

MAYOR AND CABINET			
Report Title	Addey and Stanhope Secondary School Expansion (re-organisation) Proposal – Permission for Consultation		
Key Decision	Yes	Item No.	
Ward	Brockley		
Contributors	Executive Director for Children and Young People		
Class	Part 1	Date:	28 September 2016

1. Summary

- 1.1 This report sets out the demand for secondary places in Lewisham. The report then sets out the rationale for an expansion of Addey and Stanhope School (a voluntary aided school) from four forms of entry (120 pupils per year) to six forms of entry (180 pupils per year).
- 1.2 The report also confirms that the governing body of Addey and Stanhope School will be conducting the statutory process required to close their Sixth Form following on from the current halt to admissions, as per the statutory guidance for the closure of a sixth form of a voluntary aided school. It is proposed that this consultation will happen in line with the Council's expansion proposal process, and would then potentially come back to Mayor and Cabinet in the new year for decision.
- 1.3 Subsequently the report seeks permission to commence the statutory process regarding the proposed school expansion beginning with the consultation stage of the statutory process.

2. Purpose

- 2.1 The report requests the Mayor's permission to undertake a consultation on the proposal to enlarge Addey and Stanhope School from 4 to 6 forms of entry, with effect from September 2018. The report also asks the Mayor to note that the Governing Body of Addey and Stanhope School will also be conducting a consultation (as the first part of the process) to close the 6th Form at Addey and Stanhope School in Summer 2017.

3. Recommendations

- 3.1 The Mayor is recommended to agree;
- 3.2 That there should be a consultation on the proposal to enlarge Addey an Stanhope School from 4 to 6 forms of entry with effect from September 2018.
- 3.3 That officers should report back to Mayor and Cabinet by the end of 2016 with the results and next steps.
- 3.4 The Mayor is recommended to note;

- 3.5 That the Governing Body of Addey and Stanhope School will be starting the statutory process to close the Sixth Form provision, and that this will be completed alongside the councils consultation process regarding proposed school expansion.
- 3.6 That the result of this consultation will then be presented to Mayor at a future meeting date, as the Mayor is the decision maker for such changes as per the statutory guidance/process.

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 school 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 Schools Capital Programme and Lewisham's Primary Strategy for Change

- 4.5 A priority in the current Primary Strategy for Change is the provision of sufficient places at the right time to meet future needs in the Borough. As stated in Lewisham's June 2008 PSfC:

"Ensuring that sufficient places are provided 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 The borough's School Capital Programme continues 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.

4.7 Additionally, as presented to the Children and Young People Select Committee in January 2017, forecasting has flagged an additional 2 forms of entry of secondary provision in 2018/19 and a new school in 2020. The report also stated that overall in order to meet anticipated demand up to 2025 Lewisham will;

- Identify and progress further options for enlarging existing schools
- Re-cycle existing bulge classes

Consider the need for up to;

- 3 additional primary schools
- 2 additional secondary schools
- 1 or 2 additional special schools

4.8 ***A new School Places Strategy***

4.8.1 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 what has gone on before and 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.

4.8.2 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 secondary expansion opportunity along with the primary expansion opportunity at Ashmead Primary School.

4.9 ***School Organisation Requirements***

4.9.1 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

4.9.2 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.

4.9.3 Indeed, with this particular proposal we are looking at an expansion on to an additional site (the Mornington Centre) which adds additional elements to the

process that have to be covered to show that we are not in effect opening a new school, which should therefore be created under the 'Free School presumption'

4.9.4 These elements to be considered within any proposal need to focus on the following questions;

The reasons for the expansion

- What is the rationale for this approach and this particular site?

Admission and curriculum arrangements

- How will the new site be used (e.g. which age groups/pupils will it serve)?
- What will the admission arrangements be?
- Will there be movement of pupils between sites?

Governance and administration

- How will whole school activities be managed?
- Will staff be employed on contracts to work on both sites? How frequently will they do so?
- What governance, leadership and management arrangements will be put in place to oversee the new site (e.g. will the new site be governed by the same governing body and the same school leadership team)?

Physical characteristics of the school

- How will facilities across the two sites be used (e.g. sharing of the facilities and resources available at the two sites, such as playing fields)?
- Is the new site in an area that is easily accessible to the community that the current school serves?

4.6.5 Additionally the proposals will need to be sent to the School Organisation department within the DfE for monitoring purposes.

4.6.6 In this particular case, the expectation is that the new site would be used for KS4 education and therefore should have no issues in proving that it is not a new school.

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. These reports have also highlighted the impending pressure on secondary places as a result of the primary bulges moving through the system, coupled with additional pressure on secondary places in neighbouring local authorities (currently Lewisham is a net exporter of secondary age pupils).

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). However, these have usually been primary school expansions in which we have a much larger portfolio upon which to look to accommodate expansions. Within Secondary schools it is believed that only permanent expansions are viable.

6. Forecasting, demand and viability

- 6.1 Current GLA forecasting shows that within Lewisham the need for Secondary places is going to rise over the next eight years as follows;

Year	Year 7 Cohort projection
2016	2417
2017	2557
2018	2768
2019	2817
2020	2968
2021	2964
2022	3037
2023	3080

- 6.2 Currently there are 2667 places within Secondary schools in the Borough, showing that from 2018 there will be a forecasted deficit if we do not consider secondary school expansion (or new schools).
- 6.3 As such the ability to add an additional 2 forms of entry at Addey and Stanhope School will go some way to meeting this need.
- 6.4 Regarding the potential expansion scheme, a feasibility exercise has taken place which suggests that the Mornington Centre building when reconfigured can accommodate what is required to provide an appropriate environment for KS4, and would then allow the school to expand its intake to 180 pupils each year.
- 6.5 The benefit of utilising an 'annexe' site is that there should be very little impact on the school during the construction phase, indeed the expectation would be that the construction company would provide some educational outreach to current pupils so that the school can play (and receive) a positive part of the process.
- 6.6 In terms of standards the school was last Ofsted inspected in 2012, the result being that the school achieved a 'Good' rating regarding its overall effectiveness.
- 6.7 It should also be noted that the expected changes to the School funding formula will most likely make it even harder for smaller secondary schools to remain financially viable, and that by this proposed expansion, we will help the school to realise some economies of scale that allow it to continue to invest in teaching and learning moving forwards. Indeed officers' current belief is that a secondary school needs to be a minimum of 6 forms of entry to be viable, especially in the context of forthcoming funding changes.
- 6.8 To date officers have held initial discussions with the school's governing body who are minded to consider the opportunity to expand the school.
- 6.9 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 Addey and Stanhope School from 4 to 6 forms of entry with effect from September 2018. Any capital costs in delivering an enlargement would be funded from the School Places capital programme.
- 7.2 A review of the 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 School 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.

Equalities Legislation

- 8.7 The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following 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 It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed at 8.8 above.
- 8.10 The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. The Mayor must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.
- 8.11 The Equality and Human Rights Commission has 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:

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice>

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>

8.12 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- [The essential guide to the public sector equality duty](#)
- [Meeting the equality duty in policy and decision-making](#)
- [Engagement and the equality duty: A guide for public authorities](#)
- [Objectives and the equality duty. A guide for public authorities](#)
- [Equality Information and the Equality Duty: A Guide for Public Authorities](#)

8.13 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:

<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance#h1>

8.14 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