

CHILDREN AND EDUCATION SCRUTINY COMMITTEE

WEDNESDAY 12 FEBRUARY 2020

7.00 PM

Council Chamber - Town Hall

AGENDA

Page No

1. **Apologies for Absence**

2. **Declarations of Interest and Whipping Declarations**

At this point Members must declare whether they have a disclosable pecuniary interest, or other interest, in any of the items on the agenda, unless it is already entered in the register of members' interests or is a "pending notification" that has been disclosed to the Solicitor to the Council. Members must also declare if they are subject to their party group whip in relation to any items under consideration.

3. **Request To Call In the Executive Decision - Proposal To Open A Voluntary Aided Roman Catholic Primary School - JAN20/CMDN/78** 3 - 20

Please note that a petition has been received by the Council which contains more than 50 signatures from people who live, work or study in the city. As such, the right to a debate of the petition by a meeting of a Scrutiny Committee has been triggered in accordance with the Council's Petitions Scheme.

The petition titled 'New Faith School on Hampton Water' relates to the call-in and therefore will be debated as part of the call-in process and not as a separate item on the agenda.

4. **Response To Call In the Executive Decision - Proposal To Open A Voluntary Aided Roman Catholic Primary School - JAN20/CMDN/78** 21 - 104



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<http://democracy.peterborough.gov.uk/ecSDDisplay.aspx?NAME=Protocol%20on%20the%20use%20of%20Recording&ID=690&RPID=2625610&sch=doc&cat=13385&path=13385>

Committee Members:

Councillors: J Goodwin (Chair), G Casey, L Coles, N Day, A Dowson, T Haynes, S Lane, D Over (Vice Chair), L Robinson, B Rush and H Skibsted

Substitutes: Councillors: A Ellis, S Hemraj, J Howell, J Lillis, M Nadeem

Co-opted Members

Note: The following Education Co-opted members are Members of the Scrutiny Committee and vote when education matters are discussed.

Peter Cantley, Peterborough Diocesan Board of Education
Flavio Vettese, (Deputy Director of Schools), Roman Catholic Church, Diocese of East Anglia
Clare Watchorn, Parent Governor Representative
Vacancy, Parent Governor Representative
Julie O'Connor, Roman Catholic Diocese of East Anglia (sub for Flavio Vettese)
Peter French, Peterborough Diocesan Board of Education (sub for Peter Cantley)

Non Statutory Co-optees

Alistair Kingsley, Independent Co-opted Member (Non-voting)
Rizwan Rahemtulla, Independent Co-opted Member (Non-voting)
Parish Councillor Susie Lucas, Independent Co-opted Member (Non-voting)
Parish Councillor Junaid Bhatti, Independent Co-opted Member (Non-voting)

Further information about this meeting can be obtained from Paulina Ford on telephone 01733 452508 or by email – paulina.ford@peterborough.gov.uk

CHILDREN AND EDUCATION SCRUTINY COMMITTEE	AGENDA ITEM No. 3
12 FEBRUARY 2020	PUBLIC REPORT

Report of:	Director of Law and Governance		
Cabinet Member(s) responsible:	Cabinet Member for Children’s Services, Education, Skills and the University		
Contact Officer(s):	Paulina Ford, Senior Democratic Services Officer	David Beauchamp, Democratic Services Officer	Tel. 01733 452508 Tel. 01733 384628

REQUEST TO CALL IN AN EXECUTIVE DECISION - PROPOSAL TO OPEN A VOLUNTARY AIDED ROMAN CATHOLIC PRIMARY SCHOOL - JAN20/CMDN/78

R E C O M M E N D A T I O N S	
FROM: Director of Law and Governance	Deadline date: N/A
<p>It is recommended that the Children and Education Scrutiny Committee:</p> <ol style="list-style-type: none"> 1. Consider a request to call-in a decision taken by the Cabinet Member for Children’s Services, Education, Skills and the University; and 2. Receive and debate the Petition: New Faith School in Hampton Waters 	

1. ORIGIN OF REPORT

1.1 The report is presented to the Committee on behalf of the Director of Law and Governance.

2. PURPOSE AND REASON FOR REPORT

2.1 The report is being presented to the Committee so that they may consider a request to call-in a decision taken by the Cabinet Member for Children’s Services, Education, Skills and the University in respect of the proposal to open a voluntary aided Roman Catholic primary school.

2.2 This report is for the Children and Education Scrutiny Committee to consider under its Terms of Reference Part 3, Section 4 - Overview and Scrutiny Functions, paragraph 3, Scrutiny, sub paragraph 3.3 Hold the Executive to account for the discharge of functions in the following ways:

i. By exercising the right to call-in, for reconsideration, decisions made but not yet implemented by the Executive or decisions which have been delegated to an officer;

3. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	N/A
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4. BACKGROUND AND KEY ISSUES

4.1 On the 27 January 2020, the Cabinet Member for Children’s Services, Education, Skills and the University made an Executive Decision relating to the Executive Decision: Proposal to open a voluntary aided Roman Catholic primary school - JAN20/CMDN/78. In accordance with the Constitution this decision was published on 27 January 2020.

4.2 On 28 January 2020 Councillor Haynes, Councillor Day and Councillor Sandford submitted a request to call-in the decision on the following grounds:

Criteria 3. Decision does not follow principles of good decision-making set out in Part 2, Article 11 (Decision Making) of the Council’s Constitution, specifically that the decision maker did not:

(a) Realistically consider all alternatives and, where reasonably possible, consider the views of the public.

(d) Act for a proper purpose and in the interests of the public.

(f) Follow procedures correctly and be fair

4.3 A copy of the request to call-in the decision is attached at Appendix 1 and a copy of the decision notice is attached at Appendix 2.

After considering the request to call-in and all relevant advice, the Committee may either:

(a) refer it back to the decision-making person or body for reconsideration, normally in time for its next scheduled meeting, setting out in writing the nature of its concerns and any alternative recommendations;

(b) if it considers that the decision is outside the Council’s Budget and Policy Framework, refer the matter to the Council after seeking the advice of the Monitoring Officer and/or Chief Financial Officer; or

(c) decide to take no further action, in which case the original executive decision will be effective immediately.

4.4 If referred back to the decision taker they shall then reconsider, amending the decision or not, before adopting a final decision. Once a decision has been reconsidered by the decision taker it may not be the subject of further call-in.

5. Petition – New Faith School on Hampton Water

5.1 A petition has been received by the Council with contains more than 50 signatures from people who live, work or study in the city. As such, the right to a debate of the petition by a meeting of Scrutiny or Cabinet has been triggered in accordance with the Council’s Petitions Scheme.

5.2 On 6 January 2020 a petition was received by the Council from Tracy Butler. Following the undertaking of a verification process, the petition was confirmed to include 240 eligible signatures.

5.3 Ms Butler requested that the petition be presented to one of the scrutiny committees for debate as set out in the Council’s Petitions Scheme.

5.4 The petition is titled ‘New Faith School on Hampton Water’. The petition states: *We the undersigned petition the council to "reject proposals for a religiously selective voluntary aided Catholic primary school in Hampton Water, and support a well-established alternative proposal for a community ethos school, suitable for pupils of all backgrounds."*

A new faith school has been submitted to Peterborough city council and they are currently going through a consultation process for this. Residents want a catchment school that is inclusive of all children. Children should not be excluded from education using public money based on faith.

- 5.5 The petition was referred to the Director for Education in order that the concerns and questions raised were responded to.

A response was provided to the lead petitioner as attached at Appendix 4

6. CONSULTATION

- 6.1 Please refer to agenda item 4. Response to Call-in of Executive Decision for details of any consultation that has taken place with regard to the Executive Decision taken.

7. ANTICIPATED OUTCOMES OR IMPACT

- 7.1 Possible outcomes of call-in:
The Committee may either:

- a) refer it back to the decision making person or body for reconsideration, normally in time for its next scheduled meeting, setting out in writing the nature of its concerns and any alternative recommendations;
- b) if it considers that the decision is outside the Council's Budget and Policy Framework, refer the matter to the Council after seeking the advice of the Monitoring Officer and/or Chief Financial Officer; or
- c) decide to take no further action, in which case the original executive decision will be effective immediately.

8. REASON FOR THE RECOMMENDATION

- 8.1 Call-in is the exercise of a Scrutiny Committee's statutory powers under section 9F(2) and 9F (4) of the Local Government Act 2000 (as amended by the Localism Act 2011) to review an Executive Decision before it is implemented. Where a decision is called-in and the Scrutiny Committee decides to refer it back to the decision maker for reconsideration, it cannot be implemented until the call-in process is complete.

9. ALTERNATIVE OPTIONS CONSIDERED

- 9.1 Please refer to agenda item 4. Response to Call-in of Executive Decision for details of any alternative options considered with regard to the Executive Decision taken.

10. IMPLICATIONS

Financial Implications

- 10.1 Please refer to agenda item 4. Response to Call-in of Executive Decision for details of any financial implications with regard to the Executive Decision taken.

Legal Implications

- 10.2 Please refer to agenda item 4. Response to Call-in of Executive Decision for details of any legal implications with regard to the Executive Decision taken.

Governance Implications

- 10.3 The petition will be taken into consideration as part of the call-in process. The Lead Petitioner will be given up to five minutes to present the petition in accordance with the Petition Scheme rules as set out for Full Council debate of a petition. This will be included as part of the call-in speaking scheme which allows other Members or members of the public who have registered to speak and who support the call-in. Part 4, Section 8 – Scrutiny Committee Procedure Rules, Speaking Scheme for Call in. Paragraphs 10.21 (b).

The petition relates to the call-in and therefore will be considered as being in support of the call-

in and therefore debated as part of the call-in process and not as a separate item on the agenda.

Equalities Implications

- 10.4 Please refer to agenda item 4. Response to Call-in of Executive Decision for details of any equalities implications with regard to the Executive Decision taken.

Rural Implications

- 10.5 N/A

10.6 Carbon Impact Assessment

N/A

11. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

- 11.1 Executive Decision: [Proposal to open a voluntary aided Roman Catholic primary school - JAN20/CMDN/78](#)
[Cabinet Member decision notice](#)
Petition: [New faith School](#)
[Petition Scheme](#)

12. APPENDICES

- 12.1 Appendix 1 – Request to Call-In Decision
Appendix 2 - Copy of Decision Notice: Executive Decision: Proposal to open a voluntary aided Roman Catholic primary school
Appendix 3 – Petition – New Faith School
Appendix 4 – Response to Petition – New Faith School

CALL-IN REQUEST FORM

This form must be completed and signed by at least TWO members of any Scrutiny Commission or Scrutiny Committee and MUST be returned to the *Proper Officer within 3 working days of the decision being published (*not including the day of publication*). Please telephone the Proper Officer to make them aware that the Call-In form is on its way.

**Please note that the Proper Officer can be any of the following Senior Democratic Services Officer: Paulina Ford, Tel: 452508 or Democratic Services Manager, Gemma George, Tel 452268. The Call-In Request will only be valid if it has been received in person by any of the above people within the 3 working day deadline. The form may be emailed or hand delivered. If sent in the post you must call the Proper Officer to advise that it has been posted and it will need to be received by the Proper Officer within the 3 working day deadline.*

Decision taker:	Cllr Ayres
Date of publication of decision:	27 th January 2020
Title of Decision Called in:	Proposal to open a voluntary aided Roman Catholic primary school – Jan20/CMDN/78
Date Decision Called in:	29 th January 2020

	REASONS FOR CALL-IN	Tick which reason applies
1.	Decision contrary to the policy framework?	
2.	Decision contrary or not wholly consistent with the budget?	
3.	Decision is Key but it has not been dealt with in accordance with the Council's Constitution.	
4.	Decision does not follow principles of good decision-making set out in Article 11 of the Council's Constitution.	✓
If reason 4, please tick which specific element of Article 11 the decision maker has not followed, did he or she not:		
(a)	Realistically consider all alternatives and, where reasonably possible, consider the views of the public.	✓
(b)	Understand and keep to the legal requirements regulating their power to make decisions	
(c)	Take account of all relevant matters, both in general and specific, and ignore any irrelevant matters.	
(d)	Act for a proper purpose and in the interests of the public.	✓
(e)	Keep to the rules relating to local government finance.	
(f)	Follow procedures correctly and be fair.	✓
(g)	Make sure they are properly authorised to make the decisions.	
(h)	Be responsible for their decisions and be prepared to give reasons for them.	

	(i) Take appropriate professional advice from officers.	
<p>Detailed Reason(s) for Call-in. <i>Please explain below why one of the reasons for call-in applies (eg. For number 1 - which major policy affected and how/why)</i></p> <p>We consider that the decision does not follow principles of good decision making for the following reason.</p> <p>a) Realistically consider all alternatives and, where reasonably possible, consider the views of the public.</p> <p>4.1 Appendix 4 says “that there is very strong support for a Roman Catholic school to be opened at Hampton water”. However, we feel that the consultation processes was flawed in a number of ways.</p> <ul style="list-style-type: none"> • The statutory guidance from the DfE states that “The decision-maker should not simply take account of the number of people expressing a particular view. Instead, they should give the greatest weight to responses from those stakeholders likely to be most directly affected by a proposal – especially parents of children at the affected school(s).” However, neither consultation has collected any reliable and useful quantitative data on support in Hampton water or the wider city. It would seem reasonable to assume that the Diocese were able to duplicate support from their initial consultation into the Council consultation – with 899 paper applications of “agree/strongly agree” support included in the 1591 paper responses from Catholic parishes and schools (it is not clarified if these were all within Peterborough – Page 4). Only around 14% of respondents to the council’s consultation could be identifiable as coming from the Peterborough area. • Under the DfE’s “Consultation Principles: Guidance” document it states “Give enough information to ensure that those consulted understand the issues and can give informed responses”. Although this is given as advice for proposers the council could have done more to provide factual information to residents. Complaints have been sent to the Director of Education that residents feel they have not received enough information about the options or the consultation process, which was only readdressed recently with a document sent to some residents on the 27th January. Even now residents do not understand the admissions/oversubscription policy. The council may have followed the Department for Education process but this does not mean that it is suitable considering the council was in the position to do more to inform residents about this contentious issue. • The guidance also advises government department to “Consider targeting specific groups if appropriate. Ensure they are aware of the consultation and can access it”. This does not appear to have been considered in this case. For people who do not read the Peterborough Telegraph, spend time on the relevant pages of Twitter and Facebook or sign up to the Peterborough e-newsletter (4812 subscribers across the city) there was no effort made to inform residents specifically of the proposal. The Peterborough telegraph has printed a couple of inaccuracies concerning the story in the last few weeks which have confused residents about the situation and the process being followed. The council should have been a source of reliable and unbiased information. 		

- The council would not agree to hold a meeting for Hampton Water residents as requested by them (via Cllr Haynes 28th November) as an impartial source of information.
- Residents felt that they were unable to get any support from their local ward Councillors and that what interactions took place they felt suggested a bias towards agreeing with the proposal. Residents feel that this hindered their ability to coordinate an effective and timely campaign to garner the opinion of those living in the area. They only initiated the petition after meeting with Cllr Murphy at a meeting of the National Secular Society on the 28th November.
- Many questions concerning the data could not be asked or went unanswered at the scrutiny committee as the consultation data presented was from the Diocese, while the council's own consultation was still on-going. Information that sorted respondents into those living in Hampton water and the city itself against their responses was only presented upon request at the meeting.
- A comment is made on page 9 that parents currently sending children to one of the two RC primaries in the North of the city may bring their children to the RC school in Hampton Water. The fact that only 2 parents attended the two consultations held at the existing schools suggests that there is not a strong desire for parent with children at these two schools to relocate them and the council policy is generally to put parents off moving children between schools due to the destabilising effect on the children (Education and Scrutiny meeting January 2020).
- The Hampton Waters estate is unfinished and there is no way to predict the religious make-up of its future residents or what type of school they would want, other than a good one, as all parents hope for.

4.2 Demand vs need & 4.6 Equal opportunity issues

- In light of the number of pupils needing school places previously exceeding forecasts in the area (Education Organisation Plan) the impact of the school based on the 80/20 faith/distance admissions numbers may end up being an underestimate. If the school changes this to 100% selective faith admissions and becomes over-subscribed this situation could worsen.
- The likelihood of the school becoming oversubscribed is downplayed. There are 40 places elsewhere in the city available for Catholic parents to send their children to if they wish to, but they do not. This suggests that the RC primary that is currently oversubscribed is not over-subscribed due to Catholic parents sending their children there in large numbers (neither existing RC primary school in 2019 had 100% of reception applications coming from Catholic parents). There is a paradox between the apparent demand for a Catholic education which will be satisfied by this school (appendix 4, page 3), while at the same time having plenty of places to accommodate local children (Report to cabinet member, page 6).

4.7 Community integration

- Any school can integrate into a community, it is not an exclusive characteristic of Catholic faith schools. The potential competition created between parents for a limited number of places will have a negative impact on community relations and was a cause for concern in a number of resident's responses during the Council consultation. This is also recognised in the DfE's Equalities Impact Assessment concerning VA schools (point 56).

- In a pamphlet co-authored by Charles Clarke and Linda Woodhead, it was identified through conversations with the Catholic Education Service that “there is a considerable difference between the majority of Church of England schools, which exist to serve the whole local community, and Roman Catholic and many other faith schools which exist primarily to educate the children of parents who share that faith, and to pass on that faith”. The impact on the community of a school rejecting local children on the basis of their parent’s faith and the potential for parents to “play the system” and do all they can to secure their child a place at a convenient school is ignored, although such a thing is obviously difficult to measure. It is simply assumed that the school will be welcomed and able to integrate in a meaningful manner into the community.

4.11 Suitability

- The Council is satisfied that the evidence provided by the RCDEA’s application to the DfE demonstrates that the proposed new school will meet the requirement regarding SMSC education but no information has been given to the scrutiny committee or the public for them to evaluate. There are concerns about the impact of Catholic doctrine on young children, addressed later in this document.

4.8 Travel access

- Sustainable travel routes from the city centre have been identified, but there is no guarantee that these will be used by those coming from outside the area. There is no estimate given on how many parents will use which type of transport based on other RC primary schools where parents may drive from outside traditional “catchment areas” to take their children to school. This does not support the work on the council and its declaration of a “climate emergency”.
- Although there are other schools within 1 mile of Hampton Water the reality is that many parents will chose to drive their children to school for a number of reasons. These will include time constraints with parents needing to get to work after dropping children off at school and the dangers or unpleasant nature of walking very small children along the A15 and all the car fumes from stationary traffic, which will get worse if parents from outside the development place their children in the new school.

f) Follow procedures correctly and be fair.

The policy on making a decision about faith schools is flawed and allows for the process to be hijacked by national groups on either side of the argument and the data presented does not satisfy the policy points that we were unable to scrutinise properly as we were not questioning the Diocese.

Unmet local demand for additional relevant faith provision.

- 4.1 Consultation.
Local demand has not been established via the consultation (for reasons stated above).

Although the council has addressed the mentioning of S106 money, it appears that the arguments have been dismissed rather than considered.

As per the Service Directors report presented to the scrutiny committee in January 2020, it states that that purpose of these contributions from the developer are “to provide the required education infrastructure in order to ensure the effect of the development is mitigated”, rather than dealing with an existing issue elsewhere in the city which is not the purpose of such funding. The reason for the RC school is due to a demand from elsewhere in the city. Other councils in the country have acknowledged that use of this

money for a school with “any restrictions on admission policy will need to be carefully considered” [Leicestershire County Council]. This does not seem to be the case in this decision. Just because it is not a legal right/duty and because it did not stipulate that the primary school could not be a faith school is not a reason to simply accept the first school proposal that is presented if it is not right for the community.

An established trend where parental preference for places in existing denominational schools exceeds the number of places available and this is forecast to continue in the foreseeable future

- The over-riding demand in Hampton Water from residents comments is for a school where children can grow up with children of many faiths and none, the largest concern from the residents was the ethos of the RC school itself (appendix 2). With church attendance falling fewer parents are going to choose to send their children to a faith school for the specific ethos rather than for convenience.
- 4.3 Proposed Admission Arrangement
Based on 2018 and 2019 admissions data there is not an excess of applications from Catholic parents for places in the current RC faith schools to the point where they cannot meet demand (refer to the comment about 40 available places stated (Report to cabinet member, page 6) and no data has been presented about when they may no longer be able to meet these needs based on current trends.

The potential for denominational provision to alleviate the demand on places in schools in areas of high basic need.

- Appendix 4 Quality Impact Assessment
The assessment says “Overall this carries with it a medium level of risk with regard to the future availability of places at the school for local children without faith.”. The level of risk is not quantified or explained.
- 4.2 Demand vs Need & 4.6 Equal opportunity issues
This criterion leads to a situation where any application for a faith school in any area of need would be viewed positively, which is clear at numerous points in the report and in the final decision that this is “the most cost efficient of the options available to it at this time”. The discussion on whether a faith school, with all the extra controversy it provides, would be able to meet the areas needs was not allowed to be discussed at scrutiny committee. It may be a legitimate part of the educational landscape on paper at the moment, but is it what is best for our children?

Potential confusion in report.

- This document was written for the Cabinet member to aid them in their decision making but it was available publicly on the council website. The text on page 10 refers to a cost to the council of between £5.5 and £7.5m if this school is not built. This is not the case as the DfE funds the school as there is a “basic need”. This is stated in the table on page 9 but may not be clear to those who read it. This report may be the only detailed information Hampton Residents have access to and could be clearer.

Scrutiny meeting – December 2019.

- During the scrutiny committee pre-meeting it was made clear that it was only the decision-making process that could be scrutinised (despite the Council portion of the consultation process still being ongoing and therefore limiting the extent of the scrutiny) and not the appropriateness of a faith school in an area of need. When the report going to the Cabinet

member covers their due regard to “eliminate discrimination” and the need of the school to meet the requirements of the Equality Act 2010, these issues should be up for discussion.

Same sex marriage became law in 2014, yet we will allow children 6 years later to be told that these relationships are not viewed ‘favourably’ by the organisation running their school and the consequences they believe will befall them if they act on their feelings. What if a child from a same-sex relationship ends up placed in the school as the other schools in the area are full? The DfE may allow schools to discriminate and pass on their faith-based opinions on what are now legally recognised marriages and civil partnerships to impressionable young people – but it should be debated if this is what we want for the children of Peterborough. Residents expect it to be debated.

The practice of rotating questions between members during the scrutiny committee meeting rather than allowing them time to respond to an officer’s response (due to the preference of the committee chair to allow everyone the opportunity to speak) meant that answers that were given could not be investigated in depth.

d) Act for a proper purpose and in the interests of the public.

Acting for a proper purpose is difficult to judge objectively.

My opinion of the consultation meeting in Hampton Vale and subsequent contact and information I have seen from residents living in the development was that many did not understand the workings of a Catholic school in terms of the admissions policy and the extent that Catholic Practices permeate the education on offer.

There is not enough demand for a Catholic primary education that this school will be filled with children of Catholic parents. Yet this school will impose the Catholic ethos on all children sent – many of whom will be sent by their parents simply because of convenience rather than support of the ethos.

It seems discriminatory to tell parents in this development that if they do not want their children to receive a Catholic education, perhaps due to the fact that they are in a same-sex relationship and do not wish for their children to be told that this is wrong and sinful, that they can simply go elsewhere. This seems to be prioritising people of faith over those of none.

The LA may have a statutory duty to secure diversity in the provision of schools and increase parental choice, but this should not mean that any faith school application is immediately accepted. Does Peterborough not provide enough diversity of education, are we under a time constraint from the DfE to increase the number of faith schools in the area?

Increasing parental choice for one group invariably decreases it for someone else. Residents who would refuse to send their children to a Catholic school due to strongly held personal beliefs are being ignored and are not as respected as those with faith, which is discriminatory.

There may not be a legal right to expect your nearest school to be accessible to all, but many in this development bought homes on the basis that a nearby school would be built and in 2020 it might be reasonable to assume that this is a school would not discriminate. They feel that they are being penalised to make way for a minority of parents elsewhere in the city, which makes them angry and resentful.

Throughout the report the benefit of the doubt has been given to the school application and none of the negatives have been given much credit.

Getting children into a good school and fitting this around family responsibilities is hard work. This school will add another hurdle to those parents who cannot or will not inflict a Catholic education on their children, to satisfy an apparent desire for a Catholic school from those elsewhere in the city. This desire only came to light after the proposal was submitted as no evidence of parental requests prior to the application have been presented.

For all the reasons stated above we do not believe that the decision has taken into full consideration the opinion of Hampton Water residents and the impact of a faith school in this area of high need at a time when discrimination is being criminalised in adult society, yet permitted in the lives of our most impressionable members.

	Name (please print)	Signature	Date
1.	Cllr T Haynes	Via email	28/01/2020
2.	Cllr N Sandford	Via email	28/01/2020
3.	Cllr N Day	Via email	28/01/2020

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Decision details

Proposal to open a voluntary aided Roman Catholic primary school - JAN20/CMDN/78

- [Find out more about this issue](#)
- [Call in the decision](#)

Decision Maker: Cabinet Member for Children's Services, Education, Skills and the University

Decision status: **Item Called In**

Is Key decision?: Yes

Is subject to call in?: Yes

Purpose:

The Cabinet Member:

- approve the proposal for the RCDEA to open a new voluntary aided Roman Catholic primary school at Hampton Water having regard to the Opening and closing maintained schools, statutory guidance for proposers and decision makers (DfE November 2018) and taking into consideration:

- a) the responses submitted during the initial 6 week consultation held by the RCDEA in September/October 2019
- b) the views/comments submitted during the statutory 4 week representation period which concluded on 19 December 2019, including support for, objections to, and comments on the proposal.

Reasons for the decision:

A new primary school is required at Hampton Water by September 2022.

The demographic analysis at Appendix 4 has been considered in the decision making process.

Whilst not universally popular with the respondents to the consultations, VA RC schools are a legitimate part of the education landscape and recognised by the DfE. As such the foundation owning the land and buildings appoints a majority of the school's governors, the governing body runs the school, employs the staff and decides the school's admission arrangements subject to the statutory Schools Admissions Code. In addition, specific exemptions from Section 85 of the Equality Act 2010 enable voluntary faith schools to use faith criteria in prioritising pupils for admission to those schools when there are more applications than places available.

All the elements which the decision maker must consider, as set out in the statutory guidance and detailed in section 4 above have been evidenced and taken into account.

In making this decision the Council fulfils its statutory duties under:

- the Education & Inspections Act 2006 and
- the Public Sector Equality Duty (s149 Equality Act 2010)

The decision to approve the RCDEA's proposal is the most cost efficient of the options available to it at this time.

For those families living in the Hampton Water development and the wider Hamptons East area who do not wish their child(ren) to attend a VA faith school they are able to express a preference for any school, including Hampton Waters Primary which also serves the Hamptons East, and the other primary schools on the wider Hamptons development listed in section 4.6 above. All of these schools lie within a 1 mile radius. **See appended map.**

Alternative options considered:

There is a basic need for a second primary school at Hampton Water on the Hamptons East development. An application was also made by the Hampton Academies Trust to establish this school under Wave 13 of the DfE's central free school programme. This was not approved. An application has been submitted under Wave 14 but the decision on this is not expected until summer 2020.

The Council does not currently have an alternative to securing the primary school places required for the academic year 2022/23. If the proposal is not approved the Council will need to await the outcome of Wave 14 of the central free school programme. If that is not approved the Council will need to run a competition to identify a new sponsor to recommend to the Secretary of State for approval in order for the Council to meet its statutory place planning duty. Both of these scenarios would significantly delay the building and opening of the school.

Interests and Nature of Interests Declared:

None.

Background Documents:

Establishing a voluntary aided school: guidance & criteria (DfE December 2018)

<https://www.gov.uk/government/publications/voluntary-aided-schools-capital-scheme>

Opening and closing maintained schools. Statutory guidance for proposers and decision makers (DfE November 2018)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/756328/Opening_and_Closing_maintained_schools_Guidance.pdf

Publication date: 27/01/2020

Date of decision: 27/01/2020

Issue status: The decision is currently being reconsidered

Current call-in Count: 3

This decision has been called in by:

- [Councillor Terri Haynes](#) who writes Reasons for Call-in: 3. Decision does not follow principles of good decision-making set out in Part 2, Article 11 (Decision Making) of the Council's Constitution: (a) Realistically consider all alternatives and, where reasonably possible, consider the views of the public. (d) Act for a proper purpose and in the interests of the public. (f) Follow procedures correctly and be fair."
- [Councillor Nick Sandford](#) who writes Reasons for Call-in: 3. Decision does not follow principles of good decision-making set out in Part 2, Article 11 (Decision Making) of the Council's Constitution: (a) Realistically consider all alternatives and, where reasonably possible, consider the views of the public. (d) Act for a proper purpose and in the interests of the public. (f) Follow procedures correctly and be fair."
- [Councillor Nicola Day](#) who writes Reasons for Call-in: 3. Decision does not follow principles of good decision-making set out in Part 2, Article 11 (Decision Making) of the Council's Constitution: (a) Realistically consider all alternatives and, where reasonably possible, consider the views of the public. (d) Act for a proper purpose and in the interests of the public. (f) Follow procedures correctly and be fair."

Accompanying Documents:

- [200127 Hampton Water P CMDN PUB](#) PDF 776 KB
- [Appendix 1 RCDEA Full Proposal](#) PDF 1 MB
- [Appendix 2 Representation responses summary](#) PDF 327 KB
- [Appendix 3 Demographic report](#) PDF 528 KB
- [Appendix 4 EqualityImpactAssessment](#) PDF 235 KB
- [Appendix 5 Council Response to queries received re CMDN](#) PDF 409 KB
- [Map Hampton Schools](#) PDF 7 MB

Appendix 3

New Faith School on Hampton Water – e Petition and paper petition

We the undersigned petition the council to "reject proposals for a religiously selective voluntary aided Catholic primary school in Hampton Water, and support a well-established alternative proposal for a community ethos school, suitable for pupils of all backgrounds."

A new faith school has been submitted to Peterborough city council and they are currently going through a consultation process for this. Residents want a catchment school that is inclusive of all children. Children should not be excluded from education using public money based on faith.

This Petition ran from 29/11/2019 to 06/01/2020.

Total number of valid signatories 240.

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Telephone: 01223 507165
E-Mail: Jonathan.Lewis@peterborough.gov.uk
Jonathan.Lewis@cambridgeshire.gov.uk
Date: 14 January 2020
Please ask for: Jonathan Lewis
Your ref:



Jonathan Lewis
People & Communities' Directorate
Peterborough City Council
Sand Martin House
Fletton Quays
Bittern Way
Peterborough PE2 8TY

Dear Tracy

Response to petition – Voluntary Aided Catholic School in Hampton Waters

Thank you for submitting your petition. The council is currently reviewing the responses we received the recently closed representation period for establishing a new catholic school following the statutory notice issued by the Roman Catholic Diocese of East Anglia (RCDEA). The petition will be considered as part of the DfE's Opening and closing maintained schools, statutory guidance for proposers and decision makers (DfE November 2018). The Council, as decision maker, must make its decision paying regard to the following factors:

- the consultation process
- demand versus need for new school places
- the proposed admission arrangements
- the national curriculum
- school size
- equal opportunities
- integration and community cohesion
- travel and accessibility
- funding
- school premises and playing fields
- suitability

A decision on the school will be made in due course.

Yours sincerely

A handwritten signature in black ink, appearing to read "Jonathan Lewis".

Jonathan Lewis
Service Director: Education
Peterborough City Council & Cambridgeshire County Council

Corporate Director: Wendi Ogle-Welbourn



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CHILDREN AND EDUCATION SCRUTINY COMMITTEE	AGENDA ITEM No. 4
12 FEBRUARY 2020	PUBLIC REPORT

Report of:	Wendi Ogle Welbourn, Executive Director, People and Communities	
Cabinet Member(s) responsible:	Cabinet Member for Children’s Services, Education, Skills and the University	
Contact Officer(s):	Jonathan Lewis – Service Director (Education) Clare Buckingham (Strategic Education Place Planning Manager CCC and PCC)	Tel. 01223 507165 Tel. 01223 699779

RESPONSE TO CALL-IN OF EXECUTIVE DECISION: PROPOSAL TO OPEN A VOLUNTARY AIDED ROMAN CATHOLIC PRIMARY SCHOOL - JAN20/CMDN/78

R E C O M M E N D A T I O N S	
FROM: Cabinet Member for Children’s Services, Education, Skills and the University	Deadline date: N/A
<p>It is recommended that Children and Education Scrutiny Committee:</p> <ol style="list-style-type: none"> 1. Considers the response report to the call in of the proposal to open a Voluntary Aided Roman Catholic primary school, which sets out how Member concerns have been met. 2. After considering the evidence presented to the meeting, <ol style="list-style-type: none"> i) Decide to take no further action in relation to the Cabinet Member Decision Notice for the Proposal to open a Voluntary Aided Roman Catholic Primary School, in which case the original executive decision will be effective immediately; or, ii) Decide to refer the decision back to the Cabinet Member for reconsideration, setting out in writing the nature of its concerns and any alternative recommendations. The Cabinet Member must then reconsider the matter within 5 working days, taking into account the concerns of the Scrutiny Committee, before making a final decision. 	

1. ORIGIN OF REPORT

1.1 This report follows a call-in request of the Cabinet Member Decision Notice published on 27th January 2020 titled “proposal to open a Voluntary Aided Roman Catholic primary school”.

2. PURPOSE AND REASON FOR REPORT

2.1 The report is being presented following a call-in request by Councillors Haynes, Sandford and Day.

The call-in was made on the basis of concerns that the decision does not follow principles of good decision-making set out in Part 2, Article 11 (Decision Making) of the Council’s Constitution, specifically:

- (a) Realistically consider all alternatives and, where reasonably possible, consider the views of the public.
- (d) Act for a proper purpose and in the interests of the public.
- (f) Follow procedures correctly and be fair.

2.2 The Council’s Scrutiny Committee Procedure Rules state:

“10.16 Having considered the call-in and the reasons given, the relevant Committee may either:

- (a) refer it back to the decision-making person or body for reconsideration, setting out in writing the nature of its concerns and any alternative recommendations. This will normally be considered at the decision-making body’s next scheduled meeting;
- (b) if it considers that the decision is outside the Council’s Budget and Policy Framework, refer the matter to the Council after seeking the advice of the Monitoring Officer and/or Chief Financial Officer; or
- (c) decide to take no further action, in which case the original executive decision will be effective immediately.

10.17 If referred back to the decision taker they will then reconsider whether to amend the decision before adopting a final decision. Once a decision has been reconsidered by the decision taker it may not be the subject of further call-in.

10.19 If a decision relates to an executive function only the Cabinet can ultimately decide the matter, as long as it is in accordance with the Council’s Budget and Policy Framework.

The body of the report outlines the areas where the call-in challenges the decision made. This report sets out the response to the call-in of the proposal to open a Voluntary Aided Roman Catholic primary school and sets out how Member concerns have been met.

2.3 This report is for the Children and Education Scrutiny Committee to consider under its Terms of Reference No. Part 3, Section 4 - Overview and Scrutiny Functions, paragraph 3, Scrutiny, sub paragraph 3.3 Hold the Executive to account for the discharge of functions in the following ways:

- i. By exercising the right to call-in, for reconsideration, decisions made but not yet implemented by the Executive or decisions which have been delegated to an officer;

2.4 This report links to –

- Corporate priority:
 - Improve educational attainment and skills
 - To drive growth, regeneration and economic development
- Children in Care Pledge: Support children in care to have a good education.

3. **TIMESCALES**

Is this a Major Policy Item/Statutory Plan?	No	If yes, date for Cabinet meeting	N/A
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4. **BACKGROUND AND KEY ISSUES**

4.1 To aid the committee to consider this report, the text from the original call-in has been reproduced (in ***bold italics***) and a response to each group of issues has been given. This report needs to be read alongside the original Cabinet Member Decision Notice (**Appendix A**)

4.2 ***Realistically consider all alternatives and, where reasonably possible, consider the views of the public***

The statutory guidance from the DfE states that “The decision-maker should not simply take account of the number of people expressing a particular view. Instead, they should give the greatest weight to responses from those stakeholders likely to be most directly affected by a proposal – especially parents of children at the affected school(s).”

However, neither consultation has collected any reliable and useful quantitative data on support in Hampton water or the wider city. It would seem reasonable to assume that the Diocese were able to duplicate support from their initial consultation into the Council consultation – with 899 paper applications of “agree/strongly agree” support included in the 1591 paper responses from Catholic parishes and schools (it is not clarified if these were all within Peterborough – Page 4). Only around 14% of respondents to the council’s consultation could be identifiable as coming from the Peterborough area.

4.3 In November 2018 the Department for Education (DfE) invited proposals from faith organisations to open new Voluntary Aided (VA) school and assessed a number of bids at a national level. The Roman Catholic Diocese of East Anglia (RCDEA) submitted a proposal to open a VA primary school in Hampton Water. Following their assessment, the DfE agreed that the proposal for the RCDEA is approved for funding and should proceed to the next stage of the process, which was consideration and decision by the Local Authority.

To receive approval from the DfE, the RCDEA, as part of its application, has already had to demonstrate that:

- there is basic need for a high proportion of the school places that the new school will provide, to prevent creating an oversupply of places in the area;
- there is parental demand for the type of school proposed, and it will bring added diversity and choice to the area;
- the school, once open, will be welcoming and address the needs of pupils from all faiths and none, and from different backgrounds and communities in a way that meets our integration and community cohesion objectives and is in line with the requirements of the Equality Act 2010;
- it has the appropriate education, finance and governance capacity and capability to set up and run a successful and viable school;
- the proposed site represents good value for money and can be delivered in a timely manner with an acceptable level of risk.

4.4 It is important to stress that neither of the consultation stages - stage 1 Pre-publication consultation, and stage 2 statutory representation period- were the *Council’s consultation*. In accordance with the statutory guidance the proposer undertakes the consultation process. In the case of stage 2, the representations are sent directly to the decision maker, which in this case is the Council.

4.5 Stage 1 – Pre-publication consultation

The DfE’s *Opening and closing maintained schools, statutory guidance for proposers and decision makers (November 2018)* states: *It is for the proposer to determine the nature and length of the pre-publication consultation. It is best practice for consultations to be carried out in term time to allow the maximum number of people to respond.*

The following table (Table 1) sets out the details of responses from Hampton and wider Peterborough received by the RCDEA during its pre-publication consultation. It shows that both Hampton and wider Peterborough residents were more strongly represented in support of the proposal than those from the same geographical areas who did not agree with the proposal.

Table 1

Views on proposal	Hampton Resident	Wider Peterborough Resident	Total	Percent
Strongly disagree	30	23	53	8.0%
Disagree	4	2	6	0.9%
Don't know	1	0	1	0.2%
Neither agree or disagree	0	7	7	1.1%
Agree	3	43	46	7.0%
Strongly Agree	72	475	547	82.8%
Total	110	550	660	

4.6 Stage 2- statutory representation period.

At the closure of the representation period at 23:30 on 19 December 2019, 1911 responses had been received with 1585 (83%) in support of the proposal and 326 (17%) against.

Table 2 below shows that the 1585 included a group of 1556 paper responses gathered through the local Catholic parishes and schools. Although only 228 of these cited postcodes (10 in Hampton and 218 in wider Peterborough), they were all hand delivered to Sand Martin House in Peterborough which suggests they were all from local Peterborough respondents.

The 326 against the proposal included a petition gathered through, and submitted electronically by, the National Secular Society (NSS) with 249 signatories. Of these, where respondents cited a postcode, 127 were Hampton residents and 75 were residents of wider Peterborough. The other 124 had either not cited a postcode or were from other parts of the country outside Peterborough. The Council acknowledged this petition and it was considered as part of the lead member decision making.

Table 2

	Hampton Resident	Wider Peterborough Resident	Other/ Not Stated	Total	Percent
Agree	17	222	1346	1585	83%
Disagree	127	75	124	326	17%
	144	297	1470	1911	100%

At this stage, the numbers of Hampton residents expressing their disagreement with the proposal was higher than those agreeing with the proposal.

4.7 The new school will serve Hampton Water, Hampton Hamlets and part of the Residual sites. When fully built out the Hamptons East development will have approximately 3100 homes. So far 351 have been completed (see table below) of which 65 are in the area called Hampton Water. A further 531 will be built in Hampton Water. To date, only 10% of the homes in the area which the school will serve have been completed.

	Total Dwellings	Complete	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26
Hampton Water (Barratt)	269	65	50	50	54	50			
Hampton Water (Bovis)	327	0	60	60	60	60	60	27	
Hampton Hamlets	40	0	10	20	10				
Hampton Gardens	866	272	125	12 5	12 5	12 5	94		
Total	1502	351	245	25 5	24 9	23 5	15 4	27	
Hampton Residual Sites*	1648	0	50	80	80	80	10 0	15 0	15 0
Total	3150	351	285	33 5	32 9	31 5	15 4	17 7	15 0

(Peterborough City Council Five Year Land Supply, October 2019)

*Hampton Residual Sites build out forecast continues after 2025/26.

- 4.8 Whilst the Council needs to consider all views from the local area when making this decision, it cannot be assumed that the current views represent those of future residents who might move into the area. In order for the new school to be opened in time in September 2022, the Council necessarily has to make decisions now in order for that timetable to be met in order to ensure it is meeting the needs of future residents with regard to the basic need provision of school places. It also has to take a strategic view balancing all the factors it has to consider when taking the decision. **The consultation process is but one element that the Council has to take into account in its decision-making role.**

Table 3

Hampton Trajectory (Peterborough City Council Five Year Land Supply, October 2018)

	Total Dwellings	Complete	2019	2020	2021	2022	2023	2024	2025
Hampton Water (Barratt)	269	0	30	50	50	50	50	39	
Hampton Water (Bovis)	327	0	50	50	80	80	67		
Hampton Hamlets	40	0	5	15	15	5			
Hampton Gardens	866	98	125	125	125	125	125	100	43
Total	1513	98	210	240	270	260	253	139	43

We do not have housing trajectories for two further communities which will make up the Hampton East development (Hampton Beach and Hampton Woods). The expectation is that building will commence once the current Hampton developments are completed.

- 4.9 ***Under the DfE's "Consultation Principles: Guidance" document it states "Give enough information to ensure that those consulted understand the issues and can give informed responses". Although this is given as advice for proposers the council could have done more to provide factual information to residents. Complaints have been sent to the Director of Education that residents feel they have not received enough information about the options or the consultation process, which was only readdressed recently with a document sent to some residents on the 27th January. Even now residents do not understand the admissions/oversubscription policy. The council may have followed the Department for Education process but this does not mean that it is suitable considering the council was in the position to do more to inform residents about this contentious issue.***

The guidance also advises government department to “Consider targeting specific groups if appropriate. Ensure they are aware of the consultation and can access it”. This does not appear to have been considered in this case. For people who do not read the Peterborough Telegraph, spend time on the relevant pages of Twitter and Facebook or sign up to the Peterborough e-newsletter (4812 subscribers across the city) there was no effort made to inform residents specifically of the proposal. The Peterborough telegraph has printed a couple of inaccuracies concerning the story in the last few weeks which have confused residents about the situation and the process being followed. The council should have been a source of reliable and unbiased information.

- 4.10 The DfE’s *Consultation Principles: Guidance* is for government departments to use when conducting consultations. The RCDEA followed the *Opening and closing maintained schools, statutory guidance for proposers and decision makers (DfE November 2018)*. The requisite two stage process for a proposal to establish a new school was followed.
- Stage 1 - the initial 6-week consultation. The RCDEA conducted its initial Community Consultation (referred to in the DfE’s *Guidance* as *Pre-publication consultation*). All the representation information was sent directly to the RCDEA.
 - Stage 2 - 4-week statutory representation period was initiated and conducted by the RCDEA in line with the *Opening and closing maintained schools, statutory guidance for proposers and decision makers (DfE November 2018)*.
- 4.11 The RCDEA followed the DfE statutory process which is to notify the local media and take a formal advert in the press (21 November 2019). The RCDEA also sent a letter to local schools, Hampton Parish and Hampton Library asking them to display the notice in a prominent area. In addition, a copy of the Statutory Notice was sent to all the councillors who represent the Hampton area. All the representation information was sent directly to the Local Authority.
- 4.12 The Council made a press response as follows:
- A Peterborough City Council spokesperson said: "The Department for Education approved a bid for funding for a new faith school in Hampton Waters earlier this year. The Roman Catholic diocese was the only faith denomination to submit an application for this. A statutory notice was published by the Roman Catholic diocese in November, marking the beginning of a four-week representation period which gives residents the opportunity to have their say. This four-week period will end on 19 December. In the New Year, the responses will be fully considered and a decision will be made on whether or not to grant approval for the new school to open."*
Comments can be submitted to consultations@peterborough.gov.uk
- 4.13 This resulted in a number of articles published in the Peterborough Telegraph. It also was mentioned in:
- E-Newsletters to residents - 13 December, 6 December, 29 November, 6 November
 - Social media (Facebook and Twitter) - Once a week from 6 November until the end of the consultation period.
- 4.14 A paper was presented to the Children’s and Education Scrutiny meeting on the 17th December 2019 (published on the 13th December) that outlined the first stage of the process. Members of the public had the opportunity to speak at this meeting prior to the decision being made.
- 4.15 In short, the proposal was brought to the attention of the public in a variety of ways so that they could engage with and respond to it.
- 4.16 The Council is the decision maker and therefore it would not have been appropriate for it to contact residents directly as it was not the Council’s proposal. The Council does not contact residents about the proposals to open new schools via the other routes available to proposers, namely the central free school programme or the free school presumption process. The most

appropriate source of information regarding this proposal is from the proposer itself, i.e. the RCDEA.

Admission arrangements (appendix 5 of the Cabinet Member Decision Notice)

- 4.17 All schools/admission authorities must abide by the statutory School Admissions Code. All schools must admit up to their published admission number (PAN) in the year of entry to the school so places cannot be reserved for faith and must be given to those that applied on time. The following examples may be helpful to illustrate this.
- 4.18 For a primary school the year of entry is Reception. The PAN for the opening year in Reception will be 30 for a 1 form entry (FE) (210 place) primary school.

The RCDEA's proposal, permissible under the School Admissions Code, sets out oversubscription criteria which safeguard a guaranteed number of places for the children living in the local community based on distance from the school, and regardless of faith. These are referred to as 'Open places'. In the case of this school the RCDEA proposed oversubscription criteria are split 80% foundation (faith) places / 20 % Open places.

The oversubscription criteria proposed by the RCDEA are as follows –

1. Baptised Catholic looked after and previously looked after children.
2. Baptised Catholic children.
3. Other looked after and previously looked after children.
4. Catechumens and members of an Eastern Christian Church.
5. Children of other Christian denominations whose membership is evidenced by a minister of religion.
6. Children of other faiths whose membership is evidenced by a religious leader.
7. Any other children.

This 80% / 20% split will only apply if there are more applications than places.

- 4.19 Example 1 – 30 pupils or fewer apply for a school place (applications received on time). All children must be offered a place regardless of where they live and whether they are Roman Catholic, of another faith or of no faith.

- 4.20 Example 2 – 31 pupils apply for a school place - the school's **over-subscription criteria** will come into play.

This will mean that the standard allocation of places would be as follows -

- 24 places on foundation (faith) criteria i.e. 80%
- 6 places on open places criteria i.e. 20%

Applying this methodology, the following scenarios apply

- (a) 10 Catholic Children apply and 21 non-faith children.

The first 10 places (80%) will be allocated in accordance with the foundation place criteria (criterion 2) with 14 places allocated under criterion 7 - Any other children (based upon distance).

The remaining 6 places will be allocated under Open places with non-faith Looked After Children (if any) followed by any applicant based on proximity with the child living furthest from the school being refused a place.

(b) 26 Catholic children apply and 5 open place children.

The first 24 places will be allocated in accordance with the Foundation place criteria (criterion 2).

The remaining 6 places will be allocated in accordance with the Open place criteria. So, after any non- Catholic Looked after children (criterion 1) the remaining places would be allocated by proximity with the child living furthest from the school being refused a place. The 2 Catholic children refused a place under the Foundation place criteria would still be considered under the Open place criteria alongside all other applicants.

It should also be noted that another school in Peterborough, The King's School (The Cathedral School) is a VA Church of England School. It operates similar faith admission arrangements as that proposed by the RCDEA but in addition, unlike the proposed RC primary school, King's is selective in that it selects 15 of its 135 places annually to Year 7 pupils joining the school on ability (musical and academic). This has been operating successfully and without challenge for many years.

4.21 Late applications will be dealt with in a subsequent admissions round once all the on-time applications have made so they do not affect the allocations above. The over-subscription criteria are applied to the reserve list for the school where there is a reserve list. As with any school that opens, we will review applications and, depending upon the number, the Council will request a further class if demand exists for places from the local community.

4.22 Application for places for a child who has an Education, Health & Care Plan (EHCP)

As EHCP applicants have top priority under the School Admissions Code, their allocation of a place would be taken off the foundation places to start with. As long as the EHCP application was allocated before the admission round offers, the number of places available to be allocated will be reduced accordingly on the same 80/20 split. The table below illustrates - with numbers rounded to nearest whole number.

EHCP	80%	20%
0	24	6
1	23	6
2	22	6
3	22	5
4	21	5
5	20	5
6	19	5
7	18	5
8	18	4
9	17	4
10	16	4

Under the *School Admissions (Infant Class Sizes) (England) Regulations 2012*, outside of the normal admission round, a pupil where the school is named on its EHC Plan will be admitted to the school but will not be counted as part of the PAN. Criteria for faith or otherwise does not apply.

Future admission arrangements

4.23 All admission authorities must determine (i.e. formally agree) admission arrangements every year, even if they have not changed from previous years and a consultation has not been required. Once admission authorities have determined their admission arrangements, they must

notify the appropriate bodies and must publish a copy of the determined arrangements on their website displaying them for the whole offer year (the school year in which offers for places are made). Admission authorities must send a copy of their full, determined arrangements to the Local Authority.

- 4.24 As the proposer of the school, the RCDEA is not obliged, at this present time, to publish its admissions criteria beyond the opening year. However, the RCDEA has confirmed that the admission arrangements for this school, including the provision of 'Open places' will be reviewed annually by the school governing body (the Admission authority for the school).

In accordance with the statutory School Admissions Code, all admission authorities must determine (i.e. formally agree) admission arrangements every year by 1 March, even if they have not changed from previous years, and if a change is proposed, consult on the proposed changes. Consultation must last for a minimum of 6 weeks and must take place between 1 October and 31 January in the determination year, for implementation the following September i.e. admission arrangements for September 2021 will be determined in February 2020.

For the purposes of determining admission arrangements Admission authorities must consult with:

- a) *parents of children between the ages of two and eighteen;*
 - b) *other persons in the relevant area who in the opinion of the admission authority have an interest in the proposed admissions;*
 - c) *all other admission authorities within the relevant area (except that primary schools need not consult secondary schools);*
 - d) *whichever of the governing body and the local authority who are not the admission authority;*
 - e) *any adjoining neighbouring local authorities where the admission authority is the local authority; and*
 - f) *in the case of schools designated with a religious character, the body or person representing the religion or religious denomination.*
- (Section 1.44 of the Schools Admissions Code (2014))*

- 4.25 The Local Authority has had a number of discussions with the RCDEA to ensure that as the school grows, officers and the governing body will work together to ensure the admissions criteria continue to reflect the needs of the community. At the December Scrutiny meeting the RCDEA representative who addressed the Committee confirmed that: *If pupil numbers increase significantly between now and 2022, we (i.e. the Diocese) will work with the City Council to decide whether more than three classes need to open in the first year.* Essentially, if in the first few years upon opening there is need for an extra class(es) to be opened the RCDEA has confirmed that it is happy to do so and places will be allocated according to the published over-subscription criteria which would meet the local demand too.

- 4.26 ***The council would not agree to hold a meeting for Hampton Water residents as requested by them (via Cllr Haynes 28th November) as an impartial source of information.***

- 4.27 The Council is the decision maker and therefore it would not have been appropriate for it to hold its own consultation events as it was not the Council's proposal. This was clearly articulated to Cllr Haynes at the time of request. Officers have answered members' questions throughout the process and responded to public feedback as outlined in appendix 5.

- 4.28 ***Residents felt that they were unable to get any support from their local ward Councillors and that what interactions took place they felt suggested a bias towards agreeing with the proposal. Residents feel that this hindered their ability to coordinate an effective and timely campaign to garner the opinion of those living in the area. They only initiated the petition after meeting with Cllr Murphy at a meeting of the National Secular Society on the 28th November.***

- 4.29 This is an issue for the ward councillors to address and cannot be considered directly as part of the response to an Executive decision. The decision covered a wide range of factors as outlined in the original decision notice.
- 4.30 ***Many questions concerning the data could not be asked or went unanswered at the scrutiny committee as the consultation data presented was from the Diocese, while the council's own consultation was still on-going. Information that sorted respondents into those living in Hampton water and the city itself against their responses was only presented upon request at the meeting.***
- 4.31 As outlined in the Scrutiny meeting, this is to do with procedure for how Scrutiny is conducted. There was an RCDEA representative in attendance, but other than speaking for her allotted 3 minutes she was not allowed to provide information which would have been helpful in responding to some of the questions Committee Members asked. Where required follow up information was provided following the meeting.
- 4.32 Officers presented at the panel the information the Diocese had collated to inform their decision making to proceed to the second stage. This decision was not the Council's to make. At the time of the committee meeting, as outlined, the second stage was still running. To reiterate, this was the RCDEA's consultation process and not the Council's. All information provided to the Council was included in the report.
- 4.33 Information was provided where requested to members of the panels and to subsequent questions.
- 4.34 ***A comment is made on page 9 that parents currently sending children to one of the two RC primaries in the North of the city may bring their children to the RC school in Hampton Water. The fact that only 2 parents attended the two consultations held at the existing schools suggests that there is not a strong desire for parent with children at these two schools to relocate them and the council policy is generally to put parents off moving children between schools due to the destabilising effect on the children (Education and Scrutiny meeting January 2020).***
- 4.35 There is not necessarily a direct correlation between the low numbers of attendees at the consultation events held at the two existing primary schools and the likelihood, or not, of families moving their children from one of those two schools to a new RC primary at Hampton Water. The low level attendance could be attributed to any number of things, such as a reluctance on the part of the residents of Peterborough to find out more about what a catholic primary education entails, or to the fact that local people were not interested in hearing about the proposal or felt they already had sufficient information from other quarters about it.
- 4.36 The comment from the Service Director report relates to moving children between schools in-year. A number of parents choose to send their children to schools outside of their catchment school and indeed the government promotes parental choice in admissions.
- 4.37 ***The Hampton Waters estate is unfinished and there is no way to predict the religious make-up of its future residents or what type of school they would want, other than a good one, as all parents hope for.***
- 4.38 As a result of the need to have new primary schools open for first residents moving into new developments, it will always be the case that the community that the school will serve either does not yet exist or is fledgling when plans are enacted to establish the school. The Council therefore has to take a strategic view at that time.

- 4.39 The VA route is the only means by which the Council is the decision-maker when opening a new school. The other two routes are either via the DfE's central free school programme or the free school presumption route. The DfE is the decision maker in both of the latter two instances. The process followed in this school proposal mirrors the arrangement that led to the establishment of St Michael's C of E VA Primary at Cardea (Stanground) in 2010. Whilst this was a competition under the Education and Inspections Act 2006 (EIA) rather than a VA funded route, the statutory DfE Guidance was duly followed (just as it has been on this occasion) and no objection was raised around the appropriateness of the process or the faith designation of the school.
- 4.40 The Cambridgeshire County Council's Research Team produces Peterborough's general population forecasts. For this work the team regularly review the demographics of new developments. This work is published on 'Cambridgeshire Insight'. Hitherto, providing precise statistics on religious make-up has not been a priority for this work. However, as a general observation, the evidence points to new developments being 'diverse' places. In other words, there is no reason to think that the specific demand for faith-based education will be any less there than anywhere else.
- 4.41 In terms of forecasting demand for school places; where parents have a choice of schools, in practice the main concern is for a 'good' or 'outstanding' standard of education. Where schools provide this, regardless of the faith-based nature of the school, they prove popular.
- 4.42 **4.2 Demand vs need & 4.6 Equal opportunity issues**
In light of the number of pupils needing school places previously exceeding forecasts in the area (Education Organisation Plan) the impact of the school based on the 80/20 faith/distance admissions numbers may end up being an underestimate. If the school changes this to 100% selective faith admissions and becomes over-subscribed this situation could worsen.
- 4.43 The Council has had a number of discussions with the RCDEA who have confirmed their on-going commitment to work together with the Council as the school grows to ensure the admissions criteria reflect the needs of the community. The Local Authority would object to any proposal to increase the selection figure based on faith and make representation to the Office of the School Adjudicator if this were the case.
- 4.44 ***The likelihood of the school becoming oversubscribed is downplayed. There are 40 places elsewhere in the city available for Catholic parents to send their children to if they wish to, but they do not. This suggests that the RC primary that is currently oversubscribed is not over-subscribed due to Catholic parents sending their children there in large numbers (neither existing RC primary school in 2019 had 100% of reception applications coming from Catholic parents). There is a paradox between the apparent demand for a Catholic education which will be satisfied by this school (appendix 4, page 3), while at the same time having plenty of places to accommodate local children (Report to cabinet member, page 6).***
- 4.45 Pupil forecasting is an inherently uncertain activity due to the many elements over which the Council has no control such as the unpredictability of development timing and build-out rate. The Council uses a variety of planning tools, including local data sources, current demand and capacity, and modelling against other new local developments to inform its assessment of basic need for school places. Our experience tells us that as the Hampton development matures, the demand for school places will start to return to the City average. This has been the case in developments such as Werrington.

- 4.46 **4.7 Community integration**
Any school can integrate into a community, it is not an exclusive characteristic of Catholic faith schools. The potential competition created between parents for a limited number of places will have a negative impact on community relations and was a cause for concern in a number of resident's responses during the Council consultation. This is also recognised in the DfE's Equalities Impact Assessment concerning VA schools (point 56).
- 4.47 Section 56 of the DfE's Capital scheme to support the establishment of new voluntary aided schools: Equalities Impact Assessment (December 2018) states:
 As VA schools can select up to 100% of pupils by religious criteria, there might have been a risk of a negative effect on good relations and mutual understanding between pupils and parents of those faiths, and those who are not of that faith.
- 4.48 ***In a pamphlet co-authored by Charles Clarke and Linda Woodhead, it was identified through conversations with the Catholic Education Service that "there is a considerable difference between the majority of Church of England schools, which exist to serve the whole local community, and Roman Catholic and many other faith schools which exist primarily to educate the children of parents who share that faith, and to pass on that faith". The impact on the community of a school rejecting local children on the basis of their parent's faith and the potential for parents to "play the system" and do all they can to secure their child a place at a convenient school is ignored, although such a thing is obviously difficult to measure. It is simply assumed that the school will be welcomed and able to integrate in a meaningful manner into the community.***
- 4.49 The following is a quote from the Headteacher of the Sacred Heart Primary School "All new schools take time to settle into their new surroundings and new communities. We play a positive role in our community; foodbank, local care home visitors, singing at Sainsbury's, working with other cluster (non-Catholic) school. We are an important part of our local community and are positive contributors to the Bretton community."
- 4.50 **4.11 Suitability**
The Council is satisfied that the evidence provided by the RCDEA's application to the DfE demonstrates that the proposed new school will meet the requirement regarding SMSC education but no information has been given to the scrutiny committee or the public for them to evaluate. There are concerns about the impact of Catholic doctrine on young children, addressed later in this document.
- 4.51 Both Catholic schools were open for consultation evenings for anyone to look around and see what they do; no members of the public attended. This would have been a perfect opportunity to see what they teach, including Religious Education. Pupils at both schools study and celebrate world religions. They have a Community multi-faith prayer room which is open to everyone to use.
- 4.52 Working with the RCDEA's Catholic schools in Peterborough, the Council has evidence of the broad and balanced curriculum that is offered. The RCDEA do not apologise for running Catholic schools with a Catholic/Christian ethos. Its schools still teach within the requirements of the National Curriculum and the legal documentation. They also have a pastoral care for those children and families who belong to other faiths or none. They do not catechise, they educate. Sacramental preparation and catechesis happens at parish level. The RCDEA would welcome the opportunity for any Members to visit its schools and witness how they function and to see their diversity and cohesion. The schools promote British Values and St Thomas More has been judged outstanding by Ofsted for Personal Development, Behaviour and Welfare.

4.53 **4.8 Travel access**

Sustainable travel routes from the city centre have been identified, but there is no guarantee that these will be used by those coming from outside the area. There is no estimate given on how many parents will use which type of transport based on other RC primary schools where parents may drive from outside traditional “catchment areas” to take their children to school. This does not support the work on the council and its declaration of a “climate emergency”.

Although there are other schools within 1 mile of Hampton Water the reality is that many parents will chose to drive their children to school for a number of reasons. These will include time constraints with parents needing to get to work after dropping children off at school and the dangers or unpleasant nature of walking very small children along the A15 and all the car fumes from stationary traffic, which will get worse if parents from outside the development place their children in the new school.

4.54 Regardless of the type of school it is never possible to guarantee what means parents will choose to get their child to school. A robust School Travel Plan (a requirement of the planning process) which is kept up to date and actively reviewed, and education of children and parents, are all means of maximising the potential for the use of sustainable methods of travel (walking, cycling, bus) to attend this school. There are still many houses to be built on the development which the new school will serve and a percentage of those parents will choose the new school. It is not only Catholic parents who choose Catholic schools but also those of other faiths and none who agree with the values-based education that they perceive to be available to them

4.55 The RCDEA does not encourage its parents to travel long distances to attend its schools, nor is there evidence to suggest that this will be the case with the proposed new primary school. This is borne out by the information below from the St Thomas More and The Sacred Heart Primary Catholic primary schools in Peterborough.

4.56 St Thomas More RC VA Primary School has been Peterborough Bike-IT Champion for the last 4 years and in the top ten nationally. The school actively promotes sustainability and is a champion because its whole school community support it in this.

The school has a Published Admission Number of 60 i.e. total capacity for 420 pupils.

Currently there are 415 on roll with 50 children on the reserve list (spread across all year groups which are full with the exception of Yr 2 which has spaces). Of these:

296 children walk to school

116 are driven to school

3 get public transport

4.57 361 of the 415 children on roll live in the PE1 post code. The school’s post code is PE1 5JW
The following table shows the postcodes of pupils attending the school as at January 2020.

Postcode	Reception	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Totals
PE1	53	57	55	54	50	49	51	367
PE2	2	2	3	3	8	3	4	25
PE3	4	1	2	1	1	0	2	11
PE4	0	0	0	2	1	3	1	7
PE5	0	0	0	0	0	0	0	0
PE6	0	0	0	0	1	2	0	3
PE7	0	0	0	0	0	2	0	2

- 4.58 Sacred Heart Primary School
Sacred Heart has seen a considerable change in its school population within the last 5 years. Currently 78% of children attending the school come from within its 'catchment area', less than 1 mile away.
In 2019, 83% of children started in Reception class from within the catchment area and children were admitted from within 0.455 miles. (Source - 'Starting Infant or Primary School Transferring to Junior School in Peterborough City 2019/20 – Guide for parents')
- 4.59 ***Follow procedures and be fair***
The policy on making a decision about faith schools is flawed and allows for the process to be hijacked by national groups on either side of the argument and the data presented does not satisfy the policy points that we were unable to scrutinise properly as we were not questioning the Diocese.
- Scrutiny meeting – December 2019.***
During the scrutiny committee pre-meeting it was made clear that it was only the decision-making process that could be scrutinised (despite the Council portion of the consultation process still being ongoing and therefore limiting the extent of the scrutiny) and not the appropriateness of a faith school in an area of need. When the report going to the Cabinet member covers their due regard to “eliminate discrimination” and the need of the school to meet the requirements of the Equality Act 2010, these issues should be up for discussion.
- 4.60 The report presented in December to the Children & Education Scrutiny Committee was to ensure that the committee were updated on the process and had a clear understanding of:
- the latest position regarding the proposal by the RCDEA to establish a new VA primary school in Peterborough, and next steps in the process; and
 - how the final decision regarding the RCDEA's proposal will be made
- 4.61 ***Unmet local demand for additional relevant faith provision.***
4.1 Consultation.
Local demand has not been established via the consultation (for reasons stated above).
- 4.62 It is correct that there are 40 RC places available in the City's existing two RC primary schools not filled by RC children. That is currently the case. The DfE supported the RCDEA's submission which included a section on demand. A new primary school is required on the Hampton Water site by September 2022. The RCDEA's proposal document states: *the RCDEA has records of 347 baptisms of children due to start school between 2021-2023 in the south of Peterborough. There is a notable need within the parish of St Luke's of which the Hampton area is part.*
- 4.63 It is possible that parents of the youngest RC children do not want them to have to attend an RC school several miles away from where they live in the south of Peterborough but will welcome the chance for a faith education for them that is only a mile or so away. Meeting a faith demand need does not mean filling a school with children of the same faith and the Council continues to welcome diverse schools.
- 4.64 ***Although the council has addressed the mentioning of S106 money, it appears that the arguments have been dismissed rather than considered.***
- 4.65 They have not been dismissed. The legal advice officers have received is very clear and succinct as follows:
- the S106 agreement does not stipulate that the primary schools must be free schools, nor is there any restriction on either of those schools (or both) being faith schools

- had it been intended that the primary schools cannot be faith schools, the 106 agreement would have stipulated as such
- it can be demonstrated that the single faith school meets (or largely meets) the educational needs of the occupiers of the development
- that the S106 agreement is between the Council and developer and does not create legal rights/duties as between the Council and residents

4.66 ***As per the Service Directors report presented to the scrutiny committee in January 2020, it states that that purpose of these contributions from the developer are “to provide the required education infrastructure in order to ensure the effect of the development is mitigated”, rather than dealing with an existing issue elsewhere in the city which is not the purpose of such funding. The reason for the RC school is due to a demand from elsewhere in the city. Other councils in the country have acknowledged that use of this money for a school with “any restrictions on admission policy will need to be carefully considered” [Leicestershire County Council]. This does not seem to be the case in this decision. Just because it is not a legal right/duty and because it did not stipulate that the primary school could not be a faith school is not a reason to simply accept the first school proposal that is presented if it is not right for the community.***

4.67 There is a basic need argument for a primary school at Hampton Water. There are no compelling reasons to turn down the proposal that this school should be a RC VA school. We do have a requirement to open a primary school in September 2022 and currently there are no other options that meets this timescale.

4.68 ***An established trend where parental preference for places in existing denominational schools exceeds the number of places available and this is forecast to continue in the foreseeable future***

The over-riding demand in Hampton Water from residents' comments is for a school where children can grow up with children of many faiths and none, the largest concern from the residents was the ethos of the RC school itself (appendix 2). With church attendance falling fewer parents are going to choose to send their children to a faith school for the specific ethos rather than for convenience.

4.3 Proposed Admission Arrangement

Based on 2018 and 2019 admissions data there is not an excess of applications from Catholic parents for places in the current RC faith schools to the point where they cannot meet demand (refer to the comment about 40 available places stated (Report to cabinet member, page 6) and no data has been presented about when they may no longer be able to meet these needs based on current trends.

4.69 The County Council Research Group (which produces the pupil forecasts) forecast total demand for school places, not demand for specific faith-based education. However, the current forecasting model assumption is that the existing Catholic primary schools in Peterborough continue to provide the same balance of places for Catholic children and for children within their local communities. For example, St Thomas More draws 58% of children from its local area on a non- Catholic faith basis.

Church attendance is not falling in the Catholic Church as it is in the Church of England and certainly not in Peterborough where the RCDEA reports having a large Polish, Portuguese, and Eastern European community, of whom most are Catholic. According to the Parish Priest of St Luke's Church, the parish that serves the area where the new primary school would open is bursting at the seams from current families and recently from a high rate of new Catholic families turning up each week. These same Catholic families are also residents in the local area of the proposed new school. (see para 4.62 above)

- 4.70 ***The potential for denominational provision to alleviate the demand on places in schools in areas of high basic need.***

Appendix 4 Quality Impact Assessment

The assessment says “Overall this carries with it a medium level of risk with regard to the future availability of places at the school for local children without faith.” The level of risk is not quantified or explained.

- 4.71 The phrase ‘medium level of risk’ refers to the level of reliability of the pupil forecasts upon which the judgement on there being sufficient places is based.

In this case, if the forecast intake (demand for school places at Reception entry) is within 40% of actual intake, **four years ahead** of time then there will be sufficient school places (based upon the prospective new RC school supporting the same proportion of its local community as St Thomas More, Peterborough does as present).

- 4.72 As stated previously, the forecasts are supplied by the Research Group at Cambridgeshire County Council. The forecasts are very accurate **one year ahead**; the team’s most recent accuracy assessment identified 93% of school intakes within ± 10 pupils and 83% within ± 5 pupils. Of the remainder changes in parental preferences due to adverse inspection reports, were the main cause of inaccuracy; a factor that sits outside the modelling. Further ahead in time accuracy reduces, however the previous accuracy assessments are still good, indicating over 90% of forecast intakes are within 40% of actuals. This situation was summarised in the original report as a ‘medium risk’.

- 4.73 ***4.2 Demand vs Need & 4.6 Equal opportunity issues***

This criterion leads to a situation where any application for a faith school in any area of need would be viewed positively, which is clear at numerous points in the report and in the final decision that this is “the most cost efficient of the options available to it at this time”. The discussion on whether a faith school, with all the extra controversy it provides, would be able to meet the areas needs was not allowed to be discussed at scrutiny committee. It may be a legitimate part of the educational landscape on paper at the moment, but is it what is best for our children?

- 4.74 The decision made by the Cabinet member focuses on the proposal made by the RCDEA not on the faith education as there is currently no alternative available that will meet the timescales for delivering a school. This will affect the Council’s ability to meet its statutory duty for school places. A paper was taken to Cabinet in June 2019 which outlined the Council’s approach to faith education. No comments were received on this proposal at the time.

- 4.75 ***Potential confusion in report.***

This document was written for the Cabinet member to aid them in their decision making but it was available publicly on the council website. The text on page 10 refers to a cost to the council of between £5.5 and £7.5m if this school is not built. This is not the case as the DfE funds the school as there is a “basic need”. This is stated in the table on page 9 but may not be clear to those who read it. This report may be the only detailed information Hampton Residents have access to and could be clearer.

- 4.76 For the sake of clarity there are three possible routes to establish the primary school required at Hampton Water (see table 4 below). Of these options, two have costs attached to them. If a sponsor is approved by the DfE through its central free school programme the capital project to deliver the school would be funded by the DfE. However, this would result in reduced future Basic Need allocations to the Council from the DfE. The Council’s current allocation for basic

need is fully committed against exiting schemes which include creating additional capacity at our special schools at Marshfields and Heltwate.

Table 4

Option	Route to open new school	Funding available	Cost to the Council	Note
1	VA faith school	90% capital funding provided by DfE	Between £1.1m and £1.5m maximum	90% capital funding already approved
2	Central free school	100% construction costs met centrally by the DfE	Additional capacity created by centrally funded free schools is reflected in reduced future BN allocations to the Council	Wave 13 application refused. Outcome of Wave 14 application will not be announced by DfE until summer 2020
3	Free school presumption (Council led competition process)	Construction costs met by the Council from within BN funding allocation/developer contributions	As per the s106 'shell and core' agreement i.e. 50:50 split between the Council and the developer, each contributing between £5.5m and £7.5m depending on final cost of project	Would need to await outcome of Wave 14 before this option might be pursued

4.77 ***Same sex marriage became law in 2014, yet we will allow children 6 years later to be told that these relationships are not viewed 'favourably' by the organisation running their school and the consequences they believe will befall them if they act on their feelings. What if a child from a same-sex relationship ends up placed in the school as the other schools in the area are full? The DfE may allow schools to discriminate and pass on their faith-based opinions on what are now legally recognised marriages and civil partnerships to impressionable young people – but it should be debated if this is what we want for the children of Peterborough. Residents expect it to be debated.***

4.78 The timing of the decision and scrutiny meetings meant that it was not possible to debate the wider issues of the proposed new school due to the general election and the statutory representation period closing on 19 December 2019. However, as members have exercised their right to call in the decision, these can be debated in this stage of the process.

4.79 The teaching of Relationship and Sex Education (RSE) in the RCDEA's schools is fully in line with the requirements of the law. The teaching staff will explain to children why the Church teaches what it does, just as they also explain what other faiths and people believe. There are children and staff in the RCDEA's schools who come from all different combinations of family structure including those with parents in a same sex relationship. The role of the school is never to be judgemental, but to be inclusive. The aim is to give the pupils inquisitive and enquiring skills so that they can make informed decisions about all aspects of their lives. The key points are that in addressing this subject in RC schools, staff:

- teach everything that they are required to do by law and at an age appropriate level, as required by DfE guidance
- definitely acknowledge that same sex marriage exists
- do not stigmatise any child, parent or member of staff who do not hold Catholic beliefs, whatever the topic

- respect the fact that people have different views and beliefs
- talk about all types of family structures because they are aware that in any class there will be many different experiences and different family units.

- 4.80 St Thomas More has currently, and has had in the past, pupils who are from same sex marriages. In its RE syllabus it teaches that all families are different and accepted and embraced in their community. Its RE syllabus explores the theme of love within family units, regardless of their make-up.
- 4.81 Equally, at Sacred Heart children from same-sex families have attended as recently as last year. There was never an issue of favour or the idea that anyone is viewed differently. The school teaches that relationships need to be formed and rooted in love, trust and respect. This is no different to any other school
- 4.82 ***The practice of rotating questions between members during the scrutiny committee meeting rather than allowing them time to respond to an officer's response (due to the preference of the committee chair to allow everyone the opportunity to speak) meant that answers that were given could not be investigated in depth.***
- 4.83 This does not sit within the Cabinet Member Responsibility. Clarity has been sought from the Chairman and Monitoring Office who outline that the management of a committee meeting is at the discretion of the individual Chairman.
- 4.84 **Act for a proper purpose and in the interests of the public.**
- 4.85 ***Acting for a proper purpose is difficult to judge objectively. My opinion of the consultation meeting in Hampton Vale and subsequent contact and information I have seen from residents living in the development was that many did not understand the workings of a Catholic school in terms of the admissions policy and the extent that Catholic Practices permeate the education on offer.***
- 4.86 From the issue raised, it is not possible to identify who "My" and "I" are in this joint scenario so the following is a generic response to the issue raised.
- 4.87 Information about Admissions was available on the RCDEA's website and within its proposal. The RCDEA's adviser on Admissions attended the public meeting held by the No More Faith Schools campaign in Peterborough on 28th November and residents could have asked questions about Admissions and any other issues at any and all of the consultation events held by the Diocese during the pre-publication consultation period.
- 4.88 The following is a quote from the Head Teacher of St Thomas More RC Primary School re 'the extent to which Catholic practices permeate the education on offer: "The values we uphold and celebrate each month include forgiveness, co-operation, trust, respect, love, tolerance, generosity and equality to name a few. Our diverse community supports our school ethos and we do not have any children withdrawn from any aspect of the school's curriculum. This view is so far removed from our daily life at school. We do say prayers and children may choose to participate or not, but are respectful of each other at all times."
- 4.89 The following is a quote from the Head Teacher of Sacred Heart RC Primary School. "We have a strong ethos that runs throughout the school; respect, trust, honesty, care, generosity. These are not 'Catholic Values' these are values that we want all our young people to have in all our community schools."
- 4.90 ***There is not enough demand for a Catholic primary education that this school will be filled with children of Catholic parents. Yet this school will impose the Catholic ethos on all***

children sent – many of whom will be sent by their parents simply because of convenience rather than support of the ethos.

- 4.91 All schools have a clear vision for their families and children so their learners can go into their next phase of education as contributors to life. Families at the RCDEA's schools embrace the school message (it is not imposed on them), and support and promote the school ethos including those non-Catholic families. Parents will always have a choice and even though they are not Catholic they can still identify with many of the values promoted in the school. Parents are able to withdraw their children out of RE lessons by drawing on the 1996 Education Act, which states that a parent can request that for their child to be wholly or partly excused from religious education and religious worship in the school.

The Headteacher of St Thomas More Primary School reports that: "we do not have any children who have been withdrawn from any lessons apart from one parent who asked for her children not to have SRE lessons. All children attend assemblies and Masses, but do not have to participate."

- 4.92 ***It seems discriminatory to tell parents in this development that if they do not want their children to receive a Catholic education, perhaps due to the fact that they are in a same-sex relationship and do not wish for their children to be told that this is wrong and sinful, that they can simply go elsewhere. This seems to be prioritising people of faith over those of none.***

The LA may have a statutory duty to secure diversity in the provision of schools and increase parental choice, but this should not mean that any faith school application is immediately accepted. Does Peterborough not provide enough diversity of education, are we under a time constraint from the DfE to increase the number of faith schools in the area?

- 4.93 The proposal has been subject to significant review and scrutiny against the criteria laid down by the DfE. The Council is under no obligation to increase the number of faith schools. However, it does need to ensure that it continues to meet its statutory duty to provide sufficient school places and to promote diversity of education in the City.

- 4.94 ***Increasing parental choice for one group invariably decreases it for someone else. Residents who would refuse to send their children to a Catholic school due to strongly held personal beliefs are being ignored and are not as respected as those with faith, which is discriminatory.***

- 4.95 Families who do not wish their child to attend a faith school have the opportunity to express a preference for other schools, of which there are 4 within a 1-mile radius of the Hampton Water Primary school site. Currently those who would like a faith education for their child(ren) will have to travel 4.7 miles to the nearest RC primary. So, this proposal redresses the current imbalance. The Council has a duty under the Public Sector Equality Act (s149 Equality Act 2010) to have 'due regard' to the need to advance equality of opportunity and to take steps to meet the needs of persons who, for example, are from different faith backgrounds as well as those from no faith. Therefore, there are a number of considerations to weigh up. In a development of the size of Hampton, offering choice to Hampton residents is appropriate. With the introduction of a VA school this means Hampton offers 20% of the primary provision as faith. Elsewhere in the city, 18% of primary schools are directly delivered by faith organisations. This increases to 25% if you include schools that are Voluntary controlled (schools maintained by the Local Authority, but with a distinctive Christian characteristics and Diocese appointed governors)

5. CONSULTATION

- 5.1 See section 4.3 to 4.16 above.

In addition

6. ANTICIPATED OUTCOMES OR IMPACT

- 6.1 The anticipated outcome of this report and attached appendices is that the Children and Education Scrutiny Committee will have a clear understanding of:
- (1) what the Cabinet Member for Children's Services, Education, Skills and University must take into account as decision-maker and how that decision was made, and
 - (2) that the Committee will be able to support the Cabinet Member's decision to approve the RCDEA's proposal

7. REASON FOR THE RECOMMENDATION

- 7.1 A new primary school is required at Hampton Water by September 2022.

The demographic analysis at **Appendix 3** has been considered in the decision-making process.

Whilst not universally popular with the respondents to the consultations, VA RC schools are a legitimate part of the education landscape and recognised by the DfE. As such the foundation owning the land and buildings appoints a majority of the school's governors, the governing body runs the school, employs the staff and decides the school's admission arrangements subject to the statutory Schools Admissions Code. In addition, specific exemptions from Section 85 of the Equality Act 2010 enable voluntary faith schools to use faith criteria in prioritising pupils for admission to those schools when there are more applications than places available.

All the elements which the decision maker must consider, as set out in the statutory guidance and detailed in section 4 above have been evidenced and taken into account.

In making this decision the Council fulfils its statutory duties under:

- the Education & Inspections Act 2006 and
- the Public Sector Equality Duty (s149 Equality Act 2010)

The decision to approve the RCDEA's proposal is the most cost efficient of the options available to the Council at this time.

For those families living in the Hampton Water development and the wider Hamptons East area who do not wish their child(ren) to attend a VA faith school they are able to express a preference for any school, including Hampton Waters Primary which also serves the Hamptons East, and the other primary schools on the wider Hamptons development listed in section 4.6 above. All of these schools lie within a 1-mile radius. **See appended map.**

- 8.
- 8.1 There is a basic need for a second primary school at Hampton Water on the Hamptons East development. An application was also made by the Hampton Academies Trust to establish this school under Wave 13 of the DfE's central free school programme. This was not approved. An application has been submitted under Wave 14 but the decision on this is not expected until summer 2020.

The Council does not currently have an alternative to securing the primary school places required for the academic year 2022/23. If the proposal is not approved the Council will need to await the outcome of Wave 14 of the central free school programme. If that is not approved the Council will need to run a competition to identify a new sponsor to recommend to the Secretary of State for approval in order for the Council to meet its statutory place planning duty. Both of these scenarios would significantly delay the building and opening of the school.

9. IMPLICATIONS

9.1 Financial Implications

Where school proposers are successful in applying to the DfE's capital fund for the establishment of new VA schools, the DfE will provide 90% of the capital cost. The Council will fund the 10% balance and allowances have been made for this within the Council's Education Capital Programme.

The Finance Business Case has been approved by Head of Finance (People & Communities Directorate).

9.2 Legal Implications

Recent case law arising from judicial review (*British Humanist Association v London Borough of Richmond upon Thames 2012*) makes it clear that a Council has to consider all sponsor proposals received for new schools.

9.3 Equalities Implications

Local Authorities have a number of statutory duties including securing diversity in the provision of schools, increasing opportunities for parental choice and ensuring fair access to educational opportunity.

The Public Sector Equality Duty (s149 Equality Act 2010) requires a public authority to have 'due regard' to the need to advance equality of opportunity and to take steps to meet the needs of persons who, for example, are from different faith backgrounds as well as those from no faith.

9.4 Procurement

The DfE has confirmed to the RCDEA that, if the Council approves the establishment of this school, it wishes the Council to self-deliver the capital build project using the DfE's contractors framework. The Council would be required to complete a business case for this.

9.5 Children in Care

In circumstances where this type of school is oversubscribed, the RCDEA's standard oversubscription criteria are as follows:

Where there are more applications for places than the number of places available, places will be offered according to the following order of priority:

1. *Baptised Catholic looked after and previously looked after children*
2. *Baptised Catholic children*
3. *Other looked after and previously looked after children*

9.6 Rural Implications

Not applicable

9.7 Carbon Impact Assessment

The new primary school at the Hamptons East, has received in principle agreement for 90% funding by the DfE following a successful VA Capital bid by the RCDEA. The Council is proposing to self-deliver the design and build of the school in line with the DfE Output Specification for Schools and procure via the DfE Contractor's Framework which are a pre-requisite of self-delivery and DfE capital.

The school will be built to current standards in line with the DfE capital funding requirements and Output Specification. Whilst it would be theoretically possible to go further in regard to designing the schools to ensure that their carbon impact is minimised, the funding does not allow for this in this instance.

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

10.1 ***Establishing a voluntary aided school: guidance & criteria*** (DfE December 2018)
<https://www.gov.uk/government/publications/voluntary-aided-schools-capital-scheme>

10.2 ***Opening and closing maintained schools. Statutory guidance for proposers and decision makers*** (DfE November 2018)
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/756328/Opening_and_Closing_maintained_schools_Guidance.pdf

11. APPENDICES

11.1 Appendix A- Cabinet Member Decision Notice (27 January 2020) entitled 'Proposal to open a Voluntary Aided Roman Catholic Primary School at Hampton Water on the Hamptons East Development'.
Appendix 1- The RCDEA's full proposal containing prescribed information, including outcome of its pre-publication consultation
Appendix 2 - Summary of statutory representation responses
Appendix 3 - Demographic report
Appendix 4– Equality Impact Assessment
Appendix 5 – Statement from Headteacher of St John Fisher RC VA High School

APPENDIX A

ESTABLISHING A NEW VOLUNTARY AIDED PRIMARY SCHOOL AT HAMPTON WATER ON THE HAMPTONS EAST DEVELOPMENT
CABINET MEMBER FOR CHILDREN’S SERVICES, EDUCATION, SKILLS & UNIVERSITY
27 JANUARY 2020
Deadline date: 19 February 2020

Cabinet portfolio holder: Responsible Director:	Cllr Ayres, Cabinet Member for Children’s Services, Education, Skills & University Wendi Ogle-Welbourn, Executive Director: People & Communities Jonathan Lewis, Service Director: Education
Is this a Key Decision?	YES If yes has it been included on the Forward Plan: YES Unique Key decision Reference from Forward Plan: KEY06JAN20/06
Is this decision eligible for call-in?	YES
Does this Public report have any annex that contains exempt information?	NO
Is this a project and if so has it been registered on Verto?	YES (code awaited)

R E C O M M E N D A T I O N S
<p>The Cabinet Member is recommended to:</p> <ul style="list-style-type: none"> • approve the proposal for the RCDEA to open a new voluntary aided Roman Catholic primary school at Hampton Water having regard to the <i>Opening and closing maintained schools, statutory guidance for proposers and decision makers (DfE November 2018)</i> and taking into consideration: <ol style="list-style-type: none"> (a) the responses submitted during the initial 6 week consultation held by the RCDEA in September/October 2019 (b) the views/comments submitted during the statutory 4 week representation period which concluded on 19 December 2019, including support for, objections to, and comments on the proposal.

1. PURPOSE OF THIS REPORT

- 1.1 This report is for the Cabinet Member for Children’s Services, Education, Skills and University to consider exercising delegated authority under paragraph 3.4.3 of Part 3 of the constitution in accordance with the terms of their portfolio at paragraph g)

2. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	N/A
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3. BACKGROUND

- 3.1 The DfE’s Capital Fund for establishing new Voluntary Aided (VA) schools
 In December 2018 the DfE launched a capital fund to support the establishment of new VA schools, which would meet 90% of the capital costs of the new school. Three applications were submitted by the Roman Catholic Diocese of East Anglia (RCDEA) to secure capital funding to open new Roman Catholic (RC) VA primary schools: 2 in Peterborough and 1 in Cambridgeshire.

The DfE’s decision, announced on 14 June 2019, was to approve in principle, capital funding to establish a new 3 form entry (FE)/630 place VA RC primary school at Hampton Water, part of the Hamptons East development. The other two applications were unsuccessful.

A copy of the **RCDEA’s full proposal** is at **Appendix 1**

To receive approval from the DfE the RCDEA, as part of its application, has already had to demonstrate that:

- *there is basic need for a high proportion of the school places that the new school will provide, to prevent creating an oversupply of places in the area;*
- *there is parental demand for the type of school proposed, and it will bring added diversity and choice to the area;*
- *the school once open will be welcoming and address the needs of pupils from all faiths and none, and from different backgrounds and communities in a way that meets our integration and community cohesion objectives and is in line with the requirements of the Equality Act 2010;*
- *it has the appropriate education, finance and governance capacity and capability to set up and run a successful and viable school;*
- *the proposed site represents good value for money and can be delivered in a timely manner with an acceptable level of risk.*

- 3.2 Education provision at the Hamptons East (see map appended)
 Construction of the Hamptons township first started in the 1990s. Pupil numbers have far exceeded all original forecasts. There are already 3 primary schools established in the Hamptons West, providing a total of 1680 places.

A further 3,050 dwellings are planned for the Hamptons East. Hampton Lakes Primary which opened with 30 Reception places in September 2019 temporarily on the site of Hampton College, will move to permanent accommodation in September 2020. When fully established the school will provide 420 places/2FE.

A further primary school will be required by September 2022 to serve the remainder of the Hamptons East development. It is with regard to that new school that the Cabinet Member is required to make this decision

4 Decision making process

Under the DfE's *Opening and closing maintained schools, statutory guidance for proposers and decision makers (DfE November 2018)*, the Council, as decision maker, must make its decision within two months of the end of the representation period, paying regard to the factors listed below. The Council's local policy on the establishment of new VA faith schools or academies with religious designation is reflected in the guidance.

- the consultation process
- demand versus need for new school places
- the proposed admission arrangements
- the national curriculum
- school size
- equal opportunities
- integration and community cohesion
- travel and accessibility
- funding
- school premises and playing fields
- suitability

4.1 The Consultation process

Stage 1 – Community Consultation (referred to in the Guidance as *Pre-publication consultation*)

As required, the 6 week community consultation conducted by the proposer of the new school, the RCDEA, was carried out in term time, namely between 9 September and 20 October 2019.

The Council is satisfied that the consultation was appropriate, fair and open, reflects good practice and follows the DfE guidance. The RCDEA published a comprehensive consultation document setting out its proposal which it made available on its website and in paper format at the consultation events it ran. It held three separate consultation events in different locations and on different dates: one at each of the two existing RC primary schools in the City and another at the Community Centre in Hampton Vale. The public was able to respond in a number of ways: via on line survey, via email or in writing.

A total of 1146 responses were received, with 82% of respondents strongly in favour and 8% strongly against, the proposal. In addition, a petition with 321 signatures was received in support of the proposal.

The table below sets out the 660 responses of those living in Hampton and in the wider Peterborough area.

Views on proposal	Hampton Resident	Wider Peterborough Resident	Total	Percent
Strongly disagree	30	23	53	8.0%
Disagree	4	2	6	0.9%
Don't know	1	0	1	0.2%
Neither agree or disagree	0	7	7	1.1%
Agree	3	43	46	7.0%
Strongly Agree	72	475	547	82.8%
Total	110	550	660	

Following the closure of its consultation the RCDEA Trustees decided, given the strong level of support demonstrated for the proposal, to proceed to the next stage i.e. to formally propose to the Council the establishment of a VA RC primary school at Hampton Water.

The Council is satisfied that the RCDEA gave full consideration to all the responses it received. It published a summary of the concerns raised at the consultation events including responses to these. In addition, it amended the original proposed admission arrangements to include 20% of available places to be offered on the basis of proximity to the school and without reference to faith in the event of the school being over-subscribed. The original proposal was for 100% of places to be allocated on grounds of faith and none on distance in the event of over-subscription.

See Annex 2, pages 18 to 21 of **Appendix 1**

Stage 2 – Representation period

Consequently, on 21 November 2019 the RCDEA published a statutory notice in the Peterborough Telegraph. This marked the start of a statutory 4 week representation period during which any person or organisation could submit comments on the proposal to the Council, as the decision maker. The representation period closed on 19 December 2019.

This consultation was signposted on the Council's website. In addition, a variety of other methods were used to bring it to the attention of the public including posting messages on social media (Facebook and Twitter once a week between 6 November until the end of the consultation period), items on the Council's e-newsletters to residents and emails to the media to alert them that the proposal was live. The latter resulted in several articles in the Peterborough Telegraph.

The Council is satisfied that the representation period was conducted in an appropriate, open and fair manner.

On 28 November, during the representation period, the *No More Faith Schools* campaign (co-ordinated by the National Secular Society) held an open meeting in Peterborough.

At the closure of the representation period at 23:30 on 19 December 2019, 1911 responses had been received with 1585 (83%) in support of the proposal and 326 (17%) against. The 1591 included a group of 1556 paper responses gathered through the local Catholic parishes and schools.

The 326 included a petition gathered through, and submitted electronically by, the National Secular Society (NSS) with 249 signatories. Of these where respondents cited a post code, 127 were Hampton residents and 75 were residents of wider Peterborough. A further 124 had either not cited a postcode or were from other parts of the country outside Peterborough.

Four main themes emerged from those who disagreed with the proposal and submitted comments. The overriding theme cited opposition to a RC faith school in principle. The next most common concern was that such a school would not be able to offer sufficient places for local children because of its admission criteria. Others were concerned about the potential increase in traffic of children travelling to attend school away from the community where they lived. The fourth theme centred around concern that opening an RC primary school at Hampton Water would have a negative impact on the community.

See **Appendix 2 – Summary of Statutory Representation Responses** - for detail.

It has not been possible to determine whether, and, if so, to what degree, there has been any duplication whereby some respondents responded to both the Council's dedicated email address as well as to the response co-ordinated and submitted electronically by the NSS and that co-ordinated and submitted by the RC parishes.

Section106 Developer Contributions

Some respondents also raised concerns about the s106 contributions being used to build a faith school. The key points in response to this are:

-the S106 agreement does not stipulate that the primary schools must be free schools, nor is there any restriction on either of those schools (or both) being faith schools

-had it been intended that the primary schools cannot be faith schools, the 106 agreement would have stipulated as such

-it can be demonstrated that the single faith school meets (or largely meets) the educational needs of the occupiers of the development

-that the S106 agreement is between the Council and developer and does not create legal rights/duties as between the Council and residents

A local resident set up an e-petition on 29 November (during the statutory representation period). She extended the initial closing date of 21 December 2019 to 6 January 2020, both dates which fell after the end of the representation period. It petitioned the Council: *to reject proposals for a religiously selective voluntary aided Catholic primary school in Hampton Water, and support a well-established alternative proposal for a community ethos school, suitable for pupils of all backgrounds. Its justification was: Residents want a catchment school that is inclusive to all children. Children should not be excluded from education using public money based on faith.*

When the petition closed it had received 240 signatures. There is no way of knowing whether these signatures are duplications of any of the responses submitted in response to the consultation and the representation period.

4.2 Demand versus need for new school places

Under the Education and Inspections Act 2006, the Council has a statutory duty to provide a school place for every child living in its area of responsibility who is of school age and whose parents want their child educated in the state funded sector.

The 2019 School Capacity (SCAP) forecasts (submitted annually in July by the Council to the DfE) show that the surrounding established primary schools at Hampton and Yaxley (Cambridgeshire) are all operating close to or at capacity.

Hampton Lakes Primary is a new school run by Hampton Academies Trust (HAT) which opened in September 2019, (with 30 places in Reception only), to serve the growing Hamptons East development. In September 2020 it will offer 60 places in Reception and will continue to grow in this way, with a Published Admission Number (PAN) of 60, and when fully operational will ultimately have capacity for a total of 420 pupils.

The 2019 SCAP forecast for Hampton Lakes currently includes all developments with planning permission on Hampton East. In September 2022 it is forecast that there will be more Reception aged pupils living on the development than places at the school (see table 1).

Year	PAN	R	Y1	Y2	Y3	Y4	Y5	Y6	Total
2019/20	30	30	11	11	9	8	7	6	30
2020/21	60	32	39	20	17	15	12	11	71
2021/22	60	52	45	52	29	26	22	19	149
2022/23	60	78	66	59	61	38	32	28	264
2023/24	60	104	92	80	68	70	44	38	414

Therefore, there is forecast to be a need for the next new school to open in September 2022. Table 2 shows the forecast number of children living on the Hamptons East who would not be able to access a place at Hampton Lakes Primary and are likely to want to secure a place at the new school.

Year	PAN	R	Y1	Y2	Y3	Y4	Y5	Y6	Total
2022/23		18	6	0					
2023/24		44	32	20	8				

See **Appendix 3 - Demographic report**

4.3 Proposed Admission Arrangements

As a voluntary aided school the admissions authority for the proposed school will be the school's governing body. The governing body decides the school's admission arrangements which must be compliant with the statutory School Admissions Code. In addition, specific exemptions from Section 85 of the Equality Act 2010 enable voluntary faith schools to use faith criteria in prioritising pupils for admission to those schools. VA schools with a religious character can admit up to 100% of pupils on the basis of faith.

Mindful that the proposed new school will need to serve its local community of Hampton Water, as well as the wider Roman Catholic community, the Diocese's proposal, permissible under the School Admissions Code, sets out oversubscription criteria which safeguards a guaranteed number of places for the children living in the local community based on distance from the school, and regardless of faith. These are referred to as 'Open places'.

In the event of there being more applications than places, all applications are first considered for a faith place (referred to as Foundation place in the proposed Admission Policy) and then all those not awarded a faith/Foundation place are considered for an Open place. The proposed oversubscription criteria are split 80 per cent /20 per cent faith/Open places.

Recent admissions data shows that there are approximately 40 places a year in Peterborough which could be used by Catholic children but are not. This suggests that more places are available to serve the local community than the 80% over-subscription criteria for the proposed primary school would suggest.

The Diocese have confirmed that the admission arrangements for this school, including the provision of 'Open places' will be reviewed annually by the school governing body. Where any change to the admission arrangements is proposed, the governing body will consult in accordance with statutory requirements.

4.4 National Curriculum

The proposer has confirmed that the school will meet the legal requirements with regard to the curriculum as contained in section 78 (National Curriculum) and section 80 (Basic Curriculum) of the Education Act 2002.

Inspection arrangements

All Catholic VA schools have a duty to teach the national curriculum and like all schools must provide a broad and balanced curriculum. Ofsted inspects all aspects of the curriculum except for Religious Education (RE). Everything that is taught in RE is delivered in line with the Bishop's Religious Education Curriculum Directory. This sets out what is expected to be taught in RE between the ages of 3 – 19. As part of the 1944 Education Act, the diocesan bishop can inspect the provision of Religious education and collective worship in his schools. These are called Section 48 inspections.

The law provides for RE to be inspected by the body that possesses the requisite specialist knowledge, training and expertise. The Catholic Diocese has a network of qualified and trained inspectors that are independent of the schools inspected and follow a rigorous inspection framework and handbook that are available publicly, as are the resulting reports. The independent section 48 inspectorates and Ofsted work closely together and there is a mutual professional respect between them.

Ofsted's inspection of RE in secular schools is funded entirely by the State whereas the cost of denominational inspections is partly funded by a contribution from the DfE, with the remainder of the costs being borne by the relevant faith organisation. The DfE grant is given to ensure public accountability, as all Section 48 inspection reports must be published in order to receive the grant.

Under the new Ofsted framework, school inspection will place a much greater emphasis on the curriculum across the school.

4.5 School size

When fully established the proposed new RC school will be a 3FE primary school with a total capacity of 630 places for 4 to 11 year olds. It will also have 30 full time equivalent (fte) Early Years places for 2 to 4 year olds when it opens.

4.6 Equal opportunity issues

Local authorities have a number of statutory duties including, under the Education & Inspections Act 2006:

- securing diversity in the provision of schools
- increasing opportunities for parental choice and
- ensuring fair access to educational opportunity.

The Public Sector Equality Duty (s149 Equality Act 2010) requires a public authority to have 'due regard' to the need to eliminate discrimination, to foster good relations and advance equality of opportunity. In the context of a proposal to establish a RC VA school, the Council is required to consider the impact of opening such a school on persons who, for example, are from different faith backgrounds as well as those from no faith.

The wider Hamptons development is currently served by the following schools (**see appended map**):

School	Trust	Age range	Size/Capacity (excluding Early Years)
Hampton Vale Primary	4Cs MAT	2-11	3FE/630 places
Hampton Hargate Primary	Community	4-11	3FE/630 places

Hampton College – primary phase	Hampton Academies Trust (HAT)	2-11	2FE/420 places
Hampton Lakes Primary	HAT	4-11	2FE/420 places when fully established
Hampton College- secondary phase	HAT	11-19	7FE/1050 places plus sixth form
Hampton Gardens Academy	HAT	11-19	8FE/1200 places when fully established, plus sixth form

St Thomas More and Sacred Heart, the existing VA RC primary schools in Peterborough are 6.3 and 4.7 miles away respectively from the site of the proposed new school at Hampton Water.

In its proposal the RCDEA set out the need it had identified for more Catholic school places in Peterborough. The RCDEA *has records of 347 baptisms of children due to start school between 2021-23 in the south of Peterborough. There is a notable need within the parish of St Luke’s, of which the Hampton area is part. The nearest Catholic school, Sacred Heart Primary,..... is full in all year groups’.*

By supporting the opening of this primary school proposed by the RCDEA the Council will be fulfilling its statutory duties in the following ways. It will:

- offer the opportunity of a faith based education in the south of Peterborough
- introduce a new education provider into the wider Hampton community, securing diversity in the provision of schools
- increase the opportunity for parental choice

4.7 Integration and community cohesion

As referenced in section 3.1 above, the proposed school’s sponsor, has had to meet certain requirements before the DfE decided to provide capital funding to build the school. This included the requirement to evidence how the proposed school is likely to attract applications from the wider community.

The proposer has also been required to demonstrate how the school will:

- be welcoming to and address the needs of all pupils - from all faiths and none - and from different backgrounds and communities in a way that meets the DfE’s integration and community cohesion objectives and is in line with the requirements of the Equality Act 2010
- encourage and support pupils from different communities, faiths and backgrounds to work together, learn about each other’s customs, beliefs and ideas and respect each other’s views
- prepare children for life in modern Britain and create inclusive environments
- promote fundamental British values of democracy, the rule of law, individual liberty and mutual respect and tolerance of those with different faiths and beliefs and none

The Council is satisfied that the proposer is able to fulfil all of the requirements regarding its responsibilities around integration and community.

In addition the Council has completed an Equality Impact Assessment which has concluded that an adverse impact is unlikely.

See **Appendix 4- Equality Impact Assessment**

4.8 Travel and accessibility

Establishing the proposed school will not increase transport costs. Under the Council’s School Transport Policy parents expressing a preference for their child to attend a

denominational primary school are responsible for arranging their daily journey to and from school.

The school will be located within the community of the Hamptons East and will be accessible locally by sustainable means, including walking and cycling routes.

It is the case that a VA faith school will attract pupils from further afield and this would not be the case for an academy, or to a lesser degree an academy with faith designation, established on the same site. However, because the school will make available RC primary school places to families living in the south of Peterborough it is possible that travel patterns may change and that over time families currently travelling into the centre to attend St Thomas More and Sacred Heart primary schools, will apply to attend the new school closer to their home. The fact that a number of pupils may travel to the new school from outside the Hamptons East development, is not a reason to refuse the opening of the proposed school.

It is possible to travel sustainably from further afield. A public bus service (the Citi 6) operates every 20 minutes from the City Centre to Hampton College, a journey of 30 minutes. It is then approximately a half mile walk to the site of the new school.

4.9 Funding

There are three ways to establish the second and final primary school planned to serve the development of Hampton Water within the Hamptons East each with different funding implications for the Council (see table below):

- the proposed VA Catholic primary school
- a free school approved through the government's central free school programme
- a free school presumption – whereby the Council runs a competition to commission a new school where there is an identified clear, 'basic need' (BN), for a new school in the area and there is no free school proposal in play

Option	Route to open new school	Funding available	Cost to the Council	Note
1	VA faith school	90% capital funding provided by DfE	Between £1.1m and £1.5m maximum	90% capital funding already approved
2	Central free school	100% construction costs met centrally by the DfE	Additional capacity created by centrally funded free schools is reflected in reduced future BN allocations to the Council	Wave 13 application refused. Outcome of Wave 14 application will not be announced by DfE until summer 2020
3	Free school presumption	Construction costs met by the Council from within BN funding allocation/developer contributions	As per the s106 'shell and core' agreement i.e. 50:50 split between the Council and the developer, each contributing between £5.5m and £7.5m depending on final cost of project	Would need to await outcome of Wave 14 before this option might be pursued

In summary, the primary school which will serve Hampton Water development, needs to open by September 2022. This is when the Hampton Lakes Primary is forecast to reach or

exceed capacity in Reception and Key Stage 1. The proposed VA primary school already has 90% funding approved and the most the Council would have to contribute is £1.5m.

If the Council refuses approval to the RCDEA it would need to await the outcome of Wave 14 of the central free school programme which is not expected to be announced until summer 2020. There is the possibility that the DfE might, again, not approve a free school at Hampton Water under Wave 14.

If the Wave 14 application is unsuccessful, the Council would need immediately to launch a competition in order to open the school under the free school presumption route but at a cost to the Council of between £5.5 and £7.5m under the terms of the section 106 agreement with the developer. This is defined as a range because the capital project has not yet been fully designed, costed and tendered.

Under both free school routes, options 2 and 3 above, the Council runs the risk of not being able to fulfil its statutory place planning duty as it would not be possible to open the new school in time for when it is needed in September 2022.

4.10 School premises and playing fields

The Council has secured, through the s106 agreement with the developer, a school site large enough to ensure that the design and build of the school will be in line with the DfE Output Specification for Schools including the provision of the required outside space required under the School Premises (England) Regulations 2012. Upon completion of the school building project, the buildings and hard play areas will be vested in the Trustees of the RCDEA. The buildings and hard play areas will be owned by the Trustees but ownership of the playing fields will remain with the Council and will be leased to the RCDEA.

4.11 Suitability

In its statutory guidance, the DfE sets out that: *when considering any proposal for a new maintained school, the decision-maker should consider the proposal on its merits and take into account all matters relevant to the proposal. In order to be approved, a proposal should demonstrate that, as part of a broad and balance curriculum, the proposed new school would promote the spiritual, moral, cultural, mental and physical development of pupils at the school and of society, as set out in the department's guidance on Promoting fundamental British values through spiritual, moral, social and cultural (SMSC) education'*

The Council is satisfied that the evidence provided through the RCDEA's application to the DfE's VA funding scheme demonstrates that the proposed new school will meet the requirement regarding SMSC education.

5. CONSULTATION

5.1 See section 4.1 above.

6. ANTICIPATED OUTCOMES OR IMPACT

6.1 The anticipated outcome of this report and attached appendices is that the Cabinet Member for Children's Services, Education, Skills & University will have a clear understanding of :

- (1) what she must take into account as decision-maker and
- (2) will be able to take the final decision to approve the RCDEA's proposal

7. REASON FOR THE RECOMMENDATION

7.1 A new primary school is required at Hampton Water by September 2022.

The demographic analysis at Appendix 4 has been considered in the decision making process.

Whilst not universally popular with the respondents to the consultations, VA RC schools are a legitimate part of the education landscape and recognised by the DfE. As such the foundation owning the land and buildings appoints a majority of the school's governors, the governing body runs the school, employs the staff and decides the school's admission arrangements subject to the statutory Schools Admissions Code. In addition, specific exemptions from Section 85 of the Equality Act 2010 enable voluntary faith schools to use faith criteria in prioritising pupils for admission to those schools when there are more applications than places available.

All the elements which the decision maker must consider, as set out in the statutory guidance and detailed in section 4 above have been evidenced and taken into account.

In making this decision the Council fulfils its statutory duties under:

- the Education & Inspections Act 2006 and
- the Public Sector Equality Duty (s149 Equality Act 2010)

The decision to approve the RCDEA's proposal is the most cost efficient of the options available to it at this time.

For those families living in the Hampton Water development and the wider Hamptons East area who do not wish their child(ren) to attend a VA faith school they are able to express a preference for any school, including Hampton Waters Primary which also serves the Hamptons East, and the other primary schools on the wider Hamptons development listed in section 4.6 above. All of these schools lie within a 1 mile radius. **See appended map.**

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 There is a basic need for a second primary school at Hampton Water on the Hamptons East development. An application was also made by the Hampton Academies Trust to establish this school under Wave 13 of the DfE's central free school programme. This was not approved. An application has been submitted under Wave 14 but the decision on this is not expected until summer 2020.

The Council does not currently have an alternative to securing the primary school places required for the academic year 2022/23. If the proposal is not approved the Council will need to await the outcome of Wave 14 of the central free school programme. If that is not approved the Council will need to run a competition to identify a new sponsor to recommend to the Secretary of State for approval in order for the Council to meet its statutory place planning duty. Both of these scenarios would significantly delay the building and opening of the school.

9. IMPLICATIONS

9.1 Financial Implications

Where school proposers are successful in applying to the DfE's capital fund for the establishment of new VA schools, the DfE will provide 90% of the capital cost. The Council will be required to fund the 10% balance and allowances have been made for this within the Council's Education Capital Programme.

The Finance Business Case has been approved by Head of Finance (People & Communities Directorate).

9.2 Legal Implications

Recent case law arising from judicial review (*British Humanist Association v London Borough of Richmond upon Thames 2012*) makes it clear that a Council has to consider all sponsor proposals received for new schools.

9.3 Equalities Implications

Local Authorities have a number of statutory duties including securing diversity in the provision of schools, increasing opportunities for parental choice and ensuring fair access to educational opportunity.

The Public Sector Equality Duty (s149 Equality Act 2010) requires a public authority to have 'due regard' to the need to advance equality of opportunity and to take steps to meet the needs of persons who, for example, are from different faith backgrounds as well as those from no faith.

9.4 Children in Care

In circumstances where this type of school is oversubscribed, the RCDEA's standard oversubscription criteria are as follows:

Where there are more applications for places than the number of places available, places will be offered according to the following order of priority:

1. *Baptised Catholic looked after and previously looked after children*
2. *Baptised Catholic children*
3. *Other looked after and previously looked after children*

9.5 Carbon Impact Assessment

The new primary school at the Hamptons East, has received in principle agreement for 90% funding by the DfE following a successful VA Capital bid by the RCDEA. The Council is proposing to self-deliver the design and build of the school in line with the DfE Output Specification for Schools and procure via the DfE Contractor's Framework which are a prerequisite of self-delivery and DfE capital.

The school will be built to current standards in line with the DfE capital funding requirements and Output Specification. Whilst it would be theoretically possible to go further in regard to designing the schools to ensure that their carbon impact is minimised, the funding does not allow for this in this instance.

10. DECLARATIONS / CONFLICTS OF INTEREST & DISPENSATIONS GRANTED

10.1 None

11. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985) and The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

11.1 ***Establishing a voluntary aided school: guidance & criteria*** (DfE December 2018)
<https://www.gov.uk/government/publications/voluntary-aided-schools-capital-scheme>

11.2 ***Opening and closing maintained schools. Statutory guidance for proposers and decision makers*** (DfE November 2018)
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/756328/Opening_and_Closing_maintained_schools_Guidance.pdf

12. APPENDICES

- 12.1 Appendix 1- The RCDEA's full proposal containing prescribed information, including outcome of its pre-publication consultation
Appendix 2 - Summary of statutory representation responses
Appendix 3 - Demographic report
Appendix 4 – Equality Impact Assessment

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Diocese of East Anglia – proposed new Catholic VA primary school
at Hampton East, Peterborough

PROPOSAL FOR A NEW ROMAN CATHOLIC PRIMARY SCHOOL IN HAMPTON EAST, PETERBOROUGH

FULL PROPOSAL

This full published proposal for the new Catholic school (for which the eventual name is yet to be decided) has three elements:

- The **Public Notice** as published in the Peterborough Telegraph on Thursday 21st November 2019 (Annex 1)
- **Section 1** - A summary of the key points of the proposal (pages 1 -3))
- **Section 2** - The Prescribed Information - detailed responses the Diocese is required to submit to the Decision-maker, in this case Peterborough City Council. (Pages 4 onwards, plus annexes)

Any person or persons responding to the proposal may comment on any or all of these three elements by responding in any of the ways set out in the Public Notice.

Section 1 - Summary of key points

What are the basic facts of the proposal?

- The Roman Catholic Diocese of East Anglia is proposing to open a new primary school in new-build premises within the Hampton East housing development area of Peterborough which, when fully open, will cater for 630 children aged 5-11
- The new school will initially open in September 2022 for Reception and Years 1 and 2 and grow year by year until September 2026 when all year groups will be open.
- The school will incorporate a nursery class for 30 children aged 2-4 from the school's expected opening date in September 2022
- The new school building costs have been given provisional approval by the Department for Education (DfE).

What sort of a school are we proposing?

- It will be a maintained (state-funded) Roman Catholic Voluntary Aided primary school.
- It will be open to boys and girls
- The school will follow the National Curriculum, follow the National Curriculum assessment scheme ('SATs') and be inspected by OFSTED
- The new school will make a positive contribution to education and community life in Hampton East, in partnership with other schools and local bodies.

How will the school be run?

- It will have an autonomous Governing Body, drawn from a wide range of interests. Some governors, known as foundation governors, will be appointed



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by the Diocese with the responsibility to maintain the Catholic ethos of the school.

- The Governing Body will develop a strong partnership with the three existing Catholic schools in Peterborough. It will also have the support of other schools in the Catholic schools' family across the Diocese as required.
- The Governing Body will seek to build strong educational and community partnerships with other local schools within the Hampton area

How have we consulted on the proposal?

- We held a six-week consultation period between 9th September and 20th October 2019, including three meetings open to all.
- The background to the proposal was set out in widely-distributed leaflets in English and Polish
- All the consultation material can be found at <https://www.rcdea.org.uk/vaschools/>

What did the consultation tell us?

- We had 1,146 responses to the consultation questionnaire. Respondents gave their views on the proposal as follows:

Views on proposal	Online	Paper	Total	Percent
Strongly disagree	95	1	96	8.4%
Disagree	14	2	16	1.4%
Don't know	1	2	3	0.3%
Neither agree or disagree	1	8	9	0.8%
Agree	9	72	81	7.1%
Strongly Agree	114	827	941	82.0%
Total	234	912	1,146	

A fuller analysis of the consultation results is at Annex 2

What did those who disagreed say?

Three main themes emerged from those respondents who disagreed with the proposal:

- opposition in principle to a Catholic school, and/or faith-based schools generally;
- concern that the school would take children from beyond the Hampton East area, and thus not be a school for local children meeting the local demand for places from new housing; and/or have an adverse impact on the existing schools in the Hampton development
- opposition to a Catholic and/or faith-based school in Hampton East; some respondents said that they would prefer another type of school (such as an academy under Hampton Academy Trust or a community school).



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In addition, there was reference, including at the open meetings, to the proposed location of the school and possible traffic issues. A response to these is included in the section on Sustainability in the Prescribed Information below.

What did we change as a result of the consultation?

The recommended admissions policy now being published as part of the statutory notice has been amended from that originally published in the consultation.

In response to concerns about places for local children, one fifth of the available places stated in the Published Admission Number will be offered based on proximity to the school and without reference to faith. These places will be known as 'Open Places'. The revised policy is at Annex 3.

Our conclusion

In view of the significant support for the proposal, but also mindful of the sensitivities which have emerged in the consultation process, the Diocesan Trustees have decided to go forward to the next stage in the statutory process, known as the Representation stage, by publishing this statutory Public Notice.

We wish to thank all those who took the time to respond and/or come to our meetings.



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SECTION 2 – THE PRESCRIBED INFORMATIONPRESCRIBED INFORMATION REQUIRED TO BE SUBMITTED TO THE
DECISION-MAKER

Required information	Proposer's submitted information
Proposer's contact details	The Roman Catholic Diocese of East Anglia, The White House, 21 Ugate, Poringland, Norwich, Norfolk, NR14 7SH office@rcdea.org.uk Correspondence fao Helen Bates
Implementation date	1 st September 2022
Who will implement the proposal?	The Roman Catholic Diocese of East Anglia will implement the proposal, although it will be the statutory duty of Peterborough City Council to provide the playing field for the school. The ability to implement the proposal will be dependent on the DfE's current provisional funding approval for the capital building costs being confirmed in full.

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Reason for the new school	<ol style="list-style-type: none">1. The new school will provide additional school places in the housing development area of Hampton East, Peterborough. This will support the City Council in meeting its statutory duty of providing sufficient school places for its growing population.2. The new school will provide new faith school places for the Hampton area, which is not currently served by a faith school.3. A new Catholic primary school will enhance choice and diversity of education provision for parents within the Hampton area. <p>Further evidence on meeting need from housing growth</p> <p>Peterborough City Council's Local Plan to 2036 (published July 2019) identifies both Peterborough itself and Hampton East in particular, as areas of continuing housing growth. According to the City Council's most recent housing report in 2018, there were 19,212 outstanding housing allocations or approved planning permissions across Peterborough, just under half of which are within 2½ miles of the new school site. This report also states that there were 1,149 completed new dwellings from 2009 to 2017 in the Hampton area and a further 3,458 with planning permission yet to be built. When built, these dwellings alone could generate around 1,210 new primary pupils.</p> <p>Hampton Lakes, a new primary school which will ultimately serve Hampton Gardens and Hampton Beach, opened with 30 Reception places in September 2019 on the site of Hampton College. It will move to its permanent accommodation from September 2020.</p> <p>The City Council's School Organisation Plan 2018/19 identifies the need for a new primary school in the Hampton East area known as Hampton Waters, and it is this need which we are seeking to fulfil, as noted in the recently published 2019/20 version of the Plan.</p> <p>Thus, the proposed Catholic VA primary school will be the next in the planned sequence of primary schools opening in the Hampton area.</p>
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	<p>Further evidence on the need for new faith places</p> <p>The Diocese of East Anglia has identified a need for more Catholic school places in Peterborough. It has records of 347 baptisms of children due to start school between 2021-23 in the south of Peterborough. There is a notable need within the parish of St Luke’s, of which the Hampton area is part. The nearest Catholic school, Sacred Heart Primary, is 5 miles away from the proposed new school’s site and is full in all year groups.</p> <p>Further evidence on diversity of school provision in the Hampton area:</p> <p>None of the existing schools is a faith school. All but one of the local schools are academies, four of which are run by the locally-based Hampton Academies Trust.</p> <p>Diversity of educational provision that enables parents to express preferences for a wide range of schools for their children, has been part of national education policy for some years, with faith schools recognised in law and historical practice as playing a full part in a diverse range of provision.</p> <p>There is a need for greater diversity of provision in the Hampton area as its next phase of new school development begins.</p> <p>As Peterborough is one of the fastest growing cities in the country, the number of faith places needs expanding to maintain a reasonably proportionate level of places, so that as many parents as wish to can opt for a faith school.</p>
<p>Category</p>	<p>Voluntary Aided</p>
<p>Ethos and religious character</p>	<p>The school’s religious designation will be Roman Catholic.</p> <p>The vision for the school is based on the vision of the wider Roman Catholic Diocese of East Anglia Schools’ Service, as expressed by the existing VA schools across the Diocese and within the autonomous multi-academy trusts of the Diocese. This vision is rooted in the Catholic ethos, and is underpinned by a commitment to providing excellent outcomes for all pupils, to providing an inclusive and</p>



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	<p>nurturing environment to students of all faiths and none, and to being drivers of excellent standards in our schools and the wider communities in which the schools are located.</p> <p>The Catholic ethos will permeate all areas of the curriculum and underpin the school’s work and objectives. Pupils’ spiritual, moral, social, cultural and academic development will be at the heart of the school’s work, ensuring that pupils are well prepared for life in modern Britain. In order to prepare the pupils for secondary school and an ever increasingly fluid and dynamic workplace, the curriculum will also ensure that the children develop skills in communication, effective learning, creative thinking, team-work, problem solving and self-management.</p> <p>Ethnic, racial and cultural diversity is and always has been part of the identity of Catholic schools. Data for the two existing Catholic primary schools in Peterborough show that 72% of pupils across the two schools are Catholic, with children from Muslim families the second largest stated faith group.</p> <p>The new school will welcome children of all faiths and none, who respect the values of a Catholic education. There will be a strong sense of community that welcomes co-operation with geographically local schools as well as other Catholic schools within the Diocese.</p>
<p>Pupil numbers and admissions</p>	<p>In its first year of operation the new school will provide for three statutory-aged year groups as follows:</p> <p>Year R - a Published Admission Number of 30 Year 1 – a Published Admission Number of 15 Year 2 – a Published Admission Number of 15</p> <p>Thereafter, the Governing Body will consult on its proposed first admissions year (Year R) PAN when changes are proposed.</p> <p>The Nursery class will open with 30 full-time equivalent places.</p>
<p>Admission arrangements</p>	<p>The Governing Body will be the admissions authority and will have responsibility for admissions to the school. The local authority undertakes the co-ordination of admission arrangements during the normal admission round.</p> <p>The full admissions policy being recommended to Governors, is at Annex 3.</p>



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<p>Early years provision:</p> <p>Where the proposals are to include provision for pupils aged two to five—</p> <p>(a) details of how the early years provision will be organised, including the number of full-time and part-time pupils, the number of places, the number and length of sessions in each week, and the services for disabled children that will be offered;</p> <p>(b) how the school will integrate the early years provision with childcare services, and how the proposals for the establishment of the school are consistent with the integration of early years provision with childcare;</p> <p>(c) evidence of parental demand for additional provision of early years provision;</p> <p>(d) assessment of capacity, quality</p>	<p>(a) We are proposing a nursery class for children who have reached their second birthday.</p> <p>The number of pupils and the sessional breakdown for individual pupils will vary term by term, but the number of full time equivalent places will be 30, subject to the floorspace required being made available through the Government’s capital funding provision for the school building.</p> <p>The Governing Body will determine the specification of the service provided, depending on financial viability at any one time, but the Diocese anticipates that there will be 10 half-day sessions, Monday to Friday term-time only.</p> <p>Services for disabled children will be determined on the basis of individual need, based on the school’s SEN-D policies.</p> <p>The school will offer both 15 and 30 hour funding entitlement places.</p> <p>(b) Subject to financial viability, the school will also provide wraparound care through breakfast, after-school and holiday clubs. This will not only alleviate the current pressure on existing childcare providers, but also provide flexibility for parents, particularly for those families with children in more than one age group at the school. Information available from the City Council (shown in Annex 4) indicates that there is very limited holiday care for school-aged children in the immediate surrounding area. There is an existing network of providers with which the provision can link, and across which parents can identify the setting most appropriate to their needs.</p> <p>(c) The housing trajectory within the Peterborough Local Plan shows that demand will rise over the next 10 years as further houses are built, and that there will be a need for additional early years provision to meet parental demand. Details are in Annex 4.</p> <p>(d) Childcare sufficiency information from Peterborough City Council shows that average occupancy rates of EYFS</p>
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<p>and sustainability of provision in schools, and in settings outside of the maintained school sector which deliver the Early Years Foundation Stage (EYFS) within three miles of the school;</p> <p>(e) the reasons why schools and settings outside the maintained school sector which deliver the Early Years Foundation Stage within three miles of the school and which have spare capacity, cannot make provision for any forecast increase in the numbers of such children.</p>	<p>provision within the Hargate, Hempsted and Hampton Vale wards are higher (83.4%) than for all settings within 3 miles (80.7%) and the City average (73.8%)</p> <p>In summer 2019, 11 Peterborough providers within three miles of the proposed new nursery class had reached the occupancy rate which is regarded as significantly restricting parents being able to access a full time place at the setting. (This level is 89% for day nurseries and 91% for pre-schools.) The detail is shown in a table at Annex 4.</p> <p>There are six day-care providers within 3 miles in the Cambridgeshire area but occupancy data is not available for these, other than for funded places. In July 2019 three of the six had more funded place claimants than number of places.</p> <p>Overall, whilst there is some capacity within the three-mile radius, expected levels of growth mean that demand will outweigh supply and available provision will not provide the desirable flexibility for parents, without the addition of further provision, such as we are proposing.</p> <p>Annex 4 provides a table showing the quality of provision within the three-mile radius.</p> <p>(e) There are no settings within three miles of the new school which will be able to meet the demand from the continuing housing growth.</p> <p>The new early years provision at the new Hampton Lakes Primary School (due to open September 2020) will not alleviate all the demand for early years provision in this area with the level of growth anticipated, particularly considering the additional demand from the extended entitlement for eligible three and four-year-olds (30 hours free childcare for working families), which is still increasing term on term.</p> <p>Peterborough’s existing early years providers have successfully expanded (both in terms of creating additional floorspace/increasing numbers and expansion of operational hours) in previous years to accommodate changes to the two-year-old free early education entitlement and more recently the extended entitlement for three and four-year-olds.</p> <p>It is extremely unlikely that existing providers within this area will be able to accommodate any further expansions due to site restrictions.</p>
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	<p>The Diocese believes that its proposed nursery class and its proposed wrap-around care, will help mitigate the pressures in the local area.</p>
<p>Special educational needs provision</p>	<p>The school will not have provision that is recognised by the local authority as reserved solely for children with special educational needs.</p> <p>Although it will not have such designated places, the school will ensure that all pupils on roll with special needs are fully included in the opportunities the school offers. Like all Catholic schools in the Diocese of East Anglia, it will meet the needs of children with Special Educational Needs and Disabilities (SEN-D) through a range of strategies that are rooted in the rights and dignity of every child. These include</p> <ul style="list-style-type: none"> • a clearly understood line of communication between parents/carers and staff that enables issues about a child’s development, in all senses, to be identified promptly; • involvement of the SEN-D Coordinator at an early stage to develop strategies that meet identified needs. These might include working with the class teacher to plan provision for an individual child and providing advice and support to that child’s parents/carers; • supporting an application for an Education, Health and Care Plan where this is appropriate; • referral to a range of external professionals, including educational psychologists, speech and language therapists and behavioural support services.
<p>Curriculum</p>	<p>The proposer confirms that the school will meet the general requirements in relation to the curriculum contained in section 78 (National Curriculum) and section 80 (Basic Curriculum) of the Education Act 2002</p>
<p>Relevant experience of proposers</p>	<p>The Diocese sets high standards and expectations for all its schools and has an uncompromising commitment to maintaining excellent outcomes and assuring excellent progress for all pupils. The new school, as are all existing Diocesan schools, will be strongly focused on pupils receiving the very best education and having a solid foundation to begin a lifelong learning experience. We nurture happy, confident pupils with enquiring minds who learn to succeed and contribute to the wider community. The Schools’ Service can demonstrate a Diocese-wide strong track record.</p>

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	<p>Currently 93% of Diocesan schools have an inspection rating of 'Good' or better. Eight out of the 28 schools have shown improvement between their last two inspections, confirming the Diocese's commitment to school improvement.</p> <p>There are rigorous, comprehensive procedures for monitoring all schools within the Diocese. For example, where a school is placed in an Ofsted "category", the Diocese will work with schools and trusts to identify those areas of provision where there is a need for improvement. The Diocese also identify those individuals from across its schools who will be able to provide the requisite support and challenge to the school and individuals within the school. Similarly, for those schools where pupil performance data indicates that pupils in the school are underperforming, the Diocese will ensure that this becomes a focus within the School Improvement Plan and will provide the requisite support and challenge. For example, where pupil performance in English/literacy indicate a cause for concern, the Diocese will deploy colleagues who will be able to work with teachers and other staff to provide direct support to individual pupils and groups of pupils as well as support/professional development to the relevant staff.</p> <p>Targets will be linked to the School Improvement Plan, pupil progress and the Catholic ethos of the school. Senior Leaders will have an additional leadership target linked to their role. Designated governors alongside an Independent Advisor will lead the Performance Management of the headteacher. Termly reviews will support teachers to stay on track to achieve their targets, offer challenge and advice.</p> <p>The Diocese of East Anglia Schools' Service currently oversees 28 schools. The Diocesan Schools' Service is highly experienced and has a well-established infrastructure to provide strong and effective governance.</p> <p>The Diocesan Schools' Service will keep strategic oversight of the school, ensuring the strong vision for Catholic education is adhered to. The Diocese expects a commitment within its schools to providing outstanding services in the school, value for money and a culture of collaboration in order to drive continuous school improvement.</p> <p>The Diocese understands the importance of excellent governance in running an outstanding school. The governance structure for all our schools has been devised to not only comply to DfE regulations, but also to ensure</p>
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	<p>transparency and maintain clear lines of communication between all parties, ensuring that the Diocese can intervene swiftly and effectively if required.</p> <p>All involved in the governance of the school will adhere to the Seven Principles of Public Life, ensuring that we are not only in line with DfE requirements, but are also held to the highest ethical standards, in keeping with the overall vision of the Diocese.</p>
<p>Effects on standards and contributions to school improvement</p> <p>Information and supporting evidence on— (a) how the school will contribute to enhancing the diversity and quality of education in the area; and (b) how the school will contribute to school improvement.</p>	<p>Overall strategy to improvement of standards within the school and in the area</p> <p>The new school can only confidently contribute to school improvement in the wider locality once its own policies and practices demonstrate high in-school achievement, so this aspect will be addressed first, based on the strategy and evidence below.</p> <p>The school’s strategy for improving standards will:</p> <ol style="list-style-type: none"> I. be strategically led by experienced practitioners on the Governing Body and operationally by a headteacher recruited on the basis of demonstrable leadership in school improvement II. draw on significant support and challenge from other schools in the Diocese. <p>STRATEGIC GOVERNANCE CAPACITY FOR SCHOOL IMPROVEMENT</p> <ol style="list-style-type: none"> i. The Diocesan Trustees have authorised the appointment of a Shadow Governing Body. Governor appointments will have a focus on ensuring high levels of experience in school strategic management and leadership. ii. Governors will base their policies on those of high-performing schools within the Catholic family of schools, developed in detail in the light of local need. iii. As a maintained school, the new school will receive delegated funding from the local authority for school improvement as part of its budget share. Governors will use this element of the budget to formulate costed plans as part of their overall school development plan.



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- iv. As the new school roll grows, additional staff appointments will be made carefully to expand the range of experience and expertise in the school.

CONTRIBUTION TO DIVERSITY AND QUALITY IN THE WIDER AREA

Through the period of housing growth in Peterborough, Catholic education opportunities have not grown as quickly as other types of places locally and in the wider City area. The new school will therefore be a source of choice and diversity as parents in the locality will have a choice of sending their children to a Catholic primary school, as will non-Catholic families who want a faith-based education for their children.

The Roman Catholic Diocese of East Anglia is committed to further enhancing local education through:

- Its wide range of networks and sources of professional development.
- Its extensive support services to primary schools, governors, staff and parishes on all matters relating to Catholic education in schools.
- Drawing upon the resources of St Thomas More Catholic Primary School and Sacred Heart Catholic Primary School. It can then reciprocate to other schools in the Peterborough locality.
- Its RE curriculum, which incorporates a focus on human values, the importance of respect for each other and the significance of and philosophies of other religions
- A rich extra-curricular programme which includes events which bring pupils and students in to contact with other cultures
- Opportunities to become involved with the East Anglia Diocese Youth Mission Team
- Working closely with other members of the local education community in the locality.

A SCHOOL FOR ITS COMMUNITY

The Governing Body will ensure that the school is connected to the local community by:

- Organising events for the local community on school premises outside school hours
- Offering the use of school spaces such as the hall for community groups outside school hours



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	<ul style="list-style-type: none"> • Supporting the development of an active Parent/Teacher association with strong community links. <p>A SCHOOL WITH A CONCERN FOR SUSTAINABILITY The school will seek to be exemplary in its care for the immediate and wider world environment:</p> <ul style="list-style-type: none"> • It will be designed and built to high environmental standards within a modern, purpose-designed highway and footway networks, all of which will be subject to the sustainability standards of the local planning authority. It will be fully accessible to all pupils and their families and to all staff and visitors. • As with the other two Catholic primary schools in the City we expect by far the majority of pupils to live within walking distance of the school. • We will work with the City Council’s school place planners to ensure that the optimum number of places to meet need are available in each year group as the school grows – this will mitigate the risk of children needing to be transported out of the Hampton area to other schools in Peterborough with spare places. • The Governing Body will take all steps locally to ensure the management of car journeys by parents bringing their children to school, thus minimising local parking issues at the beginning and end of the school day. • Care for the immediate and wider world environment will be integral to the school’s ethos and activities within and beyond the formal curriculum.
<p>Location and costs A statement about:</p> <p>(a) the area or particular community or communities which the new school is expected to serve;</p>	<p>(a) The new school will serve the Hampton East/Hampton Water areas of the Peterborough Strategic Urban Extension, identified in the City Council’s Local Plan</p>



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<p>(b) the location of the site or sites including, where appropriate, the postal address or addresses;</p> <p>(c) the current ownership and tenure (freehold or leasehold) on which the site will be held, and if the site is to be held on a lease, details of the proposed lease;</p> <p>(d) whether the site is currently used for the purposes of another school and if so why the site will no longer be required by the other school;</p> <p>(e) the estimated capital costs of providing the site and how those costs will be met (including the extent to which the costs are to be met by the proposers and the local authority) and how the proposers intend to fund their share of the costs of implementing the proposals (if any);</p> <p>(f) whether planning permission is</p>	<p>(b) There is no specific address for the identified school site currently. The nearest postcode is PE7 8HR within the Hampton East development.</p> <p>(c) On completion of the construction, the buildings and hard play areas will be vested in the Trustees of the Diocese for the sole purpose of a Roman Catholic VA primary school. The ownership of the playing fields will remain with the City Council and they will be leased to the Diocese.</p> <p>(d) Not applicable</p> <p>(e) The estimated capital costs are £8.4 million, (based on DfE floor area rates). 90% of the capital cost will be provided by the DfE. The other 10% will be found by Peterborough City Council utilising an existing Section 106 agreement. Construction of the school will, subject to the DfE's funding and delivery agreement, be delivered by the City Council.</p> <p>(f) Planning permission will be required prior to construction. The current draft project plan for the</p>
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<p>needed under the Town and Country Planning Act 1990, and when it is anticipated that it will be obtained;</p> <p>(g) confirmation from the Secretary of State or local authority (as the case may be) that funds will be made available (including costs to cover any necessary site purchase).</p>	<p>school’s construction indicates that permission will need to be in place by June 2021.</p> <p>(g) An ‘in principle’ confirmation has been received by the proposer. Full confirmation is dependent on the determination of this proposal by the City Council</p>
<p>Travel</p>	<p>Travel of pupils to the school will be in accordance with Peterborough City Council’s Home to School Transport Policy currently in force. The provision of an additional school within the Hampton area will provide a sustainable solution to the provision of the necessary local school places. The proposal is not expected to increase journey times, increase transport costs or result in children being prevented from travelling sustainably due to unsuitable walking or cycling routes.</p>
<p>Where a school is an independent school entering the maintained sector—</p> <p>(a) a statement that the requirements of section 11(3) are met;</p> <p>(b) a statement as to whether the premises will meet the requirements of the School Premises (England) Regulations 2012(4) and, if not,</p>	<p>Not applicable</p>



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<p>(i) details of how the premises are deficient; and (ii) details of how it is intended to remedy the deficiency.</p>	
<p>Voluntary aided schools</p> <p>Where the school is to be a voluntary aided school— (a) details of the trusts on which the site is to be held; and (b) confirmation that the governing body will be able and willing to carry out their obligations under Schedule 3 to SSFA 1998.</p>	<p>(a) the site will be held on Trust by the Diocese and made available on licence to the Governing Body for the performance of its duties.</p> <p>(b) the Governing Body will meet their obligations under this schedule (which predominantly relates to responsibility for capital expenditure on the site and buildings).</p>

List of annexes

Annex 1 – Public Notice

Annex 2 – Results of the consultation

Annex 3 – Proposed Admissions Policy

Annex 4– Early Years data – existing early years provision in the area.



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at Hampton East, Peterborough**

**PROPOSAL FOR A NEW ROMAN CATHOLIC PRIMARY SCHOOL IN
HAMPTON EAST, PETERBOROUGH**

Notice is given that the Roman Catholic Diocese of East Anglia, of The White House, 21 Ugate, Poringland, Norwich, Norfolk, NR14 7SH intends to establish a new Maintained* Voluntary Aided School and Nursery for children aged 2 – 11 under section 11(2) of the Education and Inspections Act 2006 as amended, and the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013.

It is intended that the proposal will be implemented by 1st September 2022

The new school will operate on an identified site within the Hampton East development (PE7 8HR)

The new school will take boys and girls from age 2 to 11.

In its first year of opening it will have a Published Admission Number of 30 for Reception Year (Year R), 15 for Year 1 and 15 for Year 2. The school's final Published Admission Number will be 90 and its final size will be 630 places across Years R to 6. It will also have 30 places in a nursery class for children who have reached their second birthday.

The school will be conducted in accordance with the tenets of the Roman Catholic Church.

The Governing Body will be the admissions authority for the school. Places at the school will be allocated in accordance with the school's published admissions policy. One-fifth of places will be allocated on the basis of distance regardless of faith.

This Notice is an extract from the complete proposal. You can download a copy of the complete proposal at <https://www.rcdea.org.uk/vaschools>. Copies of the complete proposal can be inspected by prior appointment at the offices of the Diocese (at the address given above). If you would like to receive a printed copy of the full proposal, please write to the Diocesan Office or telephone the Office at 01508 495509. You can email for a copy to ssc@rcdea.org.uk.

The Education and Inspections Act 2006 provides for Peterborough City Council, as education authority for the area, to be the decision-maker on this proposal. Within four weeks from the date of publication of this proposal, that is by 19th December 2019, any person or persons may object to or make comments on the proposal by sending their written responses to Schools Admissions Team, People & Communities, Peterborough City Council, Sand Martin House, Bittern Way, Fletton Quays, Peterborough, PE2 8TY or by emailing consultations@peterborough.gov.uk. Correspondence should be marked "*Response to Proposed New Catholic Primary School*".

Published 21st November 2019. Signed: Rt Revd Alan Hopes, Bishop of East Anglia

* Maintained means state-funded

ANNEX 2 – Results of the consultation



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Proposed New Catholic VA Primary School in Hampton East

Pre-publication Consultation from 9 September 2019 to 20 October 2019

Analysis of responses

Views on proposal	Online	Paper	Total	Percent
Strongly disagree	95	1	96	8.4%
Disagree	14	2	16	1.4%
Don't know	1	2	3	0.3%
Neither agree or disagree	1	8	9	0.8%
Agree	9	72	81	7.1%
Strongly Agree	114	827	941	82.0%
Total	234	912	1,146	

Respondent	Online	Paper	Total	Percent
Wider Peterborough community	87	463	550	48.0%
Pupil parent/guardian	82	232	314	27.4%
Other	14	143	157	13.7%
Hampton community	46	64	110	9.6%
Representative of community	5	10	15	1.3%
Total	234	912	1,146	

In addition a petition in favour of opening a new Catholic primary school in Hampton East was signed by 321 respondents. As paper and online responses did not include the name of the respondent it has not been possible to identify whether there has been any duplication between consultation responses and petition signatures.

Comments summary

Strongly disagree and Disagree	
Secular school required	37
Prioritise local children	26
Faith based school divisive	9
Not just for Catholics	7
Should not prioritise faith	6



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Catholic teachings forced on non-Catholics	4
No evidence of need for faith based school	3
Inclusive community ethos required	2
Concerns about current RC schools	1
Concerns about traffic/parking around proposed school	1
Consider proportion of places for local children	1
Finding Catholic headteachers difficult	1
Local authority should determine	1
Lack of local authority transport likely to adversely impact	1
Location of school not appropriate	1
Missed opportunity for continuum Early Years to KS5	1
Need to teach about all faiths	1
Prefer local authority or co-operative school	1
RC schools not inclusive	1
S106 agreement should mean school for local children	1
School not multi-cultural	1
Selecting staff on basis of religion is against equal opportunities	1
Should be multi-faith	1
Should be run by HAT	1
Support for a Catholic school but not in Hampton	1
Support values taught in RC schools	1
Total	112

Strongly agree and Agree	
Catholic demand	458
Local Catholic demand	103
Needed in area	71
Support values taught in RC schools	48
Diversity	45
Promotes community	32
RC schools offer high standards	32
Choice	30
Faith school demand	23
Christian demand	21
RC schools inclusive	8
Build strong morals	3
Alternative to HAT	2
Need to teach about all faiths	1
Not just for Catholics	1
Prioritise local children	1
RC high required	1



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RC schools promote cultural diversity	1
Should be run by HAT	1
Total	882

Neither Agree or Disagree/Don't Know	
Not just for Catholics	1
Total	1



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Annex 3

ROMAN CATHOLIC VA PRIMARY SCHOOL – HAMPTON EAST

Proposed Admission Policy 2022/23

[Name to be determined] Roman Catholic Primary School is being founded by the Catholic Church to provide education for children of Catholic families. Whenever there are more applications than places available, priority will be given to Catholic children in accordance with the oversubscription criteria listed below **except** when considering applicants under the “Open place” category (1/5th of available places) which will be awarded without reference to faith. The “Open place” category will apply in the first year(s) that the school is opened. Admission arrangements including the provision of “Open places” will be reviewed annually by the school Governing Body. Where any change to the admission arrangements is proposed, the Governing Body will consult in accordance with statutory requirements.

The school is conducted by its Governing Body as part of the Catholic Church in accordance with its trust deed and instrument of government and seeks at all times to be a witness to Our Lord Jesus Christ.

As a Catholic school, we aim to provide a Catholic education for all our pupils. At a Catholic school, Catholic doctrine and practice permeate every aspect of the school’s activity. It is essential that the Catholic character of the school’s education be fully supported by all families in the school. We therefore hope that all parents will give their full, unreserved and positive support for the aims and ethos of the school. This does not affect the right of an applicant who is not Catholic to apply for and be admitted to a place at the school in accordance with the admission arrangements.

The Governing Body is the admissions authority and has responsibility for admissions to this school. The local authority undertakes the co-ordination of admission arrangements during the normal admission round^[1]. The Governing Body has set its published admission number at 30 pupils for Reception (Year R), 15 for Year 1 and 15 for Year 2 to be admitted in the school year which begins in September, 2022.

The Governing Body will, where logistically possible, admit twins and all siblings from multiple births where one of the children is the last child ranked within the school’s Published Admissions Number (“PAN”).

Pupils with an Education, Health and Care Plan (see note 1)

The admission of pupils with an Education, Health and Care Plan is dealt with by a completely separate procedure. Children with an Education, Health and Care Plan that names the school must be admitted. Where this takes place before the



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allocation of places under these arrangements this will reduce the number of places available to other children.

Oversubscription Criteria

Where there are more applications for places than the number of places available, places will be offered according to the following order of priority.

Foundation places (4/5th of available places)

1. Baptised Catholic looked after and previously looked after children. (see notes 2&3)
2. Baptised Catholic children (see note 3)
3. Other looked after and previously looked after children. (see note 2)
4. Catechumens and members of an Eastern Christian Church. (see notes 4&5)
5. Children of other Christian denominations whose membership is evidenced by a minister of religion. (see note 6)
6. Children of other faiths whose membership is evidenced by a religious leader. (see note 7)
7. Any other children.

Open places (1/5th of available places)

1. Looked after and previously looked after children. (see note 2)
2. Children living closest to the school (as detailed at ii below)

Within each of the categories listed above, the following provisions will be applied in the following order.

- i. The attendance of a sibling at the school at the time of enrolment will increase the priority of an application within each category so that the application will be placed at the top of the category in which the application is made (see note 8).
- ii. After children in (i) above, priority will be given within each category to children living closest to the school. Distances are measured on a straight line “crow fly” basis, using Ordnance Survey data. In the event of distances being the same for two or more children where this would determine the last place to be allocated, random allocation will be carried out and supervised by a



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person independent of the school. Under random allocation, all the names will be entered into a 'hat' and the required number of names will be drawn out.

Application Procedures and Timetable

To apply for a place at this school in the normal admission round^[2], you **must** complete a Common Application Form (*excluding admission to the nursery – see below*) available from the local authority in which you live. Applications can also be submitted online [INSERT local authority web address]. You are also requested to complete the Supplementary Information Form which is available from the school website [INSERT address] or the school office if you wish to apply under foundation place oversubscription criteria 1 and 2 or 4 to 6. The Supplementary Information Form should be returned to [person, address] by [closing date].

You will be advised of the outcome of your application on 16th April or the next working day, by the local authority on our behalf. If you are unsuccessful (unless your child gained a place at a school you ranked higher) you will be informed of the reasons, related to the oversubscription criteria listed above, and you have the right of appeal to an independent appeal panel.

If you do not provide the information required in the SIF and return it by the closing date, together with all supporting documentation, your child will not be placed in foundation place criteria 1 or 2 or 4 to 6, and this is likely to affect your child's chance of being offered a place.

All applications which are submitted on time will be considered at the same time and after the closing date for admissions of 15th January

Late Applications

Late applications, except those deemed by the local authority as exceptional and to be processed on time, will be considered after the first round of offers issued on 16th April. This is because all applications received by the closing date must be considered before any late applications. If there are exceptional circumstances why your application is late please include them when you send in your application.

Admission of Children Below Compulsory School Age and Deferred Entry

A child is entitled to a full-time place in the September following their fourth birthday. A child's parents may defer the date at which their child is admitted to the school, until later in the school year but not beyond the point at which they reach compulsory school age, or beyond the beginning of the final term of the school year for which an offer was made. A child may take up a part-time place until later in the school year, but not beyond the point at which the child reaches compulsory school age. Upon receipt of the offer of a place a parent should notify the school, as soon as possible,



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that they wish to either defer their child's entry to the school or take up a part-time place.

Admission of Children outside their Normal Age Group

A request may be made for a child to be admitted outside of their normal age group, for example, if the child is gifted and talented or has experienced problems such as ill health. In addition, the parents of a summer born child, i.e. a child born between 1st April and 31st August, may request that the child be admitted out of their normal age group, to Reception rather than Year 1.

Any such request should be made in writing to **[insert name of person and address to which the request should be made]** at the same time as the admission application is made. The Governing Body will make its decision about the request based on the circumstances of each case and in the best interests of the child. In addition to taking into account the views of the headteacher, including the headteacher's statutory responsibility for the internal organisation, management and control of the school, the Governing Body will take into account the views of the parents and of appropriate medical and education professionals, as appropriate.

Waiting Lists

In addition to their right of appeal, unsuccessful children will be offered the opportunity to be placed on a waiting list. This waiting list will be maintained in order of the oversubscription criteria set out above and **not** in the order in which applications are received or added to the list. Waiting lists for admission will operate throughout the school year. The waiting list will be held open until the last day of the summer term.

Inclusion on the school's waiting list does not mean that a place will eventually become available.

In-Year Applications

An application can be made for a place for a child at any time outside the admission round and the child will be admitted where there are available places. Application should be made to the school by contacting [insert name and address].

Where there are places available but more applications than places, the published oversubscription criteria, as set out above, will be applied.

If there are no places available, the child will be added to the waiting list (see above).

You will be advised of the outcome of your application in writing, and you have the right of appeal to an independent appeal panel.



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Fair Access Protocol

The school is committed to taking its fair share of children who are vulnerable and/or hard to place, as set out in the locally agreed protocol. Accordingly, outside the normal admission round the Governing Body is empowered to give absolute priority to a child where admission is requested under any locally agreed protocol. The Governing Body has this power, even when admitting the child would mean exceeding the published admission number (subject to the infant class size exceptions).

Nursery

Applications to the Nursery will be open to children who will have attained the age of three when they are admitted. Applications to the Nursery must be made directly to the school by contacting [insert name and address] by [insert date]. The oversubscription criteria, as detailed above, will be also applied to applications to the Nursery in the event of oversubscription.

Attendance at the school's nursery does not guarantee a place, nor give a higher priority for a place in Reception at the school. Applications for places in Reception must be made in the normal way, to the home local authority and all applications will be prioritised in accordance with the published oversubscription criteria.

The Governing Body reserves the right to withdraw the offer of a place or, where a child is already attending the school, the place itself, where it is satisfied that the offer or place was obtained by deception.

Notes (these notes form part of the oversubscription criteria)

1. An Education, Health and Care Plan is a plan made by the local authority under section 37 of the Children and Families Act 2014, specifying the special educational provision required for a child.
2. A 'looked after child' has the same meaning as in section 22(1) of the Children Act 1989, and means any child who is (a) in the care of a local authority or (b) being provided with accommodation by them in the exercise of their social services functions (e.g. children with foster parents) at the time of making application to the school.

A 'previously looked after child' is a child who was looked after but ceased to be so because he or she was adopted, or became subject to a child arrangements order or special guardianship order immediately following having been looked after.



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3. 'Catholic' means a member of a Church in full communion with the See of Rome. This includes the Eastern Catholic Churches. This will normally be evidenced by a certificate of baptism in a Catholic Church or a certificate of reception into the full communion of the Catholic Church. For the purposes of this policy, it includes a looked after child who is part of a Catholic family where a letter from a priest demonstrates that the child would have been baptised or received if it were not for their status as a looked after child (e.g. a looked after child in the process of adoption by a Catholic family).

For a child to be treated as Catholic, evidence of Catholic baptism or reception into the Church will be required. Those who have difficulty obtaining written evidence of baptism should contact their Parish Priest who, after consulting with the Diocese, will decide how the question of baptism is to be resolved and how written evidence is to be produced in accordance with the law of the Church.

4. 'Catechumen' means a member of the catechumenate of a Catholic Church. This will normally be evidenced by a certificate of reception into the order of catechumens.
5. 'Eastern Christian Church' includes Orthodox Churches and is normally evidenced by a certificate of baptism or reception from the authorities of that Church.
6. "Children of other Christian denominations" means children who belong to other churches and ecclesial communities which, acknowledge God's revelation in Christ, confess the Lord Jesus Christ as God and Saviour according to the Scriptures, and, in obedience to God's will and in the power of the Holy Spirit commit themselves: to seek a deepening of their communion with Christ and with one another in the Church, which is his body; and to fulfil their mission to proclaim the Gospel by common witness and service in the world to the glory of the one God, Father, Son and Holy Spirit. An ecclesial community which on principle has no credal statements in its tradition, is included if it manifests faith in Christ as witnessed to in the Scriptures and is committed to working in the spirit of the above.

All members of Churches Together in England and CYTÛN are deemed to be included in the above definition, as are all other churches and ecclesial communities that are in membership of any local Churches Together Group (by whatever title) on the above basis.

7. "Children of other faiths" means children who are members of a religious community that does not fall within the definition of 'other Christian denominations' at 6 above and which falls within the definition of a religion for the purposes of charity law. The Charities Act 2011 defines religion to include:



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- A religion which involves belief in more than one God, and
- A religion which does not involve belief in a God.

Case law has identified certain characteristics which describe the meaning of religion for the purposes of charity law, which are characterised by a belief in a supreme being and an expression of belief in that supreme being through worship.

8. 'Sibling' includes:

- all natural brothers or sisters, half brothers or sisters, adopted brothers or sisters, stepbrothers or sisters, foster brothers or sisters and
- the child of a parent's partner where that child lives for at least part of the week in the same family unit at the same address as the applicant.

In all these cases, the child and their sibling will both be living at the same address in a single family unit. This means that children from different family units, where those are living together at the same address, are not considered siblings under this criterion.

9. A 'parent' means all natural parents, any person who is not a parent but has parental responsibility for a child, and any person who has care of a child.

[1] This is for admission to the school at the start of the school year in September and not for applications made in-year

[2] This is for admission to the school at the start of the school year in September and not for applications made in-year.



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Annex 4 – Early Years and Foundation Stage data

Capacity for before/after school and holiday clubs (section (b) of main text on EYFS)

	Before school		After school		Holiday care	
	Providers	Places	Providers	Places	Providers	Places
Local wards*	3	198	3	198	2	114
Within 3 miles (in Peterborough)	17	877	14	697	7	420
Within 3 miles (in Cambridgeshire)	1	70	1	70	1	70

* Hargate, Hempstead, Hampton Vale

Housing trajectory showing rise in demand for places in Early Years and Foundation settings (section (c) of main text on EYFS)

Housing trajectory for Hampton East (based on Peterborough Five Year Land Supply, 2018)					
Year	Age				
	0	1	2	3	4
2018	7	5	5	4	3
2019	20	19	17	13	10
2020	36	33	32	27	20
2021	54	51	48	43	35
2022	72	68	65	58	51
2023	89	86	82	75	66
2024	90	97	94	88	79
2025	93	92	99	96	89
2026	93	93	92	99	96
2027	85	93	93	92	99

Average occupancy rates of EYFS provision within the Hargate, Hempsted and Hampton Vale wards (section (d) of main text on EYFS)

	Autumn 2018	Spring 2019	Summer 2019
Settings within 3 miles	65.6%	73.0%	80.7%
City average	57.5%	66.0%	73.8%
Combined local wards (Hargate & Hempsted and Hampton Vale)	63.8%	69.7%	83.4%



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The quality grading of provision within the 3 mile radius¹ (see section (d) of main text on EYFS)

Peterborough:

	Outstanding	Good	Requires Improvement	Inadequate	“Good or above”
Childminder	8	34	1	0	42
PVI*	7	19	1	0	26
Total (number)	15	53	2	0	68

*PVI denotes private, voluntary and independent pre-schools and day nurseries.

Cambridgeshire:

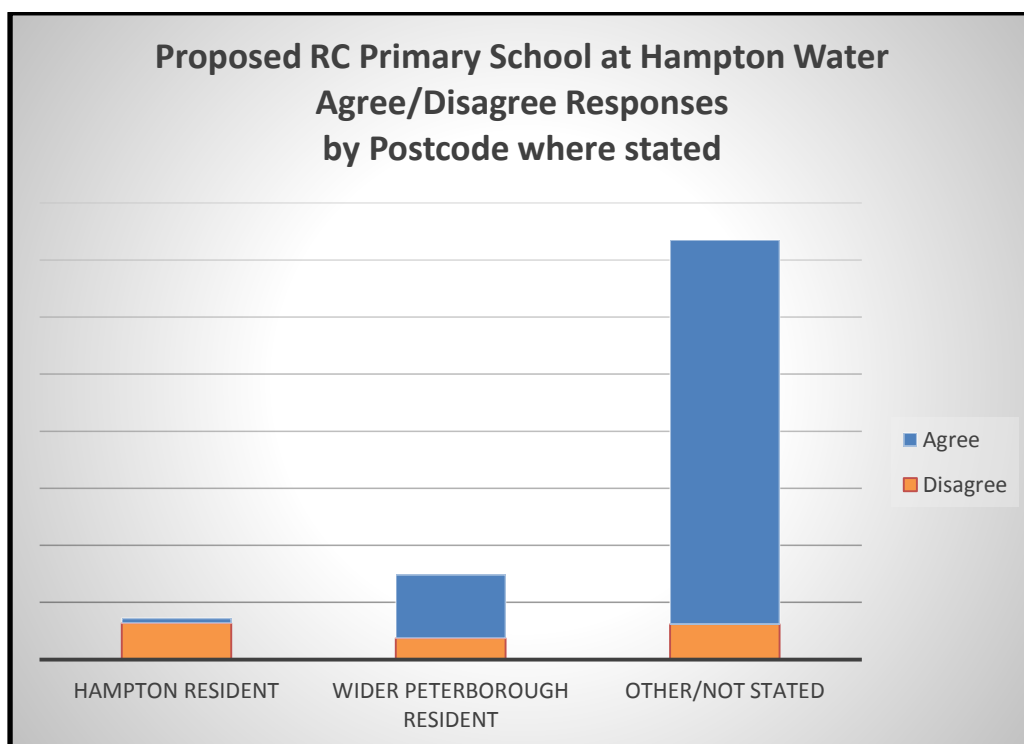
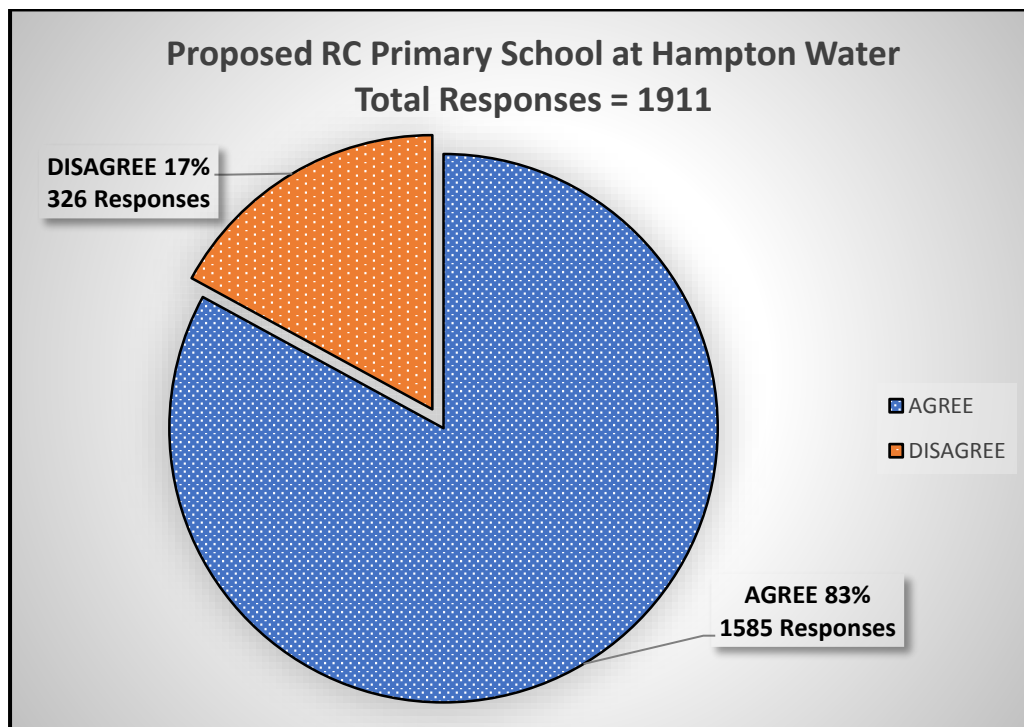
	Outstanding	Good	Requires Improvement	Inadequate	“Good or above”
Childminder	1	3	0	0	4
PVI*	1	6	0	0	7
Total (number)	2	9	0	0	11

¹excludes newly registered providers who have not yet received an inspection, childminders who have been inspected but had no children on roll at the time, so no grading was given and providers operating under the school’s registration

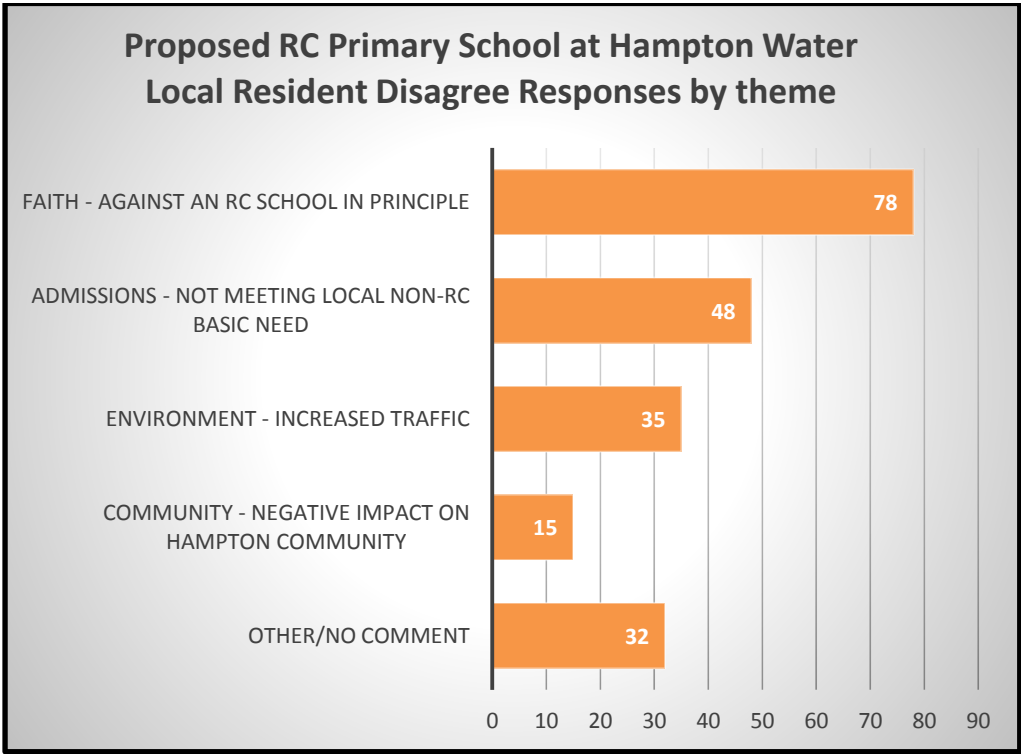
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End of prescribed information

Appendix 2 Summary of Statutory Representation Responses



	Hampton Resident	Wider Peterborough Resident	Other/ Not Stated	Total	Percent
Agree	17	222	1346	1585	83%
Disagree	127	75	124	326	17%
	144	297	1470	1911	100%



Total 134 'Local' resident responses. Some respondents chose more than one theme resulting in 208 recorded theme responses identified.

Review of demography: Establishing a VA Roman Catholic school at Hampton Water

18th December 2019

Background

This demographic note has been created to support Peterborough City Council to reach a policy view on the establishment of a new VA Catholic School at Hampton Water, an area of new development in the south of the City. Of particular importance was the need to review the impact of the proposed new school's over-admissions policy (prioritising 80% of the Published Admission Number PAN for faith based admission and 20% for local demand if there are more applicants than places available) given the significant demand for primary places in the Hampton area.

Reference will be made to various local data sources as well as the submission by Roman Catholic Diocese of East Anglia (RCDEA) to the Department for Education.

Current demand and capacity at local schools

Table One: Reception: Actual and Forecast Local School Intakes: Summer 2019 School Capacity (SCAP) Return.

Local Schools	Actual Intake			SCAP Forecast (Summer 2019)				
	16/17	17/18	18/19	19/20	20/21	21/22	22/23	23/24
Hampton College (Primary)	59	59	59	60	66	66	64	65
Hampton Hargate	90	90	90	90	90	90	90	90
Hampton Vale*	91	89	89	66	81	79	75	78
Hampton Lakes	n/a	n/a	n/a	13	32	52	78	104
Hampton Water	n/a	n/a	n/a	n/a	n/a	n/a	Open	Open
Total	240	238	238	229	269	287	307	337

**This data is taken from the 2018/19 SCAP return which takes parental preference trends into consideration. Hampton Vale received an Inadequate OFSTED rating in March 2018. The school is now an academy under the 4Cs trust, it is likely as the school improves outcomes educationally this preference will reverse and this school will fill.*

Table Two: Forecast Intake compared to Planned Capacity

	Actual Intake			SCAP Forecast (Summer 2019)				
	16/17	17/18	18/19	19/20	20/21	21/22	22/23	23/24
Capacity	240	240	240	270 ¹	300 ²	300	306 ³	312 ⁴
Forecast Intake	240	238	238	229	269	287	307	337
Difference	0	-2	-2	41	31	13	-1	-25

Table One above reflects the rapid pace of housing development and population growth in the Hampton area. All the schools local to the development are currently working close to, at or over capacity and are forecast to do so up to and beyond September 2022. It should be stressed that the

¹ Hampton Lakes opens with 30 places.

² Hampton Lakes expands to 60 places.

³ Hampton Water opens with 6 non faith places

⁴ Hampton Water expands to 12 non faith places

level of growth in child numbers on the Hampton development has been exceptional, running ahead of past Peterborough forecasts. The Council is currently carrying out a new developments survey to better understand future demand for school places and this work has the potential to change future SCAP forecasting for Peterborough.

Table two compares the planned capacity of the schools with the current SCAP Forecast total. This shows that given the proposed restrictive admissions criteria for the Hampton Water School there will be the 306 places for 307 children in 22/23 and 312 places for 337 children, a possible deficit of 25 places. This makes it vitally important to assess the extent to which Catholic place will be taken up, and any additional capacity available if they aren't.

Current demand and capacity of Catholic places

Table Three: School Admissions Data: Numbers of Children Applying for Admission to Peterborough's existing Roman Catholic Primaries under the Roman Catholic Faith Criteria (first preference).

		St Thomas More	Sacred Heart	Total	Surplus places
	PAN	60	30	90	
2017	Catholic Applications	25	30	55	35
2018	Catholic Applications	17	23	40	50
2019	Catholic Applications	23	27	50	40
2017	Catholic Applications	42%	100%	61%	n/a
2018	Catholic Applications	28%	77%	44%	n/a
2019	Catholic Applications	38%	90%	56%	n/a

There are currently 90 places available for Catholic families if they wish to take up a distinctly Catholic education in Peterborough. Recent admissions data shows that there are approximately 40 places a year which could be used by Catholic children but are not. This is suggestive of more places being available to serve the local community than the 80% Roman Catholic over-admission criteria for Hampton Water would suggest.

Both existing Roman Catholic schools fill to PAN each year and are forecast to continue to do so suggesting wider popularity amongst parents. Neither school has a catchment area as such but both are very close to other primary schools that do. According to the January 2019 pupil data Sacred Heart draws 31% of its role from Middleton Primary Catchment and St Thomas More draws 58% of its role from Lime Academy catchment. **This suggests a possible 'local' admission range for the Hampton Water School along similar lines (based on 60 places) of between 19 and 35; with the expected deficit of 25 children needing places falling within this range.**

Comparison with another faith school on a local new development

St Michael's Church of England VA Primary School serves the new growing urban extension of Cardea, Stanground. Its over-subscription criteria includes reference to faith based criteria e.g. criterion 3: Children living in the catchment area who normally attend a Churches Together in Britain and Ireland. The school is currently full in all year groups. For the 2019/20 admissions round it had no applications under the faith based criteria. This is at least suggestive that there is not an increased demand for a faith based education on new developments compared to elsewhere.

Conclusions

There will in all likelihood be more places available to serve the local community in the Hamptons than the proposed over-admissions criteria for the new school would suggest. The exact level of availability is hard to predict reliably but what evidence we have points towards the additional capacity providing the area with a 'tight fit' with forecast demand in 23/24.

Given the inherent level of uncertainty that pupil forecasting involves, this situation carries with it a medium level of risk for the local authority for a period of time until the Hampton development matures and the demand for school places starts to return to the City average. Whilst admissions performance (i.e. meeting parental preferences) for Peterborough is currently in line with the national average⁵ this situation has the potential to worsen rather than improve this metric, in addition any costs e.g. transport related, created by children not being able to access a local school place will also have to be carried by the authority.

⁵ For the 2018/19 admissions round 2870 applications were received and 2595 children were allocated their first preference. This equates to a 90.42% of children receiving their first preferences. This is slightly below the National Average of 90.6%, although it should be noted that national averages are skewed by poor performance of London Authorities.

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Equality Impact Assessment:

Full assessment

Name/title of the policy area/strand or programme with which this assessment is concerned

Proposed establishment by the Roman Catholic Diocese of East Anglia (RCDEA) of a voluntary aided (VA) Roman Catholic (RC) primary school at Hampton Water part of the Hamptons East development in Peterborough

Description/summary of the policy area/strand or programme

Under the Education and Inspections Act 2006, the Council has a statutory duty to provide a school place for every child living in its area of responsibility who is of school age and whose parents want their child educated in the state funded sector.

The granting of planning permission for the Hamptons East development included recognition that two new primary schools would be required to provide school places for the residents of that development. One at Hampton Lakes which opened in September 2019 run by the Hampton Academies Trust. The second at Hampton Water.

The Department for Education (DfE) announced on 14 June 2019, that it had approved in principle, 90% of the capital funding required to establish a new 3 form entry (FE)/630 place VA RC primary school at Hampton Water, to be sponsored by the RCDEA, subject to the approval of Peterborough City Council as the decision maker.

<https://www.gov.uk/government/publications/voluntary-aided-schools-capital-scheme-applicant-information/voluntary-aided-schools-bids-approved-in-principle-and-bids-placed-on-hold>

All of the following can be found at this link:

<https://www.rcdea.org.uk/vaschools-2/>

- The RCDEA's original proposal (September 2019) to establish the new RC primary school
- the outcome of the local consultation on that initial proposal; and the
- subsequent formal proposal (November 2019) to the Council formally seeking approval to open the proposed new school in September 2022

The evidence base

Pg 25 of the Peterborough Education Organisation Plan (at the link below) explains the rationale for the 5th and final primary school required to serve the wider Hamptons development namely at Hampton Water to open in September 2022.

<https://www.peterborough.gov.uk/residents/schools-and-education/school-organisation-plan>

What the evidence shows – keys facts

The primary school at Hampton Water will need to provide 630 places serving the 4- to 11 year old age range when it is fully operational. It will need to open in September 2022 as by then Hampton Lakes Primary School will be operating at or near to capacity in Reception, Yr 1 and Yr 2. There will also be a need for early years provision for 2 to 4 year olds living in Hampton East as existing provision locally will not have capacity to meet the needs of young families moving into the development. The proposed new primary school will open with a 30 full time equivalent place nursery for 2 to 4 years olds and envisages providing 'wrap around' before and after school care as well which will also operate during the school holidays.

In its application to the DfE to access funding to build the proposed school, the RCDEA had to evidence that:

- *there is basic need for a high proportion of the school places that the new school will provide, to prevent creating an oversupply of places in the area;*
- *there is parental demand for the type of school proposed, and it will bring added diversity and choice to the area;*
- *the school once open will be welcoming and address the needs of pupils from all faiths and none, and from different backgrounds and communities in a way that meets our integration and community cohesion objectives and is in line with the requirements of the Equality Act 2010;*
- *it has the appropriate education, finance and governance capacity and capability to set up and run a successful and viable school;*
- *the proposed site represents good value for money*

When it carried out its initial local consultation on its proposal over a 6 week period in September/October 2019, the RCDEA received a total of 1146 responses, with 82% of respondents strongly in favour and 8% strongly against, the proposal. In addition, a petition with almost 300 signatures was received in support of the proposal.

During the course of the 4 week representation period following the RCEA's publication of a statutory notice setting out its formal proposal to establish a new VA primary school, the Council received 1904 responses with 84% in support of the proposal and 16% against.

The response to both the initial local consultation and the subsequent

statutory representation period confirmed that there is very strong support for a Roman Catholic primary school to be opened at Hampton Water.

As a voluntary aided school the admissions authority for the proposed school will be the school's governing body. The governing body decides the school's admission arrangements subject to the statutory Schools Admissions Code. In addition, specific exemptions from Section 85 of the Equality Act 2010 enable voluntary faith schools to use 100% faith criteria in prioritising pupils for admission to those schools.

The RCDEA has already published its intention to allocate 20% of places (Open places) to children without reference to faith in the event of there being more applicants than places available in the first year that the school is opened.

Challenges and opportunities

There are currently 4 primary schools across the wider Hamptons (Hamptons West, and Hamptons East) development. This school would be the 5th and final primary school required to meet the demand for primary school places across the Hamptons.

None of the existing 4 primary schools is a faith school. If RC families living on the Hamptons wish their child(ren) to attend an RC primary school they currently have to travel 4.7 and 6.3 miles respectively to The Sacred Heart RC VA and St Thomas More RC VA primary schools in central Peterborough. Whereas families living in the various neighbourhoods of the Hamptons who do not wish their children to attend a school with a religious ethos, can express a preference for the other 4 local primary schools. All families live within one mile of other primary schools on the Hamptons development whose over-admissions criteria do not differentiate by way of faith. The statutory walking distance is 2 miles for those aged under 8 years and 3 miles for those aged over 8 years.

Summary of Equality Impact Assessment

An adverse impact is unlikely. On the contrary there is potential to reduce barriers and inequalities that currently exist. There is insufficient evidence, however, for this assessment to be made with as much confidence as is desirable.

Analysis of:

- demographic forecasts and
- current demand for and capacity of places in the two existing RC primary schools in Peterborough and
- comparison with another VA faith primary school on a recent

development in Peterborough indicates that there will, in all likelihood, be more places available to serve the local community in the Hamptons than the proposed over-admissions criteria for the new school would suggest. The exact level of availability is hard to predict, given the levels of error inherent around forecasts, but the evidence available points towards a 'tight fit' with forecast demand following the opening on the school in 2022 and on into 2023.


Overall this carries with it a medium level of risk with regard to the future availability of places at the school for local children without faith.

Next steps

All admission authorities must determine (i.e. formally agree) admission arrangements every year, even if they have not changed from previous years and a consultation has not been required. Once admission authorities have determined their admission arrangements, they must notify the appropriate bodies and must publish a copy of the determined arrangements on their website displaying them for the whole offer year (the school year in which offers for places are made). Admission authorities must send a copy of their full, determined arrangements to the local authority.

The Diocese have confirmed that the admission arrangements for this school, including the provision of 'Open places' will be reviewed annually by the school governing body which is the Admission authority for the school. Where any change to the admission arrangements is proposed, the governing body will consult in accordance with statutory requirements.

In addition annually in the autumn term, the Council publishes how primary school places were allocated at each school in the previous April for entry into Reception in that September.

Policy review date	Summer term 2022
Assessment completed by	Clare Buckingham: Strategic Education Place Planning Manager (Cambridgeshire and Peterborough)
Date Full EqIA completed	6 January 2020
Signed by Head of Service	Hazel Belchamber Assistant Director: Education (Cambridgeshire and Peterborough) 

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STATEMENT BY KATE PEREIRA HEADTEACHER OF ST JOHN FISHER RC VA HIGH SCHOOL**Introduction**

I have been the Headteacher of St John Fisher since April 2019 and worked here previously as an assistant Headteacher for eight years. I have worked in eight very different Catholic secondary schools across the country over my 26 years of teaching and held senior positions in three of them, two as a Head. Each Catholic school I have taught in has had a very different context but the threads that run through each are the same and will ring true to any Head of any Catholic school. Catholic schools are open, inclusive and happy places to work in, with the students at the centre of everything we do. Anybody is welcome to apply to a Catholic school and every school I have worked in has had a mixture of faiths, those of no faith, different cultures and backgrounds.

Context

St John Fisher Catholic High School draws students from a wide variety of backgrounds and cultures. The composition of the student body is complex with students joining the school from more than 20 different primary schools and from outside the United Kingdom. Attainment on entry is consistently significantly below national levels. The percentage of each cohort with 'high' attainment tends to be significantly below national and those with 'low' attainment significantly above national. The percentage having 'middle' attainment also tends to be slightly below national. The very high turnover of students is noticeable with typically only about three-quarters of each GCSE cohort having completed a full five years at the school. The basic characteristics of the school indicate that it is in the extreme quintile for EAL, ethnic groups, stability and deprivation, as has been the case for several consecutive years. The school has a high number of vulnerable children who are either on the child protection register or are children in need. Low and falling attainment on entry and low stability continue to be significant barriers to achievement. Just under half the students at St John Fisher are Catholic and the second largest denomination is Muslim. Racial and ethnic harmony is a high priority for the school and good community relations are evident.

Values

Our values, which are based on the Gospel, are at the heart of the school. Mutual respect and tolerance, recognising each student as the unique creation of God, informs all that we do from the organisation of the day to the pastoral care provided for students. Each day begins with reflection and prayer and students contribute willingly to tutor time, assemblies and liturgies, regardless of belief. There is a strong house structure and successful fund raising for charities and good causes, most of which is student-led.

Our values also underpin how people are treated in the school. These are reinforced via assemblies and throughout the year, particularly focussing on equality for all. Bullying is quickly addressed, and students are taught to understand the possible consequences of negative actions towards others through PSHE and assemblies. House and School Councils, anti-bullying ambassadors, mentors, reading buddies, learning leaders, and so on, all contribute to an overall feeling of concern and support.

How we work

One of the aims of St John Fisher as with all Catholic schools is to educate and support the most disadvantaged in society. This huge part of our mission is something we take very seriously. Progress levels for disadvantaged students are positive. We support all of our students to 'live life to the full', particularly those with barriers to learning such as those who are financially disadvantaged, who have emotional and behavioural difficulties, have an additional learning need or have English as an additional language. The majority of our work is focussed on this because these types of students form the majority of our intake. Parents choose St John Fisher because they know we will nurture and care for their children regardless of their background, ability, aptitude, religion or barriers to learning. As with all Catholic schools we remain focussed on this because it is at the heart of the purpose of Catholic schools. Reasons for admissions appeals cited by prospective parents have been its caring nature and its community feel as well as its strong reputation in the local community, which ranges from people of no faith, Christians of many denominations, including Catholics and many Muslim families and families of other world faiths.

St John Fisher works very closely with the local community. Catholic schools are outward looking, not insular. We are linked with local sport community groups and run the only Girl Guides group in Peterborough, which stemmed from a need to engage a particularly vulnerable group of girls. The school is a key part of the community and community spirit is increased through House charity days that raise many thousands of pounds. Students engage in activities such as collecting and delivering food for the homeless. They have also represented the school for the recent Holocaust memorial event and performed in the city centre. In the Autumn term, the students take part in a school election voting for school head boy and head girl. The candidates give speeches in assembly and all students are given the opportunity to vote for who they would like to see in post. The Head Boy and Head Girl lead school council with representatives from each House. This year we have a student who is running for Peterborough Youth Parliament. Our Core Values represent our Catholic ethos and the regard we have for each individual. The need for high quality care, pastorally and spiritually, is supported by national initiatives such as the PREVENT strategy for which all staff have been trained. We are part of the Teaching School Alliance with other Peterborough schools and help to train and support trainee teachers with Teach East. We have many visitors to our school including other professionals who want to look at an aspect of our work and take it back to their own schools. We work across Peterborough with teachers of the deaf as we have a Hearing Hub here at school and our SENCO leads the SENCO Peer review programme as well as setting up networks to support SENCOs across the city. Community relations are very good.

Inclusion

All students study RE where they can and do question and explore religion as would be expected in any Catholic school. Students are able to enter into full philosophical and ethical debates regarding questions of belief and atheism, including different approaches to atheism such as Humanism. World religions are studied with an in depth study of Islam undertaken at Key Stage Three and Judaism at Key Stage Four. Students explore moral issues such as prejudice and discrimination, abortion and euthanasia fully with all points of view covered. Students study RE in an academic manner because fully qualified specialist RE teachers with degrees in Theology & Religious Studies teach it. There is no 'indoctrination' which is an outdated, stereotypical and narrow approach with no place in modern

society (a common misconception with negative connotations about RE in Catholic schools which is simply not true).

Respect for everybody regardless of background, aptitude, religion, beliefs, sexual orientation, colour, and culture are at the centre of how we work here at St John Fisher. We uphold the Equalities Act of 2010 and ensure we provide all those with protected characteristics with full support and an ambitious curriculum. All students study a full programme of PSHE including mental health and Sex and Relationship Education (SRE). We provide students with a full, engaging curriculum, which includes same sex relationships and issues relating to being LGBT. As a voluntary aided maintained school, we are accountable to the Local Authority and Ofsted as well as to our Diocese and must uphold education law as we do. Our PSHE programme includes keeping safe and staying healthy, and these factors are reinforced in assemblies and on Focus Days. Students know how to use the reporting process if they do not feel safe. Six members of staff are designated Child Protection Officers and all staff receive child protection training biannually with an annual update.

Provision of Spiritual, Moral, Social and Cultural (SMSC) development includes respect for the site and others; SMSC runs across the curriculum and students are encouraged to develop their cultural capital through lessons, trips and focus day activities. Positive reports received from visitors about the orderly nature of the school, students' behaviour, and their respect for others; student-led mentoring process; core RE for Sixth Form students ensures that these aspects are sustained for as long as students are with us.

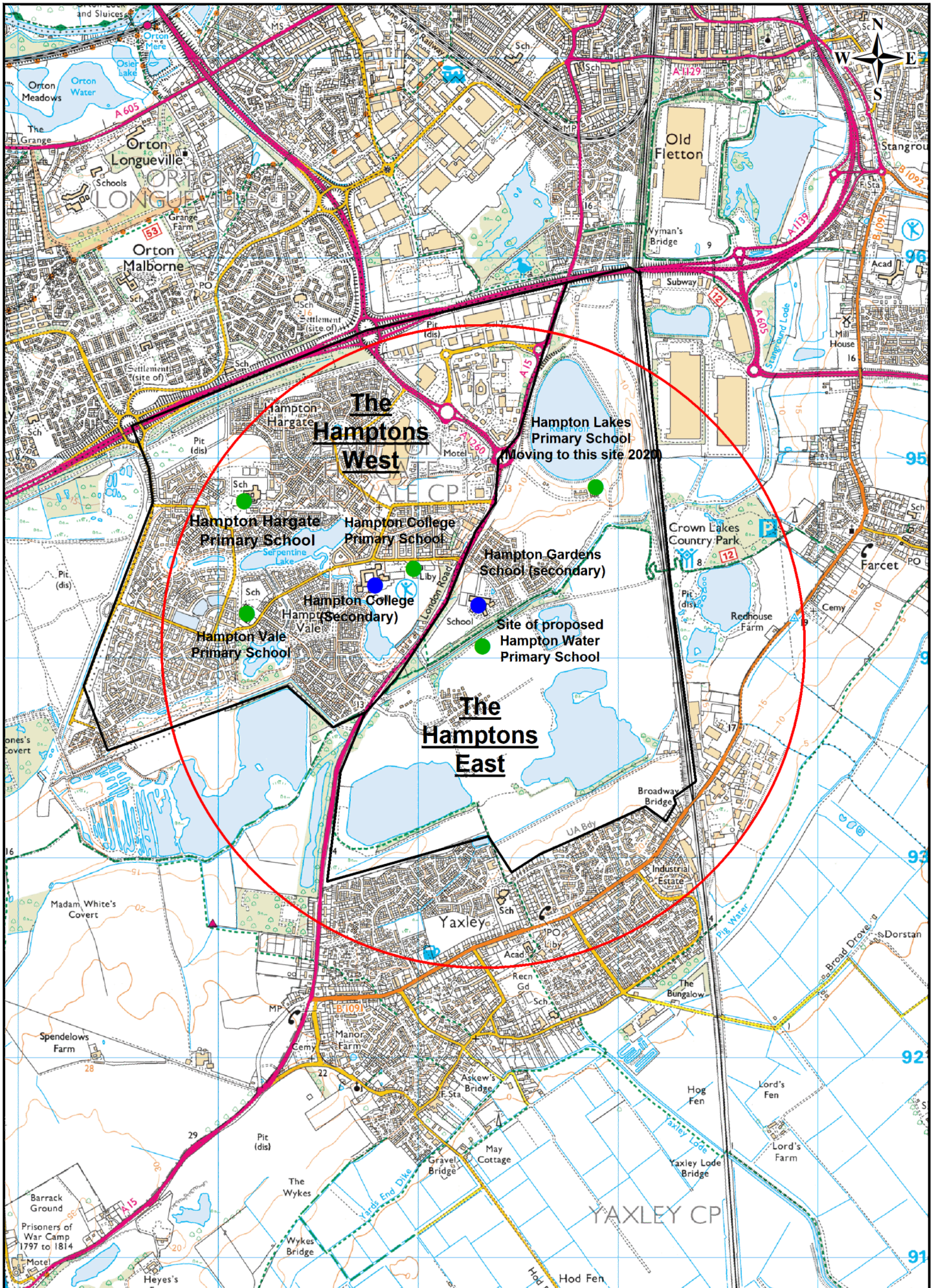
Openness to all faiths and those who do not have a faith

We welcome children of faith whatever that faith may be and of no faith. We do not 'discriminate' against anybody, as this would be against our ethos, or 'select' those who apply, as 'selection' is not in keeping with our school ethos or allowed by law for a fully comprehensive, maintained school like ours. Anybody can apply to St John Fisher. All types of families are welcome, including those who are in a same sex relationship. The school is very popular because of its reputation, not only for outcomes but also for being a caring, friendly community and so, as with many schools, there are often more applications than places available. If this does happen, we have to apply our oversubscription criteria, as all schools do at this point. We have waiting lists which include Catholics.

We are a successful school which we put down to the talents of our staff and students and the way the school community works together in a cohesive, positive manner making sure that no child is left behind and no time is wasted. Students and staff are happy – we make sure of that - and happy children learn, unhappy children do not. We are always happy for people to visit our school and see in practice how a Catholic school operates.

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Hampton Schools, 1 mile radius



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