

## Equality Impact Assessment – Elliott School – Appendix E

Department	Children's Services Department
Decision	<p>In March 2012 (Paper No 12-225 supported by an EIA) the Executive agreed to consult on proposals for the release of land designated as 'playing fields' at Elliott School, with a view to the School's Foundation Trust and the Council submitting a joint application to the Department for Education (DfE), under Section 77 of the School Standards and Framework Act 1998. Following this consultation the following recommendations are submitted for approval in order to progress works to Elliott School:</p> <ul style="list-style-type: none"> <li>(a) to approve the revised boundary position for playing field land to be disposed of which take into account concerns expressed during the Section 77 consultation balanced against the Council's statutory duties as local education authority to provide adequate pupil places in the Borough for future years;</li> <li>(b) 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 proposed surplus site, from the Elliott Trust to the Council;</li> <li>(c) 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 grant a long lease of that the site to be occupied by ARK Schools (as sponsor of the new Academy), as shown coloured green on the plan in Appendix C (the Academy Site) to ARK Schools following expiry of the 12 month defects liability period under the design and build contract for the main refurbishment works at the School;</li> <li>(d) 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 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.</li> <li>(e) to enter into a preliminary design and build contract with Lend Lease Ltd for temporary mobile accommodation and associated enabling works at the School;</li> <li>(f) subject to receipt of the Secretary of State's consent in respect of (b) and (c) above:- <ul style="list-style-type: none"> <li>1. to enter into a contract for the acquisition of the freehold of the Site by the Council</li> </ul> </li> </ul>

	<p>from the Elliott Trust for a peppercorn;</p> <ol style="list-style-type: none"> <li>2. 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;</li> <li>3. 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 recommendation 2(d) 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.</li> </ol> <p>(g) to agree that, subject to receipt of the consents referred to in (b) and (c) above, the Surplus Site be declared surplus to educational requirements; and,</p> <p>(e) to agree that legal advice in connection with the applications for consent referred to in (b) and (c) 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 Ltd, 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>
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"> <li>• Support the proposal for an application by Elliott School Trust for a move to academy status with ARK schools</li> <li>• Agree, subject to the agreement of the Elliott Trust, that the freehold of the entire site be transferred to Council ownership, that Lend Lease Ltd be appointed to carry out due diligence and feasibility work, 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 Elliott.</li> </ul> <p>This EIA was considered by the Executive on March 1st when they reached their decision to support the above decisions.</p> <p>This EIA builds upon the information contained in this EIA and incorporates feedback from the consultation held between 1<sup>st</sup> March and 24<sup>th</sup> May.</p>

<b>Key dates for the assessment</b>
Start date of EIA: 24 <sup>th</sup> February 2012
Start of consultation period: 1 <sup>st</sup> March 2012 – 24 <sup>th</sup> May 2012
Completion date for EIA: 30 <sup>th</sup> May 2012

## 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 move to academy status. The drivers for this decision are:

- The School occupies 1950's 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. A minimum 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. The Government have recently announced the Priority Schools Building Programme but specifically excluded listed buildings in the bidding criteria.

## **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) added by (Education and Inspections Act 2006, Section 2)

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 Section 77 submission will raise funds 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 2 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 will take place from 1st March - 24th May 2012 with parent/carers including prospective parents/carers and the community. The consultation will be managed jointly between Elliott School ARK Schools and the council. The Council and ARK schools will publicise the proposals on their respective websites. Letters will distributed from the headteacher to the local area. There will be extensive coverage in the press of the Council's proposals. There will be two public consultations held at the Putney Library on 12th and 17th April. There will be further public consultations on 17th and Saturday, 19th May and a parents' consultation meeting on Wednesday 16th May, all at Elliott School.

Outcome of consultation: As of 30th May 2012 there were 212 written responses to the public consultation, of which 9 support the proposal. In addition there is the Save the Elliott School 'e petition' on the Wandsworth Council website. This campaign opposes the proposed disposal of the school land. As at 30th May, 530 people had signed this petition. The same group also obtained 100 signatures in a written petition. There is also an 'e petition' on the Council's web site from the School urging the Council to proceed with the scheme, even if it means the disposal of some land to fund the works. As of 30th May, 117 people have signed this 'e Petition'.

<b>4. Data held on the likely impact of the decision in relation to protected characteristics</b>		
	List data held	Gaps in information
Race	The current ethnic breakdown of the school from 2008 -11 compared with borough average for 2011  Consultation findings.	Latest census information is not yet available. Information on school population is included to mitigate against this.
Gender	Gender breakdown of the school from 2008-11 and comparison with borough average 2011  Consultation findings.	
Disability	SEN breakdown of school from 2008 -11 and comparison with borough average 2011  Consultation findings.	
Age	The school will continue to provide education to pupils aged from 11-15+ and the plans incorporate a new 6 <sup>th</sup> form for 16+  Consultation findings.	
Faith	The proposed school is non-denominational.  Consultation findings.	Pupil information not currently collected
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. Elliott school already provides a 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
<b>2011</b>	10.7%	23.9%	13.2%
<b>2010</b>	9.9%	23.5%	12.5%
<b>2009</b>	9.0%	22.4%	11.7%
<b>2008</b>	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 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
<b>2011</b>	64.6%	35.4%
<b>2010</b>	63.0%	37.0%
<b>2009</b>	63.2%	36.8%
<b>2008</b>	61.2%	38.8%
Borough average – secondary	53.6%	46.4%

No issues in relation to gender were raised as part 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
<b>2011</b>	10.3%	17.4%	2.4%	30.1%
<b>2010</b>	11.4%	15.0%	2.7%	29.1%
<b>2009</b>	9.0%	11.0%	2.0%	22.0%
<b>2008</b>	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 consultation



## **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 consultation

## **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. As the school does not currently have a 6<sup>th</sup> form this will provide a new opportunity for young people planning further education. 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 16<sup>th</sup> also supported the proposals.

The responses to the 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 has reduced the area for disposal from 19432m<sup>2</sup> to 16,666m<sup>2</sup>. This is a reduction of 11%. In so doing, the Council has had to balance the need to achieve capital receipts to support the refurbishment of the school and present a scheme which best meets the needs of the local community and satisfies planning requirements. Should the disposal proceed, it is likely that the capital receipt would not fully cover the cost of the building works and that the Council would have to make up the shortfall. This proposal addresses the negative impacts highlighted above.

## **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 consultation

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 would 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 has been 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?		
<p>In the light of the consultation responses the Council has reduced the area for disposal from 19432m<sup>2</sup> to 16,666m<sup>2</sup>. This is a reduction of 11%. In so doing, the Council has had to balance the need to achieve capital receipts to support the refurbishment of the school and present a scheme which best meets the needs of the local community and satisfies planning requirements. Should the disposal proceed, it is likely that the capital receipt would not fully cover the cost of the building works and that the Council would have to make up the shortfall. This proposal addresses the negative impacts highlighted above.</p>		
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	

