

MAYOR AND CABINET			
Report Title	Primary School Expansion Proposal – Permission for Consultation		
Key Decision	Yes	Item No.	
Ward	Brockley		
Contributors	Executive Director for Children and Young People		
Class	Part 1	Date:	7 September 2016

1. Summary

- 1.1 This report sets out the demand for Primary places in the Brockley, Lewisham and Telegraph Hill place planning locality, alongside forecast demand across the Borough in general. The report then sets out the rationale for an expansion of Ashmead Primary School from one form of entry (30 pupils per year) to two forms of entry (60 pupils per year). Subsequently the report seeks permission to commence the statutory process regarding proposed School Expansion beginning with consultation.

2. Purpose

- 2.1 The report requests the Mayor's permission to undertake a consultation on the proposal to enlarge Ashmead Primary School from 1 to 2 forms of entry with effect from September 2017 (through use of a recycled bulge class in 2017, and permanent expansion being in place for September 2018).

3. Recommendations

- 3.1 The Mayor is recommended to agree that there should be a consultation on the proposal to enlarge Ashmead Primary School from 1 to 2 forms of entry with effect from September 2017 and that officers should report back to Mayor and Cabinet by the end of 2016 with the results and next steps.

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 ***A new School Places Strategy***

4.5.1 A priority in the recent Lewisham Education Commission Report is for the Council to develop a new 5 year School Places Strategy that will succeed the existing Primary Strategy for Change. Officers are currently fully reviewing the existing programme and are assessing what needs to be achieved in the future with the expectation that a draft strategy will be ready for consultation in the Autumn and sign off by Mayor and Cabinet in the Spring ready for an April 2017 launch.

4.5.2 Whilst this review and strategy development is important to help guide us moving forwards, it should be noted that the population in Lewisham continues to rise and the demand for school places also follows that trend. As such in the interim officers are continuing to pursue both this primary expansion opportunity along with the secondary expansion opportunity at Addey and Stanhope School. These will sit alongside a number of schemes which are already in train and where statutory processes have already been completed.

4.6 ***School Organisation Requirements***

4.6.1 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

4.6.2 However, it is seen as good practice to have a period of more informal consultation before publishing a statutory notice, to enable officers to have a proper conversation with the local community regarding possible expansion and to enable the Mayor to have a fuller understanding of local opinion prior to entering into the formal statutory process.

5. **Background**

5.1 Regarding school expansions, Mayor and Cabinet and the Children and Young People Select Committee have received regular reports detailing the pressure on School places (typically primary) and the measures taken to increase supply.

- 5.2 Historically these have usually been in the form of permanent whole-school expansions or the introduction of either temporary or permanent single year group expansion (bulge classes).
- 5.3 Indeed Ashmead Primary School since being rebuilt in 2008 has taken in two bulge classes, the first of which will be available to be 'recycled' to take a new cohort in 2017.

6. Forecasting, demand and viability

- 6.1 Current forecasting shows that within the Brockley, Lewisham and Telegraph Hill pupil place planning locality that the local primary school place deficit will reach 60 places in 2017/18.
- 6.2 As such the ability to 'recycle' the bulge class at Ashmead will go some way to easing that pressure in anticipation of a permanent expansion being in place from September 2018. It is important to note that Ashmead Primary School continues to be oversubscribed year on year. In the primary admissions round for 2016/17, Ashmead Primary School received 80 1st and 2nd preference applications, far outstripping the 30 places available by 133%
- 6.3 Regarding the potential expansion scheme, a feasibility exercise has taken place which suggests that the site can accommodate a 1 form of entry expansion and that in all likelihood this would be achieved via a new separate building. Clearly, this sort of solution would have less of an impact on the school and the teaching and learning environment during the construction phase.
- 6.4 In terms of standards and ensuring that the teaching and learning environment, the school was last Ofsted inspected in 2012, the result being that the school achieved a 'Good' rating regarding its overall effectiveness.
- 6.5 It should also be noted that the expected changes to the School funding formula will most likely make it even harder for single form of entry schools to remain financially viable, and that the proposed expansion of the school will help the school to realise some economies of scale that allow it to continue to invest in teaching and learning moving forwards.
- 6.6 To date officers have held initial discussions with Governors who are minded to consider the proposed expansion of the school and believe that to be in the best interests of the school.
- 6.7 Overall this rationale should be seen as a clear example of a school that should be considered for expansion.

7. Financial Implications

Capital Financial Implications

- 7.1 This report recommends that a consultation is undertaken on the proposal to enlarge Ashmead Primary School from 1 to 2 forms of entry with effect from September 2017. Any capital costs in delivering an enlargement would be funded from the Primary Places capital programme.
- 7.2 A review of the Primary Places capital programme has identified that there is a shortfall in resources anticipated for 2016/17; the forecast programme

expenditure in 2016/17 exceeds the forecast available resources, which includes Basic Need grant and S106 contributions. The exact amount of the shortfall will depend upon factors such as delivery timescales, defects and retention withholdings, and the allocation of S106 contributions, but could potentially be as high as £8m. The Council will use capital reserves to finance the shortfall, although it should be noted that a shortfall of this magnitude could substantially deplete capital reserves and even result in a borrowing requirement.

- 7.3 The Primary Places capital programme is forecast to have available resources of £10.3m in 2016/17, and further receipts of Basic Need grant of £10.6m and £14.1m are expected in 2017/18 and 2018/19 respectively.

Revenue Financial Implications

- 7.4 All on-going revenue costs of running the enlarged school will be met from the resources of the Dedicated Schools Grant.

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 school places 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 2006 places requirements on Authorities to make their significant strategic decisions concerning the number and variety of school places in their localities against two overriding criteria:
- to secure schools likely to maximise student potential and achievement;
 - to secure diversity and choice in the range of school places on offer.
- Section 19 of the Education and Inspections Act 2006 provides that where a local authority or the governing body of a maintained school proposes to make a prescribed alteration to a maintained school and it is permitted to make that alteration, it must publish proposals.
- 8.5 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 lasting only one year.
- 8.6 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.

- 8.7 The Equality Act 2010 (the Act) brings together all previous equality legislation in England, Scotland and Wales. The Act includes a new public sector equality duty (the equality duty or the duty), replacing the separate duties relating to race, disability and gender equality. The duty came into force on 6 April 2011. The new duty covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 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 As was the case for the original separate duties, the new duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations
- 8.10 The Equality and Human Rights Commission (EHRC) issued guidance in January 2011 providing an overview of the new public sector equality duty, including the general equality duty, the specific duties and who they apply to. The guidance covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The guidance was based on the then draft specific duties so is no longer fully up-to-date, although regard may still be had to it until the revised guide is produced by the EHRC. The guidance can be found at <http://www.equalityhumanrights.com/advice-and-guidance/new-equality-act-guidance/equality-act-guidancedownloads>
- 8.11 The EHRC guidance does not have legal standing, unlike the statutory Code of Practice on the public sector equality duty which was due to be produced by the EHRC under the Act. However, the Government has now stated that no further statutory codes under the Act will be approved. The EHRC has indicated that it will issue the draft code on the PSED as a non statutory code following further review and consultation but, like the guidance, the non statutory code will not have legal standing.
- 8.12 A further report will be brought to the Mayor by the end of 2016 on the results of the consultations and full legal implications associated with those proposals will be set out in that further report.

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

12. Background documents

None.

If there are any queries on this report, please contact Matt Henaughan, Service Manager, School Place Planning on 0208 314 8034