

MAYOR AND CABINET			
Report Title	Measures to increase the supply of permanent primary school places: Turnham Foundation Primary School		
Key Decision	Yes	Item No.	
Ward	Crofton Park		
Contributors	Executive Director for Children and Young People, Executive Director Regeneration & Resources, Head of Law		
Class	Part 1	Date:	March 25 2015

1. Summary

- 1.1 This report informs the Mayor of proposals by the governing body of Turnham Foundation Primary School to enlarge the school from 2 to 3 forms of entry. The enlargement of the school is proposed in order to meet demand for school places in Brockley, Central Lewisham and Telegraph Hill.

2. Purpose

- 2.1 The report requests that the Mayor, having noted the proposal, agree that works to enlarge Turnham Foundation Primary school should be included in the local authority's capital programme to meet the demand for school places.

3. Recommendations

That the Mayor:

- 3.1 notes that the Governing Body of Turnham Foundation Primary School (VA) has proposed that the school should enlarge from 2 to 3 forms of entry from September 2016 subject to the availability of capital funding.
- 3.2 agrees that works to enlarge Turnham Foundation Primary school should be included in the local authority's capital programme to meet the demand for school places, subject to the agreement to the financials set out in the accompanying Part 2 report.

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.
- 4.5 Since 2008 the Local Authority's capital programme to ensure the delivery of sufficient school places has been governed by the following principle:
- "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."*¹
- 4.6 Dependent upon future central government decisions on capital delivery, it is proposed that the borough's Places 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 The guidance for proposers and decision makers in maintained schools was revised in January 2014 with the publication of School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 and (Establishment and Discontinuance of Schools) Regulations 2013. The regulations came into force on 28 January 2014.
- 4.8 The new School Organisation regulations have been introduced to support the government's aim of increasing school autonomy and reducing bureaucracy. The guidance on the regulations can be found at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/278418/School_Organisation_Guidance_2014.pdf

¹ Primary Strategy for Change (PSfC), June 2008

4.9 As a consequence of the changes, governing bodies of all categories of mainstream school can make the following changes to their schools without following a formal statutory process:

- Expansion (enlargement of premises)
- Alteration of upper or lower age limit by up to two years (except for adding and removing a sixth-form) ; and
- Adding boarding provision

4.10 The guidance on the regulations requires governing bodies to ensure that

- They have secured the necessary capital funding
- They have identified suitable accommodation and sites
- They have secured planning permission and/or agreement on the transfer of land where necessary
- They have the consent of the site trustees or other land owner where the land is not owned by the governing body
- They have the consent of the religious authority (as required); and
- The admissions authority is content for the published admissions number (PAN) to be changed where this forms part of the expansion plans, in accordance with the School Admissions Code.

4.11 The regulations also state that, although governing bodies are no longer required to follow a statutory process, they are nevertheless required to adhere to the principles of public law: they must act rationally; they must take into account all relevant considerations; and they must follow a fair procedure. The department expects that in making the changes set out in 4.9 governing bodies will:

- Liaise with the LA and trustees/diocese (if any) to ensure that, where possible the proposal is aligned with wider place planning/organisational arrangements, and that any necessary consents have been gained; and
- Ensure effective consultation with parents and other interested parties to gauge demand for their proposed change(s) and to provide them with sufficient opportunity to give their views.

4.12 This report sets out how those requirements have been met.

5.1 Alignment of proposal with wider place planning

5.1.1 Members have received regular reports on the continuing demand for school places. Turnham Foundation Primary School is located in Primary Place Planning Locality 3, Brockley. Central Lewisham & Telegraph Hill. Demand has built steadily in the area over the last 7 years and the school offered a bulge class in 2011 & 2012 in response to local demand. The following table sets out occupancy as at the 2015 January census. Although slightly behind the borough and locality trend, occupancy is increasing, reflecting the higher levels of development in the area.

Key Stage One occupancy	
Turnham	93%
PPPL 4	98%
Borough	97%

Key Stage Two occupancy	
Turnham	86%
PPPL4	92%
Borough	94%

5.1.2 Demand has continued to be high. The following table summarises the schools in the area who have offered additional places since 2008:

School	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15
Primary Place Planning Locality 3 Brockley, Lewisham & Telegraph Hill							
Ashmead			√		√		
Beecroft	√				Expanded		√
Edmund Waller			√				
Gordonbrock				√	Expanded		
Holbeach	√	√					
John Stainer		√			√	Expanded	
Lucas Vale				√			√
Myatt Garden				√			
Prendergast Vale						√	
Prendergast Primary							New provision
St Stephens CE					√		
Turnham				√	√		

5.1.3 The majority of places have been added as partial expansions (“bulge” classes). Since 2012 the authority has used central government 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.

5.1.4 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.

5.1.5 The most recent update indicates that, with some short-term fluctuations the demand for places will remain high and demand will exceed supply. 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 the area. Figures are set out below.

Primary Place Planning Locality 3 Brockley, Lewisham & Telegraph Hill			
Year	Planned Admission Number	Forecast Reception demand	Shortfall
2014/15	876	942	66
2015/16	876	934	58
2016/17	876	895	19
2017/18	876	954	78
2018/19	876	970	94

5.1.6 The local authority is developing options to meet the shortfall across the area. The evaluation of each option includes an assessment of affordability and compliance with local planning conditions. On the basis of this evaluation the local authority initiated discussions with the governing body of Turnham Foundation Primary School which owns the site. It agreed that a design

development process should start with the aim of developing a proposal for the school site to RIBA Stage 2². A letter of support from the governing body is included at Appendix One.

5.1.7 A cost estimate for the proposal has been included in the forward financial planning of the capital programme. The cost estimate has been revised as the design and proposals for construction methods have developed. The school has requested that items such as an overhaul of the heating and cooling systems for the site should be included. The school will fund the cost of works to areas which would not otherwise be included in the project scope. A feasibility study is in hand and the scope will be agreed with the school before tender documents are issued and a contract award made.

5.2 Consultation

5.2.1 The school has consulted with parents and local residents through newsletters and meetings.

5.2.4 A meeting was held on 28 January 2015 when neighbours and other local residents were invited to view the plans prior to the completion of a Planning Application. The publicity leaflet is attached to this report as Appendix Two. Information boards were displayed in the school hall during an afternoon and evening session, with members of the design team on hand to answer queries. A video projection of a CGI walk-through was also playing during the day. Participants were invited to complete a comment sheet. The exhibition was attended by approximately 30 people, a mixture of school parents, pupils and school staff. The proposals were very well received. The expansion is seen as a logical response to the demand for places which will leave the school well positioned to compete with other local schools which have benefitted from capital investment. The majority of comments related to the detail of the building and landscaping proposals.

5.2.5 The Design Review Panel viewed the site as part of a familiarisation with sites proposed for development. It was agreed that due to the simplicity of the building proposal it did not merit a formal review. A Planning Application was submitted on February 10th 2015: Ref. No: DC/15/90944

5.2.6 The Place Manager has attended meetings of the governing body during the development of the proposal. On January 31st, the governing body discussed the results of the consultation event. The Governing Body agreed that, subject to the Mayor's agreement to include the capital works in the programme to meet the demand for school places, Turnham Foundation Primary should be enlarged from 2 to 3 forms of entry and that it should admit 90 pupils in September 2015. The consultation on admissions for 2016 will be on the basis of a Planned Admission Number of 90 (Appendix One - Letter from Chair of Governors).

6. The following tables summarise how the proposal to enlarge Turnham Foundation Primary School meets national and local criteria.

National Criteria	Evidence
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² Concept Design, including outline proposals for structural design, building services systems, outline specifications and preliminary cost information along with relevant project strategies in accordance with Design Programme.

They have secured the necessary capital funding	The purpose of this report is to secure the necessary capital funding.
They have identified suitable accommodation and sites.	It is agreed by planners and the governing body, which is the site owner, that the school site is suitable for expansion.
They have secured planning permission and/or agreement on the transfer of land where necessary	There has been close liaison with the Planning Authority during the development of the proposal for enlargement. A planning application has been submitted. There is no requirement to transfer land.
They have the consent of the site trustees or other land owner where the land is not owned by the governing body	Turnham Foundation Primary school is a Foundation school and the land is owned by the Governing Body. There has been close liaison with the governing body during the development of the proposal and they have expressed their support.
They have the consent of the religious authority (as required)	Not appropriate.
The admissions authority is content for the published admissions number (PAN) to be changed where this forms part of the expansion plans, in accordance with the School Admissions Code.	<p>As a Foundation school, the governing body is the admissions authority for the school. It is content for the published admissions number to be increased to 90. The governing body will include this in the consultation for admission arrangements in 2016, and has agreed to vary the admission arrangements in 2015 to admit 90 children.</p> <p>The school's admissions policy states:</p> <p>Where the number of applications for admissions exceeds the planned admission number priority will be given to:</p> <ol style="list-style-type: none"> 1) Children in public care. 2) Children who have a brother or a sister attending the school. If the school is oversubscribed entirely with siblings, priority will be given to those living nearest and to those with exceptional and social needs. 3) Where there are medical grounds (supported by a doctor's certificate) or social reasons (supported by professional documentation) for admitting the child. 4) Proximity of the child's home to the school, with those living nearer being accorded the higher priority. The distance will be measured in a straight line from the child's home to the main

	school entrance.
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Local Criteria	Evidence
Provide sufficient places at the right time to meet future needs within and between planning localities in the Borough	The sustained demand for places in the area is set out above (5.1.5).
Improve conditions and suitability of schools in order to raise standards	The proposals for enlargement include works to improve the outdoor learning environment and to tackle overheating in classrooms.
Increase the influence of successful and popular schools.	<p>Ofsted undertook a full inspection of the school in March 2013 and judged the school to be “Good” throughout. The reports can be accessed through the following link http://reports.ofsted.gov.uk/inspection-reports/find-inspection-report/provider/ELS/100753</p> <p>However, the Local Authority(LA) has had cause to raise concerns about governance at the school. This is ongoing and the LA will need to be sure that the school has put in place capacity to cope with the work. The school is in the process of appointing a new Headteacher.</p> <p>A total of 134 on-time applications were received for the 66 places available in 2014/15. Of these 45 were first preferences and 20 second. 155 on-time applications were received for entry in 2013. Of these 56 were first preferences and 30 second.</p>
Maximise the efficient delivery of education in relation to the size of the school, removing half-form entries and promoting continuity of education	The school currently operates 3 classes in some year groups with up to 22 children in each class, meaning that a relatively high percentage of the school budget is taken by staffing costs. Expansion to 3 forms of entry will offer greater economies of scale and better value to the Direct Schools Grant.
Enable school extended services for pupils, parents and communities	The proposed security zones in the building will mean that the school can be used out of regular school hours.
Optimise the Council’s capital resources available for investment	The cost per place compares well with other permanent enlargements. The majority of the expenditure is for new build rather than backlog maintenance. The school has agreed

	that it will meet the costs of certain items such as an overhaul of the current heating and cooling systems.
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7 Financial implications

7.1.1 In the period 2008/09 to 2016/17 the Government has made £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 is £ 139,774 to September 2016: this leaves a shortfall of ££1.9m. This programme of expenditure is included within the Council's capital programme for 2015 – 2018 which secures Council resources for the balance of £1.9m. In the period to September 2020 additional works of £40m are estimated which includes £37m to meet secondary places demand. If a further secondary school was required this would add another £25m to the expected costs.

7.1.2 All projects to deliver additional places in September 2014 and September 2015 can be funded within the funding envelope identified above.

7.2 Capital Financial Implications

7.2.1 Budgetary provision for the estimated costs of the expansion of Turnham Foundation primary school have been included in the forward planning of the capital programme for the delivery of school places projects to September 2015.

7.2.2 The construction works will provide an additional 24 places in September 2015 rising to a total of 168 additional places over the next 7 years.

7.2.3 The full capital financial implications are set out in the separate Part 2 report.

7.3 Revenue Financial Implications

7.3.1 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.

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 borough. 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 Paragraph 4.7 and 4.11 sets out the legal framework for an expansion to a school. The school has consulted with all relevant stakeholders as required under the Regulations. The results are set out at paragraph 5.2.
- 8.5 The Governing Body decision to proceed with the expansion is subject to the Mayor's agreement to include the work to the school in the Council's capital programme. It will be necessary for the Council to enter into a licence with the Governing Body for the Council to carry out the works at the school.
- 8.7 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.
- 8.8 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.
- 8.9 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.
- 8.10 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/>
- 8.11 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

8.12 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/>

8.13 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.

9 Crime and Disorder Implications

9.1 There are no crime and disorder implications.

10 Equalities Implications

10.1 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.

11 Environmental Implications

11.1 The proposed scheme will meet BREEAM³ “Very Good”.

12 Risk assessment

12.1 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.

13 Conclusion

13.1 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 a school with an established reputation and in an area of high demand.

³ Building Research Establishment Environmental Assessment Methodology

13.2 The Mayor is therefore recommended to note the proposal of the Governing body that Turnham Foundation Primary school should be enlarged from 2 to 3 forms of entry with effect from September 2015, and agree that the necessary building works should be included in the capital programme.

Background Documents

Guidance on school organisation changes

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/278418/School_Organisation_Guidance_2014.pdf

Summary of demand for school places:

Children and Young People Select Committee January 2014

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

*If there are any queries arising from this report, please contact
Margaret Brightman, Place Manager, 0208 3148034*

Appendix One	Letter from Chair of Governors
Appendix Two	Publicity leaflet – to follow
Appendix Three	Results of consultation

Turnham Primary Foundation School

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Wednesday 4th February 2015

Dear Margaret,

I write on behalf of the governing body of Turnham Primary Foundation School to state that we fully endorse and support the intended building proposals.

To date we have found the consultation process to be both informative and considerate.

We are excited about how, if approved, the building scheme will benefit our pupils, staff, parents and members of our local community.

The proposals were discussed and ratified at our governing body meeting held on 22nd July 2014.

I look forward to being informed of future developments.

Yours Sincerely

/

Robert Mapp
Chair of Governors
Turnham Primary Foundation School.

APPENDIX TWO

Turnham Primary School Public Consultation
 14-026-6
 28 January 2015

Comments

<p>The plans look fantastic and will be a real asset to the local community. The new build creates extra space and will provide extra rooms for children’s learning.</p> <p>Areas that could be reviewed are:</p> <ul style="list-style-type: none"> - Using a synthetic surface for the lawn area to allow use all year round. - Possibility of extra stairs to allow safer /easier exits. - Air conditioning in the classrooms as it can become very hot in the summer. - Use of solar power on the roofs to generate electricity. - Remote control black out blinds in the classroom to allow for better viewing of the whiteboards. - Make the school gates bigger to allow parents and children to enter the school (pedestrian gate). - Resurface the playground area. Possibly with synthetic/Astroturf surface. - Re-position or re-zone the MUGA to allow better use of the space.
<p>Good use of space – good/generous room/class sizes. Ecology garden is good. Could there be another ecology garden or green area at the opposite end of the building? Some concerns about the use of outdoor area – playtimes/equipment already in playground. There will be a lot of children on site at the beginning/end of school day. Extension will enable the school to compete with other schools in the area.</p>
<p>The new build proposal looks great. I like that the upper floor is mostly windows, and that an eco garden has been included. The trees are a good idea, but I think more could be included. Could more trees be included for privacy? How will the glass classroom stay cool, as the south facing situation is something of an issue?</p>
<p>Could the ground floor classroom be extended out to create more space? The current covered area demolished and replaced with a structure which is usable year-round. Benches on the grass areas, under trees?</p> <p>Staircase! Getting 4 classes down the stairs at the year 6 end is difficult so an additional staircase halfway along would improve the movement to and from the playground.</p>
<p>Concerns: lower school really benefit from having individual outdoor areas – for bags, planting area etc. Will there be allocated areas per class?</p>
<ul style="list-style-type: none"> - Wider entrance for school gates. - More bikes 10 or 20 needed for children. - Cut off cages – low level gates – not glassed. - Outdoor play area – larger for nursery. - Reception outdoor space (more) larger area of outdoor play for reception.
<ul style="list-style-type: none"> - Plans look lovely – love extension to the top floor. - Concerned about the outdoor space. So many children in the school, how will they fit? Scattered playtimes etc? - Staircase – from top level down, so many additional classes. Extra staircase?
<p>Could the grass area be Astroturf so that it can be used all year round?</p>

<p>Could lower school have climbing frames/MUGA/apparatus in the playground like upper school have? The children need something to play on. We could have a rota to monitor the usage.</p>
<p>For EYFS outside area: there are blind spots.</p> <ul style="list-style-type: none"> - Nursery and reception should ideally be separate especially if provision is free flow. - Flooring that is non-slip when wet. - Low fencing to the floor, height similar to current fence, possibly clear plastic to protect from wind, rain etc. - Current roof leaks, drainage is also a problem. Different design? - We need storage.
<p>I think that the roof terrace is a great idea, although more space on top of roof could be used. Greener alternatives? Solar power etc. What will be on the top of the roof once building is complete? Outside area for when it is raining?</p>
<p>If more children in reception classes few flow to the reception classrooms great if some of the tarmac can be taken up to allow mud [?] for play. Think about denser planting in the main grass area. All planting multi-sensory forest garden style. Planting that is quite low Pond would be great.</p>
<p>I think the extension of the school is a good idea. It would be nice for the children to have more things to play on in the playground. Playground needs more improvements.</p>
<ul style="list-style-type: none"> - Extend planting to boundary of Turnham Road - Lovely landscaping just more trees - Slightly more trees
<p>I like it but it needs to change. The toilets, and polish the windows.</p>