

## DETERMINATION

**Case reference:** STP/000229

**Local Authority:** Haringey Council

**Competition:** To establish a new secondary school

**Commissioner:** Haringey Council

**Proposers:** CfBT Educational Trust  
Haberdashers' Aske's Hatcham College Trust  
Haringey Council  
United Learning Trust

**Date:** 18 May 2007

### Determination:

**Under the powers conferred on us by schedule 10 to the Education Act 2005, we hereby determine that the proposed new secondary school in Haringey shall be established by Haringey Council from 1 September 2010 conditional on by 30 June 2008: (1) receiving the grant of planning permission; (2) the acquisition of playing fields; and (3) the securing of any necessary access to the playing fields.**

### Referral

1. In a letter dated 26 March 2007, the secretary of the Haringey School Organisation Committee ("SOC") referred to the Office of the Schools Adjudicator ("OSA") a specification to establish a new secondary school ("the school"), together with details of four proposals from organisations competing to implement the specification. The SOC had considered the proposals on 14 March 2007. Since one of the proposals was from Haringey Council itself, the SOC referred the matter to the Adjudicator as required under The Education (New Secondary School Proposals) (England) (Amendment) Regulations 2007.

### Jurisdiction

2. In a notice published on 4 September 2006, Haringey Council ("the commissioner") announced its intention to seek proposals to establish the school. The notice was in the form required by Section 66 of the Education Act 2005 ("the Act"). Within four months of the publication of this notice, the commissioner received four proposals. The commissioner published a summary of each of the proposals on 11 January 2007 and held a public meeting on 16 January 2007, as

required by The Education (New Secondary School Proposals) (England) Regulations 2006 (“the Regulations”).

3. The specification and the proposals were submitted to a meeting of the SOC on 14 March 2007 and the SOC referred the matter to the Adjudicator on the 26 March 2007. The Chief Adjudicator decided to convene a panel under The Education (References to Adjudicator) Regulations 1999, as amended, and the panel met on 10 April 2007. The panel comprised a lead adjudicator and two further adjudicators. The panel concluded that it had jurisdiction to determine the referral.

## **Context**

4. Haringey is a London Borough to the north of the City. Haringey Council’s website shows there are 54 primary, 11 secondary and 6 special schools in the Borough. The secondary schools are made up of one academy, two voluntary aided and eight community schools. They have 11572 places for 11-16 year olds of which about 4% are surplus places distributed very unevenly across the Borough.
5. Haringey Council decided to establish a new secondary school in June 2006. It concluded that a new school was needed because the number of 11-16 year olds is projected to rise significantly by 2010 and the authority is already accommodating in its secondary schools a much higher proportion of pupils resident in Haringey than in the past. It invited proposals under Section 66 of the Act, and the Regulations drawn up under it, and four proposals for the new school were received.

## **The Commission**

6. The statutory notice published by Haringey Council, as the commissioner, on 4 September 2006 gave details of the specification for the proposed new secondary school. The reason for a new school, to be located in the centre of the Borough, was given as the need to provide places for the increasing number of pupils. The commissioner invited promoters to establish a new secondary school for 1080 boys and girls between the ages of 11 and 16 from 1 September 2010. The notice gave brief details of: the site; financial considerations; the initial admission number of 162 rising to 216 when there is sufficient demand; additional places for 25 students with autism; the opening times; a specimen range of clubs and activities; and the expected focus on arts and media.
7. The notice said any proposal would be expected to be in line with the requirements set out in the notice. However, the notice also said any proposals that do not comply with all the requirements precisely, but meet the need for places in Haringey, would be considered.

## **The Proposals**

8. The commissioner received four proposals by the deadline of 4 January 2007 and published a summary of the proposals in accordance with the Act on 11 January 2007.
9. The four proposals were as follows:
  - a. CfBT Educational Trust (CfBT) for a foundation school with a trust;
  - b. Haberdashers' Aske's Hatcham College Trust (HA) for an academy
  - c. Haringey Council (HC) for a community school;
  - d. United Learning Trust (ULT) for an academy.
10. The proposals contained the relevant information as specified in the Regulations.

## **Procedures**

11. In accordance with the Regulations the SOC received papers relating to the statutory notice and considered the four proposals at its meeting on 14 March 2007. The SOC received presentations from the commissioner and the promoters. The members of the SOC also heard representations from interested parties. The minutes of the meeting record very briefly the views of the SOC groups about the different proposals and their preferred proposals. The councillors, school governors and Westminster Diocese were in favour of the HC proposal, and the London Diocesan Board was equally in favour of the HA and HC proposals. The Learning and Skills Council was not represented at the meeting, but wrote subsequently in favour of the HC proposal. We have read the record of the meeting and noted the views of the different groups.
12. The adjudicators' panel met on 10 April 2007 and considered the specification published by the commissioner and the proposals from the promoters. At that meeting we drew up a list of further information we considered necessary to assist us in reaching a decision on the proposals. The requests for information were sent on the 11 April 2007, with the requests copied to the commissioner and the promoters.
13. A notice was published by the OSA on the 4 and 5 April 2007 in six local newspapers in Haringey announcing that the proposals would be presented to the adjudicators at a public meeting to be held on 19 April 2007. Written comments were invited from anyone who wanted to submit them to the OSA by 13 April 2007.

14. Prior to the meeting the adjudicators visited the site of the proposed new school, including the part of Alexandra Park that is under consideration for providing playing fields for the school.
15. At the public meeting presentations were made by the commissioner and proposers. These were followed by oral representations by five organised groups and then comments were taken from the floor. There were just under 100 people at the public meeting. At the end of the meeting we invited those present to send any further comments to us within one week.
16. The panel met again on Friday 20 April 2007 to consider the material presented at the public meeting. We decided to seek further clarification from the commissioner about matters concerning: the need to obtain planning permission; the provision of playing fields; and the costs of potential work to make the site suitable for use as a school.
17. We did not request any further material from the promoters, but repeated in writing our invitation to them to send us anything they wished us to know before making our determination.

## **Consideration**

18. In considering the proposals, we referred to the Act and Regulations drawn up under it. We also had before us the statutory guidance for decision makers issued in 2006. (We were aware that a draft of new guidance, to be issued under the Education and Inspections Act 2006 had been issued for consultation, but did not take that guidance into consideration as it does not apply to this case).
19. We first considered how closely the proposals meet the specification set out by the commissioner. We concluded that:
  - a. The CfBT proposal says that the school would be opening as a trust school under the terms of the Education and Inspections Act 2006. Until this is possible, the proposal is for an enabling foundation under current legislation. The proposal meets the specification in terms of size of the school, it would include provision for pupils with autism and would make provision for an extended school day and activities out of term time. The proposal states that the promoter would seek specialist status for the school. It notes the arts specialism at some existing Haringey schools and says the CfBT Trust would want to review the specialism of the school with the commissioner. The proposal indicates that the school would have a broad curriculum and that there would be a programme of enrichment and enhancement. As specialist status cannot be determined at this stage, we just noted the lack of a particular specialism. This proposal meets the requirements of the specification.

- b. The HA proposal is for an academy that would work within a federation with two Haberdashers' academies in Lewisham. The proposal includes reference to all parts of the specification, but deviates in proposing an 11-18 age-range for the school. Its interpretation of the specialism in the specification is represented by music. The school would include a special unit for students with autism. The proposal meets all the requirements of the specification. We considered the proposed extended age-range separately.
  - c. The proposal from HC is for a community school. It includes reference to all parts of the specification and aims to specialise in the visual arts and media, its interpretation of the focus on arts and media. It also includes the required additional specialism in supporting students with autism. The proposal meets all the requirements of the specification.
  - d. The ULT proposal is for an academy and it too includes reference to all parts of the specification. The proposal states that the academy would specialise in arts and media and a business and enterprise theme would prevail throughout the academy. Provision would be made as specified for students with autism. This proposal meets the requirements of the specification.
20. We concluded that all four proposals match the specification sufficiently closely for us to consider them. Where one proposal varies the age range, it includes the full range from the specification and therefore is considered alongside the other proposals. The specialism suggested in the specification can be no more than a suggestion as it will be for the school to go through the necessary process to be designated as a specialist school. We judged that the lack of a named specialism in one proposal is not sufficient to mean that it must be rejected and the variations in the other proposals are well within the range of what can be considered at this stage in assessing the proposals.
21. Our initial analysis of the proposals and subsequent discussion of the presentations led us to the conclusion that each proposal has the potential, despite various strengths and weaknesses, to be developed into a successful school.
22. We therefore went on to consider all the material from the commissioner, including responses to our requests for further details and information from Haringey Council's website. We assessed the proposals in greater detail taking into account the requirements of the Act, the Regulations and the statutory guidance. In reaching our decision we had regard to all the relevant matters including those highlighted in the following specific considerations.

*Effect on standards and contribution to school improvement*

23. The CfBT proposal sets out clearly the CfBT Trust's involvement with education and its emphasis on improving provision for pupils and helping them to achieve. The CfBT Trust is committed to meeting the needs of the local population and plans to take a new and innovative approach to the curriculum, and make best use of new technologies. Relatively little is said about the proposed structure of three small schools within a school. There are no suggestions, for example, about how the two fully comprehensive vertical schools would work in the first instance when there are six forms of entry and only increasing to eight if there is sufficient demand, nor is there sufficient detail of how the provision for children with autism would be integrated. When extra information was sought at the meeting immediately after the presentation the structure was described as a lower school and an upper school. This lack of consistency does not engender confidence about what the structure would be and how it would ensure all the expectations of the curriculum will be met. There are some interesting statements in the proposal about the teaching and learning model of the new school, but again there is too little about how the arrangements would impact on standards.
24. The HA proposal describes very clearly the HA Trust's relevant experience in providing high quality education and links specific aspects of its experience with needs in Haringey. The proposal sets out with helpful examples how it is working elsewhere to raise standards achieved by pupils. The proposed organisation of the school with separate teaching for boys and girls 11-16 is part of the strategy to maximise pupils' achievements, as is extending the age range to include a sixth form. The practicalities of how a federation with the two academies in Lewisham would work are less well developed. Overall the proposal is predicated on raising standards and making best provision for the pupils and the community.
25. The HC proposal builds on the improvements that have been made in education in Haringey in recent years. The promoter emphasises its track record and the high level of local support. The curriculum would meet the requirements of legislation and the school would draw on best practice in the Borough and elsewhere to help pupils achieve. The school would also benefit from the Borough's £20m investment in ICT resources for its secondary schools. The way pupils are grouped, for example, would include setting and single-sex classes as appropriate. The proposal is clear about the promoter's intention to build on the way standards have risen in the Borough and this might include establishing a federation with other Haringey schools.
26. The ULT proposal sets out a curriculum framework for the academy. It does not elaborate significantly, however, on how particular aspects would be developed in order to help pupils achieve high standards.

The provision described should provide a broad and balanced curriculum that will be enriched with additional activities.

27. We concluded that all the proposals would provide a curriculum that meets legislative requirements. The HA and HC proposals make the most convincing case that their school would raise standards for individual pupils and make a positive, significant contribution to school improvement more widely.

### *Admissions*

28. We have looked at the proposed admission arrangements to assess whether they meet the requirement of being fair and equitable, and are in line with the School Admissions Code currently in force.
29. The outline admission arrangements provided in the CfBT proposal are clear and are satisfactory.
30. As an academy the arrangements in HA's proposal are provisional and the final arrangements would need to be approved by the Secretary of State. The proposal contains, as an appendix, the arrangements currently in force at Haberdashers' Aske's Hatcham College. The proposer says that it would seek to admit 10% of pupils on the basis of musical aptitude in line with the school's specialism. It would discuss with the local authority the Borough's distance criterion for admission to the school which would be linked with using a lottery to allocate places in the event of the school being oversubscribed. As currently presented the proposed arrangements are satisfactory.
31. The HC proposal for a community school means that the school's admission arrangements would be the same as those for other Haringey community schools. The admission arrangements are satisfactory.
32. The ULT proposal for an academy includes extensive detail of the Trust's generic admissions policy for academies and includes a reference to negotiations with local authorities to ensure that for an individual academy the arrangements match fully the needs of the local community. The policy would need to be amended to remove the reference in the oversubscription criteria to the sixth form. The initial arrangements for 2010 for an academy in Haringey would need to be approved by the Secretary of State. The outline provided is satisfactory.
33. We concluded that all the arrangements as currently presented would be acceptable. The final arrangements would need to be determined in due course, and comply with the Code then in force and with any other requirements such as gaining the Secretary of State's approval, if an academy.

*Need for places - number of places*

34. We noted that among the responses to consultation submitted to the SOC was a query as to whether Haringey really needs an additional secondary school. The public consultation document published in June 2006 does not present a convincing case and therefore we requested copies of the documents referred to by the commissioner in papers submitted to the SOC and subsequently passed to the panel. We needed to know about the likely level of required and surplus places to be able to assess the impact of the supply of places on the areas, such as educational standards and finance, that we must take into account in coming to our decision.
35. The additional data provided by the commissioner gave more detail of the projected rise in the number of pupils such as from the new housing to be built in the Borough and from the steadily increasing proportion of pupils resident in Haringey who are now choosing to attend Haringey secondary schools. This proportion has risen in recent years as the quality of education in the Borough has improved. Also, as part of the BSF programme four other community secondary schools will have fewer places available in future and thus the new school would accommodate some pupils who might otherwise have been expected to attend one of those schools.
36. We accept the commissioner's view that a new school is required to make provision for the likely rise in the number of secondary age pupils in the Borough.

*Need for places - parental demand and diversity of places*

37. As at May 2007, the Borough has the following types of secondary school provision:
  - a. one co-educational, comprehensive academy catering for pupils from 11 to 18 years of age whose mission statement is "Achievement in a Christian Community" and specialism is technology with a focus on ICT;
  - b. one voluntary aided Seventh-day Adventist, co-educational, 11-16 school;
  - c. one voluntary aided Catholic, co-educational, 11-18 school that is a specialist sports school;
  - d. one community, girls, 11-18, specialist performing arts school;
  - e. seven community, co-educational, 11-18 schools of which four have specialisms covering: sciences and mathematics; mathematics and computing; performing arts; and performing arts and languages.
38. Four of the community schools will become 11-16 schools when the new sixth form centre admits students in September 2007. One 11-

18 community school is currently consulting on becoming a foundation school.

39. In considering the need for places, we have looked at the evidence in relation to the extent of parental demand for the type of school and how the proposals would contribute to enhancing the diversity of provision in the area. Our evidence has come from responses to the commissioner's consultation, and representations to the SOC and directly to us, both at the public meeting we held and in writing. Parents have had the opportunity to make their views known at all stages of the consultation, but relatively few have chosen to do so.
40. The specification is for a school to open in 2010. If all the changes in provision referred to above have taken place, there will then be a mix of 11-16, 11-18 and 16-19 schools in the Borough. The opening of another 11-16 school working in collaboration with the sixth form centre has been anticipated in the planning for the sixth form centre and would result in six 11-16 and six 11-18 schools. The commissioner has sought funding through BSF and discussed the financial arrangements with the DfES resulting in the specification for an 11-16 school. The focus on arts and media is said to have been chosen because of the location of the school in what is being described as the "cultural quarter" of the Borough. Such a focus would add little extra variation to the provision in the borough, depending on how the eventual school makes provision for its pupils, but given the location such a focus is understandable.
41. As a foundation school that would have a trust by the time it opened, the CfBT proposal would add a type of school not currently available to parents and its three schools within a school would also be unique in the Borough. The academy proposed by HA would be federated with two academies in the HA Trust and the links between the three schools would offer parents a very distinctive provision, and variation from any of the current schools. The HC proposal would offer a purpose-designed 11-16 school unlike those schools changing their age-range to become 11-16 schools. The proposal highlights the improvements in the quality of education in the Borough and offers parents the security of knowing what the school would probably be like. The ULT proposal draws on its experience in opening academies elsewhere and providing schools in locations that have some features in common with Haringey.
42. Three of the four proposals, CfBT, HA and ULT would add significantly to the diversity of provision in the Borough in terms of the type of school. The HC proposal would add diversity as a purpose built 11-16 school, but would not add to the variety of types of places as it would be a community school as are currently eight other secondary schools.

43. The responses of parents to consultation, and at and following the public meetings reveal little support for a school other than a community school. Their reasons include the recent track record of improved provision and the greatly improved results in Haringey secondary schools, the need for local accountability and the likely co-operation between the new school and other Haringey schools. Where there was support for a different type of school respondents predominantly supported the HA proposal. The small number of responses in favour of that proposal welcomed the potential to have a school not run by the local authority; supported the proposed organisation of teaching; and were very positive about having provision akin to that HA is now providing in Lewisham. An even smaller number of responses favoured the ULT proposal compared with a similar number that specifically rejected that proposal.
44. We are concerned, however, about the wording in the commissioner's consultation document about the characteristics of the different types of schools and how this may have influenced the responses. While it is not surprising that Haringey Council as both commissioner and a promoter should wish to win the competition, as commissioner it should act impartially and describe each type of school fairly and accurately. It is not acceptable to see in the consultation "the new school should be a non-denominational, inclusive school, which suggests a community school." This seems to imply, falsely, that no other type of school could be non-denominational and inclusive. The phrasing in some of the consultation replies indicates that this is how the respondents read the consultation document and were possibly misled.
45. We came to the conclusion that from the individually expressed responses from parents, a small majority were in favour of a community school. Most of those expressing a different view put a well-argued case for the HA proposal.

### *Finance*

46. The statutory notice inviting promoters to submit proposals states that the purchase of the land freehold for the new school is in the region of £6m. The land was purchased for £7.2m on 7 December 2006. The notice goes on to say that the local authority will meet the capital cost of £25.75m in order to implement the proposals to the extent required by any enactment. In further documents and briefing the commissioner has confirmed to us that the local authority has secured BSF funding of £25m. At the BSF Board on 10 April 2007 the latest cost review for the new school has an overall target budget of £27.47m which includes £1.073m for removing soil contamination. This funding would be available to finance the proposals from CfBT and HC.

47. For the proposals from HA and ULT for an academy the Secretary of State for Education and Skills wrote to the commissioner, as required, saying “I can confirm that, should either proposal be approved, I would be willing to commence negotiations with the proposers with a view to entering into an agreement under section 482 of the Education Act 1996 for the establishment of an academy.”
48. We are satisfied that within the terms described above there is funding available for the new school for whichever proposal we approve.
49. The proposal from CfBT accepts the terms relating to the freehold of the site and those under which the buildings would be financed. The promoter also draws attention to a possible shortcoming in the money for fitting out the school. The most recent information we have suggests that the concerns raised would be resolved satisfactorily.
50. The proposal from HC does not refer to any financial matters. As commissioner Haringey Council has been responsible for securing BSF funding for the school. The Regulations do not require a statement about finances where the proposer is the local education authority. We have therefore assumed that the proposal as submitted had been considered by the proposer against the finance available.
51. The two proposals for academies, HA and ULT, would be subject to negotiation and agreement with the Secretary of State. The HA proposal makes particular reference to its proposed age range and possible negotiation that may be required, and to potential special costs relating to security and noise pollution issues because of the location of the site. It is firm in its view that the school would open on time. The ULT proposal considers that the costs of establishing an academy can be met within the estimated capital costs as published in the statutory notice. This includes work that would be needed at the site to deal with matters revealed through its initial searches.
52. We are satisfied that the four proposals have been made giving due consideration to the resources available. We have considered the guidance that the proposals should represent a cost effective use of public funds and have concluded that within the limits of our remit and taking into account the need for places, the proposals working within the budget set by the commissioner would be a cost effective use of public funds.
53. We concluded that as all the proposals are made within the budget set by the commissioner and the reservations where expressed are reasonable, from a financial perspective the proposals have equal merit.

*Views of interested parties*

54. The Regulations require a local authority to consult very widely with specified people and interested parties before it publishes a statutory notice inviting promoters to submit proposals for a new school. Haringey Council published a consultation document on 26 June 2006 with responses invited by 11 August 2006. A public meeting was held on 13 July 2006. Those wishing to comment could do so by completing a form with the consultation document and returning it in hard copy or electronically, speaking at the public meeting or commenting by telephone.
55. Only 21 responses were received to this public consultation of which 15 said they would prefer a community school, two a voluntary aided school and four had no preference. As we have said above, we have concerns about the wording of parts of the consultation document and the clarity and accuracy of the descriptions of each possible type of school. Not surprisingly the timing of the consultation spanning a significant part of the school holidays was criticised and the commissioner therefore agreed to continue to accept responses throughout the period for submitting proposals. No further responses were received.
56. Following the receipt of four proposals the commissioner published the required notice on 11 January 2007 and arranged a public meeting that was held on 16 January 2007. The promoters presented their proposals at the meeting and those present, just over 35 people, were able to discuss the proposals. A second public meeting was held on 6 February 2007 attended by over 110 people. During the consultation period in advance of the SOC meeting 26 submissions were sent to the commissioner and passed to the SOC. Some of these submissions were very detailed and showed that those responding had listened carefully to the oral presentations and had studied the proposals before commenting. Interested parties have also had the opportunity to make their views known directly to us at the public meeting on 19 April 2007 and in writing.
57. We are satisfied that those who wish to comment have had time and the opportunity to do so, but we are conscious of the small number of responses and even smaller number from parents of pupils currently in primary schools and those with even younger children.
58. The overwhelming view of those who responded to the consultation and who made their views known by one means or another on subsequent occasions when comments were invited, is that the proposal by HC should be implemented. The reasons given are the improved performance of Haringey schools and the desirability of the new school working collaboratively, possibly even in federation, with the Borough's other 11-16 schools and the sixth form centre; the support that the local authority gives to its schools; the completely comprehensive and inclusive nature of the community schools, and local accountability.

59. There is very, very limited support for the CfBT proposal.
60. The HA proposal received some support in written submissions after the proposal was presented at the two public meetings even though there had been no support for an academy at the first consultation stage. It also received limited support at the public meetings including the meeting we convened. The reasons for the support were: an alternative to what has been regarded in the past as unsatisfactory provision in Haringey; a good track record in running good quality schools; the admissions arrangements; and the proposal to teach boys and girls separately.
61. The very limited support for the ULT proposal comes from a view that it has experience in running other academies, at least one of which is in an area that has some similarity with Haringey.
62. Having considered all the views expressed by the interested parties in writing and orally, we concluded that the preferred proposal of those who responded to the various consultations is that of HC.

#### *Community Cohesion, inclusiveness and partnerships*

63. Haringey has very many different ethnic minority communities living in the Borough such that the children in Haringey's schools speak between them almost 200 different languages and almost three quarters of them come from an ethnic minority community. Much effort is put into promoting harmonious relationships, making everyone feel part of the community as a whole and finding ways in which people can work together. The location of the proposed new school is described as bridging the east and west of the Borough and having an important role in the development of the Haringey Heartlands.
64. The proposal from CfBT offers an overview of the ways in which it would seek through the school to work with and in the community. It also makes reference to drawing on the work of the CfBT Education Trust more widely to promote community cohesion, take into account and meet the needs of families and the wider community and respond to meeting the aims in Every Child Matters. The account is aspirational, but does not expand sufficiently to suggest what, for example, from the work of the CfBT Trust might be of specific help in the school and its community. There is very little to show that the proposer has investigated in any depth the characteristics of the local community and how specifically it could work with that community. Under the heading "Health and well-being in the wider community" considerable emphasis is placed on volunteering and this is a positive example of how the promoter would seek to engage with the community. The proposal offers a view of how the school would

contribute to and work in the community, but we are left feeling that more detail or examples would have strengthened the proposal.

65. The HA proposal provides both an overview of the ways in which it would seek to nurture community cohesion and gives information that shows the promoter has investigated thoroughly the area in which the school will be located. It also refers to Haringey's "Changing Lives" Children and Young People's Plan 2006-2009 and the HA Trust's sharing of the vision goals. The proposal gives specific examples of ways in which the promoter would involve the school and its facilities in promoting and contributing to community cohesion and in increasing inclusion and equality of access for all social groups. The proposals would contribute positively to the principles of Every Child Matters. There are references to collaborative activities and overall the proposal provides a positive, constructive account of the plans for the school and the way it would be part of the community, although we were not convinced that it would work closely with other schools in Haringey.
66. The HC proposal clearly cross-references what it says about community cohesion to the specifics of a school in the Haringey Heartlands, set within the wider context of the Borough as a whole. The proposal reports what the promoter already does in terms of promoting community cohesion and the Every Child Matters principles, and in increasing inclusion, equality of access and collaboration. The proposal capitalises on the knowledge and experience of the local authority and makes a strong case for providing a new community school.
67. The ULT proposal says relatively little about community cohesion referring to the principles underpinning the academy and listing a range of bodies such as Haringey Council and social and environmental services with which it would seek to collaborate. The proposal is presented in general terms. It does not make clear the extent to which the proposer has investigated the community in the vicinity of the school and how the proposal is specific to a school on the prescribed site.
68. We have concluded that the HA and HC proposals are the strongest on community cohesion, inclusiveness and partnerships.

#### *14-19 Issues*

69. The specification is for an 11-16 school, but the commissioner did not give any reasons in the specification as to why the school should have an 11-16 age range rather than 11-18. The success of the new sixth form centre opening in September 2007 cannot depend on students from the new school as from the information we have we conclude none would leave the school and join the centre until 2015. We noted the commissioner's and Learning and Skills Council's view

that the new school should not have a sixth form, but decided not to rule out such a possibility.

70. The CfBT proposal makes only limited reference to how its 11-16 school would provide for and contribute to provision for students across the 14-19 age range. It says that the school would provide the richest possible mix of opportunities through collaboration with all 14-19 providers, but there is no expansion of what this would, or at the very least might, mean in practice with a mix in the Borough of 11-16, 11-18 and 16-19 providers.
71. The HA proposal goes beyond the specification for an 11-16 school and proposes an 11-18 school. The suggestion is that the school would complement the new sixth form centre and other Haberdashers' schools. The promoter is committed to the value of on-site sixth forms, but is also keen to work with other providers to maximise the options available to students. We have not been persuaded that the school should have a sixth form nor that it should not.
72. The HC proposal stipulates that pupils from the school will have priority for places at the sixth form centre and will also work closely with the College of North East London so that pupils and students have the a wide range of opportunities from age 14 upwards.
73. The ULT proposal has a section "A curriculum framework for the academy" and includes references to the academy having a strong 14-16 curriculum framework that will be developed as part of the local 14-19 strategic plan. It goes on in general terms about how the framework will be designed to meet the needs of all individuals and will reflect the local community. There are appropriate references to national policy for 14-19, but the proposal does not refer to any specific collaborative work with providers in Haringey, and does not say how the school's 14-16 curriculum would dovetail with or lead into provision at 16-19. The proposal is too general.
74. We have concluded that the CfBT and ULT proposals do not give sufficient, relevant detail. The HA proposal exceeds the specification, but offers the potential of increased variety of Haringey's provision 14-19 and the HC proposal fulfils the specification and outlines how the school would fit with other provision in the Borough in meeting the needs of students 14-19.

#### *Equal opportunities*

75. All the proposals are for a co-educational school in line with the specification. Two of the proposals, from HA and HC, refer to all in the case of HA and some in the case of HC teaching for the 11-16 year olds in single sex groups. This is proposed to enhance the

learning and achievement of both boys and girls and does not in our opinion infringe any equality issues.

76. We concluded that all the proposals are satisfactory in terms of equal opportunities.

*Other issues – Special Educational Needs*

77. The specification includes provision of 25 places for pupils with autism.
78. The CfBT proposal makes clear the promoter's commitment to providing the specified places for young people with a range of autistic needs. It also says that it is aware of the view within the community that 25 may not be sufficient places to meet local need. The promoter plans to work with the National Autistic Society and the local authority to review the level of provision. The promoter also sets out its proposed policy for special educational needs. This policy has much relevant detail and we conclude it is based on a policy from elsewhere as within the text it says the governing body will "monitor and evaluate the success of SEN provision in the Academy....." If the policy is working effectively elsewhere and is then modified to the particular circumstances of the new school, the school would make suitable provision for pupils who have special needs.
79. The HA proposal refers to the HA Trust's experience of working with children with autism in one of its academies and to its discussions with the National Autistic Society. The proposal includes as an annex the policy for special educational needs for Haberdashers' Aske's Hatcham Academy which is also described as the current Federation SEN policy. There is no indication whether any variation might be needed for the Haringey school or whether the promoter believes the policy is in a suitable form for the new school. The policy is a suitably detailed document. We accept that the proposal meets the requirements of the specification with respect to special educational needs, but it is limited in what it says that is specific to the new school.
80. The HC proposal states that the school would be expected to operate within the authority's inclusion policy. It goes on to elaborate on specific provision for children who have special educational needs. The school would also provide the required 25 additionally resourced places for pupils with autism. The proposal links this provision with other specialist facilities in the Borough and refers to discussion taking place with the National Autistic Society on planning the specialist provision. We are of the view that the proposal makes a good case for the way the school would cater for all pupils who have special educational needs.

81. The ULT proposal outlines its special educational needs policy in bullet-point form. It goes on to say that in creating a robust and effective framework for supporting the full range of special needs within the academy's catchment there will be provision for a 25 place unit for students with autism. The promoter says it will have developing experience in this area as one of its academies opening this year will also make provision for this particular special need. The proposal does not indicate whether any planning or discussions have been focused specifically on the academy proposed for Haringey. The proposal includes site plans, but the text is not cross-referenced to these and there is no explanation, for example, about any special accommodation that would be provided. The proposal meets the specification, but gives too little detail to convince us that it would make the best provision for the pupils.
82. While all the proposals indicate they would make the required provision for pupils with autism and make proper provision to cater for pupils' special educational needs, we are of the view that the HC proposal makes the best case for this aspect of the new school's work.

#### *Other issues – School Site and Playing Fields*

83. As noted above, we visited the site of the proposed school and the part of Alexandra Park that is under consideration as the area for providing playing fields for the school. Planning permission will be required for the school. The site is also currently occupied by a number of tenants whose lease would need to be terminated. We have also noted that some work will be required to ensure the site is made suitable for building a school given its previous industrial use.
84. The site for the school, depending on the design finally chosen, may be able to provide some hard courts, for example for netball. However, there is no room for adequate playing fields. Although discussions have taken place between the commissioner and the Alexandra Park Trust and the sports clubs which currently hold the lease on the grounds, as yet there is no binding agreement that would make the park suitable as the school's playing fields. Suitable access to the playing fields from the school would also need to be secured as the proposed school site is separated from Alexandra Park by various obstacles including the East Coast main railway line and a reservoir. There seem to us to be several potential delays in completing the school in time to open in September 2010 resulting from matters to do with the site and playing fields.
85. The approval for one of the promoters to be awarded the competition to build and manage the new school therefore must, in accordance with the relevant regulations, be conditional on meeting the terms specified below in the determination.

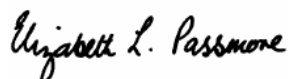
## Conclusion

86. At the end of our deliberations we concluded that all the proposals would be likely to provide a school that would meet the need for extra places and add a dimension to the provision not currently available. The CfBT and ULT proposals were the least persuasive. They lacked the detail to show the promoters have looked sufficiently carefully at the needs in Haringey Heartlands and then tailored their proposal to this competition.
87. The HA and HC proposals both have much to commend them.
88. The HA proposal is innovative and offers variety in what it would bring to provision in Haringey. The proposal has some, but limited local support. The comments in the proposal about absorbing the local primary school into the federation and then providing 3-19 education alienated some of the local community as it was alleged the primary school had had no prior warning of this plan. Similarly the extended age-range to include a sixth form was criticised by some commentators. We have remained neutral about the possible age-range of the school as it is not an over-riding factor in our overall view of the proposal. In assessing the proposal we have concentrated on the features in the specification and what is covered in the guidance to decision makers.
89. The HC proposal presents a convincing case for it to establish the new school. Not surprisingly the proposal capitalises on the promoter's knowledge of the Borough, draws on what has been learned in recent years in improving education in the Borough, emphasises the potential collaboration with other local schools which should widen curriculum choice and contribute to the standards achieved, and through the new build indicates that the total final provision would add variety to the provision in the Borough. We have concluded that we should approve the proposal from HC.
90. The competition process has revealed the extent of the thinking, consultation and planning that has taken place when considering establishing a new school. The future needs of pupils, the wishes of their parents and the involvement of the community have rightly been given considerable prominence even if relatively few parents have taken advantage of the opportunity to make their views and wishes known. We would have liked to have seen a more detailed and reasoned case for the particulars in the specification, greater separation of the role of commissioner and promoter, and more attention in the proposals to the specific circumstances of the school that is the subject of this competition.

## Determination

Under the powers conferred on us by schedule 10 to the Education Act 2005, we hereby determine that the proposed new secondary school in Haringey shall be established by Haringey Council from 1 September 2010 conditional on by 30 June 2008: (1) receiving the grant of planning permission; (2) the acquisition of playing fields to be provided for the school; and (3) the securing of any necessary access to the playing fields.

Dated: 18 May 2007



Signed:  
Dr Elizabeth Passmore, Dr Peter Matthews,  
Mr Richard Lindley.  
School Adjudicators.