

Merton Council Overview and Scrutiny Commission



Date: 4 August 2016

Time: 7.15 pm

Venue: Committee rooms C, D & E - Merton Civic Centre, London Road, Morden
SM4 5DX

AGENDA

Page Number

- 1 Apologies for absence
- 2 Declarations of pecuniary interest
- 3 Call-in of Harris Wimbledon Secondary School - Required Site Approvals 1 - 208

**This is a public meeting – members of the public are very welcome to attend.
The meeting room will be open to members of the public from 7.00 p.m.**

For more information about the work of this and other overview and scrutiny panels, please telephone 020 8545 3864 or e-mail scrutiny@merton.gov.uk. Alternatively, visit www.merton.gov.uk/scrutiny

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Overview and Scrutiny Commission membership

Councillors:

Peter Southgate (Chair)
Peter McCabe (Vice-Chair)
Hamish Badenoch
Abigail Jones
Oonagh Moulton
David Williams
Mike Brunt
John Dehaney
Sally Kenny
Dennis Pearce

Substitute Members:

Suzanne Grocott
John Sargeant
Michael Bull
Agatha Mary Akyigyina
Joan Henry

Co-opted Representatives

Helen Forbes, Parent Governor
Representative - Secondary and Special
Sector
Colin Powell, Church of England diocese
Geoffrey Newman (Co-opted member,
non-voting)

Note on declarations of interest

Members are advised to declare any Disclosable Pecuniary Interest in any matter to be considered at the meeting. If a pecuniary interest is declared they should withdraw from the meeting room during the whole of the consideration of that matter and must not participate in any vote on that matter. If members consider they should not participate because of a non-pecuniary interest which may give rise to a perception of bias, they should declare this, withdraw and not participate in consideration of the item. For further advice please speak with the Assistant Director of Corporate Governance.

What is Overview and Scrutiny?

Overview and Scrutiny describes the way Merton's scrutiny councillors hold the Council's Executive (the Cabinet) to account to make sure that they take the right decisions for the Borough. Scrutiny panels also carry out reviews of Council services or issues to identify ways the Council can improve or develop new policy to meet the needs of local people. From May 2008, the Overview & Scrutiny Commission and Panels have been restructured and the Panels renamed to reflect the Local Area Agreement strategic themes.

Scrutiny's work falls into four broad areas:

- ⇒ **Call-in:** If three (non-executive) councillors feel that a decision made by the Cabinet is inappropriate they can 'call the decision in' after it has been made to prevent the decision taking immediate effect. They can then interview the Cabinet Member or Council Officers and make recommendations to the decision-maker suggesting improvements.
- ⇒ **Policy Reviews:** The panels carry out detailed, evidence-based assessments of Council services or issues that affect the lives of local people. At the end of the review the panels issue a report setting out their findings and recommendations for improvement and present it to Cabinet and other partner agencies. During the reviews, panels will gather information, evidence and opinions from Council officers, external bodies and organisations and members of the public to help them understand the key issues relating to the review topic.
- ⇒ **One-Off Reviews:** Panels often want to have a quick, one-off review of a topic and will ask Council officers to come and speak to them about a particular service or issue before making recommendations to the Cabinet.
- ⇒ **Scrutiny of Council Documents:** Panels also examine key Council documents, such as the budget, the Business Plan and the Best Value Performance Plan.

Scrutiny panels need the help of local people, partners and community groups to make sure that Merton delivers effective services. If you think there is something that scrutiny should look at, or have views on current reviews being carried out by scrutiny, let us know.

For more information, please contact the Scrutiny Team on 020 8545 3864 or by e-mail on scrutiny@merton.gov.uk. Alternatively, visit www.merton.gov.uk/scrutiny

Committee: Overview and Scrutiny Commission

Date: 4 August 2016

Wards: Borough wide implications

Subject: Call-in of Harris Wimbledon Secondary School – Required Site Approvals

Lead officers: Yvette Stanley – Director of Children, Schools and Families

Chris Lee – Director of Environment and Regeneration

Lead members: Councillor Caroline Cooper-Marbiah, Cabinet Member for Education

Councillor Mark Allison, Deputy Leader and Cabinet Member for Finance

Contact officers: Tom Procter – Head of Contracts and School Organisation

Paul Ballatt – Assistant Director, Commissioning, Strategy and Performance

James McGinlay – Head of Sustainable Communities

Recommendations:

- A. That the Overview and Scrutiny Commission consider the information provided in response to the call-in request and decide whether to:
- Refer the decision back to Cabinet for reconsideration; or
 - Determine that the matter is contrary to the policy and/or budget framework and refer the matter to Full Council; or
 - Decide not to refer the matter back to Cabinet, in which case the decision shall take effect immediately.
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. This report provides a response to the points raised in the call-in request relating to Cabinet's decision regarding the proposed site for the new secondary school taken on 4 July 2016.

2 DETAILS

- 2.1. The call-in request and documents provided in response to this are appended to this report.

3 ALTERNATIVE OPTIONS

- 3.1. The Council's constitution requires the Commission to select one of the options listed in recommendation A.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. None for the purposes of this covering report.

5 TIMETABLE

- 5.1. None for the purposes of this covering report.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

6.1. None for the purposes of this covering report.

7 LEGAL AND STATUTORY IMPLICATIONS

7.1. The Council's constitution requires the Commission to select one of the options listed in recommendation A.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

8.1. None for the purposes of this covering report.

9 CRIME AND DISORDER IMPLICATIONS

9.1. None for the purposes of this covering report.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

10.1. None for the purposes of this covering report.

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- Appendix 1: call-in request form (exempt in part)
- Appendix 2: Cabinet Report, 4 July 2016 (appendix 1 is exempt)
- Appendix 3: Children and Young People Overview and Scrutiny Panel, 29 June 2016
- Appendix 4A: Reference from Scrutiny to Cabinet, 4 July 2016 (exempt)
- Appendix 4B: additional information laid round at Scrutiny Panel meeting on 29 June 2016
- Appendix 5: Officers' response to the call-in.(exempt) Includes Annexes A-E. (all exempt)
- Appendix 6: Minutes from Children and Young People Overview and Scrutiny Panel, 29 June (part exempt)
- Appendix 7: witness statement from Chair of Governors, Joseph Hood Primary School
- Appendix 8: witness statement (exempt)

12 BACKGROUND PAPERS

12.1. None for the purposes of this covering report.

Merton Council - call-in request form (PUBLIC VERSION)

1. Decision to be called in: (required)

Harris Wimbledon Secondary School – Required Site Approvals

2. Which of the principles of decision making in Article 13 of the constitution has not been applied? (required)

Required by part 4E Section 16(c)(a)(ii) of the constitution - tick all that apply:

| | |
|---|---|
| (a) proportionality (i.e. the action must be proportionate to the desired outcome); | |
| (b) due consultation and the taking of professional advice from officers; | X |
| (c) respect for human rights and equalities; | X |
| (d) a presumption in favour of openness; | X |
| (e) clarity of aims and desired outcomes; | |
| (f) consideration and evaluation of alternatives; | X |
| (g) irrelevant matters must be ignored. | |

3. Desired outcome

Part 4E Section 16(f) of the constitution- select one:

| | |
|---|---|
| (a) The Panel/Commission to refer the decision back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns. | X |
| (b) To refer the matter to full Council where the Commission/Panel determines that the decision is contrary to the Policy and/or Budget Framework | |
| (c) The Panel/Commission to decide not to refer the matter back to the decision making person or body * | |
| * If you select (c) please explain the purpose of calling in the decision. | |



4. Evidence which demonstrates the alleged breach(es) indicated in 2 above (required)

Required by part 4E Section 16(c)(a)(ii) of the constitution:

(b) due consultation and the taking of professional advice from officers;

We – the signatories - understand that various elements of this decision have been commercially sensitive, However there has been no attempt to consult on either the type of school that would work or the type of location that would work. There has been no consultation on the provision from the curriculum that is deemed to be important and what is not deemed important in delivery of a new secondary school.

To date there has been no input from future pupils on the school that they will attend. We can also find no evidence that teachers or parents have been consulted. Finally there is no evidence that the community immediately around the proposed site has been consulted or is even aware of the proposals.

Much of this consultation could have been undertaken notwithstanding the commercial sensitivity of the precise site.

Whilst we understand and respect the right of officers and Cabinet members to allow them to have dialogue to reach a decision, once the governors of schools have been involved then at that point other councillors should be informed. This did not however happen.

(c) respect for human rights and equalities;

We are concerned there could be limitations on the pupils' education at this new school because of the site.

More work needs to be done to verify that a truly equal education can be provided to pupils in this school when compared to other secondary schools in Merton.

This new school will be approximately one quarter the size of other Merton schools, the lack of outdoor playing fields may curtail exercise, sports, fresh air and social interaction. PE and sports are increasingly a valuable part of the curriculum with health and social benefits e.g. in tackling obesity

as well as self esteem benefits for young people.

More work needs to be done to ensure the safety of the new site.

(d) a presumption in favour of openness;

We don't think the administration would dispute the fact that there has been significant secrecy around this issue. Whilst we accept that some of that has been required, we do not believe it has been required to the degree that has happened and therefore we do not believe there has been a full presumption of openness.

The point when governors of schools are being told of plans should definitely be the point at which Opposition councillors become involved (see points under (b))

(f) consideration and evaluation of alternatives;

The council and Capita themselves identified two sites which it was felt were suitable as secondary schools: the Chaucer/SMART Centre site and the Melrose/Worsfold House site. It is accepted that these sites would not have had nearly as many issues associated with provision of education and delivery of the full curriculum and, albeit not in Wimbledon, are in our view more suitable than the currently proposed site, especially as they do not require purchases from third parties which would have allowed fuller consultation and more openness.

There are a number of primary school sites in the borough listed in the report which are the same size or a similar size to our secondary schools. We cannot see any evidence at all that serious thought has been given to a 'through school' and, when asked at the Children and Young People Scrutiny Panel meeting on 29th June 2016, Cabinet Members appeared unable to engage on this issue. It is still unclear whether this has been considered and/or whether there is an administration policy either in favour or against 'through schools' which of course are popular in some parts of the country.

In summary, we do favour a Wimbledon school and indeed the previous Conservative administration had plans for a new Wimbledon primary school. However, it is important that this school is on the correct location which is safe, can deliver the full curriculum and is not detrimental to other organisations and schools.

5. Documents requested

All papers provided to the Director of Children , Schools and Families/Director of Environment and Regeneration/Director of Corporate Services and relevant Cabinet Members prior to, during and subsequent to the decision making process on the site of the new secondary school.

All emails, reports and associated documentation relating to the decision on the new secondary school provided to the relevant Cabinet Members, Leader of the Council, Chief Executive, Director of Children, Schools and Families, Director of Environment and Regeneration, Director of Corporate Services and other council officers.

Meeting notes of all meetings between officers / Cabinet Members and the relevant stakeholders (listed in exempt document) and any correspondence received from those organisations.

Any papers/correspondence/reports/analysis to do with safety in the roads around the proposed site..

The Equality Impact Assessment (or any other equalities analysis carried out) in relation to proposed sites affected in the Cabinet report.

Any papers to do with the ability of the new school to deliver the full curriculum to its future pupils, especially sports, PE and outside play.

6. Witnesses requested

Cllr Caroline Cooper-Marbiah, Cabinet Member for Education

Cllr Martin Whelton, former Cabinet Member for Education

Peter Walker, former Cabinet member for Education

Merton Council officers responsible for ensuring the curriculum can be delivered at the new school

7. Signed (not required if sent by email):

Cllr James Holmes

Cllr Adam Bush

Cllr Linda Taylor

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Committee: Cabinet

Date: 4th July 2016

Wards: Borough wide implications

Subject: **Harris Wimbledon Secondary School – Required Site Approvals**

Lead officers: Yvette Stanley – Director of Children, Schools and Families
Chris Lee – Director of Environment and Regeneration

Lead members: Caroline Cooper-Marbiah – Cabinet member for Education
Mark Allison Deputy Leader and Cabinet Member for Finance

Contact officers: Tom Procter – Head of Contracts and School Organisation
Paul Ballatt – Assistant Director, Commissioning, Strategy and Performance
James McGinley - Head of Sustainable Communities

Recommendations:

- A. That Cabinet agrees recommendations A – G as set out in the exempt full Cabinet report contained at Appendix One
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. The subject of this report is the site assembly to provide for a new secondary school in Wimbledon - Harris Wimbledon. The report provides an executive summary of the exempt full Cabinet report contained at Appendix One.
- 1.2. This report provides all elements of the report that can be on non-confidential 'white' paper.

2 DETAILS

Executive summary of Exempt Full Cabinet Report

- 2.1. The requirement for a site for a new secondary school has been established for some time, with council reports to 11 November 2013 Cabinet, 15 October 2014 Children and Young People Overview and Scrutiny Panel, 8 June 2015 Cabinet and 18 January 2016 Cabinet.
- 2.2. Since the Secretary of State's approval of Harris Wimbledon as a Free School, officers have been working closely with the EFA to identify a suitable site.
- 2.3. Officers are now in a position to request Cabinet on 4 July 2016 for financial authority to purchase the required sites in South Wimbledon with related property transactions, with the final details to be agreed by the Director of Environment and Regeneration. For commercial reasons the sites need to remain confidential until heads of terms are formally agreed.
- 2.4. Once terms are formally agreed it will take some time for the site to be cleared so it is envisaged construction will not commence until summer/early autumn 2017 at the earliest and the permanent school will therefore not be completed until summer 2019 at the earliest.

- 2.5. In view of the significant need for additional school places by at least September 2018 a temporary site is required to provide for the first two cohorts of pupils.
- 2.6. The Whatley Avenue Adult Education centre is a former small high and middle school, and will be surplus to council requirements in August 2016. It has sufficient capacity for about 360 pupils, and as the new school will only be filling by 180 pupils per year Whatley Avenue could provide a temporary school for a maximum of two years. These pupils would be in school years 7 and 8; aged 11-12 and 12-13.
- 2.7. It is therefore proposed this building is used as a temporary school for the Harris Federation for up to two academic years, and a short term lease at a peppercorn rent should be provided for this purpose before reverting back to the council. The adaptation costs and the costs for the security of the building from September 2016 would be met in full by the EFA.

3 ALTERNATIVE OPTIONS

- 3.1. Details in the exempt full Cabinet report.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. Details in the exempt full Cabinet report.

5 TIMETABLE

- 5.1. The pre-opening approval from the Secretary of State is for the school to open in September 2017. For the council, the essential requirement is that the school must open to year 7 places by September 2018
- 5.2. The timetable is therefore for Whatley Avenue to be used as a temporary site for either the two academic years 2017/18 and 2018/19 or 2018/19 and 2019/20 for the new school site to be ready for either September 2019 or September 2020.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. Details in the exempt full Cabinet report

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. The council has a duty under section 14 of the Education Act 1996 to secure that sufficient schools for providing primary and secondary education are available for its area. The Act provides that schools available for an area shall not be regarded as sufficient unless they are sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education. The local authority must exercise its functions under section 14 with a view to securing diversity in the provision of schools, and increasing opportunities for parental choice.
- 7.2. There is a statutory presumption that new publicly-funded schools should be academies. The DfE has confirmed that all new provision academies are

now classified as “free schools”. Under section 6A of the Education and Inspections Act 2006, if the council thinks that a new school needs to be established in its area, it must seek proposals for the establishment of an academy (free school) and specify a date by which proposals must be submitted. In considering the need for a new school, the council can take account of any other free school projects that the DfE has approved and are due to open.

- 7.3. The council has power to acquire land by agreement for the purpose of a school which is to be maintained by a local authority or which the authority has power to assist, under section 531 of the Education Act 1996 and section 120 of the Local Government Act 1972. The Secretary of State may authorise a local authority to purchase compulsorily any land required for the purpose of an academy (whether established or to be established) under section 530 of the Education Act 1996.
- 7.4. The council may assist an academy (including a free school) under section 6 of the Academies Act 2010.
- 7.5. Section 123 of the Local Government Act allows a local authority to dispose of land in manner they wish provided they obtain the best consideration reasonably obtainable. A disposal includes a lease of seven years or more
- 7.6. Further details in the confidential Cabinet report. .

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. Details in the exempt full Cabinet report.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. None specific

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1. Details in the exempt full Cabinet report.

11 APPENDICES – APPENDIX ONE: EXEMPT CABINET REPORT

12 BACKGROUND PAPERS

- 12.1. Previous council reports on secondary school expansion:
- 11 November 2013 Cabinet
 - 15 October 2014 Children and Young People Overview and Scrutiny Panel
 - 8 June 2015 Cabinet
 - 18 January 2016 Cabinet

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Committee: Children and Young People Overview and Scrutiny Panel

Date: 29 June 2016

Wards: Borough wide implications

Subject: **Harris Wimbledon Secondary School – Required Site Approvals**

Lead officers: Yvette Stanley – Director of Children, Schools and Families
Chris Lee – Director of Environment and Regeneration

Lead members: Caroline Cooper-Marbiah – Cabinet member for Education
Mark Allison Deputy Leader and Cabinet Member for Finance

Contact officers: Tom Procter – Head of Contracts and School Organisation
Paul Ballatt – Assistant Director, Commissioning, Strategy and Performance
James McGinley - Head of Sustainable Communities

Recommendations:

- A. For the Scrutiny Panel to consider and comment on the attached Cabinet report as part of the pre-decision scrutiny process.
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1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. The subject of this report is the site assembly to provide for a new secondary school in Wimbledon - Harris Wimbledon. The confidential report is provided to Children and Young People Overview and Scrutiny Panel to enable the panel to provide comments as part of the pre-decision scrutiny process, prior to the report being considered by Cabinet on 4 July 2016.
- 1.2. This report provides all elements of the report that can be on non-confidential 'white' paper.

2 DETAILS

Executive summary of Cabinet Paper (on white paper)

- 2.1. The requirement for a site for a new secondary school has been established for some time, with council reports to 11 November 2013 Cabinet, 15 October 2014 Children and Young People Overview and Scrutiny Panel, 8 June 2015 Cabinet and 18 January 2016 Cabinet.
- 2.2. Since the Secretary of State's approval of Harris Wimbledon as a Free School, officers have been working closely with the EFA to identify a suitable site.
- 2.3. Officers are now in a position to request Cabinet on 4 July 2016 for financial authority to purchase the required sites in South Wimbledon with related property transactions, with the final details to be agreed by the Director of Environment and Regeneration. For commercial reasons the sites need to remain confidential until heads of terms are formally agreed.

- 2.4. Once terms are formally agreed it will take some time for the site to be cleared so it is envisaged construction will not commence until summer/early autumn 2017 at the earliest and the permanent school will therefore not be completed until summer 2019 at the earliest.
- 2.5. In view of the significant need for additional school places by at least September 2018 a temporary site is required to provide for the first two cohorts of pupils.
- 2.6. The Whatley Avenue Adult Education centre is a former small high and middle school, and will be surplus to council requirements in August 2016. It has sufficient capacity for about 360 pupils, and as the new school will only be filling by 180 pupils per year Whatley Avenue could provide a temporary school for a maximum of two years. These pupils would be in school years 7 and 8; aged 11-12 and 12-13.
- 2.7. It is therefore proposed this building is used as a temporary school for the Harris Federation for up to two academic years, and a short term lease at a peppercorn rent should be provided for this purpose before reverting back to the council. The adaptation costs and the costs for the security of the building from September 2016 would be met in full by the EFA.

3 ALTERNATIVE OPTIONS

- 3.1. Details in the confidential Cabinet report.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. Details in the confidential Cabinet report.

5 TIMETABLE

- 5.1. The pre-opening approval from the Secretary of State is for the school to open in September 2017. For the council, the essential requirement is that the school must open to year 7 places by September 2018
- 5.2. The timetable is therefore for Whatley Avenue to be used as a temporary site for either the two academic years 2017/18 and 2018/19 or 2018/19 and 2019/20 for the new school site to be ready for either September 2019 or September 2020.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. Details in the confidential Cabinet report

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. The council has a duty under section 14 of the Education Act 1996 to secure that sufficient schools for providing primary and secondary education are available for its area. The Act provides that schools available for an area shall not be regarded as sufficient unless they are sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education. The local authority must exercise its functions under

section 14 with a view to securing diversity in the provision of schools, and increasing opportunities for parental choice.

- 7.2. There is a statutory presumption that new publicly-funded schools should be academies. The DfE has confirmed that all new provision academies are now classified as “free schools”. Under section 6A of the Education and Inspections Act 2006, if the council thinks that a new school needs to be established in its area, it must seek proposals for the establishment of an academy (free school) and specify a date by which proposals must be submitted. In considering the need for a new school, the council can take account of any other free school projects that the DfE has approved and are due to open.
- 7.3. The council has power to acquire land by agreement for the purpose of a school which is to be maintained by a local authority or which the authority has power to assist, under section 531 of the Education Act 1996 and section 120 of the Local Government Act 1972. The Secretary of State may authorise a local authority to purchase compulsorily any land required for the purpose of an academy (whether established or to be established) under section 530 of the Education Act 1996.
- 7.4. The council may assist an academy (including a free school) under section 6 of the Academies Act 2010.
- 7.5. Section 123 of the Local Government Act allows a local authority to dispose of land in manner they wish provided they obtain the best consideration reasonably obtainable. A disposal includes a lease of seven years or more
- 7.6. Further details in the confidential Cabinet report .

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. Details in the confidential Cabinet report .

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. None specific

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1. Details in the confidential Cabinet report.

11 APPENDICES – CONFIDENTIAL CABINET REPORT

12 BACKGROUND PAPERS

- 12.1. Previous council reports on secondary school expansion:
 - 11 November 2013 Cabinet
 - 15 October 2014 Children and Young People Overview and Scrutiny Panel
 - 8 June 2015 Cabinet
 - 18 January 2016 Cabinet

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Additional information for CYP Overview and Scrutiny Panel 29 July 2016 report
“Harris Wimbledon Secondary School - to agree required site approvals”

Supply and demand for secondary school places

Introduction

The main Cabinet report presented to CYP overview and scrutiny panel concentrates on site approvals for Harris Wimbledon school rather than whether there is a ‘basic need’ for a school, but references previous Cabinet report from 11 November 2013 to January 2016 where the need was evidenced.

A new secondary school in the area has the potential to change admissions patterns of existing schools, and it is natural that these schools feel an element of threat when a new school is proposed. In this context, Merton Secondary Heads’ meeting has raised concern regarding whether there is a need to provide a new school, especially when three of LB Merton’s 8 secondary schools have not been able to fill all their places for this September 2016, collectively meaning there are presently 128 vacancies. With an allowance for some further late applications and placements it is expected there will be around 110 spare places (6.5%) in the official roll count.

Review of demand –Cabinet paper on Secondary School expansion 18 January 2016

Due to the wide variety of choice for secondary education, the key challenge in forecasting secondary school numbers is the retention rate between year 6 and year 7 (the first year of secondary school). The Cabinet paper on 18 January 2016 reviewed the supply of demand of school places on the basis of 2015/16 academic year rolls, and preference information for 2016/17 year 7 entry. This identified that:

- Our analysis from the number of resident admissions applications for September 2016 shows that the expected additional number of pupils up to September 2016 requiring a secondary school place is as forecast - there have been over 200 additional on-time admissions applications from Merton residents from 2014 to 2016 (139 extra in 2015 and a further 66 in 2016).
- However, to date this extra demand has not fully translated itself into numbers on roll in LB Merton state funded secondary schools in September 2015, or projected through the admissions preferences for LB Merton secondary schools for September 2016 which have recently been received

It concluded that the demand for secondary school places may not be as high as previously forecast due LB Sutton ‘front loading’ its expansions, and that while the council should proceed with plan for the new school (6 forms of entry) and the expansion of Harris Academy Merton (2 forms of entry), officers should continue to monitor the position before committing to the expansion of Harris Academy Morden and St. Mark’s Academy.

Latest position

LB Merton projects secondary places through a local model based on historic retention panels from previous school year groups, and from a more sophisticated model by the GLA. The latest GLA model forecasts a slightly lower demand than the LB Merton model for places up to 2018/19, but a higher demand from 2020/21. The tables below are based on the Merton model as it is more flexible to adjust:

TABLE 1 - SHOWS ACTUAL AND FORECAST RISE IN YEAR 6 NUMBERS, ACTUAL YEAR 7 NUMBERS AND FORECAST BASED ON CIRCA 79% RETENTION RATE

| | 2011/12 | 2012/13 | 2013/14 | 2014/15 | 2015/16 | 2016/17 | 2017/18 | 2018/19 | 2019/20 | 2020/21 | 2021/22 |
|-----------------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| Year 6 roll actual/forecast | | | | | | | | | | | |
| Merton model | 1837 | 1817 | 1848 | 2024 | 2081 | 2133 | 2378 | 2369 | 2332 | 2380 | 2392 |
| Year 7 roll actual/forecast | | | | | | | | | | | |
| Merton model | 1457 | 1454 | 1465 | 1492 | 1578 | 1651 | 1687 | 1879 | 1873 | 1844 | 1882 |
| Transfer percentage | 84.5% | 79.2% | 80.6% | 80.7% | 78.0% | 79.3% | 79.1% | 79.0% | 79.1% | 79.1% | 79.1% |

Note - should read diagonally to see the transfer i.e. 2014/15 year 6 is 2015/16 year 7. Forecasts in italics, others actual roll. 5% is circa 100 pupils, so 100 pupils 'lost' in 5 years

TABLE 2 - SHOWS ACTUAL AND FORECAST SURPLUS YEAR 7 PLACES AGAINST ADMISSION NUMBERS WITH EXPANSION PLANS

| | 2011/12 | 2012/13 | 2013/14 | 2014/15 | 2015/16 | 2016/17 | 2017/18 | 2018/19 | 2019/20 | 2020/21 | 2021/22 |
|---------------------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| Total planned admission number* | 1669 | 1669 | 1669 | 1669 | 1669 | 1699 | 1729 | 1909 | 1909 | 1909 | 1909 |
| Surplus places | 212 | 215 | 204 | 177 | 91 | 48 | 42 | 30 | 36 | 65 | 27 |
| Surplus percentage | 12.7% | 12.9% | 12.2% | 10.6% | 5.5% | 2.8% | 2.4% | 1.6% | 1.9% | 3.4% | 1.4% |

*Based on current PAN then expansion of Harris Merton (30 extra in 2016/17 and 60 from 2017/18), and Harris Wimbledon opening 2018/19
If Harris Wimbledon opens in September 2017 with 120 places, surplus forecast in 2017/18 would be 162 (8.8%)

Traditional recommendation from Audit Commission is 5-10% surplus places for ideal balance between efficiency and parental preference

These tables show how the year 6 roll has risen by 264 over the past 3 years, but only about half of this has translated into additional year 7 places. Over the 2 years to 2017/18 (which will be year 7 in 2018/19) there is forecast to be a further 297 year 6 children requiring secondary school places.

On the basis of a consistent retention rate of 79% the plans for Harris Wimbledon and Harris Merton forecasts that the council will be providing sufficient places, but with a surplus of only circa 2%; this is lower than the traditional recommendation from the Audit Commission to balance parental choice and efficiency.

If the new school opens in September 2017 as preferred by the EFA then the forecast is for 8.8% surplus places in 2017/18; this may impact on the roll and budget of existing schools.

The very latest admissions information shows that the retention rate for 2016/17 will be only 76%, and if this continues the surplus in 2018/19 and beyond would be closer to 5%. However, even this will be lower than the current year and significantly lower than in recent years for LB Merton secondary schools.

Conclusion

The latest admissions information confirms that the retention rate from year 6 to year 7 will be lower in 2016/17, but this may well be temporary as LB Sutton has 'front loaded' its school expansions of popular schools. In the 5 years from 2012/13 to 2017/18, the rise in year 6 places will be 561 pupils, yet Harris Wimbledon and Harris Merton will only collectively provide an additional 240 places.

Any new school provides some risk to existing schools but a new school is needed to meet basic need. Indeed, the greater long-term risk is that the council will not be providing sufficient places. This is alleviated by its contingency plan of being able to expand existing schools at short notice, particularly St. Mark's Academy and Harris Morden. Opening the new school in 2017/18 is likely to lead to more surplus places than preferred for one year only.

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CHILDREN AND YOUNG PEOPLE OVERVIEW AND SCRUTINY PANEL

29 JUNE 2016

(7.15 pm - 10.53 pm)

PRESENT: Councillors Dennis Pearce (in the Chair), Mike Brunt, Pauline Cowper, Joan Henry, Jerome Neil, Marsie Skeete, Linda Taylor OBE and James Holmes

Co-opted Members Helen Forbes, Denis Popovs and Colin Powell

ALSO PRESENT: Councillor Mark Allison (Deputy Leader and Cabinet Member for Finance), Caroline Cooper-Marbiah (Cabinet Member for Education), Katy Neep (Cabinet Member for Children's Services), David Chung, Abigail Jones and Russell Makin

Paul Ballatt (Assistant Director Commissioning, Strategy and Performance, CSF), Jacquie Denton (Principal estate surveyor), Chris Lee (Director of Environment and Regeneration), Jane McSherry (Assistant Director of Education), Tom Procter (Service Manager - Contracts & School Organisation), Yvette Stanley (Director, Children, Schools & Families Department) and Annette Wiles (Scrutiny Officer)

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Councillors Agatha Akyingyina, Charlie Chirico and Edward Foley.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

Councillors Pauline Cowper and Abby Jones declared their interest as trustees of the South Wimbledon Community Association.

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

The minutes were agreed as a true and accurate reflection of the meeting.

There were two matters arising;

- Performance Report - Children, Schools and Families Department (item 10, page 8): Yvette Stanley reported quoracy of child protection conferences is improving. A new community health provider has been in place since April 2016 (Central London Community Healthcare). Attendance at these conferences is a requirement of the contract. Discussion about police attendance is continuing. This is a London-wide issue in part caused by the pressures on the service and responsibility for attendance falling across three different police command units.

Discussions are continuing between the Department and the Borough Commander.

- Corporate parenting (item 5, page 4): Paul Ballatt noted that it is the duty of the Council to provide a wide range of placement options for looked after children. A children's home to provide for teenagers in care is still being explored (either as part of a consortium or directly with a third party provider). The Panel will be kept informed of progress.

4 ELECTED MEMBER AND DEPARTMENTAL PORTFOLIO PRIORITIES (Agenda Item 4)

Yvette Stanley, Director for Children, Schools and Families, highlighted her key priority is to address the growing pressures on services caused by a growing population when the Department's budget is contracting by 30%.

Councillor Katy Neep, Cabinet Member for Children Services, highlighted her priority in the face of pressure on services is to encourage more partnership working going beyond the voluntary sector and looking, for example, at the corporate sector. Councillor Neep also noted her desire to work in partnership across the Council to provide for young people highlighting, for example, the importance of a housing offer.

Councillor Caroline Cooper-Marbiah noted all the hard work of officers and schools. Key priorities in her portfolio going forward are to continue to implement plans for providing sufficient school places for Merton's children and to retain a strong focus on continuing to improve school standards.

In response to Members' questions, the Director noted the impact of the changing policy arena on services. Firstly this is causing uncertainty in some areas – eg youth justice and adoption - and in others is causing concern (the proposed new assessment criteria and licencing of social workers may lead to some leaving the service). There is a risk that some policy developments may be hard to deliver (the lack of funding for youth justice requirements was noted). It was highlighted how the service is meeting these challenges with innovation; for example in developing new partnerships with and between LB Merton schools to continue delivering school improvement. Also, that risk for children is increasingly being managed in the community with partners. This requires there is shared understanding of thresholds and procedures. Representations are being made through London Councils and the Associations of Directors of Children's Services to influence these policy changes.

Resolved: for the Panel to receive regular updates on this developing policy arena. This will begin with an update at the next meeting on the policy changes affecting social workers.

5 PERFORMANCE MONITORING (Agenda Item 5)

In response to Member questions, officers clarified:

- Performance indicators 29 and 30 (% of surplus Reception and Year 7 spaces): surplus places in Reception are currently low and those at secondary will reduce

over the next couple of years with the increased demand coming through from our primary schools. In fact, additional provision will be needed in September 2018; and

- Performance indicator 11 (% of children who became the subject of a Child Protection Plan for the second or subsequent time): this is well monitored through the quality assurance process, DMT and the Safeguarding Board. It was noted that whilst families have been supported to achieve change how to make this resilient to other factors and allow families to recognise their own strengths to achieve systematic change is being pursued.

Councillor Joan Henry congratulated the Department on its success in recruiting 14 foster carers during the last municipal year.

RESOLVED: Councillor Mike Brunt was selected by the Panel to act as its lead on performance monitoring.

6 AGREEING THE PANEL'S WORK PROGRAMME (Agenda Item 6)

The Panel's draft work programme (page 34 of the agenda) was accepted.

RESOLVED: task group selection to be discussed at the next meeting.

7 TASK GROUP UPDATE: ROUTES INTO EMPLOYMENT FOR VULNERABLE COHORTS (Agenda Item 7)

Progress since the last meeting was reported; the Council's current offer to support vulnerable cohorts into employment has been mapped and task group members have met with those currently leading on the provision of this offer. This has resulted in a number of suggestions being made on how this offer might be improved. The task group will now consult more widely on these suggestions. Task group meetings will be held as required over the summer and it is anticipated a draft report and recommendations will be presented to the Panel at its meeting in October.

8 SCHOOL PROVISION: NEW SECONDARY SCHOOL PRE-DECISION SCRUTINY (Agenda Item 8)

Paul Ballatt introduced the item at the public session with reference to the public scrutiny report:

- The Council has a statutory responsibility to provide sufficient and appropriate school places;
- The new school will be financed by the Government (through the Education Funding Agency – EFA) with the Council contributing some funding as the new school will be meeting some of our 'basic need' for school places;
- It will be a Free School in line with Government policy;
- The Council has increased its primary place provision by 20+ forms of entry to meet need. This increase in demand is now progressing to secondary;

- The need for the new school is based on pupil number projections. This will be affected by the retention of pupils in Merton between primary and secondary phases;
- The EFA had originally planned for the new school to open in Sept 16 although a deferral until September 2017 was agreed some time ago. There may be a need to delay this further to September 2018 because of the difficulty in identifying a suitable site. Additionally this may be beneficial to Merton's other secondary schools as the increase in secondary pupil numbers is not due to hit until 2018; LB Merton's existing secondary schools are concerned about the potential impact on their admission numbers if the new school opens before the increase in demand for secondary places occurs;
- The school will initially have to use a temporary site (the vacant Whatley Avenue Adult Education site has been identified); and
- Details of the proposed permanent site are currently exempt because it involves commercially sensitive negotiations with third parties.

With the agreement of the chair Julia Waters, the Head of Ursuline High School, representing Merton Secondary Heads, also provided a short presentation. This supported the new school but only on the basis of it opening in September 2018 rather than September 2017; opening in 2017 would be before the forecast significant rise in pupil numbers so would lead to spare places in existing LB Merton secondary schools with significant financial consequences.

In response to Member questions, officers clarified:

- Demand for the new school is based on projections based on the number of children already in LB Merton primary schools (a paper was tabled at the meeting on the projections which is now part of the agenda pack for the meeting);
- If the projected increase in demand is realised, eight new secondary forms of entry will be needed. This can all be achieved through the new Harris Wimbledon development and the expansion of Harris Merton. Other expansion is available if this isn't sufficient;
- The Department has brokered meetings between the primary school (Joseph Hood) adjacent to the Whatley Avenue site and Harris Federation to support the development of a good relationship. This has focused on safeguarding younger children at the primary school. Harris Federation's delivery model has a strong focus on safety;
- The South Wimbledon location has been determined on need. This is where most of the increase in primary provision is located necessitating more secondary places that are accessible from Wimbledon and Colliers Wood;
- The proposed date for opening is still being considered; September 2017 is very ambitious and demand isn't projected to rise until September 2018. Extra provision in advance of this demand may destabilise existing LB Merton schools especially at a time when Sutton is also providing additional spaces;
- The new school, as a Free School, will be its own admission authority. It will still have to comply with the School Admissions Code and Harris Federation has given reassurances it won't be a selective school;

- There are currently no plans for expansion of other schools beyond Harris Wimbledon and Merton. Other secondaries in Merton will only be expanded if demand dictates. The disappointment of the Church of England Diocese was noted; it highlighted that current plans do not allow for a range of additional places to be offered including those in faith schools;

EXEMPT SESSION

Having fully explored the information provided in the public agenda, members of the public were asked to leave the meeting to allow information on the exempt agenda to be discussed. Details of this exempt session and the reference to Cabinet are contained in the exempt minute and report.

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To: Scrutiny Committee Meeting (4 August)
From: Posey Furnish, Chair of Governors, Joseph Hood
Primary School

July 2016



Statement on behalf of the Joseph Hood Primary School Governors and school community regarding the proposed use of the Whatley Avenue Adult Education building

We were surprised to hear indirectly that a further, exceptional scrutiny panel had been arranged as none of the Councillors who called this in have had any contact with me or with our headteacher to seek our views. Indeed, two have never even been to visit our school as we are not in their ward and while we always welcome and appreciate councillors' interest in Joseph Hood, this call-in was generated without any reference to our school.

While obviously not ideal, we believe - at this point in time - that this is the best possible scenario for our school community in terms of what Merton plans to locate *a mere 3 metres from where over 300 children learn and play 5 days a week.*

To-date we have had 2 constructive meetings with senior Merton officials about their decision to repurpose the Adult Education building into Harris' temporary provision for 2 years. We have no reason to believe that the probity of the discussions is in question and we will continue to press for answers and, where necessary, solutions such as improved security fencing.

We remain optimistic that Merton will continue to work with us to provide open lines of communication in order to allow further discussion, both to resolve any queries and to provide early solutions in the interest of protecting our thriving school community.

We also invite all present this evening to visit our school from September to see for themselves how this work is progressing and to hear what, if any, concerns the staff or governors have.

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