

**Title: Bolingbroke Academy**  
**Author: Department for Education (DfE)**

**Impact Assessment – Section 9 Academies Act Duty**

**Background**

A local parents group have been campaigning for a 5 form entry school to be created on the Bolingbroke site since 2009. This proposed size is based on the number of forms of entry coming out of the local primary schools and the capacity of the building. Over 2,000 parents signed the petition supporting the creation of a new 5 form entry school in Northcote ward. Around 300 people (the majority of whom were parents) attended drop in sessions to gain an update on the plans and their view was that a 5 form entry school was an appropriate proposal to meet the demand in the area. However, Ministers have decided to take the school forward as a 4 FE entry school.

The Bolingbroke Academy's admissions policy is based on taking children from five feeder primaries which are all within one mile of school's site. If the proposed Free School was not opening children at these feeder primaries typically disperse across a wide geographical area to secondary schools both in the local authority and outside. However, given primary aged children typically tend to live within a mile of their primary school, it is reasonable to assume the catchment area for the new school will be about 2 miles from the planned permanent site of the ARK Bolingbroke Academy.

As mentioned above, had the free school not been opening it is likely that the children due to attend the free school would have travelled across a wide geographical area to attend an alternative secondary school. However, we think it is likely that it those schools that are within 2 miles of the free school that will be impacted on the most so therefore it is those schools and institutions that we have considered in depth as part of this impact assessment. Taking a 2 mile radius catchment area, there are several maintained schools, Academies and FE institutions, which may be impacted by the establishment of the school. As part of their consultation, ARK has also been proactively seeking the views of all primary schools, all secondary schools (maintained schools and Independent Schools) and all further education and sixth form institutions within a 2 mile radius of the proposed site. They have also been working very closely with Wandsworth Borough Council who is very supportive of the proposal, having bought the site for the proposed school to use.

**Local Authority Perspective**

The birth rate in Northcote ward (where the Bolingbroke site is located) is increasing at one of the fastest rates in the borough, so that in the next decade there will start to be a secondary place shortage which will particularly impact on the south Battersea area. Wandsworth Council have confirmed that in the next 8-10 years the current surplus of secondary places across the borough will disappear and there will be demand for a number of new forms of

entry across the borough.

Some of these forms of entry are to be accommodated by expanding existing secondary schools, but the Council's projections show that a number of new forms of entry will be needed specifically in the Northcote area. The following key statistics provided by the Council demonstrate the future basic need underpinning this proposal (see Table 1 below). They have confirmed that 4 forms of entry (FE) instead of 5 FE will be most appropriate in this area of the borough and that the Bolingbroke Academy will be well located to meet this need. Wandsworth are therefore supportive of a new 4FE school, which they also feel will reduce the impact on other schools. Ministers in taking the proposal forward have already decided to do reduce the school to 4FE and in doing so have already limited the impact on local schools.

**TABLE 1: Capacity and Basic Need without the ARK Bolingbroke Academy**

Year	Projected 11-16 Roll	11-16 Capacity without Free School	Approx shortfall (-) or over-provision in numbers	Approx shortfall (-) or over-provision in Forms of Entry (FE)
2010/11	8,967	10,435	1,468	10
2011/12	9,050	9,760	710	5
2012/13	9,001	9,610	609	4
2013/14	8,983	10,210	1,227	8
2014/15	9,107	10,210	1,103	7
2015/16	9,241	10,210	969	6
2016/17	9,430	10,210	780	5
2017/18	9,797	10,210	413	3
2018/19	10,150	10,210	60	0
2019/20	10,537	10,210	-327	-2

**TABLE 2: Capacity and Need with the ARK Bolingbroke Academy**

Year	Projected 11-16 Roll	11-16 Capacity With Free School	Approx shortfall/ over-provision in numbers	Approx shortfall/ over-provision in Forms of Entry (FE)
2010/11	8,967	10,435	1,468	10
2011/12	9,050	9,760	710	5
2012/13	9,001	9,760	759	5
2013/14	8,983	10,510	1,527	10
2014/15	9,107	10,660	1,553	10
2015/16	9,241	10,810	1,569	10
2016/17	9,430	10,960	1,530	10
2017/18	9,797	10,960	1,163	8
2018/19	10,150	10,960	810	5
2019/20	10,537	10,960	423	3

It is usual for local authorities in pupil place planning to allow for up to 5% (approx 550) contingency to the capacity, to provide for parental choice. Table 2 demonstrates that with the ARK Bolingbroke Academy there is up to

3FE choice in the system in 2019/2020 and that there is therefore, a demographic need for a new 4FE school despite the local authority expanding its provision.

In the shorter term, the Wandsworth local authority has confirmed that establishing the Bolingbroke Academy will have some impact on other schools in the Borough. The local authority confirms that the number of pupils, aged 11 to 16 who currently live in the Northcote Ward and attend, Wandsworth secondary schools is 136. The school with the largest number of pupils living in Northcote and potentially proportionately more likely to lose more pupils is Burntwood (which is situated 1.4m away) who have 44 living in the Northcote Ward. The nearest schools to the Bolingbroke site are Battersea Park and Chestnut Grove but they only have five and six of their current pupils (May 2010 school census) respectively living in the Northcote Ward, so they may be at risk of losing pupils. However, since Bolingbroke will give admission's priority to pupils at named feeder primaries the risk appears manageable. Out of the 5 feeder primaries for Bolingbroke 2 are within a mile of Chestnut Grove, whilst three are within a mile of Battersea Park. Southfields Community College which is 1.5 miles away from the Bolingbroke site has 18 pupils living in the Ward and may be marginally affected.

In summary, the local authority concludes on demographic grounds, even after allowing for a contingency for parental choice, a new school of 4FE can be justified. The proposed Bolingbroke Academy in their opinion would add further choice and diversity of school provision and provide new places to meet parental demand.

### **Nearby secondary schools**

Within a 2 mile radius of the Bolingbroke Academy there are 3 Academies and 10 maintained secondary schools most with their own sixth form college provision. Out of which only 1 Academy and 7 maintained secondaries are in the same local authority (Wandsworth) as the Free School. Wandsworth also have informed us they very few of their secondary school pupils are educated outside the borough. The numbers of secondary school pupils coming into the borough from other local authorities is far greater than the number leaving to go to schools in other local authorities. However, given the popularity of Wandsworth schools and the wide area that pupils are drawn from it is difficult to assess accurately. Nevertheless, Lambeth which is the nearest local authority to the proposed Bolingbroke Academy (i.e. just over a mile away) is the one that is most likely to be affected. According to data held by PfS, Lambeth will have a 13% shortage of secondary places by the time the new school opens and therefore probably welcome a new school opening in a nearby authority. However, Lambeth have not been asked specifically about the Bolingbroke Academy proposal but the impact on its nearest secondary schools has been considered below. So there is a small risk that it could be argued that by not asking Lambeth local authority we do not have full intelligence on the impact on those schools, however there is no requirement on the Secretary of State to seek the views of a neighbouring authority (or

indeed any authority) and it is a matter for him as to how he seeks to gather the relevant information to fulfil his duty under section 9. Officials are satisfied that the discussion on these schools below reflects the position.

Further details of the schools in Wandsworth and Lambeth that the Bolingbroke Academy may have an impact are detailed below. Although the local authority has already indicated that Burntwood and Southfields are the schools that mostly to feel an impact.

Chestnut Grove School is a 5 form entry mixed community comprehensive with a small sixth form, which is approximately 1.0 miles from the Bolingbroke site. A high proportion of students are eligible for free school meals. Three quarters of students are from minority ethnic groups, with the vast majority from Black African or Black Caribbean backgrounds. A significant minority are refugees or asylum seekers. Consequently, over eighty languages are spoken in students' homes. It was judged Outstanding by Ofsted in March 2008. The school has applied for Academy status, the application has been approved and the school will be converting on 1 July 2011. The school is over subscribed and for the September 2010 admissions round it received 912 applications for 150 places, and therefore not likely to be adversely impacted by the opening of the Bolingbroke Academy.

Battersea Park School is a 5 form entry mixed community school with a small sixth form, which is approximately 1.2 miles from the Bolingbroke site. The student population is ethnically diverse and nearly half the students speak English as an additional language. The proportion of students known to be eligible for free school meals is well above the national average. A large number of students join or leave the school at different times during the academic year. It was judged Good by Ofsted in July 2010. The school is not fully subscribed and was also consulting locally on converting to Academy status but an application has yet to be submitted to the Department. As the school is under subscribed all those who applied were offered places for September 2010. It is likely to be affected by the opening of ARK Bolingbroke. However, the school is improving which may help it to attract other pupils which previously may not have considered it. But the future predicted basic need in the local authority should ensure that any impact is only going to be short term.

Lambeth Academy, in neighbouring Lambeth, is a 6 form entry 11-18 mixed Academy with a small 130 place sixth form, which is approximately 1.2 miles from the Bolingbroke site. It opened in 2004 and the percentage of students entitled to a free school meal is much higher than usually found, as are the percentages from minority ethnic groups and those who come from homes where English is not the first language. The proportion of students who have special educational needs is broadly average, although the academy makes provision for visually impaired students and more students than usually found have a statement of special educational needs. The academy specialises in business and enterprise and modern foreign languages. It has been awarded Arts Mark and the International School Award and is sponsored by the United Learning Trust. Although it is judged satisfactory by Ofsted the school is at full

capacity. Lambeth Academy is likely to be impacted by the opening of the ARK Bolingbroke Academy and could lose pupils to it. However, the loss of pupils could be offset by it attracting other pupils since Lambeth has overall a shortage of secondary places.

La Retraite Roman Catholic Girl's School, in Lambeth, is a 5 form entry 11-18 Roman Catholic school with a small 130 place sixth form, which is approximately 1.2 miles from the Bolingbroke site. Nine-tenths of students are from minority ethnic groups with nearly half being of Black British African heritage. Sixty-four percent of students have a first language other than English. The number of students with identified learning difficulties is slightly below average. The proportion of students entitled to free school meals is above the national average and a proportion come from deprived backgrounds. The school gained specialist status for science and mathematics in 2004. It is judged outstanding by Ofsted and very popular and over subscribed. Since it is over subscribed, has a particular religious ethos and single-sex provision it is not likely to be impacted by the opening of the ARK Bolingbroke Academy.

Salesian College is a 5 form entry 11-16 Catholic boy's school, which is approximately 1.3 miles from the Bolingbroke site. It serves a racially and ethnically diverse community. The largest ethnic groups are of African, White British and Caribbean heritage. The proportion of students eligible for free school meals is high, as is the proportion whose first language is not English, but few are in the early stages of learning English. The number on roll has been falling due to reorganisation of Catholic education in the local authority and the College is due to close in August 2011. Students will have the right of transfer to the new mixed school, St John Bosco, which will open in September 2011. The new school, St John Bosco, because of the nature of its ethos and provision it is less likely to be impacted by the opening of the ARK Bolingbroke Academy.

Ernest Bevin College is a 6 form entry community boy's school with a small mixed sixth form, which is approximately 1.3 miles from the Bolingbroke site. The students come from a wide range of ethnic and linguistic backgrounds, with the biggest proportions being those of Black Caribbean, Black African, Pakistani and White British heritage. Almost half of the students do not speak English as their first language and 40 students are in the early stages of acquisition. The school is over subscribed and in March 2007 it was rated Good by Ofsted. The school is over subscribed and for the September 2010 admissions round it received 508 applications for 180 places. It is single-sex and therefore this and the fact that it is heavily over-subscribed mean that it is not likely to be impacted by the opening of the Bolingbroke Academy.

Burntwood School is a 10 form entry foundation girls school with a 300 place sixth form, with a small number of boys. It is approximately 1.4 miles from the Bolingbroke site. A higher proportion of pupils are eligible for free school meals than in most schools. A significant proportion of pupils are from minority ethnic groups and the largest groups are Pakistani, Black Caribbean and

Black African. It was judged 'good' by Ofsted when inspected in May 2011. The school has a full roll and should be able to handle the impact of Free School opening given that only 44 students attend the school and live in the Northcote Ward where the Bolingbroke Academy will be situated. Although this is not the whole picture it does provide some idea of scale. Furthermore, Burntwood for the September 2010 admissions round received 869 applications for 283 places, and therefore is not likely to be impacted by the opening of the Bolingbroke Academy.

Southfield Community College is a 10 form entry 11-19 mixed foundation school with a 394 place sixth form, which is approximately 1.5 miles from the Bolingbroke site. Many of the students come from disadvantaged backgrounds with the number of students taking up free school meals being well above average. The majority of students are from a range of minority ethnic groups and speak more than seventy different languages. Over a third of students are from homes where English is not the first language. The number of students with a statement of special educational needs is well above average. The school was last inspected in 2007 and judged outstanding by Ofsted. An interim assessment in July 2010 re-confirmed this judgment. The school has a full roll and the impact of the new free school should be minimal. The school has also submitted an application to convert to Academy status which is currently being considered by the Department. Southfields for the September 2010 admissions round offered places to all who applied. It may be impacted by the opening of the ARK Bolingbroke but that impact may be limited given its distance from the proposed site and future need for additional secondary places in Wandsworth.

Ashcroft Technology Academy opened in September 2007 and is a 7 form entry mixed 11-18 Academy with a 160 place sixth form, which is 1.7 miles from the Bolingbroke site. The Academy's specialism is information, communication and design technology. Around 40% of students are from a White British background with the remainder coming from a variety of minority ethnic groups. Around one in four of the students speak English as a second language but few are at the early stages of learning English. The proportion of students who are eligible for free school meals is well above average. The Academy was inspected by Ofsted in 2010 and judged to be outstanding. It is at full capacity and the impact of the free school opening is likely to be negligible. For example, Ashcroft in the September 2010 admissions round received 1,579 applications for its 210 places.

Saint Cecilia's, Wandsworth Church of England School is 5 form entry voluntary-aided mixed comprehensive with a small 90 place sixth form. It is 1.9 miles from the Bolingbroke site. The school is greatly oversubscribed, and takes pupils primarily from its local area and from local Anglican Deaneries. As a result, pupils come from very diverse backgrounds and some travel quite considerable distances to be at the school. The proportion of pupils who are from minority ethnic groups is much higher than the national average, though no one group predominates. However, the proportion of pupils who are eligible for free school meals, and of those who have learning difficulties

and/or disabilities, is in line with the national average. Ofsted have rated the school as satisfactory and given it is significantly over-subscribed it is not likely to be affected by the opening of the free school. For example, the school in the September 2010 admissions round received 777 applications for its 150 places.

### **FE Institutions**

The proposed ARK Bolingbroke Academy does not intend to offer sixth form places until September 2015, so there will be no immediate impact. There are however, 6 FE institutions within a 2 mile radius of the proposed ARK Bolingbroke Academy, which when it does offer places may be affected. Three of these FE institutions are situated outside the local authority. For their sixth form ARK are proposing an academic provision with university-preparatory post-16 courses, specifically AS and A levels. All students will be expected to take at least 4 AS options. They are also planning at a later stage to decide whether to offer International Baccalaureate, depending on the suitability of the course for each cohort.

The nearest FE institution to the Bolingbroke Academy is the **Academy of Live and Recorded Arts**, which is 0.3 miles away, relatively small and offers vocational courses in dance and drama. It also recruits students nationally and given the specialist nature of its provision it is not likely to be affected by Bolingbroke's proposed post-16 offer.

The next closest post-16 provider is **St Francis Xavier Sixth Form College**, a large college (1,320 students aged 16-19), with a site in Wandsworth which is 0.9 miles from Bolingbroke. Almost two thirds of the students come from Lambeth and Southwark. The remainder come from across south London attracted by the Catholic ethos and values. The college offers a wide range of subjects at advanced level (i.e. AS and A levels) and Business and Technology Education Council (BTEC) National programmes. Most students take AS and A level courses with around 10% taking BTEC introductory or first diplomas and a small number follow a full GCSE programme. Ofsted judge the college as outstanding where success rates have remained consistently high, especially for advanced courses, with students make outstanding progress relative to their prior attainment. ARK has consulted St Francis Xavier and the college has not raised any concern about the Bolingbroke proposals. However, given the college's Catholic ethos, the fact the bulk of its students come from outside the borough, its outstanding results and the projected future need, the college is unlikely to be affected by Bolingbroke's post-16 provision.

The next closest FE institution is **South Thames College**, which is a large college offering a mixture of some academic but mostly vocational provision. The college has over 1,800 full-time students aged 16-18, and around 7,700 learners aged 19 or over, mostly on part-time courses. Around half of the FE enrolments are at entry level or level 1. Provision at level 3 represents less than 15% of total enrolments. Literacy, numeracy and ESOL provision

together account for around 40% of the curriculum offer. The overall effectiveness of the college is judged to be good by Ofsted. Again ARK have consulted South Thames about their proposal for Bolingbroke and no objections or concerns have been raised. Given that the provision at South Thames College leans more towards vocational studies in contrast to Bolingbroke's more academic provision, although the college may be in the short term,, the impact on the college in the longer term is likely to be negligible given the projected future basic need in the area, and the relative size of the college (1,800 16-18 year olds) compared with the size of Bolingbroke's proposed 6<sup>th</sup> Form provision (200 places).

Other FE institutions within a 2 mile radius of Bolingbroke are situated outside the borough of Wandsworth and include: **Lambeth College; English National Ballet School** and **Kensington and Chelsea College**. Lambeth College is a large general FE college located in the London Borough of Lambeth with over 2,000 students aged 14 to 18 and over 11,000 adults on attending the institution. Of these 31% were full-time and 69% were part-time students. The college offers a wide range of vocational provision covering almost all sectors and the college has Centres of Vocational Excellence in construction, business, and health and social care. The college's overall effectiveness was judged to be good by Ofsted, as were its capacity to improve, leadership and management, and quality of provision. Achievement and standards were satisfactory. Given the vocational nature of Lambeth College's provision they are not likely to be affected by post-16 provision proposed at the Bolingbroke Academy.

The English National Ballet School is a small FE college co-located with the Kensington and Chelsea College, offering vocational provision for students who come from across the UK to study dance and drama. Kensington and Chelsea College is a general FE college in central London. The college provides training in West London with four main centres across Kensington and Chelsea and neighbouring boroughs. Most learners are over 19 years of age although an increasing number of learners aged 16-18 are enrolling on vocational courses. Again both these colleges offer predominately vocational courses and are therefore not likely to be affected by the post-16 provision proposed at the Bolingbroke Academy, which is more academically inclined.

### Conclusion

Taking into account the future projected shortage of secondary places, which starts to arise from 2018/2019 and the relatively small size of the proposed ARK Bolingbroke Academy, (i.e. the new free school will only be 4FE, and the five feeder primaries in total have 10 FE) would suggest that the impact on local schools is likely to be little to negligible. The London Borough of Wandsworth has confirmed that this is their view. Only two local schools (Battersea Park and Southfields) are likely to feel any impact from Bolingbroke opening, with impact estimated to be up to half form entry for each. The other schools are all over-subscribed and will feel no impact. Given that the ARK Bolingbroke Academy will only be a 4FE school and that it is common for London residents to travel across local authority boundaries to



attend a school of their choice, it is unlikely that the ARK Bolingbroke Academy will have a significant impact on any particular provision in neighbouring boroughs. Lambeth, which is the nearest borough south of the river, currently has a shortage of secondary places and would welcome the opening of the Bolingbroke Academy close to its borders as it would contribute towards helping them meet their basic need requirements.

The small impact on local schools (i.e. an additional 1 form of entry in 2012) needs to be balanced with the positive impact that the ARK Bolingbroke Academy will have in improving parental choice by widening the number and type of places available in local secondary state provision, and by driving up standards in surrounding schools. Both of these features are key aims of the Free Schools policy and we would expect the ARK Bolingbroke Academy (given the track record of ARK) to drive up standards in schools across the board, improving standards for all young people in the area.

Given all this information, we consider that the impact of establishing the ARK Bolingbroke Academy on maintained schools, Academies and FE institutions in the surrounding area is outbalanced by the positive impact that the school will have on parental choice and in driving up standards in nearby institutions.

#### List of nearest schools / FE institutions

The table below provides details of all the secondary maintained schools, Academies and FE institutions within a 2 mile radius of the proposed ARK Bolingbroke Academy.

<b>Name of institution</b>	<b>Age range and pupil numbers</b>	<b>Dist. from ARK Bolingbroke Academy, and LA</b>
Academy of Live and Recorded Arts	14-99, co-educational (co-ed) 126 students	0.3m Wandsworth
St Francis Xavier Sixth Form College	16-19, co-ed 1,320 students	0.9m Wandsworth
South Thames College	16-99, co-ed 9,500 students	1.0m Wandsworth
Chestnut Grove School	11-19, co-ed 879 pupils	1.0m Wandsworth
Lambeth Academy	11-18, co-ed 951 pupils	1.2m Lambeth
Lambeth College	16-99, co-ed 13,000 students	1.2m Lambeth
Battersea Park School	11-19, co-ed 746 pupils	1.2m Wandsworth
La Retraite Roman Catholic Girls' School	11-18, girls 882 pupils	1.2m Lambeth

<b>Name of institution</b>	<b>Age range and pupil numbers</b>	<b>Dist. from ARK Bolingbroke Academy, and LA</b>
Salesian College	11-16, boys 450 pupils	1.3m Wandsworth
Ernest Bevin College	11-18, boys 1,163 pupils	1.3m Wandsworth
Burntwood School	11-18, girls 1,685 pupils	1.4m Wandsworth
Hurlingham and Chelsea Secondary School	11-16, co-ed 528 pupils	1.5m Hammersmith and Fulham
Southfields Community College	11-18, co-ed 1,442 pupils	1.5m Wandsworth
Ashcroft Technology Academy	11-18, co-ed 1,107 pupils	1.7m Wandsworth
Lady Margaret School	11-18, girls 611 pupils	1.8m Hammersmith and Fulham
Saint Cecilia's Wandsworth CofE School	11-18, co-ed 888 pupils	1.9m Wandsworth
English National Ballet School	16-19, co-ed 72 students	1.9m Kensington and Chelsea
Kensington and Chelsea College	16-99, co-ed over 9,000 students	1.9m Kensington and Chelsea

## **Annex B: Equality Impact Assessment**

### **Background**

The proposed ARK Bolingbroke Academy will be a mixed non-selective and non-denomination 11-16 school with a sixth form, offering the ARK secondary curriculum, the key features of which include high aspirations for all pupils; a strong emphasis on the core subjects; organisation into schools-within-schools; and, an extended school day.

The proposed admissions arrangements for ARK Bolingbroke Academy are appropriate and are based on a feeder school model, which aims to ensure that “the school serves its local community, and that it is not restricted only to those who live in the area directly around the Bolingbroke site”. If the Academy is over-subscribed, after children with a Statement naming the Academy and looked after children, priority will be given to children at the 5 feeder primaries listed below and then on the basis of distance from the school.

The admission policy was subject to consultation by ARK as part of the required statutory consultation. As a result Falconbrook Primary requested to be the fifth feeder primary school and ARK have included them. This has helped to increase access to the proposed Bolingbroke Academy for children from disadvantaged backgrounds and dispel the accusation that it was catering for solely for children from affluent backgrounds. Given the location of the school and the five feeder primaries that have been chosen there should be good mix of pupils from advantaged and disadvantaged families. ARK is estimating that the proposed Academy will have a percentage of pupils eligible for free school meals (FSM) which is in line with the London average of 26%.

### **Feeder Primaries to ARK Bolingbroke Academy**

<b>Name</b>	<b>Age range and pupil numbers</b>	<b>% of Pupils Eligible for FSM*</b>	<b>Dist. from ARK Bolingbroke Academy, and LA</b>
Belleville Primary School	3-11, mixed 681 pupils	14%	0.2m Wandsworth
High View Primary School	3-11, mixed 337 students	41%	0.5m Wandsworth
Honeywell Junior School	7-11, mixed 355 students	6%	0.3m Wandsworth
Wix Primary School	3-11, co-ed 245 pupils	31%	0.9m Wandsworth
Falconbrook Primary School	3-11, mixed 270 pupils	62%	0.9m Wandsworth

*\*For comparison the percentage of primary pupils eligible for FSM nationally is 19% and 26% in London.*

Under Section 149 of the Equality Act 2010, the Secretary of State is under a duty, when considering whether to enter into the Funding Agreement with ARK Bolingbroke, to have due regard to:

- a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this act;
- b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, in particular the need to:
  - remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
  - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
  - encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it, in particular the need to:
  - tackle prejudice, and
  - promote understanding

A reference to conduct that is prohibited by or under this act includes a reference to:

- a breach of an equality clause or rule;
- a breach of a non-discrimination rule.

The Equality Duty covers the following protected characteristics:

- a. Sex;
- b. Disability;
- c. Race;
- d. Gender reassignment;
- e. Sexual orientation;
- f. Age (to a limited extent in respect of schools / education);
- g. Religion or belief;
- h. Pregnancy and maternity.

Taking into account all we know about the proposal for ARK Bolingbroke Academy we have undertaken the following analysis so as to allow the Secretary of State to discharge his duties in this respect.

## Analysis

A general point that applies for all these protected characteristics is that the approach of the Academy and the curriculum it will follow should serve to foster good relations between those with different protected characteristics. This should contribute to the further reduction of discrimination, harassment and victimisation in the future; facilitate the advancement of equality of opportunity and fostering of good relations between persons who share these characteristics and those who do not.

ARK's overall aim is to promote excellence in education and improve the life-chances of every student in their schools. The Bolingbroke Academy will have an admissions policy that is open and inclusive to all religions or beliefs, racial or ethnic groups and genders (the five feeder primaries should provide a good mix of pupils). The curriculum is broad and balanced and designed to be accessible to all. Therefore the establishment of the Academy in itself is unlikely to skew provision in the area or create an adverse impact on people within any particular groups specified in the Equalities Act 2010 or people who fall outside of these groups within the wider community.

**Sex:** An adverse impact is unlikely, and on the contrary the policy has the clear potential to have a positive impact by reducing and removing barriers and inequalities that currently exist.

ARK Bolingbroke will be a mixed, co-educational school and there is no suggestion, or reason to suspect that its provision will discriminate against either sex. We expect that the school will offer equality of opportunity to male and female pupils. The gender breakdown of the five feeder primaries provided overleaf tends to support this expectation.

<b>Feeder School</b>	<b>% Male pupils</b>	<b>% Female pupils</b>
Belleville Primary School	53.4%	46.6%
High View Primary School	47.2%	52.8%
Honeywell Junior School	45.7%	54.3%
Wix Primary School	48.3%	51.7%
Falconbrook Primary School		
Average across the 5 feeder schools	49.6%	50.4%
Local Authority average for pupils	50.3%	49.7%

The borough average for male pupils is 50.3%. The table above shows that the four of the feeder schools have an average male pupil population, which is just below the borough average. We have no reason to suspect that Bolingbroke's provision will discriminate against males.

ARK's vision for Bolingbroke is to create an academic centre of excellence

where every pupil gains the skills and qualifications to progress on to higher education. Their educational model is based around excellent teaching with a strong focus on English and maths supported by an extended day (allowing additional tailored support for pupils of all abilities) and structured enrichment activities which pupils can choose from a menu. In addition the ARK model uses smaller class groups (typically 25 children) for lessons, small tutor groups (typically 15 children) supported by a learning to ensure the learning and pastoral needs of all pupils is met. ARK also place a strong emphasis on high standards of behaviour including preventing all forms of bullying.

ARK employ the same model in their other 8 Academies, so we have evidence from Ofsted that shows ARK's educational model positively supports all pupils without discriminating against any particular gender. For example, Ofsted have judged ARK's King Solomon Academy to be outstanding reporting that boys and girls achieve equally well, behaviour is exemplary and pupils say they feel safe because they know that any problems will be dealt with quickly. Similarly, at ARK's Globe Academy, Ofsted highlight that starting from a low base all pupils (boys and girls) are making good progress and achieving well. Again the pupils have excellent behaviour and attitudes creating a very positive learning environment.

**Disability:** An adverse impact is unlikely, and on the contrary the policy has the clear potential to have a positive impact by reducing and removing barriers and inequalities that currently exist.

ARK Bolingbroke's education plan contains a large amount of detail regarding the support it will put in place for special educational needs (SEN) pupils. For example:

- A full time special educational needs coordinator (SENCO) will be appointed to lead, oversee and co-ordinate all matters regarding special and additional education needs from year one.
- The SENCO will ensure that pupils with special needs are identified early and will support teachers to write Individual Education Plans (IEP), or where necessary, Personal Behaviour Plans. These will be communicated to families and monitored termly.
- Children with SEN will benefit from the high amount of curriculum time dedicated to fully mastering English and maths skills. They will also have a balanced and relevant curriculum where the emphasis is on depth to enable breadth and which promotes a full range of learning, thinking and personal and interpersonal skills.
- Using flexible and responsive teaching and learning SEN pupils will be taught in mainstream classes where the curriculum will be differentiated and suitable learning challenges set for each pupil and overcoming potential barriers to their learning and assessment.
- Encouraging good behaviour, respect for others and preventing all forms of bullying among pupil (including disability related bullying).

This suggests that the proposed Academy will put in place sufficient educational provisions to meet the needs of SEN pupils and not adversely affect them. This is the model ARK have used in their other established Academies, where Ofsted have found SEN pupils to be making good progress and achieving well (Globe Academy).

The accessibility of the proposed site the ARK Bolingbroke Academy has also been considered. The site is a former hospital, and being a public building and one which was last used in 2009, it would be reasonable to assume it complied with the DDA requirements in relation to accessibility. Therefore there should be a good basis to start re-modelling the building to make it is accessible and DDA compliant as a school. PfS and the preferred contractor are aware of the need to comply with the DDA and ensure the building is accessible. Therefore, there is no reason to suspect that the building in relation to accessibility would not comply with the DDA.

From the five feeder primary schools it is possible to estimate the level of pupils with SEN statements that the Bolingbroke Academy may have. The table below shows the average across the 5 feeder schools to be 1.3%, which is what Bolingbroke is likely to have and is below the LA average of 2.0%.

<b>Feeder Primary</b>	<b>% of Pupils with SEN Statements</b>
Belleville Primary School	1.1%
High View Primary School	1.6%
Honeywell Junior School	1.2%
Wix Primary School	1.7%
Falconbrook Primary	1.5%
<b>Average across the 5 Feeder Schools</b>	<b>1.3%</b>

The average across the 5 feeder schools is 1.3%, which is well below the Borough average for SEN statemented pupils of 2.0%. From this it is clear that the proposed school will not have any, or any significant, impact on existing provision of education for children with disabilities and will offer an additional, good quality option for some children with disabilities, and will offer an additional, good quality option for some children with special educational needs. We are satisfied that the school itself will not discriminate on the grounds of disability, and that it will be fully accessible to children with limited mobility. Overall, we consider that ARK Bolingbroke will help children with disabilities and help to reduce inequality of opportunity.

**Race:** An adverse impact is unlikely, and on the contrary the policy has the clear potential to have a positive impact by reducing and removing barriers and inequalities that currently exist.

ARK Bolingbroke will be open to all (including all faiths) and have a fully inclusive admissions policy, which it has consulted widely upon and listened to response by including Falconbrook as a feeder primary. The school is

committed to ensuring that the school's intake reflects the ethnic and social diversity of the local area.

Furthermore, the inclusion of Falconbrook as a feeder primary school has helped Bolingbroke make the Black and minority ethnic (BAME) population of the school more reflective of the primary school average for the borough, which is 57.2%. See table below:

	Percentage of Pupils from a particular ethnic group						
	Asian	Black	Mixed	Other	BAME Total	White	Unknown
Belleville Primary School	3.3%	13.7%	12.7%	3.6%	<b>33.3%</b>	64.8%	1.9%
High View Primary School	8.9%	57.6%	12.7%	1.6%	<b>80.7%</b>	16.1%	3.2%
Honeywell Junior School	3.4%	7.4%	5.7%	0.6%	<b>17.1%</b>	82.3%	0.6%
Wix Primary School	7.3%	23.4%	16.5%	4.2%	<b>51.3%</b>	48.7%	0.0%
<b>Average across the 4 Feeder schools</b>	<b>4.5%</b>	<b>19.0%</b>	<b>11.7%</b>	<b>2.3%</b>	<b>37.5%</b>	<b>61.2%</b>	<b>1.3%</b>
Falconbrook Primary School	11.2%	59.0%	9.0%	4.7%	<b>83.8%</b>	16.2%	0.0%
<b>Average across the 4 Feeder schools and Falconbrook</b>	<b>5.3%</b>	<b>23.9%</b>	<b>11.3%</b>	<b>2.6%</b>	<b>43.1%</b>	<b>55.7%</b>	<b>1.1%</b>

In terms of fostering good relations between persons of different racial groups, the change made to the Bolingbroke's admissions policy in response to consultation comments should help to ensure that more pupils from a range of ethnic groups and disadvantaged backgrounds are able to get a place at the school.

The school also, as part of its educational provision is proposing that children who have English as an additional language will benefit from the high amount of curriculum time dedicated to fully mastering English and maths and curricula. In addition, the school is proposing there will be some enhanced bilingual provision for relevant pupils. So it is clear Bolingbroke is taking reasonable steps to meet the needs of children from different racial



backgrounds. Ofsted in ARK's other Academies have found different ethnic groups to achieve equally well (King Solomon and Globe Academies).

We therefore have no reason to doubt that the school will not operate itself in a way that would amount to unlawful discrimination or victimisation, and will help to reduce inequalities of opportunity on grounds of race. We also consider it will contribute to improving relations between different racial groups in the area, and cohesion within the community.

### Gender Reassignment

An adverse impact is unlikely, and on the contrary the proposed ARK Bolingbroke Academy has the clear potential to have a positive impact through good policies to provide effective support to its staff and access to support from secondary academies within the ARK Group for any pupils affected.

This issue primarily relates to staff. As in their existing Academies, ARK will use recruitment policies which do not discriminate on the basis of any criteria – specifically including sex and gender reassignment – not specifically related to the effectiveness of an individual's work performance and staff management policies which provide appropriate arrangements and support for staff experiencing gender reassignment.

Pupils at the Academy will be aged between 11 and 18 and may face difficulties with gender reassignment. However, ARK has established Academies with existing policies and pastoral support arrangements and the proposed Free School could draw on this wider to ensure that any affected pupils were properly supported. ARK also have effective anti-bullying and harassment policies in place at their other Academies which will also be in place for the Free School, We therefore believe the school will be well placed for a primary school to provide appropriate support to pupils where the need arose.

### Sexual Orientation

An adverse impact is unlikely, and on the contrary ARK Bolingbroke has the clear potential to have a positive impact through good policies to provide effective support to its staff and access to support from secondary academies within the ARK Schools group for any pupils affected.

This issue primarily relates to staff and older pupils. As in their existing Academies, ARK will use recruitment policies which do not discriminate on the basis of any criteria – specifically including sexuality – not specifically related to the effectiveness of an individual's work performance and staff management policies which provide appropriate arrangements and support for staff of different sexual orientations.

Pupils at this Academy will be aged between 11 and 18 and may face difficulties with sexual orientation, including possible bullying. However, as a wider organisation ARK already has Academies with policies and pastoral support arrangements in place, which Ofsted have endorsed as excellent, and therefore, the proposed Bolingbroke Academy would adopt these and draw on the experience of the other Academies to ensure that any affected pupils were properly supported. They also have effective anti-bullying and harassment policies in place at their other Academies which will also be in place for the proposed Academy. We therefore believe the school will be well placed for a primary school to provide appropriate support to pupils where the need arose.

We have seen no evidence of a negative impact in this regard on the community. ARK intend to continue engaging with the community by setting up a community group that will inform the development of the school and its vision. This should go some way to ensuring that needs of the wider community are served by the school.

### Age

Age is not a protected characteristic in relation to the provision of education, benefits, facilities or services to pupils in schools. We consider that in the current context the duty relates to the school employing staff and to community users. As in their existing Academies, ARK will use recruitment policies which do not discriminate on the basis of any criteria – specifically including age – not specifically related to the effectiveness of an individual's work performance and staff management policies which provide appropriate arrangements and support for staff of all ages.

Overall we therefore believe that the school will not have a negative impact on the basis of age discrimination – indeed through good staff policies it may have a positive impact.

### Religion or Belief

An adverse impact is unlikely, and on the contrary the Bolingbroke Academy has the clear potential to have a positive impact through good policies and a commitment to community cohesion to bring together staff and pupils of different religions and beliefs.

As in their existing Academies, ARK will use recruitment policies which do not discriminate on the basis of any criteria – specifically including religion and religious belief – not specifically related to the effectiveness of an individual's work performance and staff management policies which provide appropriate arrangements and support for staff who have different religions and religious beliefs.

The pupils at this school are likely to come from a number of different backgrounds and hold a range of different religious beliefs. ARK already has in place effective policies on behaviour and exclusions and anti-bullying which have been inspected and praised by Ofsted (i.e. in their King Solomon and

Globe Academies). Based on these, ARK Bolingbroke will use policies based on a genuine commitment to community cohesion. We have no evidence that the proposed Academy will use any policies that are potentially unlawful or likely to discourage those not of that particular faith or religious denomination to apply for a place at the school as ARK has not done this in any of its existing Academies.

### Pregnancy and Maternity

An adverse impact is unlikely, and on the contrary the ARK Bolingbroke Academy has the clear potential to have a positive impact through good policies to provide effective support to its staff and access to support from secondary academies within the ARK Schools group for any pupils affected.

This issue primarily relates to staff some of whom are likely to become pregnant while working for the school. As in their existing Academies, ARK will use recruitment policies which do not discriminate on the basis of any criteria not specifically related to the effectiveness of an individual's work performance and staff management policies which provide appropriate arrangements and support for staff who become pregnant.

Pupils at this secondary school will be aged between 11 and 18 and so there is potential that some will become pregnant during their time at school. However, as a wider organisation ARK has secondary schools with policies and support arrangements to support pupils who become pregnant. For example, ARK in all their secondary Academies put a strong emphasis on building life skills in their pupils this includes teaching sex and relationship education, which help to reduce the risk of pupils falling pregnant. If it did arise then the school would make appropriate arrangement and be able to draw on the wider expertise in ARK's other Academies to ensure that the pupils were properly supported. We therefore believe the school will be well placed to provide appropriate support to pupils where the need arose.

### Conclusion

Based on the analysis undertaken and the evidence considered, officials believe that the ARK Bolingbroke Academy will work to reduce discrimination and harassment towards all individuals in the community and within its organisation. The group's Business Case and website expresses a desire to engage with its community and promote positive links. Based on the details analysis above, we believe that the overall negative impact on groups with protected characteristics will be extremely low. There is also potential for the school to have a substantial positive impact on groups with protected characteristics.