

MAYOR AND CABINET		
Report Title	Proposals to consult on the provision of additional permanent primary places	
Key Decision	Yes	Item No.
Ward	Lee Green, Crofton Park, New Cross	
Contributors	Executive Director Children & Young People, Executive Director Resources & Regeneration, Head of Law	
Class	Part 1	11 April 2012

1 Executive Summary

- 1.1 This report sets out the results of two consultations on proposals to increase the supply of permanent places in Primary schools and makes recommendations to the Mayor to take both schemes forward.

2 Recommendations

- 2.1 That the Mayor agrees that the following project should be taken forward to increase permanently the supply of primary school places from September 2013:

Publish a Statutory Notice to lower the age of entry at Prendergast Ladywell Fields College so that it offers 2 forms of entry from Reception to Year 6 and retains its current 8 forms of secondary entry

- 2.2 That the Mayor notes that the Governors of Trinity Lewisham Church of England School have agreed admission criteria of 80% open places and 20% faith-based places for the proposed primary phase. The Statutory Notice to enlarge the school will therefore be published as agreed by the Mayor in April 2011.
- 2.3 That the Mayor notes the decision of Torridon Junior School Governing Body not to proceed with the option of enlarging to offer 2 forms of entry at the Mornington Centre and agrees that the Executive Director for Children Young People continue to explore options to extend provision;

3 Policy Context

- 3.1 The proposals within this report are consistent with '*Shaping Our Future: Lewisham's Sustainable Community Strategy*' and the Council's corporate priorities. In particular, they relate to the Council's priorities regarding *young people's achievement and involvement*, including *inspiring and supporting young people to achieve their potential*, the *protection of children and young people* and *ensuring*

efficiency, effectiveness and equity in the delivery of excellent services to meet the needs of the community

- 3.2 The Local Authority has a duty to ensure the provision of sufficient places for pupils of statutory age and, within financial constraints, accommodation that is both suitable and in good condition.
- 3.3 In aiming to improve on the provision of facilities for primary education in Lewisham which are appropriate for the 21st century, the implementation of a successful primary places strategy will contribute to the delivery of the corporate priority *Young people's achievement and involvement: raising educational attainment and improving facilities for young people through partnership working*.
- 3.4 It supports the delivery of Lewisham's *Children & Young People's Plan* (CYPP), which sets out the Council's vision for improving outcomes for all children and young people, and in so doing reducing the achievement gap between our most disadvantaged pupils and their peers. It also articulates the objective of improving outcomes for children with identified SEN and disabilities by ensuring that their needs are met.

The Primary Capital Programme (PCP) and Lewisham's Primary Strategy for Change

- 3.5 When preparing the Primary Strategy for Change (PSfC), the Local Authority was prudent in taking account of the pressure on places already evident through its then most recent projections (March 2008). It therefore made one of its criteria for PCP investment in the first tranche of funding the provision of sufficient places at the right time to meet future needs within and between Primary Places Planning Localities (PPPLs) in the Borough. As articulated in Lewisham's June 2008 PSfC:

"Ensuring that sufficient places are provided in localities at the right time will take precedence over significant investment in schools where the rectification of conditions and suitability issues will not produce additional places. "

- 3.6 Dependent upon future central government decisions on capital delivery, it is proposed that the borough's 2011 – 2014 PCP will continue to be governed by the following criteria as set out in the 2008 PSfC:
 - Provide sufficient places at the right time to meet future needs within and between planning localities in the Borough
 - Improve conditions and suitability of schools in order to raise standards
 - Increase the influence of successful and popular schools

- Maximise the efficient delivery of education in relation to the size of the school, removing half-form entries and promoting continuity of education
- Enable school extended services for pupils, parents and communities
- Optimise the Council's capital resources available for investment.

School Organisation Requirements

3.8 Proposals to establish additional provision on a permanent basis must comply with the provisions set out in *The Education and Inspections Act 2006 (EIA 2006)* and *The School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2007*. These set out the statutory process for making changes to a school, and statutory guidance on making changes to a maintained school indicates 5 stages to making a prescribed alteration to a maintained school. These are:

- 1) Consultation
- 2) Publication of a Statutory Notice
- 3) Representation period
- 4) Decision making
- 5) Implementation

3.9 There are statutory timescales for stages 2, 3 and 4. Stages 1 and 5 are for local determination.. In order to establish additional permanent provision by 2013 on the sites listed in Paragraph 2, the Local Authority will need to reach a decision by July 2012.

4. Background

4.1 School expansion

4.1.1 The Mayor and Cabinet have received regular reports detailing the pressure on Primary School places and the measures taken to increase supply. The following table summarises the additional places that have been opened since 2008:

Year	Permanent Places opened	Temporary Places opened
2008/09		60 (2FE)
2009/10		255 (8.5FE)
2010/11		555 (18.5 FE)
2011/12		564 (19 FE)
2012/13	180 (6FE)	474 ¹ (16FE)

4.1.2 The majority of places have been added as temporary increases ("bulge" classes). The allocation of £12.7m to meet Basic Need in

¹ Based on on-time applications received. Late applications continue to be received and provision may need to be reviewed

2011/12 has meant that the authority has been able to launch a programme to increase the supply of places on a permanent basis, using existing council-owned buildings, developing existing school sites and by taking the opportunity to get rid of half forms of entry

4.1.3 Projections are reviewed at least annually as the information on live births, applications to schools and the uptake of places across each year becomes available.

4.1.4 The most recent update (August 2011) indicates that the demand for places will remain high and measures continue to be required to increase the supply of places through a mixture of permanent and temporary enlargements tailored to meet the needs of each area. Figures are set out in the following table.

	Reception Places	Reception Demand	Y1	Y2	Y3	Y4	Y5	Y6
2011/12	3152	3663	3568	3301	3074	2939	2767	2634
2012/13	3332	3914	3668	3575	3291	3056	2927	2765
2013/14	3332	3783	3936	3691	3581	3288	3060	2943
2014/15	3332	4026	3816	3970	3708	3587	3302	3087
2015/16	3332	4029	4062	3854	3989	3717	3602	3331

*shading denotes demand in excess of supply of permanent places

4.2 Further Additional Requirement – Borough Wide

	Additional Requirement
2012/13	582 (19.4 forms of entry)
2013/14	451 (15 forms of entry)
2014/15	694 (23 forms of entry)
2015/16	697 (23 forms of entry)

4.2.2 The following table sets out the schools which have opened additional temporary classes

School	2008/09	2009/10	2010/11	2011/12	2012/13
Primary Place Planning Locality 1 Forest Hill & Sydenham					
Adamsrill		√	√	√	√
Christ Church			√		
Dalmain		√	√	√	Expanded
Eliot Bank					√
Fairlawn			√		
Haseltine					√
Horniman				√	
Kelvin Grove			√	√	Expanded
Kilmorie		√	√	√	Expanded
Perrymount			√		
Rathfern				√	√
St Bartholomew's					√
St Will. of York				√	

Primary Place Planning Locality 2 Lee Green					
Brindishe Lee			√		
John Ball		√		√	
Lee Manor			√		
Primary Place Planning Locality 3 Brockley, Lewisham & Telegraph Hill					
Ashmead			√		√
Brockley	√				Expanded
Edmund Waller			√		
Gordonbrock				√	Expanded
Holbeach	√	√			
John Stainer		√			
Lucas Vale				√	
Myatt Garden				√	
St Stephens CE					√
Turnham				√	√
Primary Place Planning Locality 4 Catford, Bellingham & Grove Park					
Athelney			√	√	
Baring			√		
Coopers Lane				√	√
Elfrida					√
Forster Park		√	√		√
Rushey Green			√	√	
Sandhurst		√	√	√	Expanded
Torridon			√		
Primary Place Planning Locality 5 Deptford and New Cross					
Deptford Prk		√	√		
Grinling Gibbons				√	√
Kender			√	√	Expanded
St Josephs				√	√
Primary Place Planning Locality 6 Downham					
Downderry					√
Good Shepherd				√	
Launcelot			√		
Haberdashers Aske's Knights Temple Grove					√
Rangefield				√	

4.3 Additional Requirement – Brockley, Lewisham & Telegraph Hill

4.3.1 Primary Place Planning Locality 3 (Brockley, Lewisham & Telegraph Hill) shows a continuing increase in the numbers of young children in the population.

Births

Births September 1 st 2000 to August 31 st 2001	877
Births September 1 st 2008 to August 31 st 2009	1083
Births September 1 st 2009 to August 31 st 2010	1181
Increase 2000/01 to 2009/10	34%
Increase 2008/09 to 2009/10	9%

4.3.2 It is anticipated that this will translate into the following demand for places in the area

Projected Demand for Reception Places

Reception	Permanent Places	High Projection	Additional Requirement
2012/13	756	810	54 (2FE)
2013/14	756	809	53 (2FE)
2014/15	756	883	127 (4.5 FE)
2015/16	756	888	132 (4.5 FE)

4.3.3 In order to meet this demand the Mayor agreed (January 18th 2012) that there should be consultation with stakeholders on the proposal to extend provision at Prendergast Ladywell Fields College so that it becomes an all-age school offering 2 forms of entry in the primary phase whilst retaining its current 8 forms of secondary entry.

4.4 Additional Requirement – Lee Green

4.4.1 In common with most parts of the borough, the number of births to families resident in the Lee Green area have increased by over 30% in the last decade.

Births

Births September 1 st 2000 to August 31 st 2001	317
Births September 1 st 2008 to August 31 st 2009	399
Births September 1 st 2009 to August 31 st 2010	440
Increase 2000/01 to 2009/10	39%
Increase 2008/09 to 2009/10	10%

4.4.2 As a result of a short-lived slow-down in the number of births in recent years, projections based on local population suggest that there will be a temporary surplus of places.

Projected Demand for Reception Places

Reception	Permanent Places	Projection	Additional Requirement
2012/13	315	301	-14
2013/14	315	286	-29
2014/15	315	323	8
2015/16	315	323	8

4.4.3 However, 436 first preference applications have been received for places for schools in the area for entry in September 2012. This may mean that projections have under-estimated local demand.

4.5 All-age schools

4.5.1 As set out in greater detail in Section 7 below, there is no legal prohibition on providing primary and second education in the same school, and indeed Lewisham sees significant advantages in offering all-age schools within the mix of parental choice of schools. There are an increasing number of all-age state funded schools. In Lewisham the St Matthew Academy opened in 2007, Haberdashers' Aske's Hatcham College became an all-age Academy in 2008 and Haberdashers' Knights Academy followed in 2011. Prendergast – Vale College opened in 2011 as the third school in the Leathersellers Prendergast

Federation. Drumbeat, an all-age school for children with autistic spectrum disorder (ASD), is also planned to open in September 2012.

- 4.5.2 In terms of Lewisham's pursuit of choice for parents from a range of primary provision, these proposals still leave a large majority of primary schools available to parents in the Borough, along with a small number of separate infant and junior schools. Parents in general want their children to attend a school close to where they live. Of Faith schools, those of the Roman Catholic denomination tend to draw on a wider catchment, as is the case for St Matthew Academy, based in Blackheath. Providing new Church of England primary provision further south in the Lee Green locality is likely to prove very popular with its local community given the high demand for places and that the large majority of admissions will not be Faith based.
- 4.5.3 In the Central Lewisham locality, parental support for Prendergast-Vale College is indicated by its 2:1 oversubscription for September 2012. New primary provision at a Prendergast-Ladywell Fields all-age school on the southern edge of the same locality and bordering Catford will provide much needed additional places for both localities.
- 4.5.4 The range of secondary provision available for Lewisham parents has to be considered on a South-London sub-regional basis. In Lewisham, in addition to those schools already mentioned above, Haberdashers' offers all-age provision in the north east of the Borough (New Cross/Deptford) and in the South-East (Downham/Bellingham). Both schools are oversubscribed at age 11. The proposals in this report for Trinity CoE and Prendergast Ladywell Fields College to become all-age complement existing all-age provision geographically, and do not detract from choice of secondary schools on a sub-regional basis. These include mixed, single sex, voluntary aided, Faith and Community schools, and academies.
- 4.5.5 All-age schools offer significant advantages at the usual transition points for those pupils who remain in the school through the primary and secondary phases. The curriculum and teaching can be better tailored in an all-age school to the needs of pupils irrespective of their age. The secondary phase can provide excellent resources from the to enable specialist subject teaching in the primary phase, especially at the top end of Key Stage 2, and there is no artificial point of transfer for those pupils with special educational needs who will benefit from the continuity of support. In addition primary expertise can be used to the benefit of children at the lower end of Key Stage 3.
- 4.5.6 We are required also to consider the negative aspects of all-age education. Some feel that a new start at 11 allows children to develop new skills. Concerns are sometimes raised about the management issues of having older and younger children in the same school. The risk of some bullying of younger children by older ones is sometimes raised as an issue. It needs to be stressed that the majority of pupils do not engage in bullying and can provide support and positive

influences upon the younger pupils. New buildings can be designed to enable provision for younger pupils to be located in separate areas from the upper school and with appropriately separated play space.

- 4.5.7 Officers' views are that the positives outweigh the negatives, in particular because there remains sufficient choice for parents across schools in the borough.

5 RESULTS OF CONSULTATIONS:

Brockley, Lewisham & Telegraph Hill (PPPL 3)

5.1 Proposal to lower the age of entry at Prendergast Ladywell Fields College so that it offers 2 forms of entry from Reception to Year 6 and retains its current 8 forms of secondary entry

5.1.1 Consultation Process

- 5.1.1.1** Having received Mayor & Cabinet approval on 18th January 2012 to proceed with consultation, Lewisham developed the proposal for a formal consultation and in line with DfE school organisation guidance, the consultation has taken place over a seven week period between 1 February and 20th March 2012.
- 5.1.1.2** The following stakeholder groups received copies of the consultation documents:
- Staff and governors at Prendergast Ladywell Fields College
 - Parents of pupils at Prendergast Ladywell Fields College.
 - Residents of Ewhurst Road
- 5.1.1.3** The following stakeholder groups were notified of the proposal by letter:
- Neighbouring authorities of Greenwich, Southwark and Bromley
 - Headteachers and Chairs of Governors of local schools
 - Councillors
 - Lewisham's Members of Parliament
 - Diocesan bodies
 - Trade Union representatives
- 5.1.1.4** The following stakeholder meetings were held:
- Parents of children attending Prendergast Ladywell Fields College (9th February 2012) and local residents
 - Prendergast Ladywell Fields College staff; (8th February 2011)
- 5.1.1.5** The Governing Body of the Leathersellers Federation of Schools had received a full presentation of the proposal in January 2012 and had confirmed their support for the proposal
- 5.1.1.6** All the consultation documents were placed on the Lewisham web site along with an on-line opportunity to complete the consultation response form.

Numbers of responses by category

Category of Respondent	Numbers	For	Against	Not sure
Parent/Carer	9	7	2	0
School staff	3	3	0	0
Pupil	1	0	0	1
Local Community	3	1	2	0
Other Primary school	1	0	1	0
TOTAL	17	11	5	1

For/Against numbers and percentages

Overall 65% of responses were in favour, 6% not sure and 29% against. Most responses (53%) were received from parents. 78% were in favour, 0% were not sure and 22% were against.

5.1.2 Summary of responses to the consultation

Governing Body

The Governing Body has considered the proposal and supports the proposed enlargement of the school. The Prendergast Federation of schools currently includes Prendergast Vale College. The Federation considers that there are significant educational advantages because of the opportunities to tailor provision to the needs of the individual child and to share the expertise of staff across all key stages.

Written responses (a list of respondents is attached as Appendix 1).

17 written responses were received including a petition (attached as Appendix 2) from 32 residents of Ewhurst Road.

9 were from parents, 3 were from members of staff, 1 was from a pupil, 1 from the Governing Body of a local school, and 2 were individual responses from a local residents. In addition, two local residents telephoned their responses.

Summary of responses at stakeholder meetings

Staff meeting

The meeting was held at the end of the school day and was attended by over 25 staff, representing both teaching and non-teaching staff. Staff were supportive of the proposal. They recognised the opportunities that expansion offers to the school in terms of developing pedagogy across the key stages. They also felt that it would help to develop a “family” ethos with older and younger siblings being part of the same school.

Parents’ meeting

The meeting was attended by approximately 30 parents, together with some staff and some neighbours of the school. Many people recognised the opportunities that this offered to the school, and that there is a need for an increase in school places to serve the local community. However, there was considerable concern amongst some local residents about the impact that increased pupil numbers would have on neighbouring roads particularly if children were dropped by car. In addition, two local residents phoned to discuss possible

measures to control additional traffic resulting from enlarging the school.

5.1.3 Summative analysis of written responses

In Favour

Parents who supported the proposal recognised the value of using the space on the site and the educational benefits of an all-through school.. Some respondents commented that they felt they would have benefited from an all-through schooling and would not have lost valuable time at transition.

Unsure

One respondent was unsure but gave no other comment.

Against

Parents who were against the proposal were concerned by the potential disruption to children already at the school and expressed the view that older and younger children needed to learn separately. The Governing Body of John Stainer Primary school responded opposing the idea of an all-through school but supporting the idea of a primary school on a shared site but with no linked admission arrangements. Local residents re-iterated their concern about the impact of traffic

5.1.4 Response

The Local Authority welcomes the many positive endorsements of both the concept of all-through education and of the leadership of Prendergast Ladywell Fields College.

Potential disruption to pupils on-site

The build period for the proposed Primary school will be approximately 30 weeks. No demolition will be required. Similar buildings are being installed at Kender Primary School in close location to the existing school and education has continued with minimal disruption to the site. Work will be scheduled so that the most disruptive activities take place out of school hours. The site will operate during normal working hours so that residents are not inconvenienced. The experience of establishing a primary school on site would be different from increasing the numbers of Year 7 pupils as they would not share the same facilities for dining.

Separate education for Primary & Secondary age

This is also addressed at paragraph 4.5

A primary phase would add to the variety of educational opportunities in the area, and with 14 other Primary-only schools in the area parents who preferred this style of education would still be able to choose it for their children. Parents of children in the Primary phase would not be required to take up their guaranteed place in the secondary phase but would still be able to apply for a place in a secondary-only school.

Traffic management

Should this proposal go ahead, considerable thought and attention would need to be given to traffic management in the area. Traffic analysts have monitored the current patterns of vehicle movement, but

it is likely that there would be a different pattern associated with primary age pupils. Evidence from other Primary sites in the borough shows that around 74% of children walk, not all are accompanied by parents and some adults would have more than one child. The potential to open additional entrances into Ladywell Fields is under consideration with the Green Space Regeneration Manager in the Parks Department. The Primary phase would build incrementally, allowing the opportunity to review strategies to mitigate the impact on local residents.

Loss of space

Work on the design proposal for a possible primary school has included an evaluation of the overall site of Prendergast Ladywell Fields College. Parts of the site are currently under-utilised. The landscaping will include work to bring these areas into use. If the primary school is agreed to go ahead it will also present an opportunity to work with the current Facilities management company to improve the external environment.

Lee Green (PPPL 2)

5.2 Proposal to lower the age of entry at Trinity CE so that it offers 2 forms of entry from Reception to Year 6 and retains its current 4 forms of secondary entry.

5.2.1 At the Mayor & Cabinet meeting held April 20th 2011, the Mayor agreed the recommendation to publish a Statutory Notice to lower the age limit for entry to Trinity School through use of the site of the former Ennersdale Primary School on Leahurst Road, so that it becomes an all-age school offering 2 forms of entry in the primary phase, whilst retaining its current 4 forms of secondary entry, subject to agreement from the school and Diocese that 80% of the places should be open rather than faith places.

5.2.2 The Governing Body of Trinity School and the Diocese have agreed to this for entry into a Primary phase in 2013. The Governing Body has consulted on this basis during the current consultation on admission policies for 2013. The policy will be determined by April 15th 2012.

5.2.3 Agreement has been reached on financial support for the new school as numbers build.

5.2.4 The proposals for the modification of the Leahurst Road site have been endorsed by Governors. Work will commence in April 2013 when Drumbeat move from Leahurst Road to their new accommodation.

5.3 Deptford and New Cross (PPPL 5)

Proposal to enlarge Torridon Junior School on the site of the Mornington Centre

5.3.1 After a period of stakeholder consultation, the Governing Body of Torridon Junior School has voted against the proposal to enlarge the school. We remain in discussion with the school at the time of writing and the Executive Director will continue to develop options to ensure that provision is developed to meet need.

5.3.2 Demand is projected to continue to exceed supply by 4 forms of entry until 2015/16 and is then expected to increase again.

6. Financial Implications

Capital Finance Implications

6.1.1 Approximately £6.9m will be carried over from 2011-12 Basic Need allocation of £12.6m announced on 13th December 2010

6.1.2 In July 2011 the Government announced that a further £500m would be allocated nationally to meet the demand for pupil places. In November 2011 the borough was notified of an allocation of £12.8m.

6.1.3 On December 13th 2011 the DfE announced capital allocations for 2012/13. Lewisham received £12.657m for Basic Need and £5.404m for capital maintenance.

6.1.4 A further £600m is to be allocated to authorities facing school place pressures. Amounts for individual boroughs have been expected since the end of the calendar year and are expected early in the new financial year.

6.2 Available Capital Resources

6.2.1 On the basis of known Government announcements the total basic needs allocation available to 31 March 2013 is £32.5 million including £6.9 million of the 2011-12 allocation not yet applied. This funding must meet the cost of any required temporary classes In addition to the estimated cost of the projects to deliver additional places at Prendergast Ladywell Fields and Trinity CE Primary. These projects will be delivered over two financial years, 2012 – 2014.

6.2.2 At this stage the basic need allocations set out above are insufficient to cover this programme. It is therefore proposed to cover the shortfall by using an equal sum from the capital maintenance allocation of £5.404m. Any subsequent reports to the Mayor recommending award of the contract for each proposal will include projected costs and confirmation of the capital funding for the schemes.

6.3 Revenue Finance Implications

Pump priming funding has been agreed in principle to enable Heads of Schools to be appointed by September 2012. This will be met from the Dedicated School Grant.

7 Legal Implications

7.1 The Human Rights Act 1998 safeguards the rights of children in the Borough to educational provision, which the Council is empowered to provide in accordance with its duties under domestic legislation.

7.2 Section 14 of the Education Act 1996 obliges each local authority to ensure that there are sufficient primary and secondary schools

available for its area i.e. the London Borough of Lewisham, although there is no requirement that those places should be exclusively in the area. The Authority is not itself obliged to provide all the schools required, but to secure that they are available.

7.3 In exercising its responsibilities under section 14 of the Education Act 1996 a local authority must do so with a view to securing diversity in the provision of schools and increasing opportunities for parental choice.

7.4 Section 14(6)(a) of the Education Act 1996 provides that “In exercising their functions under this section, a local authority shall in particular have regard to –

a) the need for securing that primary and secondary education are provided in separate schools;...”

This is not a prohibition on providing primary and secondary education in the same school, nor is it a mandatory obligation to “secure” the same. The relevant sub-section imposes an obligation to “have regard to the need for securing that primary and secondary education are provided in separate schools” when exercising functions under section 14 of the Education Act 1996. In other words, the local authority must have regard to any difficulties /negative aspects of educating primary age children with those of secondary age.

7.5 The Education and Inspections Act 2006 places requirements on Authorities to make their significant strategic decisions concerning the number and variety of school places in their localities against two overriding criteria:

- to secure schools likely to maximise student potential and achievement;
- to secure diversity and choice in the range of school places on offer.

Section 19 of the Education and Inspections Act 2006 provides that where a local authority or the governing body of a maintained school proposes to make a prescribed alteration to a maintained school and it is permitted to make that alteration, it must publish proposals.

7.6 The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 provide that proposed enlargements of school premises which would increase the capacity of the school by more than 30 pupils and by 25% or 200 pupils (whichever is the lesser), or changes to the age limit of a school are prescribed alterations which means that statutory proposals have to be published, and there must be a period of four weeks for representations before a decision is made. This does not apply to temporary enlargements where it is anticipated that the enlargement will be in place for less than 3 years, or a rise in the number anticipated to last only one year.

7.7 The Council, before making any decision regarding the expansion of a school, must ensure that capital funding is in place, interested parties have been consulted, the statutory notice is published and there has

been a four week period for representation.

7.8 The Equality Act 2010 (the Act) brings together all previous equality legislation in England, Scotland and Wales. The Act includes a new public sector equality duty (the equality duty or the duty), replacing the separate duties relating to race, disability and gender equality. The duty came into force on 6 April 2011. The new duty covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7.9 In summary, the Council must, in the exercise of its functions, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- advance equality of opportunity between people who share a protected characteristic and those who do not.
- foster good relations between people who share a protected characteristic and those who do not.

7.10 As was the case for the original separate duties, the new duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

7.11 The Equality Act 2010 (the Act) brings together all previous equality legislation in England, Scotland and Wales. The Act includes a new public sector equality duty (the equality duty or the duty), replacing the separate duties relating to race, disability and gender equality. The duty came into force on 6 April 2011. The new duty covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7.12 In summary, the Council must, in the exercise of its functions, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- advance equality of opportunity between people who share a protected characteristic and those who do not.
- foster good relations between people who share a protected characteristic and those who do not.

7.13 As was the case for the original separate duties, the new duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate

unlawful discrimination, advance equality of opportunity or foster good relations.

- 7.14 The Equality and Human Rights Commission (EHRC) issued guidance in January 2011 providing an overview of the new public sector equality duty, including the general equality duty, the specific duties and who they apply to. The guidance covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The guidance was based on the then draft specific duties so is no longer fully up-to-date, although regard may still be had to it until the revised guide is produced by the EHRC. The guidance can be found at <http://www.equalityhumanrights.com/advice-and-guidance/new-equality-act-guidance/equality-act-guidance-downloads/>.
- 7.15 The EHRC guidance does not have legal standing, unlike the statutory Code of Practice on the public sector equality duty which was due to be produced by the EHRC under the Act. However, the Government has now stated that no further statutory codes under the Act will be approved. The EHRC has indicated that it will issue the draft code on the PSED as a non statutory code following further review and consultation but, like the guidance, the non statutory code will not have legal standing.
- 7.16 A further report will be brought to the Mayor and Cabinet on the results of the publication of the Statutory Notices and full legal implications associated with those proposals will be set out in that further report.

8 Crime and Disorder Implications

- 8.1 There are no crime and disorder implications.

9 Equalities Implications

- 9.1 This report supports the delivery of the Council's Equalities programme by ensuring that all children whose parents/carers require a place in a Lewisham school will be able to access one.
- 9.2 Should the Mayor agree to one or more of the recommendations at Paragraph 2.2, an Equalities Impact Assessment will be included along with the subsequent report on any representations resulting from the publication of statutory notice(s).

10 Environmental Implications

- 10.1 Every effort will be made to enhance rather than detract from school environments in the solutions to providing additional primary places.

11 Risk assessment

- 12.1 There are financial risks if insufficient funding is allocated to support the programme There are also significant reputational risks to the Council if it does not meet its statutory requirement to ensure sufficient primary school places are made available.

BACKGROUND PAPERS

Appendix 1 Prendergast Ladywell Fields College Consultation
Appendix 2 Petition against Prendergast Ladywell Fields College using Ewhurst Road as an entrance to facilitate the extra pupils and footfall expected in planned school expansion

Mayor & Cabinet April 19th 2011 Consultation On Provision Of Additional Permanent Primary Places

If there are any queries on this report, please contact Chris Threlfall, Head of Education Infrastructure on 02083149971

APPENDIX ONE PRENDERGAST LADYWELL FIELDS COLLEGE

	DESCRIPTION	SCHOOL	RESPONSE	AGE GROUP	SEX	ETHNICITY	COMMENTS
1.	Parent	PLFC	Yes	25-29	Female	White-British	I am a mother of three and although the memories I had of Primary school are ones of joy I remember in the last days of my time there I remember feeling very anxious or unsure of what was ahead. After my first few weeks at secondary I remember wishing I was back at that place. I felt a longing for my old school. The change was so dramatic it made my time at secondary a struggle. Speaking to my daughter and many other family members and friends they have felt the same. I feel if as a child I started and finished at the same school I would have had a much more content experience in the upper years than I had and would more than likely resulted in a better outcome.
2.	Parent	PLFC	Yes	35-39	Female	European	Prendergast Ladywell Fields College is a lovely learning environment and would certainly benefit younger children too. It also would be easier for parents having siblings attending the same school. I don't think that the education of the children already in the school would be compromised but would instead encourage them to set the example for primary aged children and would benefit primary aged children to see what are the expectations as they grow older
3	Parent	PLFC	Yes	35-39	Female	Black / Black-British African	
4	Parent	PLFC	Yes	40-44	Female	Black / Black-British	1) A positive move in the infrastructure of Education in England

						Caribbean	for families and young people, also for the Lewisham Borough 2) An increase of Primary schools, thus offering a variety of choice for parents
5	Parent	PLFC	Yes	45-49	Female	Bulgarian	I think it will be great to offer additional places for pupils
6	Parent	PLFC	Yes	45-49	Female	White-British	Saves space which is in short supply Will guarantee year 7 pupils a place in their "own" school instead of having to go through the process of choosing schools that are potentially unreachable Will provide a easier transition from primary to secondary and provide more stability for the children
7	Parent	PLFC	Yes	65+	Male	Black / Black-British African	It is profoundly surprising that this concept is not in place decades ago. It seems so natural, like birth, life and eventually passing away. No separation.
8	Parent	PLFC	No	35-39	n/k	Black / Black-British Caribbean	We believe the school grounds are too small to house both a primary and secondary school. Building a new school would not only disrupt the children's education but will also greatly reduce the outdoor playing areas. We don't believe that a "through" school has any benefits to our child who is currently in Year 8, nor will benefit our child who will be starting in September 2012, and although we understand that Lewisham needs to find places for children of primary school age this should not be at the detriment of other children's education. Expanding Primary sites would better suit these plans. We also believe there is a lot to be gained from moving from primary to secondary school, with new buildings, new teachers and new friends. This is lost in "through school" education. Finally if we had known about these plans previously we would not have sent our children to PLFC. Housing the Vale on site

							was bad enough, with problems faced during lunch times and some behavioural problems noted by our child but we looked at these as temporary problems. This proposal, we believe, has many negatives that outweigh the positives.
9	Parent	PLFC	No	50-54	Female	Turkish Cypriot	Small and young children need separate education from older children
10	Staff	PLFC	Yes	40-44	Female	French	<ul style="list-style-type: none"> • To ensure continuity through keystages • To build healthy relationships with parents i.e. gaining their trust • Make the “correct” provisions from an early age • Enhances partnerships between leaders from key stages
11.	Staff	PLFC	Yes	30-34	Female	White-British	I would really look forward to working with Primary school and would fully support the change. I would look forward to working alongside or either working in a primary school
12	Staff	PLFC	Yes	65+	Male	Black / Black-British African	<ul style="list-style-type: none"> • It will provide continuity of support for families • It will reduce the amount of travelling the child has to make • The child(s) has reduced trauma during transition from primary to secondary school
13	Pupil	PLFC	unsure	Under 18	n/k	Chinese	
11	Member of local community	PLFC	Yes	65+	Female	White-British	<p>It will be good that parents do not move away to be sure of a good school place.</p> <p>There are serious issues having a large school in a narrow fully residential road (with a bus route)</p> <p>In this connection I see <u>Ladywell Fields open land</u> as a <u>big plus</u> (for pedestrian access)</p> <p>Dedicated <u>crossing rights</u> so pupils can cross in safety.</p>

							<p>I don't think a pedestrian zebra would work. Mrs Whitfield makes this school run smoothly. If she left/was absent there needs to be systems for safe dispersal. The PCSOs/SN team are always on hand but with teens who enjoy running away /being chased. There needs to be options for alternative access and egress away from bus stops and Ewhurst / Sevenoaks Road. <u>Opening access into the park</u> would help this.</p> <p>Need to ensure an improved 284 bus service – or even a dedicated no. of buses at the end of school for students only. This is long overdue. The ongoing needs of the secondaries is not overlooked in the planning for Y1s. They have struggled to get home, often with great patience, for years.</p>
15	Member of local community	PLFC	No	45-49	Female	White-British	<p>We oppose this view of PLFC being a “through” school due to the years of experience we have had and continue to have with the size of the current school. We have lived on Ewhurst Rd for over 15 yrs and in that time we (the local community) have had problem after problem. Parents arriving with cars, blocking the road, blocking us into our drives and then the abuse (verbal) we get from them. This will only get worse, The traffic flow in this cul-de-sac is currently more than this road can handle but it is worse at open days/evenings throughout the year.</p> <p>Making PLFC a “through school” will make it far worse all year round at all times of the day.</p> <p>The main school entrance is already an issue and problem for residents. If the views and opinions of the local community are ignored and this goes ahead, the school will have to make promises to us, the community, that it will use all of its available gates and entrances. The flow of traffic in the whole area will be hugely effected as well as the added noise pollution from the</p>

							school.
16	Petition from 39 Members of the local community	PLFC	Not stated				Petition against Prendergast Ladywell Fields College using Ewhurst Road as an entrance to facilitate the extra pupils and footfall expected in planned school expansion (see folloing document fro full text)
17	Governing Body of John Stainer Primary School	PLFC	Against				In respect of the proposed enlargement of Prendergast Ladywell Fields, the governors are not in favour of 3 - 18 educational provision as in our experience of the Haberdashers' Aske's Hatcham 3-18 provision, it has a negative impact on community cohesion and has the potential to adversely affect other local primaries. That said, the governors have nothing against primary schools co-existing on the sites of secondary schools where there is no linked admissions criterion.

APPENDIX TWO

**PETITION AGAINST PRENDERGAST LADYWELL FIELDS COLLEGE
USING EWHURST ROAD AS AN ENTRANCE TO FACILITATE THE
EXTRA PUPILS AND FOOTFALL EXPECTED IN PLANNED SCHOOL
EXPANSION**

Dear Resident of Ewhurst Road

RE: Petition against Prendergast Ladywell Fields College using Ewhurst Road as an entrance to facilitate the extra pupils and footfall expected in planned school expansion

On 9/02/12 the **Prendergast Ladywell Fields College** of Ewhurst Road held a meeting at the school to gauge local opinion to their proposal for a new building on the existing site for over 400 additional pupils from ages 5-11.

There were many dignitaries present including the Executive Head Teacher, Head Teacher, Council employees including planners etc, councillors and the builders. They are adamant it needs to be built irrespective of any traffic impact it will have on local residents. Our concern is that none of the obvious traffic logistical problems have been considered by these educated people.

Generally and at present, 11-17 year olds get themselves to and from school on their own. The proposal to introduce a primary faculty with 400 young children will cause an additional nightmare to traffic at Ewhurst and Manwood Road. Young children will need to be delivered personally into school grounds, that's 800 people (child plus one parent) all being transported through on entrance on Ewhurst Road.

Should the proposal go ahead, the footfall into the school will double that at present. The road will be affected forever. To get in and out of Ewhurst Road will become a nightmare.

One proposal suggested by the school is to make Ewhurst Road a controlled parking zone. This would reduce the amount of parking spaces and charge the residents. This is not the solution, as young children would continue to be dropped off and picked up, irrespective of controlled parking, and would do nothing to facilitate the extra vehicle and pedestrian footfall 800 bodies would create.

In the past many residents have had issues with parents and parking during the school run. Imagine how much worse it will get?

The junction of Manwood and Ewhurst Rd is currently just about tolerable. The proposed additional traffic on this junction due to the new primary school is not acceptable to the residents of Ewhurst Rd and should not go ahead.

Please sign the petition if you agree that the extra footfall on Ewhurst Road will be detrimental to the area and unacceptable.

Signed by 32 residents