

MAYOR AND CABINET			
Report Title	School Place Planning Strategy 2017-2022		
Key Decision	Yes	Item No.	
Ward	All		
Contributors	Executive Director for Children and Young People		
Class	Part 1	Date:	22 March 2017

1. Summary

- 1.1 This report updates Mayor and Cabinet on the development of a new Place Planning Strategy 2017-2022 to supersede the existing Lewisham Primary Strategy for Change 2008-2017, and then asks Mayor and Cabinet to approve and adopt the new strategy.

2. Purpose

- 2.1 The report feeds back on the results of the recent public consultation on the draft strategy, which was also discussed at the Children and Young Peoples Select Committee on 11 January 2017, and then requests that Mayor and Cabinet approve and adopt the new Place Planning Strategy 2017-2022.

3. Recommendations

That the Mayor:

- 3.1 notes the results of the consultation period regarding the draft Place Planning Strategy 2017-2022.
- 3.2 agrees that the Place Planning Strategy 2017-2022, as detailed in Appendix 1, is approved and adopted.

4. Policy Context

- 4.1 The contents of this report are consistent with the Council's policy framework. It supports the achievements of the Sustainable Community Strategy policy objectives:

- ***Ambitious and achieving*** – where people are inspired and supported to fulfil their potential.

The proposed recommendations are also in line with the Council's corporate priorities:

- ***Young people's achievement and involvement*** – raising educational attainment and improving facilities for young people through partnership working.
 - ***Protection of children*** – better safeguarding and joined up services for children at risk
 - ***Inspiring efficiency effectiveness and equity*** – 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 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.

5 A new School Places Strategy

- 5.1 Highlighted as a priority in the recent Lewisham Education Commission Report, the new Place Planning Strategy 2017-2022 will succeed the existing Lewisham Primary Strategy for Change 2008-2017.
- 5.2 Within the strategy officers have reviewed what has gone on before and what needs to be achieved in the future.
- 5.3 Officers have conducted a public consultation on the initial draft of the strategy. This ran from 12 December 2016 through to 8 February 2017 and could be accessed via the Lewisham Consultation Portal. Additionally during this period, officers also presented at the following meetings, answering questions and requesting attendees to feed any comments in via the portal.
- Lewisham Chair of Governors Meeting
 - Lewisham Special School Heads Meeting
 - Lewisham Secondary School Heads Meeting
 - Lewisham School Leadership Forum
 - Lewisham CYP Select Committee Meeting
- 5.4 The consultation focussed on questions around the new principles, our approach to primary place planning areas and our proposed methodology

for meeting need, along with an opportunity for consultees to feed in wider thoughts and comments.

5.5 Overall the consultation responses were very positive with regards to our approach, with no more than 14% of respondents being against any of the proposed principles, changes to planning areas or indicative need for additional places and the associated methodology (a full consultation report can be found in Appendix B).

5.6 However, there were a key number of comments that are addressed below;

Comment	Response
<p>It is important that additional bulge places are identified, advertised and promoted early in the process so that schools can plan effectively and parents are aware that certain schools in their area have additional capacity which may impact on their preferences. We are aware that it is difficult to predict numbers accurately due to mobility of families but appraising settings of potential place needs within their area regarding the next round of place admissions would be helpful in order for schools to understand the bigger picture for the LA and be proactive in responding in good time through their governing bodies</p>	<p>Our aim as outlined within the draft strategy is to ensure that we work in partnership with schools and other stakeholders more closely and are transparent with our processes. We have established a Pupil Place Planning and Admissions Forum with school representatives which meets regularly to enable good communication and partnership working with our schools. We are also in regular communication with colleagues from other boroughs and across London to ensure our forecasting is as accurate as possible. Indeed the new methodology for assessing the appropriateness of bulge classes has already been used and allowed us to be pre-emptive regarding the provision of bulge classes so that they were advertised and available as part of the normal admissions round. Whilst it will continue to be impossible to be completely accurate with this forecasting we will stand by this approach and aim to facilitate it as early as possible within the year.</p>
<p>One form entry schools need to be supported to enable them to remain viable. There are advantages for pupils being in a small school setting</p>	<p>We aim to work pro-actively with all of our schools and help them identify ways in which they can share services to help them continue to thrive during times of reducing resources. However, it should be noted that revenue funding for schools in Lewisham is likely to decrease as a result of the national funding formula proposals and budget pressures arising from increases to National Insurance and pension contributions as well as the</p>
	<p>apprenticeship levy and it will put additional pressure on smaller schools. The Council is supporting many schools to work in partnership</p>

	with others to share costs where possible. As above, within our bulge class recycling methodology, school size is a key criteria, as that extra class can make a large difference.
The survey is hard to understand. You aren't asking my opinion just telling me what you will be doing anyway	We do apologise that you did not find the consultation easy to understand, we were sharing our proposals and seeking your comments as to whether they were appropriate or not.
No academies	Despite the recent change in policy regarding academisation, the council does not have the ability to prevent academies in Lewisham. Indeed, should we need to build a new school, that would automatically become an academy under the 'free school presumption' rule. Additionally, school governing bodies are free to make the decision to set up a multi academy trust under certain circumstances. The Regional Schools Commissioner is also obliged to academise any school that is placed into special measures.
There needs to be more discussion with special school governors and heads for provision of more SEN places. Why another ASD school? What ability range will it take? how will that affect the other special schools	We have conducted some further work on SEND need and provision and take on board your comments. This section within the strategy will change to reflect this. We continue to actively engage with Special School Headteachers through their termly meetings, and any proposals will be commented on by our new School Place Planning and Admissions Forum that forms a crucial part of the new governance structure that has been put in place. If a new SEND school is required and/or additional SEND places are required then we will ensure that all appropriate consultation takes place for any detailed proposals
Disappointing to see a culture of school space assessment based only on quantity and no regard to quality. More baseline "value engineered" (or austerity schools) for the borough will be the result of this approach to fulfil the	The council has a clear vision to make all schools good or outstanding. We continue to ensure that schools are built or extended to advised standards in terms of space and provision and the planning department ensure that design and setting are also of a high standard. However, it is clear that building costs continue to rise and funding does not keep up with these rising costs, that is why we
council's statutory duty to provide school spaces. A	are committed to ensuring value for money and that previous investment is made best use of.

lack of vision for outstanding schools	
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- 5.7 The strategy has now been revised taking into account consultation responses and a brief overview of the main points within the strategy are described below, and the full strategy complete with appendices are attached in Appendix A.
- 5.8 The strategy looks at how the council delivered the Primary Strategy for Change 2008-2017 along with the recommendations made by the Lewisham Education Commission and as such makes seven key recommendations;
1. We must finish what we have started, and learn from our experiences. Over 50 projects are currently still being worked on and must be closed out
 2. We need to maximise the investment that has already gone into schools, therefore we should be recycling bulge classes where projections justify it – unless there is a good reason not to
 3. We need to take advantage of free school opportunities – working with potential sponsors and the EFA to secure what Lewisham needs
 4. We need to re-evaluate localities and previously considered expansion opportunities alongside demographic change and future growth projections to identify value for money projects as well as a more accurate forecasting model
 5. We need to work with the Early Years Foundation Stage (EYFS) team to consider the recent sufficiency review for EYFS and develop a plan for childcare and nursery education
 6. We need clear plans for Special Educational Needs and Disability (SEND) places and Alternative Provision (AP) – providing more of the right kind of places within the borough and reducing the number of placements out of borough
 7. We need to develop a better information sharing agreement with other local authorities to share data and information relating to school place planning and continue to work as part of London Councils
- 5.9 Building on those recommendations we have formed a revised set of five principles to guide our work, these are;
1. We aim to provide primary school places according to the level of need within different localities and we will continue to use 'planning areas'. Our aspiration is for children to attend a primary school within one mile, but within two miles is reasonable
 2. As far as possible our school expansion proposals will be for schools that are already achieving high standards and if not, have robust school improvement plans in place
 3. We will work with external partners to overcome the financial challenges related to providing additional school places (i.e. Department for Education, Education Funding Agency, Dioceses, Multi Academy Trusts)

4. We will aim for efficient delivery of education, with consideration of the economies of scale and the viable size for schools and impact on revenue budgets
 5. We will ensure that any proposal for the provision of extra places is scrutinised both in terms of suitability and value for money as well as making best use of existing assets and resources
- 5.10 Taking the recommendations and principles into account, alongside our current forecasting we therefore believe that we will need to deliver the following to ensure sufficient places;
- 5.11 **Primary** - To ensure sufficient primary places the council will work with schools to recycle bulges where required. We will also work with the Education Funding Agency, Department for Education, Regional Schools Commissioner and potential free school sponsors to provide an additional four forms of entry (120 places) of new provision by 2022 (with plans for a further four forms of entry by 2025) via free schools.
- 5.12 **Secondary** - The council's first priority will be to make existing Lewisham secondary schools the schools of choice. We will work to provide a two form of entry (60 places) expansion of Addey and Stanhope School. We will also work proactively with the Education Funding Agency, Department for Education, Regional Schools Commissioner and potential sponsors to provide up to a further eleven forms of entry (330 places) of new provision by 2022 via free schools.
- 5.13 **Early Years Foundation Stage** - While sufficient capacity is already within the system, the council will work with providers to ensure that the system is flexible enough to help meet the needs of parents and the challenge of the 30 hour offer, and to place nursery classes and schools on a sustainable footing.
- 5.14 **Special Education Needs and Disability** - The council will work up business cases for capital investment to expand both Watergate and Greenvale School based upon an invest-to-save model. Additionally the council will pursue the Department for Education's 'commissioned' Special Education Needs and Disability free school opportunity to redevelop the old Brent Knoll site.
- 5.15 The council will commit to revisiting these forecasts on a yearly basis to ensure that they still reflect current need and opportunities.

6. Financial Implications

- 6.1 The main source of finance for the school places programme is the Basic Need grant awarded by the Department for Education. The council has been allocated Basic Need grant of £10.6m for 2017/18 and £14.1m for 2018/19.

- 6.2 The council is currently awaiting an announcement from central government with regards future Basic Need grant from 2019 onwards, and also the recently announced SEND Capital grant. This is expected in late Spring 2017.
- 6.3 The council has also been able to apply significant sums secured through section 106 agreements towards school expansion schemes. There are currently section 106 contributions in excess of £4m that are available to finance school places. The councils Community Infrastructure Levy (CIL), for which charging commenced from 1st April 2015, may also provide a future source of finance.
- 6.4 Unless other sources of funding such as contributions from schools are available, any expenditure which exceeds the available amounts of Basic Need grant and section 106/CIL contributions would have to be financed from the councils capital reserves, usable capital receipts or from prudential borrowing.
- 6.5 All on-going revenue costs of running enlarged schools will be met from the resources of the Dedicated Schools Grant.

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 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.
- 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 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.

Equalities Legislation

- 7.5 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.

7.6 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.

7.7 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 7.4 above.

7.8 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.

7.9 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>

7.10 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](#)

7.11 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. 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, and other, environments in the solutions to providing additional sufficient places.

11. Background documents

Appendix A – Place Planning Strategy 2017-2022, and appendices

Appendix A1 – Primary Strategy for Change 2008-17

Appendix A2 – Tables

Appendix A3 – Lewisham Education Commission Report

Appendix A4i – Governance Structure,

Appendix A4ii – CYP Strategic Asset Board Terms of Reference

Appendix A5 – Free School Presumption

Appendix A6 – Lewisham Place Planning Localities (PPL) Map

Appendix B – Consultation Report – Place Planning Strategy 2017-2022

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