

DECISION-MAKER:	CABINET
SUBJECT:	SAINT GEORGE CATHOLIC VA COLLEGE SOUTHAMPTON PROPOSALS TO CHANGE STATUS TO A MIXED SEX SCHOOL
DATE OF DECISION:	12 MARCH 2012
REPORT OF:	CABINET MEMBER FOR CHILDREN'S SERVICES AND LEARNING

STATEMENT OF CONFIDENTIALITY Confidential Appendix 7 is not for publication by virtue of category 5 (legal professional privilege) of paragraph 10.4 of the Council's access to information procedure rules as contained in the council's constitution. It is not in the public interest to disclose this information as it would prejudice the Council's legal position in relation to litigation that may result as a consequence of the Council's decision.

BRIEF SUMMARY

Cabinet is requested to determine a proposal from Saint George Catholic Voluntary Aided College Southampton to make a prescribed alteration to change from a single-sex boys' school to a mixed-sex school, by admitting both boys and girls into Year 7 from 2013, and every year thereafter until the whole school has mixed sex year groups from September 2017.

RECOMMENDATIONS:

- (i) To consider and take into account the outcome of stakeholder consultation, as set out in Appendices 2 and 6.
- (ii) Having had regard to the statutory decision makers guidance and the legal implications under the Equality Act 2010 set out in Confidential Appendix 7, to approve the prescribed alteration to Saint George Catholic VA College by changing the character of the school from a single sex boys school to a mixed school by admitting both boys and girls to year 7 from 1st September 2013.
- (iii) In order to give effect to the proposals above Cabinet is asked to grant a Transitional Exemption Order in relation to the Sex Discrimination Act 1975 (the 'SDA') for a period of four years from the date of implementation of the proposals to allow for the change from single sex to co-educational to be phased, as set out in the published proposals.

REASONS FOR REPORT RECOMMENDATIONS

The school have put forward the following reasons in support of their proposal:

1. A large number of people within the Catholic community have expressed a strong preference for there to be a non-fee paying Catholic secondary school within Southampton that both boys and girls can attend together, something that does not currently exist as an option for those parents. St George opened as a mixed-sex school in 1958 and many parents wish to see a return to that status.

2. As a consequence of this view, the school carried out an extensive period of consultation; 2,820 response forms were distributed and 322 responses were submitted. The majority (231 out of 322) of the adults who responded to the consultation wanted Saint George Catholic VA College to change to become co-educational and no longer remain single sex. 89 respondents opposed the proposal and 2 abstained. As a Catholic school, it is also important to note that of the 204 Catholics who responded, 165 preferred Saint George to become a mixed-sex school. Indeed, when Southampton City Council carried out its Learning Futures consultation in 2006, there was no overwhelming evidence supporting single sex education within the city and therefore all single sex schools other than Saint George and St Anne's have already been either closed or merged into co-educational schools.
3. Nor does there appear to be any demand for single sex education at Key Stage 2, since all primary schools in Southampton are mixed-sex. Every child that has attended a Catholic primary school has, up until the age of 11 years, been in a co-educational setting. Catholic children do not currently have the option to access Catholic secondary education in the city with friends and family of both sexes.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

4. As statutory decision maker the Council has the following options:
 - Reject the proposals
 - Approve the proposals as published
 - Approve the proposals subject to minor modifications (e.g. to implementation date), or
 - Approve the proposals subject to limited statutory conditions (e.g. subject to planning permission).

DETAIL (Including consultation carried out)

The school, as proposer under the school organisation legislation, have put forward the following arguments in favour of these proposals:

5. Consultation was carried out between 05/09/11 – 21/10/11, where the following groups were invited to submit their views; The Governing Body of Saint George Catholic VA College; Both the Portsmouth Catholic Diocese and the Portsmouth Church of England Diocese; Trustees of Saint George Catholic VA College; The families of pupils at Saint George Catholic VA College; Teachers and other staff at Saint George Catholic VA College; Southampton and Hampshire Local Education Authority's; Teachers, staff and the families of pupils at any other school who may be affected by the proposals including the families of pupils at our six Catholic feeder primary schools; Trade unions; MPs and Councillors in Southampton. A consultation document and response form (see Appendix 1) were distributed to these groups as a means of collecting a variety of views and opinions. The college website also acted as a means of advertising the proposals, and an email address was created specifically to gather feedback. A public meeting was held at Saint George on 22nd September 2011, and meetings were held at each of the six primary Catholic feeder schools, as well as at key Catholic parishes. Notices of the public meeting were sent to every primary school in

Southampton, as well as the central city library.

6. There was a good response to this stage of the consultation process, with 231, out of 322 responses received, in favour of Saint George admitting both girls and boys from September 2013. 89 of the 322 responses received were opposed to the proposal and concerns were raised (see bullet points below), but the college has stated that they have created a working group of staff, governors, current and prospective parents to plan strategies to deal with such concerns. Those that opposed the proposal did so on the following grounds:

- It would remove the option of single sex boys education in Southampton
- Boys perform better in a single sex environment
- The admittance of girls to the school would have a negative impact on boys' educational achievement/performance
- Girls would be a distraction for male pupils
- It may have a negative impact on pupil numbers at St Anne's,
- If there is a girls' schools in the city there should also be a boys' school
- The school is already performing well so there is no need to make any changes
- Concerns about how the existing arrangements at the school would change to accommodate female pupils and how this could negatively impact on male pupils currently at the school

In response the school has stated that:

- staff review their curriculum annually, and teach according to the needs of the *individual*, regardless of their gender
- results do not indicate that single sex schools achieve better results than mixed sex schools. Recent research has failed to prove that there is any benefit in single sex education. There appear to be more important factors that contribute to pupil performance, such as the quality of their teacher and resources, pupil socio-economic background, parental support and so on.

7. The majority of responses favoured the proposals, with one of the most popular arguments being the social benefits of educating boys and girls together. As one adult stated "*this mix affords the opportunity for both genders to see each other as partners in building a more progressive and inclusive society irrespective of one's gender and background*". Many simply disagreed with single-sex education and feel they have no choice currently if they want to pursue a Catholic education for their child: "*I think this would be fantastic. I don't agree with single sex schools but would like my children to carry on with Catholic education*" and "*This is a very exciting prospect for our family as we thought we would have no choice but to send our children to different secondary schools. We look forward to a positive outcome for Catholic families with a yes for a mixed St George*". A summary of all responses to the first consultation period is included in Appendix 2.

8. Statutory consultation took place between 03/01/2012 and 14/02/2012. On 3 January 2012 statutory notices (see Appendix 3) were published in 2 local newspapers (the Daily Echo and Hampshire Chronicle) and at the school entrance. A copy of the statutory notice was also sent to Southampton Central Library for publication. Copies of the statutory notice and the full statutory proposals (see Appendices 3 & 4) were sent to the Local Authority and the Department for Education, School Organisation unit. Similar to the first phase of the consultation, the majority of responses, 43 out of 45 received, were fully in support of the proposals. A summary of all the responses received can be found in Appendix 6.
- 9 The headteacher, Chair of Governors and Trustees of St Anne's Catholic School and Sixth Form College responded to statutory consultation and objected on the following grounds:
 1. A huge increase in the number of Catholics is not predicted so fewer Catholic girls may attend St Anne's if the option of mixed sex Catholic education is available in the city. The school may have to reduce in size to maintain its proportion of Catholic students/Catholic ethos of the school.
 2. It is not the school's single sex status that has caused the St George to have low pupil numbers in the past and therefore a change to mixed sex status may not be the answer to low numbers at the school.
 3. St Anne's would like single sex education to remain as an option for boys and girls in the city as there are already mixed secondary schools in the city for those that prefer mixed sex education.
 4. Many girls perform well academically in a single sex environment and St Anne's object to a proposal that could reduce or impoverish the provision there.
 5. There are enough mixed sex schools in the city to satisfy demand.
 6. Object to proposal due to negative affect it would have on St Anne's roll.

In response to these objections:

1. If St George did admit female pupils, these would not necessarily be pupils that would have gone to St Anne's. Some Catholic families may have opted for a mixed sex non-Catholic school rather than a single sex Catholic school. St Anne's & St George currently take the majority of their pupils from Southampton schools so there is considerable scope for St George to attract pupils from its feeder schools outside Southampton (St Peter's, St Anthony's, St Swithun Wells). Several responses to the consultation are from parents who do not live in Southampton, so this is a possibility.
2. The proposal would increase choice for parents and pupils. It is not just about increasing numbers at the school – there is no plan to enlarge the school. Proposals to go mixed were also born out of parental demand rather than the school addressing any issues about its number on roll.
3. Girls' single sex provision will remain unchanged. Responses to the

consultation indicate that there is strong demand for a mixed-sexed Catholic school in the city and little opposition to the removal of single sex boys education.

4. There are no plans to alter the provision that is currently available at St Anne's and the quality of education that the school offers should not be affected by this proposal.
5. Consultation indicates that there is plenty of demand for a mixed Catholic secondary school and the council has a duty to satisfy parental demand.
6. The combined PAN of the Catholic feeder schools is currently 330 compared to a current combined PAN of St George and St Anne's of 320. Given that primary school numbers are on the increase (and that demand for places at Primary Catholic schools is currently exceeding supply) we do not believe that pupil numbers at St Anne's would significantly alter as a result of this proposal. The Council will certainly not be supporting or proposing any plans to reduce capacity in the secondary sector. Contrarily, we will have to increase the capacity of secondary schools in the city in the next 4-5 years.

10. There are currently 2 single sex schools in Southampton:

- St George Catholic College (the subject of these proposals) is an 11-16 all boys school. It has a Published Admission Number of 120 and a Net Capacity of 600.
- St Anne's Catholic School, which is an 11-16 all girls school with a mixed sex sixth form. It has a Published Admission Number of 200 and a Net Capacity of 1079.

If these proposals were approved there would be no single sex boys' provision available in Southampton. The nearest single sex boys' school would be The City of Portsmouth Boys' School, which is approximately 20 miles away. Free school travel to a single sex school is only available if the school less than 15 miles from any Southampton address so this is unlikely to be available for many Southampton based pupils that would like to attend a single sex school.

Details of the effect on the balance of provision for boys and girls in the area and details of the transitional period to be included in any Transitional Exemption Order under the Sex Discrimination Act 1975.

The Transitional Exemption Order will apply for admissions to year 7 at St George Catholic College from September 2013 until the admissions year commencing September 2017. This is to ensure that current all boy year groups already admitted to the school remain single sex. It is the judgement of the Local Authority, headteacher and governors that this approach is most likely to ensure an effective transition of the school from single sex to mixed status.

If approved, the proposal would be implemented on a year by year basis i.e. boys and girls would be admitted to year 7 only in September 2013. This would continue year on year until September 2017 when all year groups would be mixed sex.

LA OFFICER RESPONSE TO THE PROPOSALS

11. On 21 July 2011, officers from Children's Services met with the Headteacher and a selection of other school staff and governors to discuss the school's proposal to convert to co-educational status from September 2013.

Officers and Senior Managers from Children's Service acknowledge that the approval of this proposal would result in an inequality of single sex education in the city as there would be a single sex girls' school, but no single sex provision for boys. The decision makers guidance states, "where there is a proposed change to single sex provision in an area, there is equal access to single sex provision for the other sex to meet parental demand". The responses to the consultation carried out by the school indicate that there is no great parental demand for single sex boys' education in the city (out of 322 responses received, 231 were in favour, 89 were opposed and 2 abstained and 43 out of 45 responses to the statutory notice favoured the proposal).

Children's Services view the proposal as satisfying demand for a mixed catholic secondary school in the city and believe the alteration will better meet the aspirations of parents. Wider research shows that whilst there is parental demand for all-girl schools for female children, there is a stronger preference for mixed education amongst parents of male children. Historically, girls outperform boys nationally and locally at secondary school age. Admitting female pupils offers the opportunity for St George to further improve both their curriculum and student outcomes, in line with parental demand. There is strong local evidence to suggest that that less than successful all-boys' schools can be significantly improved by strong leadership and becoming mixed sex.

In recent years, the school has had relatively low numbers on roll; the current year 11 consists of just over 70 pupils, compared to a PAN of 150 when they entered the school. In 2010/2011 the PAN was reduced to 120 and they are currently close to full in this year group. The Authority believes that this proposal would enable the school to attract and retain a higher number of pupils, which could benefit its development. On a city wide scale it may also help to retain a greater number of Southampton children at Southampton schools. It may even encourage pupils from outside the city to attend Southampton secondary schools. A number of responses to the consultation were from Hampshire residents who indicated that they would be more likely to apply for a place at St George if it was mixed sex.

As this proposal does not include any plan to increase the Published Admission Number or the Net Capacity of the school we do not foresee this proposal, if approved, having a significantly detrimental affect on other schools in the city, although we recognise that some parents may prefer their child to attend a mixed sex catholic school (as opposed to a single sex girls' school or a mixed-sex non-faith school) whilst some parents may not wish to send their children to St George if it no longer offers single sex provision.

There is currently no mixed sex catholic provision at secondary level in the city. The closest school that does offer this is 30 miles away. If the proposal is approved it may help retain a greater number of Southampton pupils in Southampton schools. Anything that limits or reverses this trend would be

welcomed by the LA and would be a positive step for the educational community in the city.

RESOURCE IMPLICATIONS

Capital/Revenue

12. Saint George Catholic VA College's budget share is part of the Schools Budget funded by the Dedicated Schools Grant. The proposed change will not directly affect their revenue funding. Any increase in number on roll as a result of the change will be met from the Schools' Budget.

It is envisaged that essential capital spending will be required for toilets and changing facilities as estimated in the table below:

Changing facilities – redecoration & refurbishment	£10,000
Toilet facilities – re-designation and upgrading	£50,000
Total	£60,000

These costs would be met from the Department for Education Locally Co-ordinated Voluntary Aided Programme (LCVAP) funding, via the Catholic Diocese of Portsmouth. This is central government funding ring fenced for capital works at voluntary aided schools. The Diocese has confirmed that this funding will be available to the school to fund these capital works.

Property/Other

13. Not Applicable

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

14. The power to change the provision of a school from single sex to mixed sex is contained in The Education and Inspections Act 2006 (EIA 2006) and The School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2007 (as amended by The School Organisation and Governance (Amendments)(England) Regulations 2007 which came into force on 21 January 2008). It contains both statutory guidance (i.e. guidance to which proposers and decision makers have a statutory duty to have regard) and non-statutory guidance on the process for making changes to school provision. The statutory guidance sections are indicated by shading. The relevant provisions of EIA 2006 came into effect on 25 May 2007

Other Legal Implications:

15. In making any school organisation decision as set out in the report, the decision maker has a statutory duty to have regard to the Statutory Guidance issued by the Secretary of State as set out at Appendix 5 of this report. The Council must also determine the proposals having regard to the Equalities Act 2010 and s.17 Crime and Disorder Act 1998 (duty to exercise its functions having regard to the need to reduce Crime and Disorder in its area).
16. The proposals in this report have serious implications for the Council under the Equalities Act 2010 in relation to its role as strategic commissioner of school places and its duty to secure parity of provision for pupils of both sexes. As such, the Council has previously (in the context of its previous

Building Schools for the Future proposals) taken leading Counsel's Opinion on the Equalities implications of such proposals and the impact of removing the only remaining single sex boys provision in the city while retaining single sex provision for girls at St Anne's. A summary of the legal advice obtained in this regard is set out at Confidential Appendix 7 and decision makers must have regard to that advice in relation to both determining these proposals and in relation to its statutory duties to plan and provide school places as a consequence of any decision taken in this regard.

POLICY FRAMEWORK IMPLICATIONS

17. Children & Young Peoples Plan (CYPP)

14-19 Strategy

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KEY DECISION? Yes

WARDS/COMMUNITIES AFFECTED:	All
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SUPPORTING DOCUMENTATION

Non-confidential appendices are in the Members' Rooms and can be accessed on-line

Appendices

1.	Consultation Documents
2.	Responses to Pre-Statutory Consultation
3.	Statutory Notice
4.	Full Statutory Proposals
5.	Decision Maker Guidance – Making Changes to a Maintained Mainstream School
6.	Responses to Statutory Consultation
7.	CONFIDENTIAL APPENDIX

Documents In Members' Rooms

1.	None
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Integrated Impact Assessment

Do the implications/subject of the report require an Integrated Impact Assessment (IIA) to be carried out.	Yes
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Other Background Documents: None

Integrated Impact Assessment and Other Background documents available for inspection at: Children's Services and Learning, Southbrook Rise