

EQUALITY IMPACT ASSESSMENT –

ELLIOTT SCHOOL

Department	Children's Services Department
Decision	<p>On 11th June 2012, the Executive (Paper No. 12-313), having considered all the responses from consultation undertaken in relation to the proposed disposal of part of the Elliott School site to fund refurbishment of the School, and having regard to the Council's statutory duties as local education authority to provide adequate pupil places in the Borough, agreed to make an application under Section 77 of the School Standards and Framework Act 1998 for consent to dispose of playing field land and to apply for a Direction from the Secretary of State under paragraph 10 of Schedule 1 to the Academies Act 2010 to transfer the freehold of the entire site from the Elliott Trust to the Council.</p> <p>On 23rd July 2012, the Parliamentary Under Secretary for Schools, notified the Council that the Secretary of State had given consent under S77 of the School Standards and Framework Act 1998. Consent is also required under paragraph 4 of Schedule 1 of the Academies Act 2010 to dispose of land which was used for the purposes of a school during the preceding 8 years, which has been applied for and is awaited. In order to therefore progress the proposals, agreement to the following is now being sought:</p> <ul style="list-style-type: none"> • note the receipt of consent under Section 77 of the School Standards and Framework Act 1998 and the outstanding application for a Direction under paragraph 10 of Schedule 1 to the Academies Act 2010 and to note the outstanding application for consent under paragraph 4 of Schedule 1 to the Academies Act 2010; • consider the responses and objections received in response to the Council's advertised intention to dispose of open space land at Elliott School, Pullman Gardens, SW15 pursuant to Section 123 of the Local Government Act 1972, as set out in <u>Appendix A</u>; • note the updates in relation to development of the School scheme; • subject to receipt of consent under paragraph 4 of Schedule 1 to the Academies Act 2010, authorise the disposal of the Council's freehold interest of the part of the site, which is outlined on the attached plan for indicative purposes, to Bidder A on the terms and conditions set out in Paper No 12-516A, subject to such variations and other terms and conditions as the Borough Valuer in consultation with the Borough Solicitor may approve; and, • in the event that Bidder A does not proceed to exchange of contracts within a reasonable time to be

	<p>determined by the Borough Valuer, in consultation with the Borough Solicitor and the Director of Children's Services, authorise disposal of part of the site as stated above to Bidder B on the terms set out in Paper No 12-516A, subject to such variations and other terms and conditions as the Borough Valuer, in consultation with the Borough Solicitor, may approve.</p> <p>These decisions will enable a further important step to be taken in the Council's plans to renovate and repair Elliott School</p>
Involved in preparation	Planning and Capital Development Team, Policy, Planning, Review & Information team, and the Directorate, Wandsworth Children's Services
Links to previous EIAs	<p>This EIA follows on from the EIA which considered the following decisions:</p> <ul style="list-style-type: none"> • Support the proposal for an application by Elliott Trust for a move to Academy status with ARK Schools as sponsor • Agree, subject to the agreement of Elliott Trust, that the freehold of the entire site be transferred to Council ownership, that Lend Lease Construction (EMEA) Limited be appointed to carry out due diligence and feasibility work in relation to the School scheme, that officers be instructed to explore the means of funding the refurbishment of Elliott School as a 6FE, that approval be given to a capital budget variation for £2.5m in 11/12 and that other such action is taken as necessary and authorised by SO83 A to bring about the refurbishment of the School. <p>It also follows on from the EIA which considered the following decisions:</p> <ul style="list-style-type: none"> • to approve a revised boundary position for land to be disposed of which take into account objections received during the consultation undertaken under Section 77 of the School Standards and Framework Act 1998 and the Council's statutory duties as local education authority to provide adequate pupil places in the Borough for future years; • to authorise the Director of Children's Services to make an application for consent under Section 77 of the School Standards and Framework Act 1998 to dispose of playing field land as part of disposal of the School site; • to authorise the Director of Children's Services to submit an application to the Secretary of State for a Direction under paragraph 10 of Schedule 1 to the Academies Act 2010 to transfer the freehold of the entire site from the Elliott Trust to the Council. • to authorise selection of Bidders A, B and C to enter into further examination of the deliverability of their development proposals and clarification of the consideration payable and authorise the Borough Valuer, taking into account the requirement to obtain the best consideration reasonably obtainable, in consultation with the Director of Finance and the Director of Children's Services, to select the final preferred bidder(s) to

	<p>complete their due diligence investigations, work up their proposals further in consultation with the Council's planning officers and English Heritage and finalise the draft contract documentation.</p> <ul style="list-style-type: none"> to enter into a preliminary design and build contract with Lend Lease Construction (EMEA) Limited for temporary mobile accommodation and associated enabling works at the School; <p>subject to receipt of the necessary consents:-</p> <ul style="list-style-type: none"> to enter into a contract for the acquisition of the freehold of the Site by the Council from the Elliott Trust for a peppercorn; to grant a short term lease to ARK Schools from the date the School converts to an Academy until the date the development agreement is entered into; to enter into a contract, conditional on obtaining planning permission, for the disposal of the freehold interest in the proposed surplus site to the preferred bidder(s) selected by the Borough Valuer pursuant to the recommendation above on terms and conditions to be approved by the Borough Valuer in consultation with the Borough Solicitor and the Director of Finance and subject to final authorisation prior to exchange of contracts under Standing Order 83a procedure. to agree that, subject to receipt of the all necessary consents, the surplus site be declared surplus to educational requirements; and, to agree that legal advice in connection with the applications for consent referred to above, the preliminary design and build contract and the design and build contract for the main refurbishment works and associated supplementary contracts with Lend Lease Construction (EMEA) Limited, the short term lease with ARK Schools, the development agreement, including the licence to occupy and the 125 year lease, with ARK Schools be provided by Nabarro LLP and that cost advice continues to be supported by AECOM Ltd and their sub-consultants Rex Proctor and Partners, as described in paragraph 50. <p>Both of these EIAs were submitted to Members and are available on the Council's website. This EIA builds upon the information contained in these EIAs and incorporates comments received following Section 123 publication.</p>
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Key dates for the assessment
Start date of EIA: 23.07.12
Start of consultation period: 2 nd July 2012 until 2 nd August 2012
Completion date for EIA: 07.08.12

1. Aims of the decision?

The aim of the decisions outlined above is to ultimately facilitate the repair and remodelling of Elliott School and its conversion to Academy status. The drivers for this decision are:

- The School occupies 1950s Grade II listed buildings which are in need of urgent restoration and repair. The external facade is currently covered in protective scaffolding at the base for safety reasons and the external curtain walling (external glazing) needs to be completely replaced. The current School buildings have reached the end of their useful life and are not fit for purpose. An investment in excess of £27m is urgently needed.
- The summer and winter temperatures in the classrooms are unacceptable and make it very difficult for the children to learn effectively. The Council has carried out a series of repairs and refurbishments to the building over the past ten years, including renewal of the roofs of the main building and assembly hall, along with structural and glazing repairs as necessary. However, the investment needed to replace the complete curtain walling system, renew all services and refurbish and remodel the interior of the buildings, far exceeds the capital grant that the Council receives from the Government for the whole school estate.
- The school's buildings issues go hand and hand with those of overall sustainability. In common with most schools which have spent time in Special Measures, Elliott has suffered a major fall in its roll. As funding is based on the number of children on roll, low numbers have inevitably led to financial problems which, if sustained, would threaten the future viability school. Parental perceptions of the school have not kept pace with the significant improvement in the school's exam results over the last three years, with the result that there are only 62 pupils currently in Year 7 for example. Changing the local community's perception of the school is therefore vital to its future success, hence the re-branding of the school as an ARK Putney Academy. Realistically, however, the current state of the buildings will continue to put off prospective parents unless urgently and conclusively addressed. The future sustainability of the school depends on its ability to attract pupils.
- A scheme to undertake the repair and refurbishment of the school was previously included in the Government's Building Schools for the Future (BSF) programme. Following the cancellation of the programme however, these resources are no longer available.

2. Rationale behind the decision?

The Council has a statutory duty to secure sufficient schools in the local area (Education Act 1996 Section 14) and to secure diversity of provision of schools and increase opportunities for parental choice (Education Act 1996, Section 14 (3A)).

The Council's policy regarding schools is to promote choice and diversity for parents in the availability of local schools and to ensure that there are adequate school places to meet demographic need.

The disposal of the land included in the application for consent under Section 77 of the School Standards and Framework Act

1998 will raise capital to repair and remodel the school. This will considerably improve physical fabric of the school buildings and the teaching and learning environment and facilities. It will therefore improve the attractiveness of the school both amongst the local and wider community – and this supports the policy objective of increasing choice and diversity. The school has suffered declining rolls in recent years with consequent negative impact on the school budget. The view is that refurbishment will reverse the trend leading to increased resources and effectively save a Grade II listed building which is in a serious state of disrepair with insufficient government funds to repair and remodel school. This additional funding will be available to benefit all the diverse groups within the school population and the wider community as the aim is for the school to become a hub for the local community – and will thus support wider equalities objectives.

3. Which organisations will have the opportunity to contribute to the EIA?

A detailed public consultation took place from 1st March - 24th May 2012 with parent/carers including prospective parents/carers and the community.

Section 123 of the Local Government Act 1972 authorises the Council to dispose of land for the best consideration reasonably obtainable and, where the area to be disposed of includes open space, the proposals must be advertised for two consecutive weeks in a newspaper circulating in the area and for all objections to be considered prior to making a decision on whether to dispose. This consultation took place between 5th July and 2nd August 2012. In total 10 responses to the consultation were received.

4. Data held on the likely impact of the decision in relation to protected characteristics		
	List data held	Gaps in information
Race	<p>The current ethnic breakdown of the school from 2008 -11 compared with borough average for 2011</p> <p>Consultation findings.</p>	<p>Latest census information is not yet available. Information on school population is included to mitigate against this.</p>
Gender	<p>Gender breakdown of the school from 2008-11 and comparison with borough average 2011</p> <p>Consultation findings.</p>	
Disability	<p>SEN breakdown of school from 2008 -11 and comparison with borough average 2011</p> <p>Consultation findings.</p>	
Age	The school will continue to provide education to	

	pupils aged from 11-15+ and the plans incorporate a new 6 th form for 16+	
	Consultation findings.	
Faith	The proposed school is non-denominational.	Pupil information not currently collected
	Consultation findings.	
Sexual Orientation	Consultation findings.	Pupil information not currently collected.

5. What does available information show in relation to the potential impact of the proposed policy? What is the impact on different groups? Please give details

The EIA has reviewed the current Elliott school profile in terms of Black and Minority Ethnic, Gender and Special Educational Needs and compared this with the Borough average to assess whether it is likely that the proposals would have an adverse equality impact. It has also considered the issues raised in the consultation where they relate to individuals with a protected characteristic.

Race

There is a higher proportion of BME pupils – particularly Black and Mixed ethnicity pupils - in Elliott school compared to the composition of the local population (as enumerated at the 2001 Census) – although the BME proportion is below the borough average for secondary schools. In large part this reflects the school's widely drawn catchment area – 28% of pupils are out of borough – and only 35% come from the neighbouring wards (East Putney, Roehampton, West Hill and West Putney). There has been a small increase in proportion of BME pupils over the past few years. Elliot school already provides good standards of education for BME pupils. For all BME groups in the school there is a three year upward trend - a very positive picture. IN 2011, gaps narrowed for Asian Pakistani, Mixed White and Black Caribbean, Mixed Other and White British pupils. Gaps widened for Black Caribbean and Black Ghanaian pupils because they are outperforming the borough average. Gaps widened for Black Other and Other pupils - representing 8% of the pupil population.

As far as can be judged there will be no negative impact of these proposals on any ethnic groups either at Elliott or any other secondary school. Indeed it should be noted that declining rolls over the past few years have meant a reducing school budget. Refurbishment offers the opportunity to secure additional resources through an expanding roll - to support and meet the needs of the full range of pupils from all ethnic groups. It will also ensure that the school is increasingly attractive both to the local and

wider community, complementing the Council's policy of increasing choice and diversity. It is possible that if the project does not progress that Elliott School may have to close which would negatively impact on young people.

January School Census date – Elliott	Asian	Black	Mixed
2011	10.7%	23.9%	13.2%
2010	9.9%	23.5%	12.5%
2009	9.0%	22.4%	11.7%
2008	7.1%	19.1%	12.1%
Borough average – secondary (Jan 2011)	21.2%	28.6%	10.6%
4 neighbouring wards (from 2001 Census) – resident population aged 10-19	6.5%	10.6%	7.6%

Elliott School Key stage 4 results

	2011		2010		2009	
	Total Pupils	5+A*-C inc E&M	Total Pupils	5+A*-C inc E&M	Total Pupils	5+A*-C inc E&M
All	139	61.9%	170	48.2%	165	43.0%
Asian-Pakistani	7	85.7%	3	100.0%	3	33.3%
Black-Caribbean	20	65.0%	24	50.0%	16	25.0%
Black-Ghanaian	8	100.0%	3	33.3%	6	83.3%
Black-Other	4	0.0%	3	33.3%	5	0.0%
Mixed-White & Black Caribbean	10	60.0%	12	66.7%	4	25.0%
Mixed-Other	3	66.7%	11	63.6%	3	33.3%
White-British	58	60.3%	69	44.9%	62	38.7%
Other	7	42.9%	5	60.0%	7	71.4%

No issues in relation to ethnicity were raised as part of either wave of the consultation.

Gender

One of the more striking features of the school profile has been the overrepresentation of Boys amongst the school population. Boys now make up almost 65% of the school population compared with a borough average of 53.6%. The proportion of Boys has also been rising over the past few years. As far as can be judged there will be no negative impact of these proposals on pupils of either gender either at Elliott or any other secondary school. Refurbishment would, however, offer the opportunity to re-examine and review the facilities and environment of the school and to ensure it is appropriate to meet the needs of both genders – again supporting the policy objective of increasing choice and diversity. It is possible that if the project does not progress that Elliott School may have to close which would negatively impact on young people, which given the current profile of the school would impact more on boys than girls.

January School Census date – Elliott	Male	Female
2011	64.6%	35.4%
2010	63.0%	37.0%
2009	63.2%	36.8%
2008	61.2%	38.8%
Borough average – secondary	53.6%	46.4%

No issues in relation to gender were raised as part of either wave of the consultation.

Disability

The admission criteria proposed ensure that if the school is over-subscribed children with the school named in their statement of educational will be given priority. The overall proportion of pupils with any special educational needs is slightly below the borough average – but has risen markedly in the past few years – particularly in terms of pupils at School Action and School Action +. The proportion with higher levels of needs (School Action +) is above the borough average – and the proportion of statemented pupils is at the borough average. As far as can be judged there will be no negative impact of these proposals on pupils with SEN either at Elliott or any other secondary school. As stated above due to declining rolls the school has experienced a reduction in budget. Remodelling offers both the prospect of additional resources as rolls rise – which can be used to meet the needs of pupils with SEN – and the possibility of re-designing the school configuration and facilities to ensure these are as appropriate as possible to the requirements of these pupils.

January School Census date – Elliott	School Action	School Action+	SEN Statement	Any SEN
2011	10.3%	17.4%	2.4%	30.1%
2010	11.4%	15.0%	2.7%	29.1%
2009	9.0%	11.0%	2.0%	22.0%
2008	5.2%	10.5%	2.9%	18.6%
Borough average – secondary (Jan 2011)	19.1%	12.4%	2.4%	33.9%

The new school would have the usual admission arrangements i.e. priority for admission would be given in the following order: a) Children Looked After; b) children with an exceptional medical or social need for a place; c) siblings of existing pupils and d) children living nearest to the school. Equally importantly, Elliott school will itself retain its existing admissions criteria.

The funding agreement requires the proposed Academy has regard for the Special Educational Needs Code of Practice (2001) and any guidance issues relating to sections 316 and 316A of the Education Act. It also requires the proposed Academy to “use its best endeavours to, in exercising its functions in relation to the school, to secure that, if any registered pupil has special educational needs, the special educational needs provision which the pupil’s learning difficulty calls for is made”.

No issues in relation to disability were raised as part of the consultations undertaken to date.

Faith

The proposed academy would be non-denominational and therefore is unlikely to specifically have a negative impact on pupils with regard to their faith or beliefs. It will provide religious education and collective worship provision in line with that offered in other non-denominational maintained schools.

Consistent Information on the faith of pupils at other borough secondary schools is not collected and therefore it is not possible to estimate the potential impact of the proposals on the school population.

No issues in relation to faith were raised as part of the consultations undertaken to date.

Age

The proposed academy would provide secondary education for children aged 11-15+ years (the statutorily defined age group) and a sixth form for pupils aged 16 -19. The disposal of the land will allow for the repair and refurbishment of the school which would significantly benefit current and future pupils (young people) attending the school and support the policy of increasing choice and diversity. It is possible that if the project does not progress that Elliott School may have to close which would negatively impact on young people.

Consultation.

All students were involved in small group meetings. All students voiced deep concern about the poor condition of the building, lack of modern facilities and excessive heat and cold. Students were concerned about loss of space but the majority supported the proposed sale if it would mean improved facilities overall. There was very high support for a new sports hall. The main area of student discussion was improving outdoor sports facilities. Current provision is seen as old fashioned and not good enough for competitions. A meeting of parents held on May 16th 2012 also supported the proposals.

The responses to the initial consultation highlighted a number of potential negative impacts in relation to young people as a result of the disposal of some of the land at Elliott School. These are that the proposals consulted on:

- do not take account of the potential for the school population to increase, thus limited the positive impact of repairing the school;
- could impact on children's well-being due to the reduced open space they would be able to use;
- could impact on the atmosphere and character of the school thus impacting on children's experiences of the school;
- could result in behavioural problems due to insufficient space;
- could be risks to the safety of young people travelling externally to use other provision.

Several alternatives were suggested in the consultation on the disposal of the land, which could therefore reduce the suggested negative impacts listed above. These were:

- Reduce the size of the land disposed of;
- Access government funding to avoid disposal of the land (However, there is no government funding currently available) ;
- Locate a primary school on the site and dispose of the site proposed for the primary school (However, this is unlikely to realise the required receipt to repair and refurbish Elliott School, provide sufficient area for the school to expand and also its location does not meet the need of where places are required);
- ARK to put funding into the school (However, ARK do not receive capital funding for this in relation to Elliott School);and

- The Council to fund works from its reserves (A detailed explanation relating to this point is set out in Paper 12-313 which accompanies this EIA. The explanation is detailed and therefore not repeated in this document, but should be read alongside it)

In the light of the consultation responses the Council reduced the area for disposal from 19432m² to 15,071m².

The Section 123 consultation raised the following concerns, which are addressed in the supporting committee paper:

- the Council has not demonstrated that the sale of the land is justified;
- by marketing the land without the necessary consents in place the Council has not ensured maximum land value;
- the Council has disregarded the value of the listed buildings, in particular the heritage value;
- the Council has not taken account of the educational value of open spaces;
- the Council's proposals do not sufficiently address traffic and access issues;
- the consultations have been inadequate;
- the Council has not sufficiently invested in the buildings;
- Council statements that the School refurbishment project was not suitable for the Priority School Building Programme are not well founded and that there is scope for such funding;
- the proposals are being progressed too fast and that the decision on land sale should be deferred;
- the Council should find alternative ways to fund the School refurbishment from its own resources and has not investigated or seriously considered alternative funding options or not exhausted all alternative possibilities;
- the valuation of the land to be disposed of and the marketing process was incorrect and may not lead to the best value being obtained;
- the sale of the property located at Westleigh Lodge, Westleigh Avenue would generate sufficient funds without requiring disposal of land on the Site;
- the reduced area identified for disposal will not generate sufficient funds for the refurbishment scheme;
- the School will not have access to on site pitches as a result of the disposal and insufficient consideration has been given to needs of young people for external areas; and,
- there is a conflict of interest between the involvement of Lend Lease in the School scheme and the residential scheme.

Of these the main concern which directly relates to young people is that the school will not have access to on site pitches as a result of the disposal. However, the scheme for the permanent redevelopment of the Academy envisages the development of a new 2000m² multi use games area. This will offer an improvement in the quality of the external games pitches. Further the opportunity will also be taken to redevelop all the external areas to improve the quality of external sporting facilities and to redevelop the gyms subject to any planning constraints.

Sexual Orientation

Information on sexual orientation is not collected so it has not been possible to assess the impact in this area.

No issues in relation to sexual orientation were raised as part of the consultations undertaken to date.

6. What does your review of the information show?	Evidence for your answer
a) No impact continue with policy	<p>The refurbishment and repair of Elliott School will ensure that the school continues and improves it will therefore have a positive impact for young people.</p> <p>If the improvements are not made there is a potential risk that the school may close which would negatively impact on the young people attending the school and those who may have attended it in the future.</p> <p>The EIA has identified no negative impacts in relation to ethnicity, gender, disability, faith or sexual orientation. Whilst it has identified a positive impact in relation to age (young people) the consultation did raise concerns regarding the impact of reduced outdoor space on young people and the potential for the school to grow. As such the area proposed for disposal was revised in order to address these concerns.</p>
7. Have you identified any actions that will improve the proposed policy or mitigate any negative impact?	
None identified in this EIA, however previous EIAs identified mitigating actions which were implemented.	

8. What future monitoring and evaluation tools will be appropriate and effective?	
Race	Admission details and attainment performance indicators
Gender	Admission details and attainment performance indicators
Disability	Admission details and attainment performance indicators
Faith	Not collected
Age	Not required
Sexual Orientation	Not collected

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