

<b>MAYOR AND CABINET</b>			
<b>Report Title</b>	Proposal to enlarge Sir Francis Drake Primary School from 1 to 2 FE through the Priority Schools Building Programme		
<b>Key Decision</b>	Yes	Item No.	
<b>Ward</b>	Evelyn		
<b>Contributors</b>	Executive Director for Children and Young People, Executive Director Regeneration & Resources, Head of Law		
<b>Class</b>	Part 1	Date:	February 17 2016

### 1. Summary

This report updates the Mayor on the proposal that Sir Francis Drake Primary School (SFD) should be enlarged from 1 to 2 Forms of Entry through a building provided by the Education Funding Agency (EFA) through the Priority Schools Building Programme.

### 2. Purpose

The report sets out how the condition has been met that the school should be enlarged subject to the development of a suitable building scheme and to request the Mayor's agreement that certain items not included in the EFA specification should be funded by the Local Authority.

### 3. Recommendations

The Mayor is recommended to:

- 3.1 Note the successful conclusion of a series of contractor engagements and consultations in partnership with the Education Funding Agency and the final building proposal agreed.
- 3.2 Note that the requirement to consult more widely with Councillors, the governing body, parents and neighbouring boroughs has been met
- 3.3 Ratify the decision to expand Sir Francis Drake Primary from 1 to 2FE for 2017 in accordance with the building proposals concluded in partnership with the Education Funding Agency;
- 3.4 Approve additional expenditure to a maximum of £225,000, to support additional site and planning requirements.

#### **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 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*.
- 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. Proposal to enlarge Sir Francis Drake Primary School from 1 to 2 forms of entry**

- 5.1 On January 15th 2014 Mayor & Cabinet received a report which *inter alia* reported on an opportunity to enlarge SFD as part of the measures to meet the demand for primary places in the Deptford and New Cross Primary Place Planning Locality.
- 5.2 At the Mayor & Cabinet meeting of 9 April 2014, the Mayor agreed a consultation on the proposal to enlarge SFD from 1 to 2 Forms of Entry, and to admit 60 pupils with effect from September 2016, subject to the development of satisfactory building proposals in partnership with the EFA. The collaboration required the EFA to project manage the procurement and construction of the building, and the LA to undertake the statutory process to enlarge the school.
- 5.3 On 25 June 2014, following the completion of the statutory consultation process, the Mayor agreed to the proposal to enlarge SFD from 1 to 2 forms of entry with effect from September 2016, subject to the development of satisfactory building proposals in partnership with the EFA..

- 5.4 On 16 July 2014 the Mayor agreed a proposal from the Overview & Scrutiny Education Business Panel that he should instruct officers to fully engage both Ward Councillors and Councillors with relevant responsibilities if there were any proposal for the use of Parks. The Mayor also agreed a proposal that, since at the time no detailed plans were available, there should be a further report to Mayor and Cabinet, and the respective Scrutiny Committee, following close working with the governing body, parents and neighbouring boroughs in the finalisation of detailed proposals.
- 5.5 The EFA then embarked on the development of building proposals and a contractor engagement process with the school. Although a scheme was developed the EFA considered that it did not offer value for money and it did not proceed. Some initial discussions were held to establish the viability of using Deptford Park as outdoor space for the school but proposals were not implemented since there was no guarantee that the EFA would progress the scheme.
- 5.6 At the Mayor & Cabinet meeting on July 15<sup>th</sup> 2015, the Mayor agreed to defer the enlargement of Sir Francis Drake Primary School for a further academic year to September 2017, and reinstate the Determined Admissions Limit for 2016/17 to the current intake of 30 pupils.
- 5.7 The EFA identified a new contractor and design team, and in September 2015 launched a further contractor engagement process with the school, with the local authority Planning department and with the Children & Young People department.
- 5.8 This has resulted in a different proposal for a new building to replace the current time-expired accommodation and to increase the capacity of the school to two forms of entry. The building meets the DFE recommendations for a 2FE Primary school as set out in Building Bulletin 103. The Design team visited Sir Francis Drake before embarking on a proposal. Following conversations with the governors and Head teacher they took as their starting point the view onto a courtyard from the current hall and have referenced that in the proposals which will shortly be submitted for planning.
- 5.9 Local Councillors have been briefed throughout and the school community kept in touch through the school website and newsletters. The school, Planners and Children & Young People have been involved throughout. Kier, the proposed contractor, has sought a dialogue with Planners as part of their pre-application consultations, including proposals for construction management and impact on traffic.
- 5.10 Public consultation**  
There have been two opportunities for public consultation. Both have been supported by illustrations and a model of the proposed layout. These materials have been left at the school for their use.
- 5.10.1 A pre-application public drop-in session was organised on Monday 30<sup>th</sup> November 2015. This offered attendees the opportunity for discussion rather than a formal meeting. The discussion covered the following topics.

- Scheme design
- Management of neighbour issues such as traffic and the Neptune Works development
- Project timetable

The session lasted from 3.30 to 7.00 and was attended by approximately 30 people. Overall, there was a positive response to the scheme.

5.10.2 A further drop-in session was held on January 19<sup>th</sup> 2016 when representatives of the local authority, Kier and the EFA were available to meet with parents and local residents to answer questions about the proposal. The meeting was publicised by the school through newsletters, the school website and twitter. The session lasted from 3.30 to 6.00 and was attended by approximately 10 parents/carers and their children..

5.11.1 Opponents of the development of Sir Francis Drake attending the meetings criticise the standard of the proposed building and the need for places. They felt that the building could be improved by the use of Section 106/CIL funding

5.11.2 As stated above (5.7) the building meets the construction recommendations for all new schools and is not sub-standard. The EFA funding model does not include a small number of items which have been standard in Lewisham primary, neither does it include borough-specific planning conditions. This report includes a recommendation that the Mayor should agree to fund legitimate additional items as set out in the table in paragraph 5.14. Officers are satisfied that the proposed school is a significant improvement on the previous scheme and will offer many opportunities for developing the delivery of the curriculum.

5.12.1 Opposers also questioned whether the re-opening of the old Charlotte Turner primary (now named Invicta Primary) in Greenwich meant that the places were no longer required

5.12.2 Officers are in regular contact across boroughs and must be consulted when school organisation changes are proposed. Invicta was re-opened by Greenwich to meet the projected pupil needs in the locality. Some children resident in Lewisham but close to Invicta may benefit on a distance criterion for admission into the school, but this will not be a sufficient number to meet overall demand in the New Cross and Deptford Planning area. Sir Francis Drake is immediately adjacent to Neptune Wharf and without additional places at the school families in areas who would have expected that their children would attend Sir Francis Drake might have been displaced unless they had an older child already on roll. The Housing Trajectory published in December 2015 states that 6,664 new housing units are to be constructed in Evelyn Ward over the next decade. The enlargement of Sir Francis Drake is part of the measures to ensure that the borough will be able to meet its statutory obligation to ensure the supply of sufficient school places.

5.13 A Planning Application was submitted on December 23<sup>rd</sup> 2015 (DC/15/094990). This provides detailed plans of the proposed building. As a Planning Application can be withdrawn, this does not fetter the Mayor's discretion. This report and the Mayor's decision will be subject to the Overview and Scrutiny process. The Planning Application will be determined by the Planning Committee.

- 5.14 Under the current proposal, the school will remain on site during the construction period but will not be able to use the Key Stage 2 playground which is where the new building is to be located. The construction side will be hoarded off and there will be a complete segregation of activities and agreed times for deliveries to site.
- 5.15 During the construction period the school will be using a discrete area of Deptford Park as a play area. Officers in CYP are in discussion with the Parks team. This will be fenced and a protective surface will be laid over the grass. Once the new building and the landscaped playground are complete the park will be restored to its previous condition. These costs will be met by the EFA. Local residents will be reassured that this is only a temporary arrangement.
- 5.16 The following table sets out a number of items which are included at the request of the school or because they are standard features in Lewisham-led developments. The EFA is prepared to include these in the specification if they are funded by the LA or the school. In addition the EFA have stated that they will not meet the cost of any planning conditions such as traffic calming measures.

<b>Item</b>	<b>Amount</b> <b>£</b>
Provision for Planning conditions	135,000
Canopy Reception classes	35,100
Canopy Year 1 classes	30,375
Belfast Sinks in Reception, Year 1, Year 2 classrooms	4,600
Pattressing for high level school signage	750
Contingency	19,175
	<b>225,000</b>

- 5.17 Other “extra-over” items including an acoustic sliding partition between the hall and the studio and interconnecting classroom doors between the Reception classes are under discussion and may be joint funded if there is sufficient headroom in the amounts in the table above.

## **6 Capital Financial implications**

- 6.1 In the period 2008/09 to 2017/18 the Government has made £125.5m Basic Need grant available. In addition the Council has secured other grants of £24.65m and identified £7.8m of Section 106 monies to support the programme this with Council resources of £1.9m makes the total resources

available over the period of £159.9m. Against these resources, the value of works estimated to be necessary is £ 154.5m to September 2017: this leaves a balance of £5.4m toward future schemes. The programme is therefore in balance for schemes to be delivered for September 2017.

- 6.2. The costs for the construction of Sir Francis Drake were intended to be met through the government's Priority Schools Building Programme. However it is now clear that the EFA will not pick up additional costs resulting from Extra-over planning permission requirements. While the costs for these cannot be accurately determined at this stage, an allowance of £250k has been made in the expenditure forecasts set out in 6.1 above to fund any contribution toward costs as a result of those measures. The Governing Body has raised concerns about the facilities to be provided as part of the build and asked that the local authority address these. No commitments have been made at this stage but discussions will continue if the proposals proceed as agreed.
- 6.3 Although the LA had hoped to secure a rebuilt and expanded school at no cost, the contribution likely to be made will be a small proportion of the costs and could not be otherwise achieved with the resources available currently to the Council.
- 6.4 The construction works will provide an additional 30 places in September 2017 rising to a total of 210 additional places over the next 7 years.
- 6.5. Although the project is delayed the EFA have taken steps to ensure delivery in September 2017. On this basis, it is recommended that the funds identified to meet the costs of any site and planning requirements should continue to be held for the project.
- 6.6 Revenue Financial Implications

The revenue costs of running the fully expanded accommodation will be funded from the Dedicated Schools Grant with no burden falling on the General Fund resources of the Council.

## **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 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 borough. 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 Section 19 of the Education and Inspections Act 2006 provides that where a local authority proposes to make a prescribed alteration to a maintained school and it is permitted to make that alteration, it must publish proposals.
- 7.5 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.
- 7.6 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. The consultation has taken place and the statutory notice issued within the requisite timescales. In relation to the additional funding requested to be paid by Lewisham to fund some of the works as set out at paragraph 5.14, some of these are required to comply with planning conditions and the remainder of the works are considered beneficial to the pupils and conform to Lewisham standard features in Lewisham-led development to schools .The Mayor has to consider the cost of these works against the benefits to the pupils.
- 7.7 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It 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.
- 7.8 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.
- 7.9 The 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.
- 7.10 The Equality and Human Rights Commission has recently 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:

<http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>

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

1. The essential guide to the public sector equality duty
2. Meeting the equality duty in policy and decision-making
3. Engagement and the equality duty
4. Equality objectives and the equality duty
5. Equality information and the equality duty

7.12 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:

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

7.13 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.

## **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 environments in the solutions to providing additional primary place

## **11 Risk assessment**

11.1 There are financial risks if insufficient funding is made available to support the delivery of 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.

## **12 Conclusion**

12.1 There is a clear need to expand primary provision to meet demand in the borough and the increased pace of regeneration proposals in this locality re-inforces the value of increasing a popular and successful school such as Sir Francis Drake. The scheme arrived at after this autumn's consultation process meets the specification for a new build 2FE school and the governing body have been able to play a full part in its development. The scheme is recommended to the Mayor.

### **Background Documents**

Mayor & Cabinet July 15<sup>th</sup> 2015

<http://councilmeetings.lewisham.gov.uk/documents/s37559/Permanent%20Primary%20Places%20Sir%20Francis%20Drake%20Primary%20School.pdf>

Mayor & Cabinet March 25<sup>th</sup> 2015

<http://councilmeetings.lewisham.gov.uk/documents/g3503/Public%20reports%20pack%2025th-Mar-2015%2018.00%20Mayor%20and%20Cabinet.pdf?T=10>

Mayor & Cabinet November 12<sup>th</sup> 2014

<http://councilmeetings.lewisham.gov.uk/ieListDocuments.aspx?CId=139&MId=3426&Ver=4>

Overview & Scrutiny Education Business Panel July 29<sup>th</sup> 2014

<http://councilmeetings.lewisham.gov.uk/ieListDocuments.aspx?CId=178&MId=3399&Ver=4>

Mayor & Cabinet June 25<sup>th</sup> 2014

<http://councilmeetings.lewisham.gov.uk/documents/g3283/Public%20reports%20pack%2025th-Jun-2014%2018.00%20Mayor%20and%20Cabinet.pdf?T=10>

Mayor & Cabinet April 9<sup>th</sup> 2014

<http://councilmeetings.lewisham.gov.uk/documents/s28377/Permanent%20Primary%20Places%20Holbeach%20John%20Ball%20Coopers%20Lane%20and%20Sir%20Francis%20Drake.pdf>

Children and Young People Select Committee January 2014

<http://councilmeetings.lewisham.gov.uk/documents/s26896/06PrimaryAndSecondarySchoolPlacesPlanning29012014.pdf>

Mayor & Cabinet January 15<sup>th</sup> 2014

<http://councilmeetings.lewisham.gov.uk/documents/s26528/Permanent%20Primary%20School%20places.pdf>

Guidance on school organisation changes

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/278422/School\\_Organisation\\_Guidance\\_2014\\_-\\_Annex\\_B.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/278422/School_Organisation_Guidance_2014_-_Annex_B.pdf)

If there are any queries arising from this report, please contact  
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