

MAYOR AND CABINET CONTRACTS			
Report Title	Measures to increase the provision of permanent places in primary schools		
Key Decision	Yes	Item No.	
Ward	Blackheath Rushey Green		
Contributors	Executive Director Children & Young People Executive Director Resources & Regeneration, Head of Law		
Class	Part 1	Date:	September 11 2013

1. Executive Summary

- 1.1 This report sets out the results of the authority's bids to the Targeted Basic Need Programme.
- 1.2 As a result of these bids, the report seeks the Mayor's agreement to commence consultation in September on a proposal to enlarge John Ball Primary School from 2 to 3 forms of entry and on a proposal to enlarge Holbeach Primary School from 2 to 3 forms of entry.

2. Recommendation/s

- 2.1 The Mayor is recommended to
 - note the outcome of the bids
 - agree there should be consultation on a proposal to enlarge John Ball Primary School from 2 to 3 forms of entry with effect from September 2015
 - agree there should be consultation on a proposal to enlarge Holbeach Primary School from 2 to 3 forms of entry with effect from September 2015.

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.
- 3.5 Working within the constraints of available capital funding it is proposed that the borough's Primary Places programme 2013 – 2015 will continue to be governed by the criteria as set out in the 2008 Primary Capital Programme Strategy for Change:
 - 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

- 3.6 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

3.7 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 2015 on the sites listed in Paragraph 2.1 to 2.3, the Local Authority will need to reach a decision by July 2014.

4. Background

4.1 The Demand for School Places

4.1.1 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.

4.1.2 The most recent update (August 2013) continues to show 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
2014/15	3634	3930	3827	3635	3523	3267	3031	2477
2015/16	3634	3915	3954	3752	3851	3659	3547	3291
2016/17	3634	3863	3951	3989	3787	3886	3694	3582

*shading denotes demand in excess of supply of permanent places in the year group

4.2 Further Additional Requirement for Reception places– Borough Wide

4.2.1

	Additional Requirement
2014/15	296 (10 forms of entry)
2015/16	281 (10 forms of entry)
2016/17	229 (8 forms of entry)

These figures have been reported to the Department for Education (DfE) which requires projections for primary demand up to 2016/17. Work commissioned by the Local Authority (LA) beyond this date suggests that there will be a further increase in demand by the end of the decade.

4.3 School expansion

4.3.1 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)	564 (19FE)
2013/14	90 (3FE)	375 (12.5FE)

4.2.2 The following table sets out the schools which have opened additional temporary classes for Reception pupils since 2008/09

School	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14
Primary Place Planning Locality 1 Forest Hill & Sydenham						
Adamsrill		√	√	√	√	Expanded
Christ Church			√			
Dalmain		√	√	√	Expanded	
Eliot Bank					√	
Fairlawn			√			√
Haseltine					√	YR & Y1
Horniman				√		
Kelvin Grove			√	√	Expanded	
Kilmorie		√	√	√	Expanded	√
Perrymount			√			√
Rathfern				√	√	
St Bartholomew's					√	Expanded
St Michael's						√
St Will. of York				√		
Primary Place Planning Locality 2 Lee Green						
Brindishe Lee			√			√
John Ball		√		√		
Lee Manor			√			
Trinity CE						New provision
St Winifred's						√
Primary Place Planning Locality 3 Brockley, Lewisham & Telegraph Hill						
Ashmead			√		√	
Brockley	√				Expanded	
Edmund Waller			√			
Gordonbrock				√	Expanded	
Holbeach	√	√				
John Stainer		√			√	√
Prendergast Vale						√
Lucas Vale				√		
Myatt Garden				√		
St Stephens CE					√	
Turnham				√	√	

School	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14
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			√			
Marvels Lane						√
Haberdashers Aske's Knights Temple Grove					√	Expanded
Rangefield				√		

- 4.2.3 The majority of places to date have been added as temporary increases (“bulge” classes). Projections of demand for school places confirm that the authority must develop a programme to increase the supply of places on a permanent basis. The programme to date has used existing council-owned buildings, developed existing school sites and has taken the opportunity to get rid of half forms of entry.
- 4.2.4 Some permanent expansions were funded through the borough’s Primary Capital Programme allocation, and since 2011 the local authority has received Basic Need funding from the government to fund a programme of permanent and temporary additional provision.
- 4.2.5 The LA has approximately £28m committed resource from current allocations. The estimated cost of completing an adequate programme of primary expansions is £55 million to 2014. In March the local authority received an allocation of £19.5 million to cover 2013-2015. There is therefore a shortfall of approximately £7.5 million to meet need for additional primary places until 2014 and an additional £4.5m to meet need until 2015. After the award of Targeted Basic Need and some cost revision the original shortfall for 2014 is reduced to £3.6m.
- 4.2.6 More expansions will be required. Schemes already proposed to be delivered by 2014 using Basic Need funding include
- a 2FE Primary phase at Prendergast Ladywell Fields College
 - 1FE enlargement of Adamsrill
 - 1FE enlargement of Rushey Green
 - 1FE enlargement of John Stainer

4.2.7 A further report will be brought to the Mayor in October 2013 setting out options which can be delivered within known funding and the shortfall in resources required to deliver an appropriate programme of school places.

4.3 Targeted Basic Need Programme

4.3.1 Authorities who considered that they had a shortfall in funds to meet need through to the end of the Comprehensive Spending Review period were invited to submit bids to the Targeted Basic Need Programme.

4.3.2 The Targeted Basic Need programme 2013-2015 is intended to fund *“the provision of new, high quality school places in locations experiencing basic need pressures in order to prepare for further rises in pupil numbers”*. Provision can be made either through new schools (which could be an Academy, Free school or Voluntary Aided) or through the permanent expansion of “Good and Outstanding” schools with high levels of demand. The guidance states that *“All LAs can apply for funding but LAs with significant proportionate levels of basic need pressures are encouraged to apply for this programme”*.

4.3.3 The funding is intended for schemes which are developed and ready to be implemented. The intention is that the pupils should be admitted to expansions funded through the Targeted Basic Need programme by (at the latest) September 2015.

4.3.4 Lewisham submitted 9 bids to the value of £23m covering expansions of primary and secondary provision. On July 18th 2013 the Education Funding Agency confirmed that only 2 bids for the expansion of John Ball and Holbeach Primary schools had been successful with a grant allocation of only £4.25m with a bid of £6.2m, a shortfall of £1.9m.

4.3.5 This very disappointing result from the Targeted Basic Need process leaves us with a shortfall of £18.75m to 2017. The DfE and the Education Funding Agency have not yet made transparent their methodology for agreeing bids. A number of our programmes for under the scheme were to meet need beyond 2015. It appears that no bid beyond 2015 was agreed even though to achieve places in 2016 and beyond requires us to begin planning now.

4.3.6 As a consequence of the successful bid for John Ball and Holbeach it is necessary to commence the statutory process for enlargement.

5 Proposal to enlarge John Ball Primary from 2 to 3 forms of entry

5.1.1 Additional Requirement – Lee Green

John Ball is located in Primary Place Planning Locality 2, Lee Green. In common with most parts of the borough, the number of births to

families resident in the Lee Green area has increased over the last decade. Although slightly lower in 2010/11 than 2009/10 it is still substantially higher than at the beginning of the decade. It has not been possible to offer a local place to all the in-year applications from families resident in the area. This suggests a high level of inward migration. The schools in the area attract applications from Greenwich and from across the borough. Some pockets of intensive development are planned in the area.

Births

Births September 1 st 2000 to August 31 st 2001	439
Births September 1 st 2009 to August 31 st 2010	568
Births September 1 st 2010 to August 31 st 2011	544
Increase 2000/01 to 2010/11	24%
Increase 2009/10 to 2010/11	-4%

- 5.1.2 Schools in this area continue to attract high levels of applications. The opening of Trinity primary phase means that 60 additional places are available from 2013. Even with this provision places in the area were oversubscribed by 4.5%. 392 on-time first preference applications were received for places for local schools for entry in September 2013. Analysis of the resident population suggests the following levels of future demand but may be understated because of cross border demand and inward migration.

Projected Demand for Reception Places

Year	PAN	Projection	Additional Requirement
2014/15	375	406	31 (1FE)
2015/16	375	391	16 (1FE)
2016/17	375	387	12

5.2 John Ball Primary

- 5.2.1 This school is proposed for expansion because it is a popular school in an area of high demand. The school is consistently over-subscribed. 89 on-time first preference applications were received for 60 places for entry in September 2013. Most schools in the area are on constrained sites with little scope for expansion. All are full and their viability would not be threatened by the expansion of John Ball.

- 5.2.2 In 2008 the school was designated as Outstanding by Ofsted and has since had an interim assessment (April 2011) which indicated that performance had been sustained.

- 5.2.3 As a result of the exceptional demand for places in the area, the governing body agreed that the school should open an additional class in each of 2009 and 2011. Subsequently the governing body invited the

LA to investigate whether the school site could be developed so that the school could expand to 3 forms of entry.

5.2.4 A building proposal has been developed taking into account the fact that the school is in a conservation area. Should the Mayor agree to a consultation to enlarge John Ball Primary school to 3 FE, informal stakeholder consultation will continue so that a Planning Application can be submitted later this year. Although the funding offered through the Targeted Basic Need programme will not meet the full cost of delivering this scheme, the enlargement still offers good value for money.

5.2.5 Parents & carers and the school community have been told that the school is being considered for enlargement. The Mayor's permission is sought to continue consultation with stakeholders on a proposal to increase John Ball Primary School from 2 to 3 FE in September 2015, with a report on the consultation being brought in November 2013.

6 **Proposal to enlarge Holbeach Primary school from 2 to 3 forms of entry**

6.1.1 **Additional Requirement – Brockley Lewisham & Telegraph Hill**

Holbeach is located in Primary Place Planning Locality 3, Brockley, Lewisham & Telegraph Hill. This is an area where considerable development is taking place, both in the form of the conversion of large, old properties and through the regeneration of brown-field sites. Developers' contributions will be available from some sites, but are insufficient by a significant margin to fund the required level of school place provision.

6.1.2 In common with most parts of the borough, the number of births to families resident in Brockley, Lewisham & Telegraph Hill has increased over the last decade. Although slightly lower in 2010/11 than 2009/10 it is still substantially higher than at the beginning of the decade. Some pockets of intensive development are planned in the area.

Births

Births September 1 st 2000 to August 31 st 2001	951
Births September 1 st 2009 to August 31 st 2010	1280
Births September 1 st 2010 to August 31 st 2011	1267
Increase 2000/01 to 2010/11	35%
Increase 2009/10 to 2010/11	0%

6.1.3 Schools in this area have been expanded through the Primary Capital Programme. The expansions of Gordonbrock and Beecroft Gardens provided 45 additional places per year from 2012. They continue to attract high levels of applications and demand outstrips supply. Places in the area were oversubscribed by 12.6%. 851 on-time first

preference applications were received for the 756 permanent places for schools in the area for entry in September 2013.

- 6.1.4 Demand is projected to increase throughout the decade. 90 additional permanent places are proposed for 2014 through the enlargement of John Stainer and lowering the age limit of Prendergast Ladywell Fields College. However this will not meet additional local demand.

Projected Demand for Reception Places

Year	PAN	Projection	Additional Requirement
2014/15	846	915	69 (2.5 FE)
2015/16	846	907	61 (2FE)
2016/17	846	869	23 (1FE)

- 6.1.5 Despite a small projected dip in 2016/17, projections to the end of the decade indicate that demand will rise again with a predicted shortfall of up to 4FE.

6.2 Holbeach Primary School

- 6.2.1 This school is proposed for expansion because it is a popular school in an area of high demand. Most schools in the area are on constrained sites with little scope for expansion. All are full and their viability would not be threatened by the expansion of Holbeach.
- 6.2.2 The school was inspected by Ofsted in May 2012 who found it to be a Good school.
- 6.2.3 The school was one of the first to offer bulge classes in 2008/09 and 2009/10. Subsequently accommodation used by CEL became available and the school's potential for expansion has been evaluated as part of the borough-wide programme to identify additional provision.
- 6.2.4 The governing body appreciates the demand for places in the area and understands that Holbeach will need to play a role in providing places for a growing local population. It has challenged the LA to develop a proposal which provides classrooms of an adequate size, enables the school to retain nursery provision and which provides a safe and stimulating outdoor area.
- 6.2.5 Governors have worked with the LA to develop a proposal to remodel the school building to provide the additional classrooms and ancillary infrastructure. The building has a Grade 2 listing and therefore any alterations will be fully scrutinised by Planners and English Heritage and will require consent to any application for alteration.
- 6.2.6 The school is immediately adjacent to the Catford Dog Track site which is to be developed by Barretts. Planners and staff in Children & Young People are working together to identify opportunities for the school

arising from this development.

- 6.2.7 Should the Mayor agree to a consultation to enlarge Holbeach Primary school to 3 FE, informal stakeholder consultation will continue so that a Planning Application can be submitted later this year. Although the funding offered through the Targeted Basic Need programme will not meet the full cost of delivering this scheme, the enlargement still offers good value for money in the context of the scarcity of other local sites and the growing population.
- 6.2.8 Parents & carers and the school community have been told that the school is being considered for enlargement. The Mayor's permission is sought to continue consultation with stakeholders on a proposal to increase Holbeach Primary School from 2 to 3FE in September 2015, with a report on the consultation being brought in November 2013.

7. Financial implications

- 7.1 On March 1st 2013 the DfE announced the Basic Need allocations to cover the period April 2013 to March 2015 (2013/14 - 2015/16 academic years). Lewisham was allocated £19.5 million, more than £5m less than anticipated on the basis of allocations received in the two previous years.
- 7.2 On completion of the primary places projects for September 2012, at a cost of £19.5 million, there was a balance of £28 million for all future projects' delivery. Taking account of the new 2013-15 basic need allocation this provides a total capital resource for places provision of £47.5m. This includes an allocation of £2.5m DfE maintenance grant and Section 106 resources of £1.1m.
- 7.3 In July the DfE announced the outcome of the Targeted Basic Need Programme. In Lewisham the provisional grant allocation is £4.250m to extend Holbeach and John Ball Primary schools. There was no allocation to support any early work for secondary places need in 2017. The two named projects must be delivered on receipt of the grant by September 2015. The allocations made are £1.9m short of the estimated costs of delivery.
- 7.4 The total grant available for 2014 places after the completion of 2013 places projects is £34.1m. Schemes already committed to by Mayor and Cabinet total £22.5m. This leaves £11.6m to deliver additional projects for September 2014.
- 7.5 After a decision to commit to John Ball and Holbeach, £5.4m would remain for the balance of need in September 2014. Potential projects for that balance of need are estimated currently at £9m, a shortfall of £3.6m.

- 7.6 There is therefore grant cover for John Ball and Holbeach but not for the full projected programme for September 2014 places.
- 7.7 A more detailed report on future places and funding will be brought to Mayor and Cabinet in the Autumn setting out how the September 2014 programme can be funded and considering what the approach to funding the September 2015 programme might be.

Revenue Financial Implications

- 7.8 The revenue costs of supporting the pupils in the accommodation proposed for the bids will be identified from the DSG resources and will not be a call on General Fund resources.

8. Legal Implications

- 8.1 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.
- 8.2 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.
- 8.3 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.
- 8.4 The Education and Inspections Act requires local authorities to consider and respond to parental representations when carrying out their planning duty to make sure that there is sufficient primary and secondary and suitable SEN provision in their area.
- 8.5 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It 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.
- 8.6 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.

- 8.7 The 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.
- 8.8 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>
- 8.9 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
 2. Meeting the equality duty in policy and decision-making
 3. Engagement and the equality duty
 4. Equality objectives and the equality duty
 5. Equality information and the equality duty
- 8.10 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

9 Crime and Disorder Implications

- 9.1 There are no crime and disorder implications.

10 Equalities Implications

- 10.1 The consultations proposed in this report are a result of the growth in Lewisham's population.
- 10.2 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.
- 10.3 The results of the consultations will include an Equalities Analysis to demonstrate the extent to which the proposal will benefit the population of the area.

11 Environmental Implications

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

12 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.

13. Conclusion

- 13.1 The recommendations for additional provision included in this report should provide an additional 60 permanent primary places per year from 2015. In the context of limited funding, it is important that the borough establishes permanent places in order to minimise future expenditure on temporary classes which will not deliver a long-term benefit to the community.
- 13.2 These proposals present the opportunity to increase provision at popular and successful schools in areas where demand is projected to continue to rise.

Background Documents

Report to the Mayor.- April 17 2013

Request for Permission to bid to the Targeted Basic Need programme

<http://councilmeetings.lewisham.gov.uk/documents/s22160/Targeted%20Basic%20Need%20Programme.pdf>

If there are any queries on this report please contact **Margaret Brightman, Place Manager**, 020 8314 8034.