

**MINUTES OF THE CHILDREN AND EDUCATION SCRUTINY COMMITTEE MEETING
HELD AT 7PM WEDNESDAY 12 FEBRUARY 2020
COUNCIL CHAMBER, TOWN HALL, PETERBOROUGH**

Committee Members Present: Councillors J Goodwin (Chairman), D Over (Vice Chairman), G Casey, N Day, T Haynes, S Lane, L Robinson, B Rush, H Skibsted, A Ellis and A Coles
Education Co-opted Members – Peter Cantley, Flavio Vettese, Clare Watchorn
Non-Statutory Co-optee – Alistair Kingsley

Also Present: Councillor Sandford, Group Leader Liberal Democrat Party
Councillor Ayres, Cabinet Member for Children’s Services, Education, Skills and the University
Megan Manson, Campaign Officers, National Secular Society
Martin MacBean, Peterborough Humanists
Tracy Butler, Lead Petitioner
Paul Barber, Director of Catholic Education Service
Kate Pereira, Headteacher of St John Fisher Catholic High School
Nick Ager, Parent Governor of St John Fisher Catholic High School

Officers Present: Jonathan Lewis, Director of Education
Clare Buckingham, Strategic Education Place Planning Manager
CC & PCC
Fiona McMillan, Director Law and Governance
Wendi-Ogle Welbourn, Director People and Communities
Paulina Ford, Senior Democratic Services Officer
Jane Webb, Senior Democratic Services Officer

43. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors L Coles and A Dowson and from Parish Councillor co-opted Members Susie Lucas and Junaid Bhatti. The following Councillors were in attendance as substitutes: Councillor A Coles for Councillor L Coles, Councillor Ellis for Councillor Dowson.

44. DECLARATIONS OF INTEREST AND WHIPPING DECLARATIONS

Alastair Kingsley declared an interest by way of being a Chair of Hampton Academy trust.

Flavia Vettese declared a disclosable pecuniary interest in that he was Deputy Director of Schools for the Roman Catholic Diocese .but obtained a dispensation from the Monitoring Office to read out a statement, however he would not be allowed to vote on the issue and would leave the after statement.

“Our proposed new school in Hampton was the only bid nationally that the Department for Education approved in its new bidding round for voluntary aided schools back in 2018. We made this bid after detailed discussions with Local Authorities about where their priorities and indeed where our priorities were for more school places. We have continued to work co-operatively, fairly and openly with Peterborough City Council and senior officers to provide all the information needed to make an informed decision about the proposal. We have and always

will work in this way with our local authority colleagues; there has however been considerable tension raised around the proposal. Much of this has been driven by social media, some newspapers and a secularist agenda. The result has often been myths and untruths which has led to much anti-Catholic sentiment but how much of this is based on actual fact and knowledge about catholic schools? Catholics schools have always been a legitimate part of the educational landscape and they provide another choice for parents, some of whom will have a faith but many of whom will not. Catholic schools, like all schools are part of their local community and serve that community in the truest sense. The proposed school will deliver a high-quality education in an inclusive environment, an environment which welcomes all children regardless of faith, or no faith, a choice of school which embraces all cultures and backgrounds and one that is welcoming to all. Tonight's decision is not about politics, it's about process."

Flavia Vettese left the meeting 7:07pm

The Chairman read out the procedure for the meeting.

45. REQUEST FOR CALL IN OF AN EXECUTIVE DECISION: PROPOSAL TO OPEN A VOLUNTARY AIDED ROMAN CATHOLIC PRIMARY SCHOOL – JAN20/CMDN/78

The purpose of the meeting was to consider the call-In request that had been made in relation to the decision made by the Cabinet Member for Children's Services, Education, Skills and the University on 27 January 2020 relating to proposal to open a voluntary aided Roman Catholic Primary School.

The request to call-In the decision was made on 28 January 2020 by Councillor Haynes, Councillor Day and Councillor Sandford. The decision for call-In was based 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.

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

- 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 considered that the decision was 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.

The Chairman invited Councillors Haynes, Day and Sandford to address the committee in support of the request to call-in the decision.

Councillor Haynes made the following points:

- Councillor Haynes felt that the consultation's vital criteria had not been met.
- The consultation did not prove that there was an unmet local demand from parents for this type of school in Hampton Water.
- The decision seemed to favour an ill-defined catholic population who may wish to send their children to the proposed school over the demand of Hampton Water residents wanting an open and inclusive education for their children.
- Queries had been raised regarding the data gathered during the statutory representation period which showed no local support let alone demand.
- Parents of faith may choose to send their children to a more local school that is not a faith school.
- Councillor Haynes felt that the Council had used the process to rush through and complete a new school as it was the most cost-efficient solution for the Council but an inefficient use of taxpayer's money which gambled with the number of school places in an area of rapid growth.
- Why a risk should be taken when it is not known how many Catholic parents in Hampton will demand a catholic primary school place?
- Some parents had concerns about the type of education provided at a faith school but as they lacked an unidentified identity they were not considered. Can the local authority give a 100% guarantee that no parent would ever have their child allocated to this school against their wishes?
- This proposal created an illusion of choice as the education system cannot hope to accommodate everyone's preferences and prioritise one group over another on the basis of their parents faith; which did not respect the 2010 Equalities Act which should be respected even if the DofE approved it and deemed appropriate to allow schools to act in complete disregard of it.
- Faith schools may be an accepted part of the landscape, but how can unity be encouraged when we allow differentiation amongst the youngest and most impressionable. There was no proof that there was any parental demand for this type of school.

Members of the Public who had registered to speak in support of the call-in were then invited to address the Committee.

Megan Manson, Campaigns Officer, National Secular Society, addressed the Committee and made the following points:

- The National Secular Society campaigned for the separation of religion, state and equal respect for everyone's human rights, so no-one was either advantaged or disadvantaged because of their beliefs.
- The organisation had been around for over 150 years and the staff, counsel and membership were made up of people of many religious beliefs and none.
- Peterborough had become increasingly diverse and when fostering understanding, cohesion between different communities was more important than ever.
- Did the committee really want a school that sends the message: –
 - Catholic families are favoured above all others!
 - Would turn away a non-Catholic looked-after child living close by in favour of baptised Catholic child living outside Hampton Water?
 - Would want to abandon the principles of inclusion, equality and fairness to further the agenda of the Catholic Church?
- The negative impact of faith schools on families and communities were:
 - Seen in the reports from the local ombudsman, from councils all over England.
 - From parents desperately appealing to the Ombudsman because their child had been denied a place at a local faith school for not being quite religious enough.
 - From non-Catholic parents who had sent their child to the nearby catholic school because it was the only practical option and were shocked when they discovered

the extent to which religion was an inescapable part of school life and how difficult and alienating it could be to withdraw their child from religious activities.

- The Relationship and Sex Education Policies of Catholic Schools show examples that love between two people of the same sex was “unacceptable, disordered and against the natural order”.
- Hampton Water needs a school that can meet its changing needs, its ever diversifying make-up and its closely knit community.
- A non-religious community ethos school would do that, and Hampton Academy Trust could deliver this.
- Megan asked the Council not to put expediency before its duty to ensure that all families, whatever their religion or belief, whatever their walk of life, were equally welcomed at their local state school.
- Megan asked that the Committee not approve the Catholic School.

Martin McBean, Peterborough Humanists, addressed the Committee and made the following points:

- This proposal would mean restricted access to the primary school on the development; if the school was over-subscribed, local children would be discriminated against unless their parents identified as Catholic.
- This did not offer choice as the Council claimed but offered privilege to a small minority.
- Religious selection segregates children not only by religion but also by ethnic and socioeconomic factors.
- Faith schools were both discriminatory and socially divisive.
- Research by the Fair Admissions Campaign shows that Roman Catholic Secondary Schools admit proportionally 28% fewer pupils eligible for free school meals in their area compared by 5% of schools with no religious character.
- Catholic schools take on average 4.4% fewer Asian pupils than the local demographic.
- More than half of the UK adult population have no religious affiliation with only 7% identifying as Catholic.
- Hampton Waters was still being built; the ultimate demographic of the area was still unknown. The best solution for more school places would be to ensure they were open to the maximum number of pupils.
- If this school was approved, most local parents would be offered a reduced level of choice, existing primary schools in Hampton and Yaxley were already operating at or near capacity, so it was likely that non-Catholic pupils would have to travel even further to school.
- Just 8% of adults consider religion to be an important factor when selecting their children's schools.
- Many parents would be actively deterred by the faith-based ethos.
- There were currently 40 places in Peterborough which could be taken up by Catholic children but were not; the demand did not exist.
- The Council had admitted that it had not been possible to determine whether, and by what degree, if there had been any duplication in responses received to the proposal therefore the figures shown for parental demand were fundamentally flawed and unreliable.
- The school would be able to teach religion from a Catholic perspective, conduct exclusively Catholic worship, resulting in children not receiving an active religious education or given the opportunity to make free choice on their beliefs.
- The Catholic Education Service has openly said that the introduction of non-religious world views into RE amounts to dumbing down, this was not education that is indoctrination.
- Hampton Waters needs a primary school that is open to all, promotes community cohesion and provides the children with a balanced and objective education.
- He urged the Committee to reconsider this decision.

Tracy Butler, Lead Petitioner, addressed the Committee and made the following points:

- Tracy Butler represented the residents of Hampton Water, especially those directly affected by the proposed school and presented a petition 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.”*
- Residents believe the discriminatory nature of admissions and exclusive ethos meant it would not provide suitable places for many residents, as this school would be 90% public funded it should be accessible to all children. The remaining 10% was made up of Section 106 Agreement which should be used to create and bring communities together.
- Residents felt that this has been an unfair process, as they had not had access to all the information and would have liked to have had their own public meeting regarding this; where residents could have been heard and have had their say.
- The diocese's response forms were simply agree or disagree and not clear where they were from. Out of 144 residents only 17 agreed; the residents own petition had to include full postal addresses before it was agreed.
- There is no evidence for strong support for a Roman Catholic school in Hampton Water; Catholic baptism was not evidence that Catholic parents wanted a Catholic school. Some Catholic residents had even opposed this in favour of an inclusive school.
- Residents were not given enough notice regarding the Council's consultation; this was not posted on any local social media sites until 5th December and closed on 19th December.
- The diocese had opportunity to inform the residents by writing to them, using local magazines or social media.
- Many residents who have moved onto Hampton Water were unaware of the areas and sites to share information, e.g. local newspapers, libraries etc.
- There were still thousands of homes to be built, with many people unaware of this taking place, the other school that had been built on Hampton Lakes was a half hour walk, alongside the busy A15.
- There was every chance that this school would be over-subscribed and then the over-subscription policy would come into play. Will the council fund children to travel across town to other schools?
- A school that admits children on religious grounds was offensive to a community that has different religions.
- By opening this school, it would take away the open and diverse community that residents have worked hard to build on Hampton Water.

Councillors Haynes, Day and Sandford and Megan Manson, Martin McBean and Tracey Butler, all responded to comments and questions raised by Members of the Committee. A summary of responses included:

- The percentages of respondents stated came from an email conversation with the Director of Education.
- The inflammatory tone used within the call-in document fuelled people's concerns over certain issues, i.e. same sex couples. Where was the evidence that Catholics teach this as wrong and sinful? Councillor Day responded that the Catholic Education Centre is said to place Christ and the Church at the Centre of people's lives; faith schools also have an exemption from the Equalities Act 2010 regarding Curriculum and RE and many Catholic schools have this written into their Mission Statements.
- Tracey Butler stated that residents had had very little help from local Councillors and would have benefited from more help between the Roman Catholic Church and residents.
- Most countries do not select on faith.
- 249 people signed the petition, 150 of these were residents of Hampton Water.
- There were currently 3,000 residents in Hampton Water and this was due to increase to

- 10,000 by 2024.
- Concern was raised that the consultation was not carried out with due diligence. This was the first school in ten years and the consultation should have taken this into account; more should have been done.
- The data had been presented in different formats and had not been clear.
- The minimum requirement for the consultation had been carried out but this did not prove how many Roman Catholic parents in Hampton Water would send their child to the new school, therefore there was not enough data to make the decision
- The consultation was carried out by the provider, which was the Department for Education and not the Council; who was the decision maker.

46. RESPONSE TO CALL-IN OF EXECUTIVE DECISION - APPROVAL TO OPEN A VOLUNTARY AIDED ROMAN CATHOLIC PRIMARY SCHOOL – JAN20/CMDN/78

There being no further questions from the Committee, Councillor Ayres, Cabinet Member for Children’s Services, Education, Skills and the University accompanied by Jonathan Lewis, Service Director – Education and Clare Buckingham (Strategic Education Place Planning Manager CC & PCC) was invited to respond in answer to the call-In request.

In response to the request to call-in the decision, Councillor Ayres, Cabinet Member for Children’s Services, Education, Skills and University made the following points:

- There were several important facts that had been taken into consideration before agreeing the Executive Decision to open a Roman Catholic School.
- The Department for Education had already agreed to approve the funding for which they had to satisfy a multitude of criteria.
- The consultation was not carried out by the Council as the Council’s role was that of decision maker and could not act on the consultation as that would have been considered biased. The Council did reference the consultation on its website, issued a press release and brought it to the public’s attention to enable the public to engage with it and respond to it.
- Councillor Ayres added that she had also considered the petition that had been submitted in response to the proposal.
- The consultation was only one element that the Council considered in the decision-making process.
- A new primary school was required to open in Hampton Water by 2022 for the Council to meet its statutory place planning duty, which was already a tight time frame but still achievable.
- The current financial situation of the Council could not be ignored. The decision to approve the proposal was the most cost efficient of the options available; 90% funded by the DfE, with the balance already allowed for within the Council budget and enabled the Council to also fulfil its statutory duties.
- It was not a question of the school being run by the Hampton Academy Trust if the diocese proposal was not approved. Hampton Academy Trust Wave 13 application to the DfE to run this school under the Government’s central free school programme was unsuccessful. There was no reason to believe that the outcome of the Wave 14 application would be any different; the Council did not have the time to wait for the outcome of this in the summer of 2020.
- Despite the explanation given by the Diocese and the Council there was still misunderstanding over the proposed admissions policy; the 80/20 split would only come into play if there were more applicants than there were places available. The Diocese had undertaken at a previous meeting of this committee, that they will work with the Council to ensure that the Admissions Policy meets the needs of the local community. If extra classes were needed they would be provided. The school would be required to adhere to the Statutory School Admissions Code which required all Admissions Policies to be published annually and if changes were proposed and these must be consulted upon.

- Specific exemptions from Section 85 of the Equalities Act 2010 enable Voluntary Aided Faith schools to use faith criteria in prioritising pupils for admission to those schools when there were more applications than there were places available. This was legal and workable and had been considered in the decision making process.
- All elements that the decision maker must consider set out in the statutory guidance had been evidenced and considered.
 - Education & Inspections Act 2006 – providing school places and choice and diversity for parents
 - Public Sector Equality Duty – Section 149 Equality Act 2010 – impact of opening such a school on those of a different background. There were four other non-faith primary schools within a mile therefore there was genuine choice.
- Councillor Ayres reiterated that she commended to the committee the diocese's proposal to establish a Catholic school at Hampton Water

Jonathan Lewis, Service Director (Education), addressed the Committee and made the following points:

- The consultation was undertaken by Diocese and was not the Council's role in this proposal.
- The Council's role was to ensure the consultation had been undertaken considering the legislation and the Service Director for Education confirmed this had been the case.
- The e-petition only allowed Peterborough residents to respond.
- The decision making process was in line with a similar process that was taken with St Michael's School which had no concerns raised.
- There were several Church of England schools based on faith as well as a Catholic school in the city.
- The eventual size of the school would be 630 pupils, with 90 pupils at each intake and discussions would be ongoing with the school to support the local community.
- Two primary schools in Hampton were under-subscribed for reception in 2019.
- The 80/20 split only came into play when there was an oversubscription to the school.

Members of the Public who had registered to speak in support of the decision were then invited to address the Committee.

Paul Barber, Director of Catholic Education Service, addressed the Committee and made the following points:

- The Roman Catholic Church had been providing high quality state funded schools since the early 19th century with local authorities joining this partnership from 1870.
- The 10% of the nation's schools provided by the Church rank among the highest performing schools in the county. They were also more diverse, ethnically, culturally and linguistically than any other type of school. They took a far higher proportion of pupils from the poorest areas than the national average.
- Catholic schools were open and inclusive. Catholic schools were founded to serve a poor and largely immigrant minority community and successfully integrate them into the community and they have continued that success into subsequent immigrant communities today.
- The Secular Society wish to abolish all faith schools on ideology grounds and wish to force all parents to accept a secular education on the mistaken basis that this would be neutral.

Kate Pereira, Headteacher of St John Fisher Catholic High School, addressed the committee and made the following points:

- Having worked in 8 catholic schools over 26 years, not one bears any resemblance to the impression given of Catholic Schools; they were happy, open and inclusive places.

- St John Fisher is a school where pupils come from a wide variety of backgrounds where students always come first. The school was culturally rich and diverse. The value of mutual respect and tolerance was at the heart of the school and they were rooted in the idea that each student is a unique and special creation who is always valued and loved.
- The school's values underpin how people are treated at the school. All students were supported to live life to the full, particular those with barriers to learning, those who were disadvantaged, who had emotional and behavioural difficulties, those who were vulnerable, those who had additional learning needs and those who had English as an additional language of which there were 65% at the school.
- The school was outward looking and worked closely with the local community.
- Anyone was welcome to apply to St John Fisher as discrimination was against the Catholic ethos.
- All students studied a full programme of PSHE including mental health and sex and relationship education. The School provided a full and engaging curriculum which included same sex relationships and issues relating to being LGBT; there was no indoctrination. This was an outdated, stereo-typical and narrow minded approach with no place in modern society and a common misconception with negative connotations about RE and Catholic Schools which was not true.
- In RE students questioned and explored religion; which included all beliefs and religions, including humanism and atheism.
- St John Fisher was a successful school which was down to the talents of the staff and students and the community worked together in a cohesive and positive manner.

Nick Ager, Parent Governor of St John Fisher Catholic High School, addressed the committee and made the following points:

- Nick Ager explained that he was neither Catholic nor religious but his experience came from having three children at St John Fisher Catholic School.
- Comments such as "imposing the Catholic ethos" or "claiming indoctrination of children" bear no resemblance to the reality of the school.
- His children benefited greatly from the caring environment, where respect for others, regardless of their social backgrounds, their faith or their sexuality was nurtured. Their friends and classmates came from all styles of society and ethnic groups and from many different faiths and none.
- Many students from very difficult backgrounds were flourishing outside of the school thanks to the school and the support and teaching they received.
- As a governor it had been noticed that there was an increasing demand for catholic teaching in Peterborough which was why John Fisher's student role was currently at a record high.
- The two best performing secondary schools in Peterborough for Progress 8, which is a mark of what they do for their pupils regardless of their incoming ability are both faith schools.
- Peterborough's Catholic high school was diverse and inclusive; only 36% of students had English as a first language, there were 43 different first languages and was a minority Catholic school. There were only 45% of children who were Catholic and Muslim pupils made up 29%, there were 7 other different faiths represented as well as many students of no faith.
- Nick Ager strongly believed that Peterborough's Catholic education was very good for pupils, the city's community and for the wider society. It was highly inclusive, it encouraged tolerance of others, completely respects the faiths and beliefs of the students whatever those faiths and beliefs might be.
- Nick Ager hoped the consent would be granted to the application so that more young people in Peterborough could receive the same educational opportunities and nurturing needed to give them the best life chances regardless of their backgrounds.

Cabinet Member for Children's Services, Education, Skills and University, Paul Barber, Kate Pereira and Nick Ager responded to comments and questions raised by members of the Committee. A summary of responses included:

- By law the school must uphold all the Equalities Act legislation.
- Hampton was one catchment area.
- Peterborough was rated as 4th nationally for the highest churn of pupil movement; 100,000 applications were received over the summer; half of which were new to the city although a lot of students also left the city at the same time. Figures presented were based upon best estimate, having been worked on the worst case scenario. The Council respond to changes constantly and have built strong relationships with the schools to ensure these changes were always met.
- All data, including anything negative had been presented to the Cabinet Member and all was fully considered. The Council had no grounds to believe that due process was not followed with regard to the consultation.
- Very rarely was a child withdrawn from a RE class; the withdrawal rate was 0.02% and was dealt with on a case by case basis.
- Kate Pereira stated that in her experience she had never come across a child wanting to withdraw; St John Fisher Catholic High School have 20% Muslim pupils who all attended assemblies voluntarily.
- The Service Director for Education gave assurances that challenges would be made each year with regard to the admissions criteria and the Council and school would work together to manage school places.
- Every Catholic school had a faith-based over subscription criteria but still welcomed about a third from outside the Catholic community and this was to ensure that if the school was over-subscribed then the Catholic pupils could still access the school if they wished; but there were very few schools that could not take all the catholic pupils.
- Catholic schools took the largest proportionality of pupils from the poorest areas and less from the affluent; 93% came from 10% of the most deprived areas. St Thomas Moore in Peterborough took 62% of pupils from the most deprived area.
- The admissions code gave the option of looked after children being split or kept together therefore the Service Director for Education explained that these children needed support, and this would be discussed.
- Transport issues would only arise if there was no school within 2 miles of a child's home.
- The 80/20 split in the admissions criteria could not be changed.

There being no further questions of the Cabinet Member, officers and speakers supporting the decision and having heard all the evidence the Committee debated the request to call-in the decision and whether the Committee should:

- 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) consider if the decision was outside the Council's Budget and Policy Framework, and therefore 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.

It was proposed by Councillor Haynes and seconded by Councillor Day that option (a) be taken forward and the decision be referred back to the decision maker for reconsideration. The Committee voted against agreeing to option a) (2 in favour, 9 against and 1 abstention). The proposal fell.

Councillor Coles then proposed that based, on the facts provided and that the decision had been taken in accordance with the Council's decision-making process that the call-in should

not be upheld and the decision should be implemented. The proposal was seconded by Councillor Lane.

The Chairman asked the Committee to vote on the proposal put forward by Councillor Coles and seconded by Councillor Lane not to uphold the call-in.

The Committee voted in favour of NOT agreeing to the request to call-in the decision (9 in favour, 2 against, 1 abstention)

AGREED ACTION

The request for call-in of the decision made by the Cabinet Member for Children's Services, Education, Skills and the University on 27 January 2020 relating to the proposal to open a voluntary aided Roman Catholic Primary School was considered by the Children and Education Scrutiny Committee. Following discussions and questions raised on each of the reasons stated on the request for call-in, the Committee did **not** agree to the call-in of this decision on any of the reasons stated.

It was therefore recommended that under the Overview and Scrutiny Procedure Rules in the Council's Constitution (Part 4, Section 8, and paragraph 13), implementation of the decision would take immediate effect.

The meeting began at 7.00pm and ended at 10.20pm

CHAIRMAN