

MAYOR AND CABINET			
Report Title	Ashmead Primary School and Addey & Stanhope School Expansions: Feedback from representation periods and decisions to expand.		
Key Decision	Yes	Item No.	
Ward	Brockley, New Cross		
Contributors	Executive Director for Children and Young People		
Class	Part 1	Date:	22 March 2017

1. Summary

- 1.1 This report follows on from the Mayor and Cabinet report of 11 January 2017 that detailed the responses from the initial consultation regarding proposals to expand Ashmead Primary School from 1 form of entry to 2 forms of entry (from 30 to 60 pupils per year), and Addey and Stanhope School from 4 forms of entry to 6 forms of entry (from 120 to 180 pupils per year). Given those initial responses the Mayor made the decision to commence the formal statutory process, specifically to publish the respective proposals and carry out the representation period and report back to Mayor and Cabinet for final decision.
- 1.2 This two-part report provides the results of those periods of representation and then goes on to seek the Mayor's decision, as statutory LA decision maker, to expand both schools as described. The part two details the proposed procurement route as well as the likely cost of the expansion programme.

2. Purpose

- 2.1 The report feeds back on the comments received during the statutory representation period and then seeks the Mayor's decision to expand Ashmead Primary School from 1 to 2 forms of entry with effect from September 2017, and Addey and Stanhope School from 4 to 6 forms of entry, with effect from September 2018. It also provides indicative costs for carrying out the works in the part two paper.

3. Recommendations

- 3.1 The Mayor is recommended to:
- 3.1.1 note the results of the representation period regarding the proposal to expand Ashmead Primary School from 1 to 2 forms of entry with effect from September 2017.
- 3.1.2 note the results of the representation period regarding the proposal to expand Addey and Stanhope School from 4 to 6 forms of entry with effect from September 2018.
- 3.1.3 agree that Ashmead Primary School should be expanded from 1 to 2 forms of entry with effect from September 2017.
- 3.1.4 agree that Addey and Stanhope School should be expanded from 4 to 6 forms of entry with effect from September 2018.

3.1.5 note that further details on the likely cost of expanding both schools and the procurement route for the construction works are dealt with in part two of this report.

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.

4.1.1 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.

4.5 The Schools Capital Programme and Lewisham's Primary Strategy for Change

4.5.1 A priority in the current Primary Strategy for Change (PSfC) 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"*

4.5.2 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.

4.5.3 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

4.6 ***A new School Place Planning Strategy***

4.6.1 A priority identified in the recent Lewisham Education Commission Report is for the Council to develop a new 5 year Place Planning Strategy that will succeed the existing Primary Strategy for Change. Officers have reviewed what has gone on before and what needs to be achieved in the future, and the draft strategy has been out for public consultation. The final version of the strategy also comes before Mayor and Cabinet on 22 March 2017 for approval ahead of an April 2017 launch.

4.6.2 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 the 1FE expansion of Ashmead Primary School and 2FE expansion of Addey and Stanhope School.

4.7 ***School Organisation Requirements***

4.7.1 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

4.7.2 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. This has now taken place, the results of which were included in the Mayor and Cabinet paper of 11 January 2011.

4.7.3 Following that report and the permission from the Mayor to commence the formal statutory process for the proposed expansion of both Ashmead Primary School, and Addey and Stanhope School, officers have now completed 'Stage 1: Publication', and

'Stage 2: Representation' by conducting a formal 4 week period of representation, commencing on the day of Publication 3 February 2017 through to 3 March 2017.

- 4.7.4 The feedback from the periods of representation are summarised below, and included in full in the appendices.
- 4.7.5 In the case of the proposed Addey and Stanhope expansion we are looking to expand 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'
- 4.7.6 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?
- 4.7.7 Additionally the proposal for Addey and Stanhope had to be sent to the School Organisation department within the DfE for monitoring purposes, to enable them to be satisfied that this was a school expansion. We are I am pleased to report that DfE has responded to the proposal confirming that they are in agreement that it is indeed an expansion and not a new school, in line with our proposal that the new site would be used for KS4 education.

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

Ashmead Primary School

- 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 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.
- 6.4 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.
- 6.5 To date officers have held discussions with the governing body which believe expansion to be in the best interests of the school. Staff and governors both played an active part in the consultation process.
- 6.6 Initial non-statutory public consultation was held over a six week period from 6 October 2016 through to 17 November 2016. In total 29 responses to the consultation were received. Of which 18 were in favour of the expansion proposal (mainly due to the benefit that they believed it would have on school finances and being able to ensure local children could access the school), 5 were unsure (mainly due to a lack of clarity as to the exact plans to achieve the expansion) and 6 were against (mainly due to a belief that the site is too small and that there would be a marked increase in traffic and parking issues). Overall officers believed that the majority of consultation respondents are of the belief that an expansion is a good idea and that with sympathetic design and effective travel management solutions can be achieved. On that basis the Mayor made the decision to move forward with the statutory process.
- 6.7 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.

Addey and Stanhope School

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

School Year	Year 7 cohort Projection
2016/17	2417
2017/18	2557
2018/19	2768
2019/20	2817
2020/21	2968
2021/22	2964
2022/23	3037
2023/24	3080

- 6.9 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).
- 6.10 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.
- 6.11 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.
- 6.12. 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.
- 6.13 To date officers have held discussions with the school's governing body who are supportive of the opportunity to expand the school. Staff and governors both played an active part in the consultation process.
- 6.14 Overall this rationale should be seen as a clear example of a school that should be considered for expansion.
- 6.15 Regarding the potential expansion scheme, a feasibility exercise has taken place which suggests that the Mornington Centre building (Stanley Street, Deptford SE8 4BL) 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. Further details on the site is provided below.
- 6.16 The building was originally constructed for use as a Victorian Board school with playground area on the roof of the main building. The site comprises a number of buildings with a total gross internal area of approximately 3500m². The main block is an imposing brick building fronting onto Stanley Street. It is predominantly three storeys in height with a studio space on the roof.
- 6.17 The site was until recently occupied by Haberdashers' Aske's Hatcham College – HTG Primary School as temporary accommodation whilst their school underwent building repair works following a fire damage. It had before then been used for adult education purposes as part of Community Education Lewisham portfolio and also at

various points served as decant site for the group schools PFI programme and primary places programme.

- 6.18 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. It is however, worthy of note that using the site as permanent expansion of Addey and Stanhope, as proposed, would mean that the site would no longer be available as decant facility for the school places programme or for any other use.
- 6.19 Initial non-statutory public consultation was held over a five week period from 9 November 2016 through to 14 December 2016. In total only 7 responses to the consultation were received. Of which 4 were in favour of the expansion proposal (mainly due to the need for places in the local area along with the sense to re-use an old school building), and 3 were against (mainly due to a belief that there would be a marked increase in traffic as previously when Hatcham Temple Grove was decanted to the site there were issues, and also one respondent did not feel that the school would be positive for staff working on a dual site). Overall officers believed that the majority of consultation respondents are of the belief that an expansion is a good idea. We feel that the older age of pupils will have a lesser effect on traffic compared to primary age use (as with Hatcham Temple Grove) and that with effective travel plans this should be widely mitigated. As for the issues regarding staffing at school this is an aspect that we believe is covered within the school and governing body letter of support which outlines how the leadership believes that the expansion will have a positive effect on staffing including aiding recruitment, retention and development. On that basis the Mayor made the decision to move forward with the statutory process.

7. Publication and Representation

- 7.1 Publication of the statutory notices for each proposed expansion were made on Friday 3 February 2017. A notice was placed in the South London Press as well as on the Lewisham website. Emails were sent out to all those that had previously commented on the initial consultation that had requested to be kept up to date. Additionally letters were posted through the doors of local residents in the neighbouring streets as well as sent out to parents and staff from the schools alerting them to the representation period, inviting them to comment.
- 7.2 The representation period ran for 4 weeks from Friday 3 February 2017 to 12 noon Friday 3 March 2017. Interested parties were invited to respond either via the Lewisham consultation portal, email or letter.
- 7.3 By the end of the representation period we had received the following breakdown of comments;

Proposed School Expansion	Online response	Email response	Written response	Total number of responses
Ashmead Primary School	7	3	0	10
Addey and Stanhope School	3	0	1	4

7.4 Taking each proposal in turn;

Ashmead Primary School

7.5 Of the 10 responses received 5 were in support of the expansion and 5 were against (fuller details can be found in Appendix 1).

7.6 Of those in support of the expansion, respondents made the following comments;

- The site is large enough to enable an expansion
- Expansion will provide more opportunities for children through better use of resources and taking advantage of economies of scale
- There was a need for more places and it would be beneficial for more local children to be able to access the school
- There would be increased opportunities for staff development
- A larger cohort would help provide financial stability
- It would provide better educational benchmarking with a larger cohort and additional teachers in each year.

However, it was also caveated by the wish to; retain as much outdoor space as possible; to minimise disruption as much as feasible; and to ensure that programme runs to time and isn't hindered by any other interlinked expansion work elsewhere.

7.7 In contrast to that, the 5 responses that were against the expansion proposal made the following comments;

- A larger school will clearly result in yet more traffic congestion in the area
- A larger school wouldn't necessarily mean better financial stability as there would be higher management costs and more expensive senior leadership
- There was no foresight back in 2008 when the school was rebuilt as to future place needs
- There will be considerable disruption during the build process (noise, dust, heavy goods lorries etc.)
- Creating a larger school in a conservation area and next to a listed building is not appropriate.
- Reduced outside space despite an increase in pupil numbers can't stack up, plus the proximity to Lewisham Way surely means that pupils are exposed to severe air pollution.

However, two of the respondents did state that they would potentially rescind their opposition should they be convinced that the traffic congestion issues could be overcome.

7.8 Overall officers believe that whilst there will inevitably be some disruption caused during the build process, this can be minimised, particularly as it is anticipated that the most acceptable design solution will be the siting of an expansion block to the rear of the site, additionally whilst a contractor has yet to be appointed to carry out the design and construction early indications suggest that prospective contractors hope to access the site directly from Lewisham Way rather than Ashmead Road (subject to agreement from Transport for London), which should not require any road closures during the construction period. This also aligns with the aspirations of the Council's Highways department, who generally prefer contractors to avoid directing HGVs down residential roads wherever possible. Once appointed, the successful contractor will draw up a Construction Management Plan setting out proposals for construction traffic during the project, which will be reviewed as part of the Planning process. Additionally, the upcoming Deptford South controlled parking zone (CPZ) that will cover the Ashmead Road area will also have a positive effect on mitigating local traffic issues in the future. With regards to outside space and suitability of design both of these elements will be covered within the detailed design process, the

council ensures that any school expansions meet government 'Building Bulletin' guidelines with regards to space requirements and space needs to be able to deliver the curriculum. In addition, planning officers will be very mindful of how any proposed building will fit within the constraints presented by the conservation area and neighbouring buildings.

- 7.9 As such officers believe that the majority of concerns put forward can be mitigated against, or sufficiently minimised and that the benefits outweigh those concerns. Therefore officers recommend that the Mayor take the decision to expand Ashmead Primary School

Addey and Stanhope School

- 7.10 Of the 4 responses received all 4 were against the proposed expansion (fuller details can be found in Appendix 2).

- 7.11 The respondents made the following comments;
- Expanding the school onto this site would make an already congested area worse, we've had issues with traffic from when the site was used for a primary decant
 - We already get a lot of anti-social behaviour in the area as a result of this school being local, this will get worse if they expand onto this site.
 - Why aren't we expanding schools in the south where there's more space?
 - Can the site be redeveloped as a secondary ASD school?
 - A secondary school should be built in Evelyn instead where they're building 10,000 new homes, there's currently no secondary school in Evelyn ward.
 - This will only lead to increased noise, and a likely decrease in the value of my property.

There was also a complaint that the consultation was not advertised well enough.

- 7.12 Officers believe that an expanded secondary school should not have the same impact on increased traffic as occurred when the site was used as a Primary school decant building, as more pupils get to school either on foot or via public transport rather than being dropped off by parents – this is particularly relevant for those in years 10 and 11 who would be utilising this site.
- 7.13 Officers believe that the permanent presence of the school on this site would actually have a positive effect in decreasing antisocial behaviour as there would be staff members on site and in the proximity of the building to ensure that pupils aren't behaving in this manner, whereas currently they are not in the vicinity as the building is currently unused.
- 7.14 The proposed expansion not only meets the need for additional places in the borough but also aims to help the school become more financially sustainable, the school is currently the smallest secondary in the borough, and this expansion would bring it up to the six forms of entry that the council believe is needed to be financially viable.
- 7.15 Additional school place provision in Evelyn Ward as a result of the expected residential development is being considered under the remit of the new local plan, however, sites for secondary schools are increasingly difficult to locate and utilising a building that is currently designated for educational use to expand a small local school is a sound proposal to help meet place needs and the viability of the school – it should be noted that whilst Evelyn ward does not have a secondary school there are three secondary schools in close proximity to the ward, including this one.

- 7.16 Officers are currently working on a detailed SEND place plan, and at this time expect that there is sufficient capacity within Lewisham schools to help meet the need for ASD provision. The council is also considering the future use of the old Brent Knoll site for future additional provision within the borough.
- 7.17 The site will inevitably become noisier than it currently is, however a good local school occupying a currently unused site should actually have a positive impact on local property prices.
- 7.18 With regards to the communication for the consultation, officers personally delivered letters to local properties as well as advertising in the local press, on the website and via the schools communication channels.
- 7.19 As such, despite the 4 respondents opposed to the scheme officers believe that their concerns can be mitigated, or sufficiently minimised and that the need for places and the benefits to the longevity of the school outweigh those concerns, particularly given the site in question is currently designated as for educational use and the scarcity of suitable land for school development within the borough. Therefore officers recommend that the Mayor take the decision to expand Addey and Stanhope School

8. Factors relevant to a making a decision on school organisation proposals

When making a decision on a school organisation proposal the Decision Maker must consider the following factors:

8.1 Consideration of consultation and representation period

The decision-maker will need to be satisfied that the appropriate consultation and/or representation period has been carried out and that the proposer has had regard to the responses received. If the proposer has failed to meet the statutory requirements, a proposal may be deemed invalid and therefore should be rejected. The decision-maker must consider all the views submitted, including all support for, objections to and comments on the proposal.

The consultations have been undertaken in accordance with the statutory requirements. Stakeholders have been involved in the development of the proposal. The notices have been published as required. Views submitted, including all support for, objections to and comments on the proposals have been reported to the decision maker.

8.2 Education standards and diversity of provision

Decision-makers should consider the quality and diversity of schools in the relevant area and whether the proposal will meet or affect the aspirations of parents, raise local standards and narrow attainment gaps.

The decision maker has received information on the schools in the relevant areas, including the aspirations of parents.

The decision-maker should also take into account the extent to which the proposal is consistent with the government's policy on academies as set out on the department's website.

The government's policy on academies does not apply to these proposals.

8.3 Demand

In assessing the demand for new school places the decision-maker should consider the evidence presented for any projected increase in pupil population (such as planned housing developments) and any new provision opening in the area (including free schools).

The Decision maker has received information on the projected demand for places which demonstrates that there is a sustained demand for places in both cases.

The decision-maker should take into account the quality and popularity of the schools in which spare capacity exists and evidence of parents' aspirations for a new school or for places in a school proposed for expansion. The existence of surplus capacity in neighbouring less popular schools should not in itself prevent the addition of new places.

The Decision maker has received information on demand for places which demonstrates that there is insufficient spare capacity in neighbouring schools in both cases.

Reducing surplus places is not a priority (unless running at very high levels). For parental choice to work effectively there may be some surplus capacity in the system as a whole. Competition from additional schools and places in the system will lead to pressure on existing schools to improve standards.

The proposals do not cover the removal of surplus places

8.4 School size

Decision-makers should not make blanket assumptions that schools should be of a certain size to be good schools, although the viability and cost-effectiveness of a proposal is an important factor for consideration. The decision-maker should also consider the impact on the LA's budget of the need to provide additional funding to a small school to compensate for its size.

The decision maker has received advice about the financial impact on the schools and on the LA budget.

8.5 Proposed admission arrangements (including post-16 provision)

In assessing demand the decision-maker should consider all expected admission applications, not only those from the area of the LA in which the school is situated.

Before approving a proposal that is likely to affect admissions to the school the decision-maker should confirm that the admission arrangements of the school are compliant with the School Admissions Code. Although the decision-maker cannot modify proposed admission arrangements, the decision-maker should inform the proposer where arrangements seem unsatisfactory and the admission authority should be given the opportunity to revise them.

The Decision maker has received information on current demand and on projections of likely future demand which are informed by trends in admissions. Ashmead Primary School is a Community school and the LA's published Admissions arrangements apply. Addey and Stanhope School is a Voluntary Aided School and their admissions arrangements apply.

8.6 National Curriculum

All maintained schools must follow the National Curriculum unless they have secured an exemption for groups of pupils or the school community.

The Decision maker has been advised of the outcomes of Ofsted inspections of both schools which confirm that the school follows the National Curriculum.

8.7 **Equal opportunity issues**

The decision-maker must have regard to the Public Sector Equality Duty (PSED) of LAs/governing bodies, which requires them to have 'due regard' to the need to:

- eliminate discrimination;
- advance equality of opportunity; and
- foster good relations.

The decision-maker should consider whether there are any sex, race or disability discrimination issues that arise from the changes being proposed, for example that where there is a proposed change to single sex provision in an area, there is equal access to single sex provision for the other sex to meet parental demand. Similarly there should be a commitment to provide access to a range of opportunities which reflect the ethnic and cultural mix of the area, while ensuring that such opportunities are open to all.

Neither proposal has a negative effect on equal opportunity. Indeed both proposals would aide equality of access and would be beneficial to the community.

8.8 **Community cohesion**

Schools have a key part to play in providing opportunities for young people from different backgrounds to learn with, from and about each other; by encouraging, through their teaching, an understanding of, and respect for, other cultures, faiths and communities. When considering a proposal, the decision-maker must consider its impact on community cohesion. This will need to be considered on a case-by-case basis, taking account of the community served by the school and the views of different sections within the community.

The Decision maker has received evidence of demand for places in the locality of both schools. The provision of sufficient places in local schools will promote community cohesion.

8.9 **Travel and accessibility**

Decision-makers should satisfy themselves that accessibility planning has been properly taken into account and the proposed changes should not adversely impact on disadvantaged groups.

The decision-maker should bear in mind that a proposal should not unreasonably extend journey times or increase transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable walking or cycling routes.

A proposal should also be considered on the basis of how it will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school.

The Decision maker has received advice of demand for places in the locality of both schools. The increase in places will reduce the likelihood of extended journey times by enabling families to access places in their local school.

8.10 **Capital**

The decision-maker should be satisfied that any land, premises or capital required to implement the proposal will be available and that all relevant local parties (e.g. trustees or religious authority) have given their agreement. A proposal cannot be approved conditionally upon funding being made available.

Where proposers are relying on the department as the source of capital funding, there can be no assumption that the approval of a proposal will trigger the release of capital funds from the department, unless the department has previously confirmed in writing that such resources will be available; nor can any allocation 'in principle' be increased. In such circumstances the proposal should be rejected, or consideration deferred until it is clear that the capital necessary to implement the proposal will be provided.

The Decision maker has been advised that the relevant land and premises are within the local authority's gift and that the capital costs of the development will be met through the Basic Need Funding and relevant S106 contributions.

8.11 School premises and playing fields

Under the School Premises Regulations all schools are required to provide suitable outdoor space in order to enable physical education to be provided to pupils in accordance with the school curriculum; and for pupils to play outside safely. Guidelines setting out suggested areas for pitches and games courts are in place although the department has been clear that these are non-statutory.

The Decision maker has received advice that the enlargement of both schools will still retain sufficient space for physical education and play. The Decision maker is advised to note that, although Guidelines setting out suggested areas for pitches and games courts are in place, these are non-statutory.

- 8.12 The Mayor is recommended to agree both the proposal that Ashmead Primary School should be enlarged from 1 to 2 forms of entry with effect from September 2017, and the proposal that Addey and Stanhope School should be enlarged from 4 to 6 forms of entry with effect from September 2018.

9. Financial Implications

Capital Financial Implications

- 9.1 This report recommends the expansion of Ashmead Primary School from 1 to 2 forms of entry with effect from September 2017, and Addey and Stanhope School from 4 to 6 forms of entry with effect from September 2018.
- 9.2 The School Places capital programme is forecast to have available resources of £15.2m for 2017/18 (comprising Basic Need grant of £10.6m and S106 contributions of £4.6m) and £14.1m for 2018/19 (Basic Need grant). An announcement on funding for 2019 onwards is expected in late Spring 2017.
- 9.3 The procurement route for the works and likely cost to expand both schools are set out in a part two report. These costs will be funded from the School Places capital programme.

Revenue Financial Implications

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

10. Legal Implications

10.1 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.

10.2 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.

10.3 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.

10.4 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.

10.5 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.

10.6 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

10.7 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.

10.8 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.

10.9 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 9.8 above.

10.10 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.

10.11 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:

www.equalityhumanrights.com/en/advice-and-guidance/equality-actcodes-practice

www.equalityhumanrights.com/en/advice-and-guidance/equality-acttechnical-guidance

10.12 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

10.13 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:

www.equalityhumanrights.com/en/advice-and-guidance/public-sectorequality-duty-guidance#h1

10.14 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.

11. Crime and Disorder Implications

11.1 There are no crime and disorder implications.

12. Equalities Implications

12.1 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.

13. Environmental Implications

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

14. Background documents

Appendix 1 – Ashmead Primary School Representation Period Feedback

Appendix 2 – Addey and Stanhope School Representation Period Feedback

Ashmead Primary School AND Addey and Stanhope School Expansions – Results of Consultations M&C report – 11.1.17

<http://councilmeetings.lewisham.gov.uk/documents/s47360/Ashmead%20and%20Addey%20Stanhope%20School%20Expansions.pdf>

Ashmead Primary School Permission for Consultation M&C report – 7.9.16

<http://councilmeetings.lewisham.gov.uk/documents/s45119/Primary%20school%20expansion.pdf>

Addey and Stanhope School Permission for Consultation M&C report - 28.9.16

<http://councilmeetings.lewisham.gov.uk/documents/s45567/Addey%20and%20Stanhope%20Secondary%20School%20Expansion%20Proposal.pdf>

Decision Makers Guidance – Making prescribed alterations to maintained schools

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/514570/16-04-06_FINAL_SO_Guidance_DM.pdf

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