonstrate that their teachers are suitably experienced, although they will not necessarily have to hold Qualified Teacher Status.
5. The Academies Act, passed on 26th July 2010, requires Free Schools, as with Academies, to have non-selective admission policies on the grounds of ability (unless banding is used) and to admit pupils wholly or mainly from the area of the school.

6. Free Schools, as with Academies, will have to comply with some of the most significant requirements placed on maintained schools. The Secretary of State will use his powers through the funding arrangements to ensure Free Schools:
 - (a) comply with the Admissions Codes and the coordinated admission arrangements;
 - (b) have regard to the Special Needs Code of Practice, appoint an SEN Co-ordinator (SENCO) and use their best endeavours to meet any special needs of pupils; and
 - (c) follow statutory guidance on exclusions. In connection with this, they will have to participate in the local In-Year Fair Access Protocol to ensure that hard-to-place pupils are admitted equitably to local schools, even where local schools are full.
7. The main difference between Free Schools and Academies will be in their establishment. The Academies Act allows maintained schools to convert to academy status but these schools will *not* be able to choose the Free School route to becoming an academy. Registered independent schools can apply to convert to free schools. The DfE envisages that most free schools will be ‘brand-new schools, set up by charities, universities, business, community or faith groups, teachers and groups of parents where there is parental demand’. In Lords Committee debate, the Minister (Lord Hill) stated that the maximum proportion of pupils that can be admitted on faith criteria is half (Lords Hansard, 23 June 2010) ‘as this would reduce choice’ otherwise.
8. Free Schools will be funded directly by central government with revenue funding on the same basis as Academies.
9. Development control laws will be changed to allow a wider range of sites to be used without the need to seek ‘change of use’ consent and guidelines to local planning authorities will be changed to make clear there is a presumption in favour of setting up new schools.
10. The Secretary of State’s letter to local authorities of 18 June 2010 is positive about involving the local authority in developing free school proposals. The letter states “we are committed to working with you [local councils] to ensure local government continues to play a full strategic role in securing the improvements we all want to see we will also engage local authorities to better understand the local context and circumstances before making a final decision on whether to support the establishment of a Free School”.

THE ARK AND NSC PROPOSAL FOR THE BOLINGBROKE SITE

11. The NSC has been campaigning for a non-selective, non-denominational school since 2009. The NSC's aim is to create ‘a small, socially inclusive neighbourhood secondary school’. In May 2010, the NSC chose ARK, an established academy provider with eight academies in London, Portsmouth and Birmingham, to set up and operate the new school. The school they propose would have five forms of entry and a sixth form of 200 pupils.
12. ARK’s preference is that the new school is located on the former Bolingbroke Hospital site in Northcote ward. It would be non-selective and non-denominational. After prioritising children with SEN and children in care, straight-line distance is proposed to be the main admissions criterion. The school would comply with the statutory code of practice and other guidance on special educational needs issued by the Secretary of State as it applies to maintained schools. The school would be part of the ARK schools network, sharing curriculum, teaching and learning practices, pastoral practices and administrative services. All ARK schools operate within one academy Trust, “ARK Academies”, with a local governing body for each school and a single ARK Academies board of trustees.

NSC-ARK proposal for Free School

13. At this initial proposal stage, the DfE are looking for evidence of whether a proposal is likely to meet their criteria at the subsequent business case stage. In considering proposals for free schools, the Secretary of State is keen to take account of all relevant factors, and views from the Council will be a key part of his consideration. In addition, the Academies Act requires the Secretary of State to take into account the impact of the additional school on the existing maintained schools, and academies and Further Education institutions in the area where the new school is proposed to be located.
14. The DfE criteria for establishing a Free School are as follows:
- (a) the proposers' suitability to establish and run a school;
 - (b) having clear educational aims and objectives and sufficient capacity and capability to implement these;
 - (c) evidence of demand for a new school;
 - (d) financial viability of the proposed school;
 - (e) suitable premises being available;
 - (f) leadership and management;
 - (g) ability and willingness to meet the Independent School Standards; and
 - (h) ability and willingness to meet the terms of the funding agreement or grant agreement.
15. The Leader's response (see [Appendix 2](#)) addresses each of these criteria, and incorporates comments from the Director of Children's Services, the Head of Property Audit, the Borough Planner, the Borough Valuer and the Director of Finance.

Comments of the Director of Finance

16. The Director of Finance notes the proposal by ARK Academies with the NSC to establish a secondary free school in Wandsworth at the Bolingbroke Hospital site. At this stage the site is owned by St Georges Healthcare NHS Trust and any Priority Purchase by the Council would need to be met from government grant which is currently unconfirmed. Academies receive their revenue funding directly from the Government and any possible revenue costs of running the school and funding for the school outlined in this proposal and response have to be considered as very approximate estimates at this stage. As Council schools are largely funded on a per-pupil basis then the impact of the opening of a new school on their school budget shares will have to be fully considered should the proposals progress further.

Conclusion

17. The Leader's response to the DfE, in summary, indicated that:
- (a) the Council warmly welcomes and supports the proposal by ARK Academies with the NSC to establish a secondary free school in Wandsworth, subject to the proposers addressing the points raised in this report against the assessment criteria; and
 - (b) recommends that the school should be 4FE in size with a 150 place sixth form;
 - (c) asks the NSC to submit further specific evidence on the source and scale of demand for new places;
 - (d) notes that the Director of Children's Services will undertake further consultation with existing secondary schools on the extent of the likely impact on existing Wandsworth schools; and,

- (e) requests further clarification from Partnerships for Schools on the level of survey information to better inform current capital estimates.

PAUL ROBINSON
DIRECTOR OF CHILDREN'S SERVICES

The Town Hall,
Wandsworth
SW18 2PU
13th September 2010

BACKGROUND PAPERS

All reports to the Overview and Scrutiny Committee, regulatory and other committees, the Executive and the full Council can be viewed on the Council's website (www.wandsworth.gov.uk/moderngov) unless the report was published before May 2001, in which case the Committee Secretary, Ms. Ozu Okere (on 020 8871 6035), ookere@wandsworth.gov.uk can supply if required.

Appendix 1 – ARK and NSC Proposal form for free school on Bolingbroke site

Free Schools - Proposal Form

The Proposal Form asks you for details on the educational aims and objectives, parental demand and premises of the proposed Free School. It also asks questions about the suitability of the provider(s) involved. All new Free Schools will be opened with the same legal status as Academies, in a binding agreement with the Secretary of State.

Please note, all information provided in this form will be published on the Department for Education website.

INITIAL DETAILS

Name (Please specify if you are the nominated representative of an organisation that wishes to set up a Free School)

Katie Oliver, Projects Director, ARK Academies

Name of your organisation

ARK Academies (working with the Neighbourhood Schools Campaign, the NSC)

Address (of organisation or individual)

ARK Academies
65 Kingsway
London
WC2B 6TD

Email Contact

katie.oliver@ARKonline.org

Telephone Number

020 3116 0721

Are you an existing independent school wanting to convert to a Free School?

No

If yes, please provide your 6-digit school unique reference number (URN)

If no, please confirm the nature of your organisation (educational group / charity / business / parent group etc)

ARK Academies, a DfE Accredited Schools Group (form attached) working with the NSC (parent group)

Please confirm whether your organisation is incorporated i.e. set up as a Company which is registered at Companies House. If so, please provide the Company Registration Number, Company Address and details of the Directors and Secretary. If not, please indicate the approximate date by which it will be incorporated.

<input checked="" type="checkbox"/> Yes, our organisation is incorporated Company Registration Number: 05112090 Company Address: 65 Kingsway, London, WC2B 6TD Details of Directors and Secretary: Directors: Paul Dunning, Stanley Fink, Paul Marshall, Ron Beller, Paul Bernstein, Anthony Williams. Company Secretary: Simon Pink.
<input type="checkbox"/> No, our organisation is not yet incorporated Approximate date by which it will be incorporated:

In which Local Authority area will the school be based? If you are near to a LA boundary, please include name of neighbouring LA(s)

Local Authority Wandsworth Neighbouring LAs Richmond Upon Thames, Kingston Upon Thames, Merton, Lambeth; Hammersmith and Fulham, Kensington and Chelsea, City of Westminster (across the river)
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Is your Local Authority aware of your intention to set up a Free School?

Yes

(If Y please give details of your discussions with them so far)

The Local Authority supports the proposals and recognises the need for new secondary places in Northcote Ward in Wandsworth. The LA is in ongoing discussions with the Neighbourhood School Campaign.

SUITABILITY OF PROVIDER

The Secretary of State will consider each proposal on its merits, and take into account all matters relevant to that proposal. Generally, he would expect that all proposals will comply with all aspects of the rigorous suitability and vetting tests throughout the application process, including due diligence and CRB checks and will reject any proposers who advocate violence, intolerance, hatred or whose ideology runs counter to the UK's democratic values.

Do any of the following apply to the organisation (or any consortium member), or to (any of) its director(s)/partners/proprietor(s) or individual applicants (select Y/N):	
Is in a state of bankruptcy, insolvency, compulsory winding up, receivership, composition with creditors (including any Individual Voluntary Arrangement), or subject to an Administration Order or any legal proceedings concerning their solvency?	No
Has been convicted of a criminal offence?	No
Is involved in any illegal activities?	No
Has not fulfilled obligations related to payment of taxes?	No
Is guilty of serious misrepresentation in supplying information?	No
Is not in possession of relevant licences or membership of an appropriate organisation where required by law?	No
Is barred from certain work with children as a result of being:	
[a] included in the list of those barred from Regulated Activity with children, kept by the Independent Safeguarding Authority? Or	No
[b] included in the list kept under section 1 of the Protection of Children Act 1999(4) (list of those considered by the Secretary of State as unsuitable to work with children)? Or	No
[c] subject to a direction of the Secretary of State under section 142 of the Education Act 2002 (5) (or any other disqualification, prohibition or restriction which takes effect as if contained in such a direction)? Or	No

<p>[d] disqualified from working with children under sections 28, 29 or 29A of the Criminal Justice and Court Services Act 2000(6)?</p> <p>For further information on [a], [b], [c] and [d], please contact the CRB www.crb.homeoffice.gov.uk.</p>	No
<p>Is disqualified from registration under Part 10A of the Children Act 1989(7) for child minding or providing day care?</p>	No
<p>Is disqualified from registration under Part 3 of the Childcare Act 2006(8)?</p>	No
<p>Is a member, or has been a member in the past, of a proscribed organisation?</p>	No
<p>If the answer to any of these questions is “Yes” please give details below:</p>	

EDUCATIONAL AIMS AND OBJECTIVES

Briefly outline your reasons for wanting to set up a Free School. Max 200 words.

The NSC has been campaigning for a non-selective, non-denominational school in Northcote ward since 2009. Over 2,000 parents have signed the NSC's petition to establish the new school because there is a real local need - local Year 6 children currently disperse to 49 different secondary schools. A new school will give local parents real choice and raise standards across the borough.

In May, the NSC selected ARK to set up and operate the new school. This was based on a number of meetings, school visits, a questionnaire (attached) and an interview.

Please set out the Free School's aims and objectives. You should also describe:

- the teaching methods that will be used and whether the Free School will follow a particular philosophy (eg Montessori);
- the outline of the Free School's proposed curriculum, including any religious ethos;
- how the Free School will improve pupil learning and ensure strong discipline;

Max 2000 words.

The NSC's aim is to create a small, socially inclusive neighbourhood secondary school, where teaching and learning enable pupils to become knowledgeable, confident, competent and self-reliant citizens, fully prepared for adult life and the world of work. The school and parents will work in partnership to ensure every child fulfils their potential.

The NSC and ARK share a belief in high aspirations, high motivation and high achievement in and for all pupils, irrespective of their start in life. In particular, we aim to ensure that every pupil makes enough progress by age 18 to have real options: to move into higher education or follow the career path of their choice.

The school will be a five form entry secondary school, ideally located on the site of the disused Bolingbroke Hospital at the edge of Wandsworth Common. It will be non-selective and non-denominational, open to all local children. After prioritising children with special educational needs and children in public care, straight-line distance will probably be the main admissions criterion.

The school will be part of the network of ARK schools sharing curriculum, teaching and learning practices, pastoral practices and administrative services. All ARK schools operate within one academy Trust, ARK Academies, with a local governing body for each school and a single ARK Academies board of trustees.

To achieve our ambitious aim, ARK will bring together experienced teachers and education professionals to deliver a rigorous educational model which results in an outstanding local school. The key principles of this model are:

1. High expectations for:
 - Pupil achievement and behaviour

- Staff professionalism, skill and commitment
- 2. Rigorous and engaging lessons
- 3. Respect for teachers and a calm, orderly environment
- 4. Continuing assessment and responsive support for each pupil
- 5. Depth before breadth: an emphasis on literacy and maths
- 6. More time for learning
- 7. Larger schools broken down into smaller units: schools-within-schools
- 8. Aspirational identity
- 9. Motivational culture
- 10. Strong partnership with parents

The ARK implementation of this model is based on the following approach:

1. Focus on the key levers of improvement

- We expect all our pupils to progress much faster than national academic norms and will do what it takes to achieve this
- Pupils and staff are expected to aim for the highest standards of behaviour, character and achievement

2. Clear and simple aims, roles and accountability

- Objectives, staff structures and organisational systems and practices are kept as clear and straightforward as possible
- Roles and responsibilities are well-defined so that every position is clear
- We insist on clear accountability for performance

3. Transparency and honest feedback

- Transparency, regular data and focused evaluation are used to create a culture of honest feedback and continuous improvement
- We discuss effort, quality of work and relationships with others clearly and honestly
- We seek to be clear about what people are doing well and what they can do better - those who ask for and accept feedback make more rapid progress
- All members of the school community should develop their skill in providing feedback to help others grow
- We see mistakes as learning opportunities

4. Principal autonomy

- We recruit principals who share our core beliefs and principles
- We will empower principals to deliver our shared vision

The school will comply with the statutory code of practice and other guidance issued by the secretary of state as it applies to maintained schools, relating to special educational needs.

NSC-ARK proposal for Free School

What are your organisation's core areas of work / aims? Max 500 words.

ARK Academies is an education charity, already operating eight academies in London, Portsmouth and Birmingham, with a ninth opening in September 2012, whose aim is to ensure that every pupil, irrespective of their background, has real choice when they reach the age of 18: to go on to further education or to pursue the career of their choice. To achieve this, ARK aims to ensure that at least 80% of its pupils achieve at least five good GCSEs including English and maths.

ARK also runs two programmes aimed at developing leaders in urban secondary schools – Teaching Leaders and Future Leaders – and is currently piloting a Year 7 intervention programme called ARK Plus, which supports pupils with behaviour difficulties to make the transition to secondary education.

What capacity and capability do you have (or have access to) in order to deliver the educational vision set out above? Please indicate the resources, experience and expertise (educational and legal) that you have or have access to. Max 500 words.

ARK Academies already operates eight academies and has a clear and well documented strategy for achieving its ambitious targets. The ARK central team supports school leadership teams to implement the ARK model. This support takes three forms:

- Providing effective support services
- Creating a collaborative network that facilitates the sharing of good practice and resources
- Holding schools accountable through monitoring and performance management

The central team is led by Lucy Heller, the Managing Director, and divided into the following roles and functions: education; finance and resources; IT; HR and recruitment; communications; and projects.

Do you have plans to work with a 3rd party organisation? If so, please include their details below and set out the intended nature of that relationship (for example, a contract, co-sponsorship arrangement, informal partnership).

The NSC has selected ARK to operate the new school as one of ARK's network of academies (see above). ARK will work in partnership with the NSC to deliver the school.

Please name the key individuals / trustees involved in setting up the Free School (if available). Please also indicate whether trustees have been chosen and their roles confirmed. Please provide details of employment of these individuals and any conflicts of interest you believe might arise.

The proposed school will be an ARK school. The ARK Academies board will be the legal governing body and single employer (see above for more details on ARK's directors). ARK will work with the NSC to agree effective governance arrangements that put parents at the centre of the school's accountability.

EVIDENCE OF DEMAND

What evidence of local parental demand do you have? For example, a petition or a declaration from interested parents or pupil number projections for the area. Max 200 words.

As noted above, 2,000 parents have signed the NSC's petition supporting the creation of a new school in Northcote Ward. The following key statistics demonstrate the need underpinning the campaign:

1. Wandsworth has the lowest percentage of parents being offered their first choice of school – 48%. As a result, local Year 6 pupils disperse to 49 different secondary schools each year. In 2009, 27.8% of Wandsworth secondary pupils went to another authority to attend school.

2. Of the 11 borough secondary schools, seven are oversubscribed – for example, one of the more popular schools has a catchment zone of 0.4 miles, the Northcote community live over 3 miles away. In September 2009, of the 346 surplus places, 50% related to Catholic schools where non-Catholics are not offered places on religious grounds. Of the three remaining schools with surplus places, the percentage of pupils achieving 5 GCSEs A*-C including English and maths are 43%, 36% and 37%.

What is the proposed capacity (number of pupils)? Max 200 words.

The proposed capacity of the school is 950 places (including sixth form).

What is the proposed age range of the Free School? Please include details of planned pupil numbers in each year group.

The proposed school will be a five form entry secondary school (150 per year group), and a sixth form for 200 pupils.

When do you hope the Free School will start operating (for your first set of pupils)?

It is proposed that the school open in temporary accommodation (if this can be provided) as early as September 2011. The school would then move into its permanent buildings in September 2013.

PREMISES

What steps have you taken to identify a potential site? Please include details of the geographical area the school seeks to serve; a list of any sites you have considered; and any discussions you have had to identify a suitable site. If known, please include the proposed location, premises and postcode of the Free School.

The NSC has identified the site of the former Bolingbroke hospital as the potential site for the academy (Bolingbroke Grove, London SW11 6HN). The disused hospital is owned by the NHS and located in the centre of the 'secondary gap' in Wandsworth. It is a listed building, which would require significant refurbishment to operate as a school. An outline feasibility study has shown that the site is large enough to accommodate a school of this size. We await more detailed information from PfS on the estimated costs of the refurbishment but indications are that it will be in the region of £20m.

ARK and the NSC have met with PfS to tour the building and discuss the options, as well as visiting six other potential sites with them. Of these PfS has identified the Eltrincham Street depot as a possible option, although is not the NSC's preferred site.

Temporary accommodation could potentially be provided in demountables on site or through phased occupation of the Bolingbroke site. The preferred option, however, would be to open the school at the Vines School site, as suggested by PfS.

Appendix 2 – The Council’s response to the ARK and NSC Proposal

Ms Jennifer Allan
Head of London Local Improvement
and Performance Group
Department for Education
Sanctuary Buildings
Great Smith Street
Westminster, London
SW1P 3BT

23 August 2010

Dear Jennifer

FREE SCHOOLS PROPOSAL: ARK Academies with the Neighbourhood Schools Campaign

Thank you for your letter of 30 July inviting the Council’s views on the ARK proposal with the Neighbourhood Schools Campaign (NSC) for a free school to be located on the disused Bolingbroke hospital site. The proposal has been discussed in depth by senior councillors as well as by Council officers with specialist expertise in various areas of the proposal. I hope that the response below is helpful. We have also written to all of our secondary schools and a number of primary schools seeking their views but, due to the school summer holidays, we have not received any replies. We may therefore wish to submit further comments in due course and hope that this will be acceptable.

The Council warmly welcomes and supports the proposal by ARK Academies with the NSC to establish a secondary free school in Wandsworth, subject to the proposers addressing the points raised in the commentary on the following pages.

The remainder of this letter responds to each of the criteria for assessment that will be used by the Secretary of State when evaluating ARK and the NSC’s business case for the new school.

The proposers’ suitability to establish and run a school

ARK academies have a track record of raising achievement in schools in challenging circumstances. All of their current schools are ones which were formerly in Ofsted or local authority categories of concern. They have high expectations for GCSE outcomes and set their schools very challenging targets (80% or more pupils to achieve five A*-C grades at GCSE including English and mathematics. Management is robust. ARK’s Managing Director, Lucy Heller, has met with the Director of Children’s Services and has committed to working positively with the Council and its schools.

Clear educational aims and objectives; capacity and capability to implement these

The aims set out in the proposal form are commendable but inevitably quite broad at this stage. The detailed business case will need to address the practicalities of running a relatively small school. It is questionable whether a five form entry school can be accommodated within the proposed Bolingbroke Hospital site, as discussed in more detail

below. If the school became a 4FE school as an alternative, the proposers would need to demonstrate how pupils in would be able to access a broad and balanced curriculum including vocational options, especially at Key Stage 4, and how they would work with the local 14-19 Partnership. Nevertheless, we believe that a school of this size can address these issues successfully and fully endorse the concept of a small, local school.

The NSC proposal also sets out high expectations in relation to the pupils' behaviour and character, which is welcomed as it is echoed in similarly high expectations, underpinned by Partnership agreements, in Wandsworth's existing secondary schools. In line with recent legislation, the Council would look to ARK to give a commitment to working within the protocols and procedures developed between Wandsworth secondary schools, to reduce exclusions and the number of pupils out of school.

The NSC proposal states that the school will comply with the Statutory Code of Practice and other guidance on special educational needs (SEN) issued by the Secretary of State and this is welcomed. ARK has a record of working with schools in challenging circumstances, with children with a wide range of learning and behavioural needs and should therefore be well placed to meet the special educational needs of children at School Action and School Action Plus, as well as those with more severe and complex needs requiring a statement. The Council has a statutory responsibility for monitoring provision for individual pupils with statements through the annual review and this will apply to the new school. The Council also monitors the quality of SEN provision in its schools through an annual joint review process. This ensures statutory compliance and also supports schools to develop quality SEN provision but it will be for the new free school to determine whether it wishes to purchase such support services. There is good collaboration between the Council and Ashcroft Academy with regard to SEN provision, for example, in the academy's participation in joint planning of secondary transfer of pupils with statements with other secondary schools, participation in the primary-secondary transfer process arrangements for pupils at School Action and School Action Plus, and attendance at SENCO meetings and other training. The Council will be keen to develop similar working arrangements with the new free school to ensure consistency of SEN arrangements across the borough.

Evidence of demand for a new school and potential impact on other local schools

ARK's proposal states that 2,000 parents have signed the NSC's petition supporting the creation of a new school in the Northcote ward. It argues that, due to the success of local schools, Wandsworth has one of the lowest proportions (48%) of parents being offered their first choice of school in London. Seven of the Borough's 11 secondary schools are oversubscribed. Of the four that have surplus places, two are the closing Catholic schools (John Paul II and Salesian) and one is Elliott, currently in special measures. Battersea Park School and Southfields Community College are cited for their relatively low GCSE results, although no mention is made of the high value-added of these two schools (both in the top 10% nationally).

Current roll projections indicate that secondary pupil numbers in the borough will rise from around 9,300 to around 11,000 in 2017. There is an underlying trend of growth and increasing and sustained birth rate and the Council is currently updating pupil projections and will have new data in September. The projections will take account of the rising birth rate, the impact of new housing and the implications for any 'clawback' assumptions, arising from the deferral of longer term BSF developments in Lambeth.

The likely impact of the new school on other existing local schools is difficult to predict. Officers have completed some analysis of pupil residence by ward by school and matched this to the latest GLA population projections for each ward. This shows that only 27% of the

NSC-ARK proposal for Free School

500 or so 11-15 year olds resident in Northcote ward currently attend Wandsworth maintained secondary schools. Allowing for some export to maintained schools in other local authorities, this suggests that the size of the independent school population in the ward, and the surrounding area is substantial. It is possible that the main demand for the new school will relate to children who would not otherwise use the Borough's maintained secondary schools, although there are uncertainties such as the impact of the recession on demand for independent places.

The number of pupils 11 to 16 who currently live in the Northcote ward and attend Wandsworth secondary schools is 136. The school with the largest number of pupils living in Northcote and potentially proportionately more likely to lose more pupils is Burntwood, a single sex girl's school which has 44 in the Northcote ward. The nearest schools to the Bolingbroke site, Battersea Park and Chestnut Grove, only have five and six of their current pupils (May 2010 school census) living in the Northcote ward, so they do not seem significantly at risk of losing pupils. Southfields Community College has 18 pupils living in the ward but, as an outstanding school in Ofsted inspections, is again unlikely to lose many pupils. Elliott School has ten pupils living in the ward and would almost certainly lose some to the Free School. The Free School would probably take some pressure off Graveney School, which is currently heavily oversubscribed.

A case can therefore be supported for a new 4FE school, with a sixth form of 150, in the borough. Following the Government's recent decisions on BSF, the Council will need to review its plans for expanding or developing its existing schools as part of the development of the capital strategy for secondary schools in Wandsworth and will need to consult on this with headteachers in September 2010. To inform this review, it would be helpful, as part of the development of any business case, for ARK with the NSC to provide further evidence of demand for places based on their own surveys, so that the Council can assess the level of demand that is new, rather than dependent on pupils from existing schools.

Admissions

The Council welcomes the NSC and ARK proposal that the Free School should be a 'socially inclusive neighbourhood' school. The Council understands that the main criteria that the NSC wish to achieve is a local school for local children.

It is difficult to predict the impact of the new school on the chances of parents achieving their first choice of secondary school across the Borough as a whole. Some parents living in the immediate vicinity of the proposed new school, who would not otherwise have received their first choice of school, would be likely to benefit. However, given the high levels of over subscription at Graveney and Ashcroft, and the proximity in adjacent boroughs of grammar and sought after faith schools, a new oversubscribed school may be unlikely to improve greatly parental satisfaction rates on admission preferences.

It is worth noting that all 11 current secondary schools in the borough measure distance, not by a straight line but by shortest walking route with street lighting. As Wandsworth Common is immediately adjacent to the Bolingbroke site this might need taking into account as a preferred walking route but it would be less confusing for potential future applicants to the new school if they used the same criteria for measuring distance as the other borough secondary schools.

The proposal states that the school could open as early as September 2011 prior to moving into permanent buildings in September 2013. Whilst the desire of NSC, ARK and parents for

speed is understood for an opening prior to September 2012, our understanding is that this can only be achieved with changes to legislation. Under current regulations relating to the co-ordination of admissions, which apply to all schools including academies, preferences for places in September 2011 in state secondary schools must be made on the local authority's common application form by 31 October 2010. Consultation on admission arrangements for September 2011 has already been completed and a composite prospectus for parents will be published in September 2010 setting out these admission arrangements. If agreement was provided for the new school and if the issues of site and temporary accommodation were resolved in the next few months, then the new school could be part of the consultation process that will take place in the Spring 2011, relating to secondary applications for September 2012.

Financial viability of the proposed school

Under the current methodology for funding Academies in 2010/11, with four forms of entry and a sixth form (760 pupils in total), it is estimated that the school would receive around £4.5 million of funding. This would include their share of the schools' budget calculated by Wandsworth's formula, the Young People's Learning Agency (YPLA) funding provided for 6th Form pupils, the Academy additional funds for current LA functions, Schools Development Grant, and School Standards Grant. The funding methodology will, however, be reviewed for 2011/12 and it is not possible therefore at this stage to indicate the level of funding for 2011/12 onwards.

Based on an existing Wandsworth school with a similar estimated intake it is estimated that the costs to run the school would amount to the following in a full year:

	<u>£'000</u>
Employees	£3,682
Premises	£233
Curriculum costs	£426
Supplies and Services	£167
Total	£4,508

Whilst a 4FE school reduces the economies of scale available to larger schools, the estimated costs broadly break even within the estimated budget. The costs have, however, been based on an existing Wandsworth school which may not be representative of the proposed school. The proposers would need to develop more accurate costings for a 4FE school which could then be compared to the estimated budget once this is clearer.

Availability of suitable premises and site

The proposed site and building at the former Bolingbroke Hospital was closed in 2008. The buildings are Grade 2 listed and date from 1901 to 1936. The listing relates to many features of health authority buildings of the period and to the children's ward. The play area within the site for play and sports is very limited and will need to be developed with careful design to make the most of the available external area. However, just to the west on the other side of Bolingbroke Grove lies Wandsworth Common which is used for team sports and could provide some additional recreation area.

The site slopes from west to east by a considerable amount meaning that the lowest level of the building is a full basement at the western end but almost to ground floor level at the eastern end. The overall internal area of the existing building is 8075m². It is understood that Wandsworth PCT has a requirement for approximately 1600m² of space for a polyclinic

NSC-ARK proposal for Free School

of up to three doctors' surgeries. This would take up most of the ground floor but Partnerships for Schools have confirmed that there would be sufficient area for a 4FE school with a sixth form, using current DfE guidelines.

The NSC commissioned HKS Architects to undertake some feasibility work and the Council has reviewed the report. This previously indicated remodelling and refurbishment costs in the region of £20m but Partnerships for Schools have carried out their own studies. These indicate costs in the region of £11.35m for 4FE with a sixth form of 150 with a total area of 7275m². This is 3.2% less than the area which would be required to meet the DfE BB98 guidelines. For a 5FE school with a sixth form of 200, costs are estimated at £14.13m with a total area of 8875m². There is some new build in both options to create an indoor sports facility and multi-purpose hall.

Council officers have viewed Partnerships for School's proposals. There is limited and only high level feasibility work at this stage and no surveys. The cost indices used are low for both refurbishment and remodelling and these need to be reviewed against the requirements of current Building Regulations, although the government have indicated that there may be added flexibility for Free Schools, and this is under consideration.

The Council therefore requests that more detailed feasibility work and surveys are undertaken on which to determine the final capital budget. However, on the basis of current studies, officers recommend a 4FE school with a 6th form of 150 on this site.

Acquisition and Valuation

The Borough Valuer has been progressing discussions with the NHS St George's Trust to investigate the possibility of a 'priority purchase' under the provisions of the Estate Code. Priority purchase would be undertaken on the basis that the Council would acquire the site for educational purposes and the site would continue to be used for the public benefit. The NHS Trust has been asked to provide information on their valuer's opinion of the open market value of the site and on the conversion design, planning and other assumptions on which that valuation is based. This information has been promised and is awaited.

The Council would acquire the site on the basis that the costs of any Priority Purchase would be met in full by the government. The advantage to the scheme of the Council acquiring the site for the school, rather than ARK or NSC trying to acquire it themselves, is the prospect of Priority Purchaser status for the Council under the NHS Estate Code. This would prevent the Trust from openly marketing the property. The transaction would be on a negotiated basis at market value, the same as if the Council were to compulsorily purchase the property but without a defined Lands Tribunal procedure for resolving any disputes over the price or any binding obligation on the Trust to sell at all and just the Trust's urgent need for capital driving the transaction. The Priority Purchaser status can therefore avoid the uncertainty of the transaction being exposed to the risks of competitive bidding in the open market but is, however, susceptible to any delays by the Trust who also may seek ways to avoid agreeing the Council's status as Priority Purchaser if they consider this might not maximise the receipt for the Trust.

The proposal indicates a wish to open the school on a temporary basis on the site of the former Vines School in Forthbridge Road. However, this site is needed as an Annexe to Belleville School to provide additional primary places and this has been agreed for this purpose under statutory proposals. Recent discussions with PfS indicate that the ARK and the NSC would be prepared to accept an opening in 2012 on the Bolingbroke site as a more realistic target.

Procurement of the building alterations

With regards to procurement there are three possible options:

- (a) ARK Academies procure the project using consultants and contractors from the Academies framework;
- (b) the Wandsworth Preferred Bidder Bovis Lend Lease, approved for the two BSF sample schools, undertakes the work using previously procured rates; and
- (c) the Council procures the work using normal competitive procurement.

These options, and possibly others, will need to be explored in greater detail at the next stage, to weigh up their respective risks. A key question for discussion with the promoters is whether the Council will be expected to manage and deliver this project or whether it would act as a “facilitator”, which is the Council’s likely preferred position

The structure of the legal transactions for the delivery of the school will depend on the responsibilities adopted for the procurement of the conversion works both for the school and the PCT’s clinic. Due to the nature of the property it would be particularly difficult to manage separate contracts and contractors for the conversion of the school and clinic parts and also the refurbishment of the exterior and structure.

If NSC and ARK were responsible for the procurement of the conversion works, then this would be best controlled by granting them a building agreement, with the long lease being granted to them on completion of the works. However due to the need for a single contract / contractor and therefore a single procurer any such arrangement for ARK and the NSC to carry out the procurement would have to satisfy the St Georges Trust and the PCT as well as the Council and PfS.

If the budget allowed by the minister is insufficient to fully refurbish the building, this could result in higher ongoing maintenance liabilities which may cause problems of the acceptability of this to the PCT and to any investor taking a long lease on the clinic.

The likely end result to the property and procurement transactions is possibly that the Council hold the freehold, ARK and NSC hold a long lease of their part on a peppercorn rent, and the PCT or their nominee hold a long lease of the clinic part on a peppercorn rent, and possibly with a sublease to the clinic at a rack (market) rent. It may however be advisable for the freehold to be transferred to ARK/NSC on their own or jointly with the holder of the PCT lease after the works have been completed and leases granted to avoid ongoing management responsibility and resource implications for the Council.

Planning permission

Planning permission will be required for the change of use from hospital to school. In addition, alterations to the building (Grade II Listed) will need listed building consent. To address this, the suggested change in Development Control laws to allow a wider range of sites to be used without the need to seek ‘change of use’ consent, and change in the guidelines to local planning authorities to make clear there is a presumption in favour of setting up new schools will be necessary. The main issues likely to arise when an application is submitted are likely to be: the suitability of the site and building (including size) for the proposed use, the availability of play space and any increased traffic and parking associated with staff and pupils being delivered and collected, noise and disturbance and the extent of change to the historic fabric of the building.

NSC-ARK proposal for Free School

Leadership and management of the new school

ARK's track record suggests that leadership is a strength of their existing academies.

Ability and willingness to meet the Independent School Standards

Given that the Free School will be new and unproven, it will be important that it is subject to the Ofsted monitoring regime and is not exempted at this stage.

Ability and willingness to meet the terms of the funding or grant agreement.

ARK academies have a track record of robust general management.

In conclusion, Wandsworth Council reaffirms its commitment to the Free School and, as can be seen from the above, has taken a number of steps to support its development. There are clearly a number of issues that will need more detailed discussion and we look forward to ARK and the NSC's response to these.

Yours sincerely

Councillor Edward Lister
Leader of the Council