

MAYOR AND CABINET			
Report Title	Trinity Primary School Leahurst Road		
Key Decision	Yes	Item No.	
Ward	Lee Green		
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 requests the Mayor's permission to transfer the site of Trinity Primary school to the Southwark Diocesan Board of Education (SDBE) during the lifetime of the school on that site. Once transferred SDBE will be responsible for the insurance and upkeep of the site.

2 Purpose

The purpose of the report is to obtain the necessary permissions to undertake the transfer of the site.

3 Recommendations

That the Mayor:

- 3.1 notes that the Council is under a duty to transfer the land and buildings shown on the attached plan at Appendix 1 to the Southwark Diocesan Board of Education and agrees to the transfer taking place as set out in this report
- 3.2 delegates authority to the Director of Regeneration & Asset Management, in consultation with the Executive Director for Children & Young People and the Head of Law, to agree the final terms of the transfer and to agree and conclude any other outstanding issues in connection with the land transfer arrangements

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.

5. Background

Trinity Primary School

- 5.1. Following a statutory consultation the Mayor agreed at the meeting of the Mayor & Cabinet July 11th 2012 that the age of entry for Trinity CE School should be lowered so that the school became an all-through, admitting pupils from Reception age.

- 5.2 It was agreed that the primary phase should be accommodated in the former Ennersdale Primary school buildings in Leahurst Road which had more recently been used as a decant site.
- 5.3 Trinity is a Voluntary Aided school and Southwark Diocesan Board of Education is the owner of the school site. SDBE is responsible for the insurance and maintenance of their buildings. Voluntary Aided schools receive funding through LCVAP to maintain and develop their sites.
- 5.4 The buildings in Leahurst Road required considerable repair and renovation. It was agreed that the LA would retain responsibility for the site until that programme was complete. Once the building had been handed over to the school, the process should be started to transfer the site to SDBE for such time as it should be occupied by Trinity Primary school. Should the school close, or move to different accommodation the site in Leahurst Road should revert to LB Lewisham.
- 5.5 Once transferred SDBE will be able to apply for LCVAP funding as appropriate, reducing the LA's liability for repairs.

6. Capital Financial implications

- 6.1.1 The LA has invested £4.5 million in the refurbishment of the former Ennersdale school building in order to provide 420 places to help meet the demand for places in the locality.
- 6.1.2 The transfer to SDBE would transfer the maintenance responsibility for the site and reduce the LA liability in this respect both in terms of maintenance costs and asset management planning costs. The SDBE will be able to bid against the Locally Controlled Voluntary Aided Programme for maintenance funds. That funding allocation from the DFE will increase because of this transfer and the allocation for the LA will decrease to reflect the reduced liability.
- 6.1.3 In summary the capital funding implications of the transfer are broadly neutral.

6.2 Revenue Financial Implications

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

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 borough. 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 Paragraph 40E of Schedule 3 of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 enables a local authority to give such assistance as it thinks to the governors of Trinity School in carrying out their obligations in implementing their proposals to lower the age of entry to Trinity School through opening 2 forms of entry in the primary phase from September 2013. The primary phase to be located at Leahurst Road London SE13 5LS.
- 7.5 Paragraph 40F of Schedule 3 of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 prescribes that where the assistance consists of the provision of any premises for use for the purposes of the school, the local authority must transfer their interest in the premises to the trustees of the school to be held on trust for the purposes of the school. Should the land cease to be used for those purposes, the transfer will provide for a right of reversion to the Council. The Council is required to pay the SBDE its reasonable costs in connection with the transfer.
- 7.7 The 2007 Regulations were repealed by the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013. However by virtue of Regulation 8(2) of the 2013 Regulations, the 2007 Regulations continue to apply in relation to proposals published by a local authority or by a governing body under [section 19](#) of the Education and Inspections Act before 28th January 2014.
- 7.8 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.
- 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 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.
- 7.11 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/>

7.12 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

7.13 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/>

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.

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 place

11. Risk assessment

11.1 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.

12. Conclusion

- 12.1 This report and background papers demonstrate that there is a clear need to expand primary provision to meet demand in the borough. The enlargement proposed in this report will provide places in popular and successful schools in areas of high demand.
- 12.2 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/School_Organisation_Guidance_2014_-_Annex_B.pdf

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

Appendix One	Primary site location plan
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