

<b>MAYOR AND CABINET</b>		
<b>Report Title</b>	Proposals to consult on the provision of additional permanent primary places	
<b>Key Decision</b>	Yes	Item No.
<b>Ward</b>	Downham	
<b>Contributors</b>	Executive Director Children & Young People, Executive Director Resources & Regeneration, Head of Law	
<b>Class</b>	Part 1	7 March 2012

## **1 Executive Summary**

- 1.1 This report seeks the Mayor's agreement to the allocation of local authority Basic Need funding in order to expand Haberdashers' Aske's Knights Academy Temple Grove from 1.5 to 2 forms of entry.
- 1.2 This will fulfil the commitment made at the Mayor and Cabinet meeting of 15<sup>th</sup> September 2010 when the Mayor agreed that , " if funding is forthcoming, the planned admissions limit to Merlin, as the primary phase of the Academy, should be 60"
- 1.3 The recent announcements of Basic Need funding mean that funding is likely now to be available to support the necessary capital works.
- 1.4 The addition of 15 places at Haberdashers' Aske's Knights Academy Temple Grove will contribute to meeting the increasing demand for primary places in the Downham area.

## **2 Recommendations**

- 2.1 That, the Mayor agrees that, subject to the results of any required further feasibility work which shows options to be affordable in the light of Lewisham's recent capital settlement, and of consequent outline agreement with potential providers and other stakeholders, funding should be allocated to the proposal that
  - 2.1.1 Funds from the Basic Need allocation received by this Council should be allocated to fund the enlargement of Haberdashers' Aske's Knights Academy Temple Grove from 1.5 fe to 2 fe
- 2.2 That the Mayor notes that, should the enlargement proceed, capital works will be undertaken through the local authority's framework for the procurement of educational buildings, and that officers will bring a subsequent report to Mayor & Cabinet (Contracts) with recommendations for the award of contract for these works.

### **3 Policy Context**

- 3.1 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*
- 3.2 The Local Authority has a duty to ensure the provision of sufficient places for pupils of statutory age and, within financial constraints, accommodation that is both suitable and in good condition.
- 3.3 In aiming to improve on the provision of facilities for primary education in Lewisham which are appropriate for the 21<sup>st</sup> 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*.
- 3.4 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.

#### **The Primary Capital Programme (PCP) and Lewisham’s Primary Strategy for Change**

- 3.5 When preparing the Primary Strategy for Change (PSfC), the Local Authority was prudent in taking account of the pressure on places already evident through its then most recent projections (March 2008). It therefore made one of its criteria for PCP investment in the first tranche of funding the provision of sufficient places at the right time to meet future needs within and between Primary Places Planning Localities (PPPLs) in the Borough. As articulated in Lewisham’s June 2008 PSfC:

*“Ensuring that sufficient places are provided in localities at the right time will take precedence over significant investment in schools where the rectification of conditions and suitability issues will not produce additional places. “*

- 3.6 Dependent upon future central government decisions on capital delivery, it is proposed that the borough’s 2011 – 2014 PCP will continue to be governed by the following criteria as set out in the 2008 PSfC:
- Provide sufficient places at the right time to meet future needs within and between planning localities in the Borough
  - Improve conditions and suitability of schools in order to raise standards
  - Increase the influence of successful and popular schools
  - Maximise the efficient delivery of education in relation to the size of the school, removing half-form entries and promoting continuity of education
  - Enable school extended services for pupils, parents and communities

- Optimise the Council's capital resources available for investment.

### School Organisation Requirements

- 3.8 The Mayor is not the Decision Maker for proposals relating to Academies. Haberdashers Aske's Federation will undertake the required consultation with regard to Planned Admission Limits.
- 3.9 They are accountable to the Young Person's Learning Agency (YPLA) <sup>1</sup>for decisions on Academy size and the related issues of capital and revenue funding. YPLA have asked for assurances that the Local Authority will meet
1. the capital costs of enlargement
  2. ongoing revenue funding for additional learners who will be included in the Local Authority's recoupment statement

## 4 Background

### 4.1 Temporary Additional Classes

- 4.1.1 Mayor and Cabinet have received a number of reports detailing the pressure on Primary School places and the measures taken to increase supply. The following table summarises the additional places that have been opened since 2008:

#### Additional places opened since 2008\*

School	2008/09	2009/10	2010/11	2011/12
<b>Forest Hill &amp; Sydenham</b>				
Adamsrill		√	√	√
Christ Church			√	
Dalmain		√	√	√
Fairlawn			√	
Horniman				√
Kelvin Grove			√	√
Kilmorie		√	√	√
Perrymount			√	
Rathfern				√
St William of York				√
<b>Lee Green</b>				
Brindishe Lee			√	
John Ball		√		√
Lee Manor			√	
<b>Brockley, Telegraph Hill &amp; Central Lewisham</b>				
Ashmead			√	
Brockley	√			
Edmund Waller			√	
Gordonbrock				√
Holbeach	√			

<sup>1</sup> The YPLA will be abolished 31/3/12 to be replaced by the Education Funding Agency (EFA). The EFA will take over its duties in relation to Academies.

John Stainer		√		
Lucas Vale				√
Myatt Garden				√
Turnham				√
<b>Catford, Bellingham &amp; Grove Park</b>				
Athelney			√	√
Baring			√	
Coopers Lane				√
Forster Park		√	√	
Rushey Green			√	√
Sandhurst		√	√	√
Torridon			√	
<b>Deptford &amp; New Cross</b>				
Deptford Prk		√	√	
Grinling Gibbons				√
Kender			√	√
St Josephs				√
<b>Downham</b>				
Dowderry				√
Good Shepherd				√
Launcelot			√	
Rangefield				√
<b>TOTAL</b>	2 (60)	8.5 (255)	18.5 (555)	19 (564)

\* *The School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2007* require consultation after 3 consecutive temporary enlargements.

- 4.1.2 These places have been added as temporary increases (“bulge” classes). The allocation of £12.7m to meet Basic Need in 2011/12 has meant that the authority has been able to launch a programme to increase the supply of places on a permanent basis, particularly using sites such as Kilmorie Primary School and Kelvin Grove where existing Council-owned buildings can be re-commissioned.
- 4.1.3 In 2011-12, 74% of families were offered a place at their first preference school.
- 4.1.3 In all Primary Place Planning Localities (PPPLs), Reception places in mainstream schools have been full or nearly full since 2008-09, and pressure is set to continue over succeeding years. There are few schools with significant surpluses. Where they exist, they have already begun to diminish, and will continue rapidly to do so over the next five years
- 4.2 Additional Requirement – Borough Wide**
- 4.2.1 Projections are reviewed at least annually as the information on live births, applications to schools and the uptake of places across each year becomes available.
- 4.2.2 The most recent update (August 2011) indicates that the demand for places will remain high and measures continue to be required to increase the supply

of places through a mixture of permanent and temporary enlargements tailored to meet the needs of each area. Figures are set out in the following table.

	Reception Places	Reception Demand	Y1	Y2	Y3	Y4	Y5	Y6
<b>2012/13</b>	3302	3914	3668	3575	3291	3056	2927	2765
<b>2013/14</b>	3302	3783	3936	3691	3581	3288	3060	2943
<b>2014/15</b>	3302	4026	3816	3970	3708	3587	3302	3087
<b>2015/16</b>	3302	4029	4062	3854	3989	3717	3602	3331

\*shading denotes demand in excess of supply of permanent places

4.2.3 This indicates the following borough-wide requirement

	<b>Additional Requirement</b>
<b>2012/13</b>	612 (20.5 forms of entry)
<b>2013/14</b>	481 (16 forms of entry)
<b>2014/15</b>	724 (24 forms of entry)
<b>2015/16</b>	727 (24 forms of entry)

## 5.1 Projected future demand for Lewisham Primary schools

5.1 Table 1 at Paragraph 4.2.3 above sets out the borough wide projections by Year Group until 2015/16. Population figures will need to be carefully monitored to assess the impact of the general financial situation on people's future plans for family size and moving house. But simply to cope with children known to be in the population, the borough is forecast to need over 20 additional forms of entry as early as September 2012. Some may be temporary, but the majority will ideally require the permanent expansion of some schools, the conversion of other buildings and the potential to work with other partners to make provision.

5.2 Information on each Primary Places Planning Locality is included at Appendix 1. In summary the projected changes in demand per locality, including the impact of cross border movement are as follows:

<b>2012-16 Projected Forms of Entry demand above Locality PAL<sup>2</sup></b>					
PPPL		2012-13	2013-14	2014-15	2015/16
1	<i>Sydenham/ Forest Hill</i>	4.5	4	6	6
2	<i>Lee Green</i>	0	0	0.5	0.5
3	<i>Lewisham/Brockley/ Telegraph Hill</i>	3.5	3.5	6	6
4	<i>Catford/Bellingham/ Grove Park</i>	7	5.5	7.5	7.5
5	<i>Deptford/New Cross</i>	4	3.5	4	4
6	<i>Downham</i>	4	2.5	2.5	2.5
	<b>TOTAL</b>	<b>23*</b>	<b>19</b>	<b>22.5</b>	<b>26.5</b>

<sup>2</sup> Using 2011/12 as a baseline

\*This aggregated figure is a high prediction compared to the 20.5 FE demand for 2012 indicated in paragraph 4.2.3. Out-borough applications and “late on-time applications” for 2012 indicate that there will be demand for 23 additional forms of entry

5.3 Consultations are in progress on the following options to add permanent places in 2013:

School	Places	Comment
<i>PPPL2 Lee Green</i>		
Trinity	60	Enlargement of Trinity CE Secondary to create an all-through school
<i>PPPL 3 Lewisham / Brockley / Telegraph Hill</i>		
Prendergast Ladywell Fields College	60	Enlargement of Prendergast Ladywell Fields College to create an all-through school
<i>PPPL5 Deptford &amp; New Cross</i>		
Torridon Junior	60	Enlargement through the opening of 2FE on the site of the Mornington centre

A report will be brought to Mayor & Cabinet on the outcomes of these consultations.

5.4 Haberdashers Aske’s Federation has recently sought the views of prospective parents in order to gauge the level of support for an application for the opening of a 2FE Free School on its Hatcham site. The Local Authority is confident that projections demonstrate sufficient demand in the area to justify this provision.

**6 Additional Requirement – Primary Place Planning Locality 6 - Downham**

6.1 Although Primary Place Planning Locality 6 (Downham) has been characterised by low levels of applications leading to surplus places, the character of the area is changing with new developments in the area. Parents/carers may also find it difficult to secure places in schools in Bromley as its pupil roll is also rising.<sup>3</sup>

**6.2 Occupancy**

<sup>3</sup> Parents in the Downham area have applied to the following Bromley schools in past years:

- Castlecombe Primary – this is now very oversubscribed with the distance criteria reaching about 0.2 mile
- Burnt Ash – this is now very oversubscribed, reaching 0.5 mile. This planning area has a predicted shortfall of places from 2013
- Whilst Bromley Rd Infant is not currently over-subscribed, projections for this planning area have a predicted shortfall of places from 2013.
- Alexandra Infant is oversubscribed reaching 0.4 miles mile. This planning area has a predicted shortfall of places from 2012 and there are already temporary expansions in this area.

Good Shepherd and St John the Baptist are oversubscribed and both demonstrate high levels of occupancy. Other schools in the area have filled in the course of the year and have retained the children for whom they may not have been first preference.

### 6.3 Future projections of need in Downham

#### Births

Births September 1 <sup>st</sup> 2000 to August 31 <sup>st</sup> 2001	347
Births September 1 <sup>st</sup> 2008 to August 31 <sup>st</sup> 2009	474
Births September 1 <sup>st</sup> 2009 to August 31 <sup>st</sup> 2010	476
Increase 2000/01 to 2009/10	37%
Increase 2008/09 to 2009/10	0.5%

#### Demand for Reception

Reception	High Projection	Additional Requirement
2012/13	464	119 (4FE)
2013/14	418	73 (2.5 FE)
2014/15	420	75 (2.5 FE)
2015/16	420	75 (2.5 FE)

### 6.4 Options to meet demand

Projections beyond 2015 suggest that at least 2.5FE of permanent provision will be required in order to meet the likely demand from families resident in the area. The Local Authority will look at patterns of parental preference and the capacity (both in terms of site size and school leadership) of local schools to meet this need. These options will be reported to the Mayor for decision.

### 6.5 Closure of Merlin report

When developing the proposal to close Merlin Primary school and lower the age of entry to Haberdashers Aske's Knights Academy (HAKA), the Local Authority explored whether there were sources of capital funding available to increase the planned admissions limit of the primary phase of HAKA from 1.5 fe, the Planned Admission limit of Merlin, to 2fe. No such sources emerged, and therefore the primary phase remained at 1.5fe. However, the Local Authority undertook to continue to pursue opportunities which might allow expansion at a later date.

6.6 As agreed at the time of transfer, Haberdashers' Aske's Federation has maintained Lewisham's admission arrangements for the primary phase of the Academy, based on distance from home to school, and the continuation of the Federation's admissions arrangements at Year 7 at HAKA, being based on distance from home to school and on banding.

6.7 Recent capital settlements mean that the proposal to enlarge Haberdashers Aske's Knights Temple Grove can now be re-considered.

6.8 A building proposal has been developed which will add the necessary classrooms through re-developing the site of an existing small building which is no longer fit for purpose. The scheme will also enlarge necessary elements

of the school infrastructure such as the staff room and the kitchen, since the existing facilities would not meet the needs of an enlarged school. Should the proposal go ahead, the Haberdashers Aske's Federation will integrate this building scheme with other works that they propose for the site which they will fund.

- 6.9 The proposals support the principles set out in the Local Authority's *Primary Capital Programme Strategy for Change* (Mayor & Cabinet May 2008)

## **7. Financial Implications**

### **Capital Finance Implications**

- 7.1.1 Approximately £6.9m will be carried over from 2011-12 Basic Need allocation of £12.6m announced on 13<sup>th</sup> December 2010
- 7.1.2 In July 2011 the Government announced that a further £500m would be allocated nationally to meet the demand for pupil places. In November 2011 the borough was notified of an allocation of £12.8m.
- 7.1.3 On December 13<sup>th</sup> 2011 the DfE announced capital allocations for 2012/13. Lewisham received £12.657m for Basic Need and £5.404m for capital maintenance.
- 7.1.4 A further £600m is to be allocated to authorities facing school place pressures. Amounts for individual boroughs are expected to be announced before the end of the financial year.

### **7.2 Available Capital Resources**

- 7.2.1 On the basis of known Government announcements the total basic needs allocation available to 31 March 2013 is £32.5 million including £6.9 million of the 2011-12 allocation not yet applied. The estimated cost of the projects to deliver additional places for September 2012 is £16.5million.
- 7.2.2 The Haberdashers Federation have confirmed that they do not require additional accommodation in order to admit 15 additional pupils in September 2012, therefore it is proposed to schedule the necessary works for the permanent expansion as part of the 2013/14 programme. Once the feasibility work is completed and an affordable and value for money scheme identified it will be possible to allocate a sum of money against the then known capital resources for primary places in order to deliver this expansion of places.
- 7.2.3 Subsequent reports to the Mayor on each proposal will include project costs and confirmation that funding exists within the capital allocations available to the programme.

### **Revenue Finance Implications**

- 7.3 The anticipated costs of these feasibilities is £8,250 and this would be met from the Dedicated Schools Grant *Capital Expenditure from Revenue Account* (DSG-CERA) allocation for 2012/13.

- 7.4 The project management support from the Estates Management Unit will be met from the Unit budget in 2012/13.
- 7.5 The school will be funded by the Education Funding Agency(EFA) from 1 April 2012 (currently the Young Peoples Learning Agency) on the basis of Lewisham's funding formula for our maintained schools. The EFA will then top up this funding for those services that the LA no longer provides to academies.
- 7.6 The revenue funding for the bulge class (£55k) will be included in the formula allocation for Temple Grove. This will in turn be recouped from the Local Authority by the EFA and passed directly to the school. The funding will come from 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 schools available for its area i.e. the London Borough of Lewisham, although there is no requirement that those places should be exclusively in the 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.

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.

- 8.4 Section 6 (2A) of the Academies Act 2010 which has recently been added by the section 58 of the Education Act 2011 enables a local authority to provide financial or other assistance to an Academy. The recent amendment clarifies the position in that it enables a local authority to pay some ( but not all) of an Academy's maintenance expenses and to provide (or make available) premises, goods and services for an Academy.
- 8.5 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.

8.6 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.

8.7 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.

8.8 The Equality and Human Rights Commission issued guides in January 2011 providing an overview of the new equality duty, including the general equality duty, the specific duties and who they apply to. The guides cover what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guides were based on the then draft specific duties so are no longer fully up-to-date, although regard may still be had to them until the revised guides are produced. The guides do not have legal standing unlike the statutory Code of Practice on the public sector equality duty, However, that Code is not due to be published until April 2012. The guides can be found at:

<http://www.equalityhumanrights.com/advice-and-guidance/public-sector-duties/new-public-sector-equality-duty-guidance/>

## **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 Risk assessment**

12.1 There are financial risks if insufficient funding is allocated to support the programme There are also significant reputational risks to the Council if it does not meet its statutory requirement to ensure sufficient primary school places are made available

**13 CONCLUSION**

The opportunity to expand Knights Temple Grove from 1.5 FE to 2FE provides an opportunity to fulfil commitments made earlier, and to meet the demand for pupil places within the well-established criteria for the development of primary provision within the borough.

**BACKGROUND PAPERS**

Closure of Merlin Primary School

November 10<sup>th</sup> 2010

If there are any queries on this report, please contact Chris Threlfall, Head of Education Development on 0208 3149971.