

MAYOR AND CABINET			
Report Title	Measures to increase the supply of permanent primary school places: Report on the Representation period on the proposal to enlarge Sir Francis Drake Primary School		
Key Decision	Yes	Item No.	
Ward	Evelyn		
Contributors	Executive Director for Children and Young People, Executive Director Regeneration & Resources, Head of Law		
Class	Part 1	Date:	June 25 2014

1. Summary

- 1.1 This report sets the outcomes of the representation period following the publication of Statutory Notice to enlarge Sir Francis Drake Primary School. This measure is proposed in order to meet demand for school places.

2. Purpose

- 2.1 The report requests the Mayor to note the responses received during the Representation period following the publication of Statutory Notices proposing to enlarge Sir Francis Drake Primary School from 1 to 2 forms of entry with effect from September 2016, subject to the development of satisfactory building proposals in partnership with the Education Funding Agency.

3. Recommendations

That the Mayor:

- 3.1 notes the responses received during the representation period on proposals to enlarge Sir Francis Drake Primary School;
- 3.2 agrees the proposal to enlarge Sir Francis Drake Primary School from 1 to 2 forms of entry with effect from September 2016, subject to the development of satisfactory building proposals in partnership with the Education Funding Agency.

4. Policy Context

- 4.1 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*.
- 4.2 The Local Authority has a duty to ensure the provision of sufficient places for pupils of statutory school age and, within financial constraints, accommodation that is both suitable and in good condition.

- 4.3 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*.
- 4.4 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

- 4.5 A priority in the Primary Strategy for Change (PSfC), is 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 stated 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."

- 4.6 Dependent upon future central government decisions on capital delivery, it is proposed that the borough's Primary Capital Programme 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

- 4.7 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 2013*. These set out the statutory process for making changes to a school, and statutory guidance on making changes to a maintained school indicates 4 stages to making a prescribed alteration to a maintained school. These are:
- 1) Publication of a Statutory Notice
 - 2) Representation period
 - 3) Decision making
 - 4) Implementation

5. Background

5.1 School expansion

- 5.1.1 The Mayor and Cabinet and the Education Select Committee have received regular reports detailing the pressure on Primary School places and the measures taken to

increase supply. The following tables summarises the schools who have offered additional places that have been opened since 2008 and the total number provided:

School	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15
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			√		√		
Beecroft Gardens	√				Expanded		√
Edmund Waller			√				
Gordonbrock				√	Expanded		
Holbeach	√	√					
John Stainer		√			√	√	
Lucas Vale				√			√
Myatt Garden				√			
Prendergast Primary							New provision
Prendergast Vale						√	
St Stephens CE					√		
Turnham				√	√		
Primary Place Planning Locality 4 Catford, Bellingham & Grove Park							
Athelney			√	√			
Baring			√				
Coopers Lane				√	√	√	Expanded
Elfrida					√		√
Forster Park		√	√		√	√	√
Rushey Green			√	√	√		Expanded
Sandhurst		√	√	√	Expanded		
Torridon			√				√
Primary Place Planning Locality 5 Deptford and New Cross							
Deptford Park		√	√				√
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				√			

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)
2014/15	120 (4FE)	315 (10.5FE)

- 5.1.2 The majority of places have been added as partial expansions (“bulge” classes). Since 2012 the authority has used Basic Need allocations 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 remove half forms of entry.
- 5.1.3 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.
- 5.1.4 The most recent update 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 tables.

Year	Planned Admission Number	Forecast Reception demand	Shortfall
2014/15	3634	3989	355 (12 FE)
2015/16	3724	3994	270 (9 FE)
2016/17	3724	4083	329 (11.FE)
2017/18	3724	4085	331 (11FE)

6. Proposal to enlarge Sir Francis Drake Primary School from 1 to 2 forms of entry

- 6.1.1 On April 9th 2014 Mayor & Cabinet received a report which set out the demand for primary places in Deptford & New Cross Primary Place Planning Locality and the outcomes of the consultations on proposals to enlarge Sir Francis Drake Primary School as part of the measures to meet this demand. The minute of the discussion of the report is included as Appendix One.
- 6.1.2 Sir Francis Drake Primary School is located in Primary Place Planning Locality 5, New Cross & Deptford. The following schools in that locality have been enlarged since 2009:

Partial enlargements

Deptford Park Primary	2009, 2010, 2014
Kender Primary	2010, 2011
Grinling Gibbons Primary	2011, 2012
St Josephs RC Primary	2011,2012,2013

Permanent

Kender Primary enlarged from 1 to 2FE	2012
---------------------------------------	------

New Provision

Haberdashers Aske’s Free School 2FE	2013
-------------------------------------	------

Additional Requirement – Deptford and New Cross

- 6.2.1 Sir Francis Drake Primary School is located in Primary Place Planning Locality 5, Deptford and New Cross. Typically there is a low level of on-time applications compensated for by a high level of late applicants. Since 2012 there has also been a high number of in-year applicants from the area. There is considerable housing development in the area, including brown-field sites for which Sir Francis Drake will be the nearest school. Whereas the birth rate in some areas has stabilised, it continues to increase in this part of the borough.

Births

Births September 1 st 2000 to August 31 st 2001	537
Births September 1 st 2009 to August 31 st 2010	655
Births September 1 st 2010 to August 31 st 2011	694
Increase 2000/01 to 2010/11	29%
Increase 2009/10 to 2010/11	6%

- 6.2.2 The number of on-time applications for places at schools in the area has increased over the last 3 years. Whilst the significant increase in applications for 2014/15 may reflect the popularity of the new Haberdasher's provision in the area, it is evident that demand in the New Cross and Deptford area is growing.

Year	Number of on-time applications (preferences 1-6)
2012/13	1,567
2013/14	1,637
2014/15	1,862

The distance of the last child offered a place at Sir Francis Drake in the 2013 application round was 527 metres. Without expansion of local school places many families who do not have a child already at a school will be disadvantaged.

- 6.2.3 The table below sets out occupancy by year group across the Planning Area. The fluctuations in the occupancy of individual cohorts as they move through emphasises that this is an area with considerable in year movement. The figures demonstrate that the overall trend is for Key Stage occupancy to increase meaning that there are few vacancies for families new to the borough to access.

	January 2012	January 2013	January 2014
Year R	96%	96%	99%
Year 1	92%	97%	97%
Year 2	94%	86%	94%
Key Stage 1 Occupancy	94%	93%	97%
Year 3	91%	87%	92%
Year 4	90%	91%	92%
Year 5	81%	87%	96%
Year 6	75%	80%	91%
Key Stage 2 Occupancy	84%	86%	93%

- 6.2.4 Projections for the area are based on a methodology which ensures that it meets the current characteristics of the local population. The number of births to families resident in the area is taken as the basis for the number of 5 year olds at the relevant year for entry to school. An allowance is made for inward migration and the impact of new developments. Reception places in the area are currently full which suggests that the increase in population forecast for the end of the decade has started earlier.

6.2.5 Projections produced in April 2014 indicate that at least 560 Reception places will be required each year, and currently 510 are available. Demand will continue to rise beyond the end of the decade. Approximately 1,300 additional dwellings are planned in the area. The addition of permanent places in the area will contribute to reducing reliance on temporary enlargements offering greater stability to parents and schools.

6.3 Sir Francis Drake Primary School

6.3.1 Sir Francis Drake Primary is a 1 form of entry primary school located to the south of Deptford Park, and adjacent to both the Surrey Canal Triangle development and the Grinstead Road development. It offers 30 Reception places each year and has a total of 210 places across the year groups.

6.3.2 Ofsted inspected the school in 2013 when it was rated as “Good”. Since then the school has had exceptionally good KS 2 SATs results. At the Spring census the occupancy level across Key Stage 1 was 96% and 91% in Key Stage 2.

6.3.3 Demand for places at Sir Francis Drake has also increased as is demonstrated in the following table.

Year	<u>Sir Francis Drake</u> Number of first preference on-time applications	<u>Sir Francis Drake</u> Number of second preference on-time applications	Sir Francis Drake Number of on-time applications (preferences 1-6)
2012/13	29	39	145
2013/14	33	42	145
2014/15	38	41	159

6.3.4 The table below demonstrates that the school has few vacancies across the year groups and is effectively full. Whilst occasional vacancies may occur, the school does not have capacity to accommodate population change in the area.

	January 2012	January 2013	January 2014
Year R	97%	97%	97%
Year 1	100%	93%	96%
Year 2	96%	97%	96%
Key Stage 1 Occupancy	97%	95%	95%
Year 3	100%	100%	97%
Year 4	96%	96%	87%
Year 5	100%	90%	90%
Year 6	90%	100%	97%
Key Stage 2 Occupancy	96%	96%	93%

6.3.5 The school was built in 1963. Although the governing body has taken care of the site, the condition of the buildings have become increasingly less suitable for the delivery of the primary curriculum as is evidenced by the addition of a large number of portacabin buildings to provide additional space for teaching and learning. The school building is now 50 years old and is starting to require expensive maintenance and upgrades.

6.4 Priority Schools Building Programme

- 6.4.1 In 2010 the new coalition government launched the Priority School Building programme (PSBP). This is intended to replace school buildings in poor condition and also offered the opportunity to expand schools in areas of high demand. The government's original intention had been to finance the programme through a Private Finance Initiative (PFI).
- 6.4.2 The local authority bid successfully to the Priority School Building programme to rebuild and enlarge Sir Francis Drake, reflecting the extent of major maintenance works that would become due in the near future. The scheme is now to be delivered without a PFI. The Education Funding Agency will project manage the procurement and construction of the building but requires the LA to undertake the statutory process to enlarge the school.
- 6.4.3 In view of the changing levels of demand in the area the LA has proposed enlargement from September 2016.
- 6.4.4 The building delivered by the Education Funding Agency (EFA) will be in line with the specifications agreed by the James Committee. The focus will be on the delivery of a modern, functional building which meets the government's revised guidelines for space which have recently been revised down from those previously published. The standardised designs offer less flexibility in design in order to reduce construction costs. The budget will not meet the cost of any additional planning conditions. The EFA will seek a commitment from the LA that it will meet the cost of any planning conditions, including traffic management proposals. Officers advise that this still offers good value.
- 6.4.5 Work has continued through the consultation periods to develop the accommodation proposals should the school be enlarged. The EFA has published an outline programme which proposes that detailed discussions about design will commence with the school at the end of June. The EFA programme allows for a series of 6 meetings to take place during July and early August. The planning application is programmed to be submitted by mid-September. Construction would take place during 2015 with the new school buildings opened in January 2016.

6.5 First Phase of consultation

- 6.5.1 Following confirmation from the EFA in Autumn 2013 that the PSBP programme was to be launched and after consultation with the school Governing Body, the Mayor's permission was requested in January 2014 to launch a consultation on a proposal to expand Sir Francis Drake from 1 to 2 forms of entry.
- 6.5.2 Consultation events were held during February 2014, in line with the School Organisation legislation requirements. The outcomes were reported to the Mayor, April 9th 2014.
- 6.5.3 Some parents agreed that it was appropriate to expand the school in response to the increased population in the area. However many parents were opposed feeling that the site was too small and that the building offered through the PSBP-funded development would not offer the facilities the school currently enjoyed.
- 6.5.4 Having reviewed the outcomes of the consultation and the presentation by the Chair of Governors and Headteacher of Sir Francis Drake, the Mayor agreed the recommendation that a statutory notice should be published to enlarge Sir Francis Drake Primary school from 1 to 2 FE with effect from September 2016.

6.6 Representation Period

- 6.6.1 The Statutory Notice for Sir Francis Drake was published on May 14th. The notice was published in the Mercury newspaper, on the Council website and in 2 local libraries. Six copies were provided to the school to display. The Statutory Notice is attached at Appendix Two and the accompanying Prescribed Information is attached as Appendix Three.
- 6.6.2 The representation period ran until June 10th. A written response was received from the Governing Body and can be found at Appendix Four. Two petitions were launched with 1 and 114 signatories respectively. They are included as Appendix Five. Eight Representations were received from parents and members of the community and are included at Appendix Six. One Representation was a letter written on behalf of 25 parents of children in the Reception class. In addition, the Evelyn Parents forum also wrote to the Mayor of Lewisham and to Joan Ruddock MP for Lewisham & Deptford. Correspondence with Joan Ruddock is included at Appendix Seven

All the representations received during the Statutory Notice period opposed the proposal.

6.6.3. Sir Francis Drake Governing Body

The Governing Body recognises that the school has a role to play in meeting the needs of the local community, However it remains concerned about how the design of the school will support the delivery of an outstanding education. They ask for the continued support of the LA in working with the EFA during the development of the design and a possible financial contribution from the LA to make extra provision. They have undertaken to visit schools which have been provided through the Priority Schools Building Programme in order to understand better how the buildings function.

- 6.6.4 The Governing Body has been fully engaged with the consultation activities and with the EFA .
- 6.6.5 The Head of Education Infrastructure and the Places Manager have met with the school and separately with the EFA's Project Manager to discuss how to ensure effective liaison during the next stages of design development, should the proposal proceed. The governing body has been informed that a limited amount of money can be made available. The first call on this will be the cost of planning conditions. The nature of the PSBP funding does not allow Local Authorities to "top-up" the funding to make significant changes to the design..

Summary of issues raised by SFD parents

Key Points	Response
The School works well as it is.	It is recognised that Governors have looked after the site of the school. However in the next few years important elements of the infrastructure will reach their expected lifespan and will need replacing. The EFA set stringent conditions for the conditions of buildings eligible to be replaced through the Priority Schools Building Programme. They conducted their own assessments of nominated buildings and agreed with the LA's assessment that the school buildings are likely to become more costly to maintain.
Family/Community feel -	The majority of schools in Lewisham are 2 or 3FE

<p>Expansion to 2 FE will completely change the school's personality.</p>	<p>schools. The very many successful schools in Lewisham demonstrate that a school of this size can continue to deliver an inclusive and caring culture where the children achieve high standards. There are a number of models which enable the school to maintain an environment where children feel secure and valued as an individual. Since 2008 many schools have enlarged on the same sites and demonstrate that change can be successfully managed.</p>
<p>Lack of information on proposed building plans.</p>	<p>It is frequently the case that designs are not available at this consultation stage. However, should the proposal reach the stage of a planning application, an outline design is required and is made publically available. As part of the planning process, interested parties are asked to comment to the Planning Department who are required to take them into account in considering the application.</p>
<p>How will the school function alongside building works?</p>	<p>The Council has considerable experience of supporting schools through major building schemes. Brockley Primary (<i>now Beecroft Gardens</i>) was developed in a way similar to that proposed for Sir Francis Drake. A new building was constructed on the playground while the existing school continued to function. Once the pupils had moved, the old building was demolished and a new playground was set out. Should the scheme go ahead, the Education Funding Agency contractor identified by the EFA will be responsible for Health & Safety on and around the site during the build period. It is accepted good practice when working with schools that arrangements are discussed and agreed with the school management.</p>
<p>How are works funded and what is the budget? Will this be an "Austerity School"?</p> <p>When will additional staff be recruited?</p>	<p>Capital expenditure The provision of the new school building will be funded by central government through the Education Funding Agency. It has tendered the work to nationally known construction companies. They do not make known the budget for the programme but will provide a building which conforms to the standards set out in the recently revised building guidelines. https://www.gov.uk/government/collections/school-building-design-and-maintenance The EFA does not cover the cost of planning conditions which would need to be met by the Local Authority. Baseline designs for the primary and secondary schools were published following the work of the James Committee whose remit was to develop cost-effective building proposals. This is in part achieved through a degree of uniformity in appearance as well as bulk procurement. It</p>

	<p>cannot be assumed that they will lead to a reduced quality classroom experience</p> <p>Revenue budget</p> <p>The school receives its revenue budget from the Direct Schools Grant which is administered by the local authority according to a the locally determined Fair Funding formula. This is considered and recommended by the Schools Forum. It is largely determined by the numbers of pupils on roll. Should the enlargement be agreed, the funding will therefore start to increase from September 2016.</p>
When will additional staff be recruited?	<p>The LA recognises that, in order to plan effectively for gradual growth, some additional funding may be required at an earlier stage. The School's Forum has agreed that schools experiencing major capital developments should be able to make a business case, tailored to meet the needs of their school, for appropriate management support. In addition schools may be able to agree a financial plan which will allow them to anticipate future funding in order to recruit teaching staff earlier to help plan for the changing nature of the school</p>
What benefit will expansion bring to the current users of the school	<p>Children and staff will benefit from being in a modern building with all activities taking place within one location, rather than dispersed across a number of portacabins around a main building. Running costs will be lower meaning that more of the school's revenue budget will be available for staffing and materials.</p> <p>Many schools have used the experience of a building project as part of the curriculum for the year.</p> <p>Without expansion current users of the school may find that their local community loses an important aid to community cohesion, as families who may otherwise have expected to attend the school may not be able to access a school place.</p>
Inadequate consultation process with insufficient information..	<p>Consultation was undertaken fully in line with statutory regulations.</p> <p>The initial consultation period was 6 weeks from Feb 3rd to March 17th. This is deemed to be an adequate time for responses. The consultation leaflet invited views on the expansion of Sir Francis Drake.. A first stage consultation is very much focused on obtaining the views of governors, parents and children.</p> <p>The meeting of Mayor & Cabinet, April 9th 2014, was addressed by the Chair of Governors and the Headteacher of Sir Francis Drake. This is recorded in the minutes of the meeting.</p> <p>The Representation period has been completed in line with school organisation guidelines It provides an opportunity for other stakeholders to submit their views. following the publication</p>

	<p>of a public notice.</p> <p>Should the enlargement be agreed there will be a further period of consultation when the EFA submit a planning application for the proposed building.</p>
<p>Failure of Council to provide new schools in the area.</p>	<p>The Council has a severe shortage of sites for new schools. The old Tidemill site and Deptford Green site are not available for educational purposes as these are earmarked for much needed housing and to replace the green space taken by the new Deptford Green school. A new school is proposed for inclusion in the Convoys Wharf development to meet the demand for places that will be generated. Neighbouring Local Authorities also have severe pressures to provide additional school places to meet the needs of their residents. Few places will be created by them which are accessible by Lewisham residents in this locality.</p> <p>The shortage of sites means that the expansion of school places across the borough has been achieved mainly through the enlargement of existing schools.</p>

7. Factors relevant to a making a decision on school organisation proposals

When making a decision on a school organisation proposal the Decision Maker must consider the following factors:

7.1 **Consideration of consultation and representation period**

The decision-maker will need to be satisfied that the appropriate consultation and/or representation period has been carried out and that the proposer has had regard to the responses received. If the proposer has failed to meet the statutory requirements, a proposal may be deemed invalid and therefore should be rejected. The decision-maker must consider all the views submitted, including all support for, objections to and comments on the proposal.

The consultation has been undertaken in accordance with the statutory requirements. Stakeholders have been involved in the development of the proposal. The notice has been published as required. Views submitted, including all support for, objections to and comments on the proposal have been reported to the decision maker.

7.2 **Education standards and diversity of provision**

Decision-makers should consider the quality and diversity of schools in the relevant area and whether the proposal will meet or affect the aspirations of parents, raise local standards and narrow attainment gaps.

The decision maker has received information on the schools in the relevant area, including the aspirations of parents.

The decision-maker should also take into account the extent to which the proposal is consistent with the government's policy on academies as set out on the department's website.

The government's policy on academies does not apply to this proposal.

7.3 Demand

In assessing the demand for new school places the decision-maker should consider the evidence presented for any projected increase in pupil population (such as planned housing developments) and any new provision opening in the area (including free schools).

The Decision maker has received information on the projected demand for places which demonstrates that there is a sustained demand for places.

The decision-maker should take into account the quality and popularity of the schools in which spare capacity exists and evidence of parents' aspirations for a new school or for places in a school proposed for expansion. The existence of surplus capacity in neighbouring less popular schools should not in itself prevent the addition of new places.

The Decision maker has received information on demand for places which demonstrates that there is no spare capacity in neighbouring schools.

Reducing surplus places is not a priority (unless running at very high levels). For parental choice to work effectively there may be some surplus capacity in the system as a whole. Competition from additional schools and places in the system will lead to pressure on existing schools to improve standards.

The proposal does not cover the removal of surplus places

7.4 School size

Decision-makers should not make blanket assumptions that schools should be of a certain size to be good schools, although the viability and cost-effectiveness of a proposal is an important factor for consideration. The decision-maker should also consider the impact on the LA's budget of the need to provide additional funding to a small school to compensate for its size.

The decision maker has received advice about the financial impact on the school and on the LA budget.

7.5 Proposed admission arrangements (including post-16 provision)

In assessing demand the decision-maker should consider all expected admission applications, not only those from the area of the LA in which the school is situated.

Before approving a proposal that is likely to affect admissions to the school the decision-maker should confirm that the admission arrangements of the school are compliant with the School Admissions Code. Although the decision-maker cannot modify proposed admission arrangements, the decision-maker should inform the proposer where arrangements seem unsatisfactory and the admission authority should be given the opportunity to revise them.

The Decision maker has received information on current demand and on projections of likely future demand which are informed by trends in admissions. Sir Francis Drake is a Community school and the LA's published Admissions arrangements apply.

7.6 National Curriculum

All maintained schools must follow the National Curriculum unless they have secured an exemption for groups of pupils or the school community.

The Decision maker has been advised of the outcomes of Ofsted inspections of Sir Francis Drake Primary school which confirm that the school follows the National Curriculum.

7.7 **Equal opportunity issues**

The decision-maker must have regard to the Public Sector Equality Duty (PSED) of LAs/governing bodies, which requires them to have 'due regard' to the need to:

- eliminate discrimination;
- advance equality of opportunity; and
- foster good relations.

The decision-maker should consider whether there are any sex, race or disability discrimination issues that arise from the changes being proposed, for example that where there is a proposed change to single sex provision in an area, there is equal access to single sex provision for the other sex to meet parental demand. Similarly there should be a commitment to provide access to a range of opportunities which reflect the ethnic and cultural mix of the area, while ensuring that such opportunities are open to all.

The Decision maker has received an Equality Analysis Assessment of the proposal to enlarge Sir Francis Drake Primary School by 1 Form of Entry. This concludes that the proposal is beneficial to the community.

7.8 **Community cohesion**

Schools have a key part to play in providing opportunities for young people from different backgrounds to learn with, from and about each other; by encouraging, through their teaching, an understanding of, and respect for, other cultures, faiths and communities. When considering a proposal, the decision-maker must consider its impact on community cohesion. This will need to be considered on a case-by-case basis, taking account of the community served by the school and the views of different sections within the community.

The Decision maker has received evidence of demand for places in the locality of Sir Francis Drake Primary school. The provision of sufficient places in local schools will promote community cohesion.

7.9 **Travel and accessibility**

Decision-makers should satisfy themselves that accessibility planning has been properly taken into account and the proposed changes should not adversely impact on disadvantaged groups.

The decision-maker should bear in mind that a proposal should not unreasonably extend journey times or increase transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable walking or cycling routes.

A proposal should also be considered on the basis of how it will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school.

The Decision maker has received advice of demand for places in the locality of Sir Francis Drake Primary school. The increase in places will reduce the likelihood of extended journey times by enabling families to access places in their local school.

7.10 **Capital**

The decision-maker should be satisfied that any land, premises or capital required to implement the proposal will be available and that all relevant local parties (e.g. trustees or religious authority) have given their agreement. A proposal cannot be approved conditionally upon funding being made available.

Where proposers are relying on the department as the source of capital funding, there can be no assumption that the approval of a proposal will trigger the release of

capital funds from the department, unless the department has previously confirmed in writing that such resources will be available; nor can any allocation 'in principle' be increased. In such circumstances the proposal should be rejected, or consideration deferred until it is clear that the capital necessary to implement the proposal will be provided.

The Decision maker has been advised that the land and premises are owned the local authority and the capital costs of the development will be met through the Priority Schools Building Programme.

7.11 **School premises and playing fields**

Under the School Premises Regulations all schools are required to provide suitable outdoor space in order to enable physical education to be provided to pupils in accordance with the school curriculum; and for pupils to play outside safely. Guidelines setting out suggested areas for pitches and games courts are in place although the department has been clear that these are non-statutory.

The Decision maker has received advice that the enlargement of Sir Francis Primary School will be contained within the existing site and the school's current arrangements for physical education and for pupils to play outside safely. The Decision maker is advised to note that, although Guidelines setting out suggested areas for pitches and games courts are in place, these are non-statutory.

- 7.12 The Mayor is recommended to agree the proposal that Sir Francis Drake Primary school should be enlarged from 1 to 2 forms of entry with effect from September 2016.

8 Capital Financial implications

- 8.1 In the period 2008/09 to 2016/17 the Government has made available £114.95m Basic need grant available. In addition the Council has secured other grants of £18.65m and identified £4.3m of Section 106 monies to support the programme. This makes the total resources available over the period £137.9m. Against these resources the value of works estimated to be necessary are £157.25m to September 2016: this leaves a shortfall of £19.3m. In the period to September 2019 additional works of £55m are estimated which includes £50m to meet secondary places demand equivalent to two secondary schools.

8.2 Capital Financial Implications

- 8.2.1 The costs for the construction of Sir Francis Drake were intended to be met through the government's Priority Schools Building Programme. However it is now clear that the EFA will not pick additional costs resulting from planning permission requirements. While the costs for these cannot be accurately determined at this stage, an allowance has been made in the expenditure forecasts set out in 8.1 above to fund any contribution toward costs as a result of those measures. The Governing Body has raised concerns about the facilities to be provided as part of the build and asked that the local authority address these. No commitments have been made at this stage but discussions will continue if the proposals proceed as agreed.
- 8.2.2 Although the LA had hoped to secure a rebuilt and expanded school at no cost, the contribution likely to be made will be a small proportion of the costs and could not be otherwise achieved with the resources available currently to the Council.
- 8.2.3 The construction works will provide an additional 30 places in September 2016 rising to a total of 210 additional places over the next 7 years.

8.3 Revenue Financial Implications

- 8.3.1 The revenue costs of running the fully expanded accommodation will be funded from the Dedicated Schools Grant with no burden falling on the General Fund resources of the Council.

9 Legal Implications

- 9.1 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.
- 9.2 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 borough. The Authority is not itself obliged to provide all the schools required, but to secure that they are available.
- 9.3 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.
- 9.4 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.
- 9.5 The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 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.
- 9.6 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.
- 9.7 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.
- 9.8 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.
- 9.9 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.

9.10 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/>

9.11 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

9.12 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/>

9.13 In deciding whether to agree the recommendations of this report, the Mayor must be satisfied that to do so is a reasonable exercise of his discretion on a consideration of all relevant matters and disregarding irrelevancies and having regard to all Guidance that he is statutorily required to consider.

10 **Crime and Disorder Implications**

10.1 There are no crime and disorder implications.

11 **Equalities Implications**

11.1 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. An Equalities Analysis Assessment has been undertaken and is attached as Appendix 8

12 **Environmental Implications**

12.1 Every effort will be made to enhance rather than detract from school environments in the solutions to providing additional primary place

13 **Risk assessment**

- 13.1 There are financial risks if insufficient funding is made available to support the delivery of 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.

14 Conclusion

- 14.1 This report and background papers demonstrate that there is a clear need to expand primary provision to meet demand in the borough and in this locality. The enlargement proposed in this report will provide places in popular and successful schools in areas of high demand.
- 14.2 The Mayor is therefore recommended to agree to the enlargement of Sir Francis Drake Primary School from 1 to 2 forms of entry with effect from September 2016

Background Documents

Mayor & Cabinet April 9th 2014

<http://councilmeetings.lewisham.gov.uk/documents/s28377/Permanent%20Primary%20Places%20Holbeach%20John%20Ball%20Coopers%20Lane%20and%20Sir%20Francis%20Drake.pdf>

Children and Young People Select Committee January 2014

<http://councilmeetings.lewisham.gov.uk/documents/s26896/06PrimaryAndSecondarySchoolPlacesPlanning29012014.pdf>

Mayor & Cabinet January 15th 2014

<http://councilmeetings.lewisham.gov.uk/documents/s26528/Permanent%20Primary%20School%20places.pdf>

Guidance on school organisation changes

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/278422/SchoolOrganisationGuidance2014-AnnexB.pdf

If there are any queries arising from this report, please contact
Margaret Brightman, Place Manager, ext 48034

Appendix One	Extract from the Minute of the meeting of Mayor & Cabinet April 9th 2014
Appendix Two	Sir Francis Drake Statutory Notice
Appendix Three	Sir Francis Drake Prescribed Information
Appendix Four	Sir Francis Drake : Response from Governors
Appendix Five	Petitions received
Appendix Six	Responses received during the representation period
Appendix Seven	Correspondence with Joan Ruddock MP
Appendix Eight	Equalities Impact Assessment: Sir Francis Drake to follow