

## Overview & Scrutiny Committee

Monday 14 July 2014

7.00 pm

160 Tooley Street, London SE1 2QH

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### Membership

Councillor Gavin Edwards (Chair)  
Councillor Rosie Shimell (Vice-Chair)  
Councillor Anood Al-Samerai  
Councillor Jasmine Ali  
Councillor Catherine Dale  
Councillor Karl Eastham  
Councillor Tom Flynn  
Councillor Rebecca Lury  
Councillor Claire Maughan  
Councillor Adele Morris  
Councillor Johnson Situ

### Reserves

Councillor Evelyn Akoto  
Councillor Maisie Anderson  
Councillor James Barber  
Councillor Dan Garfield  
Councillor Jon Hartley  
Councillor Hamish McCallum  
Councillor David Noakes  
Councillor Martin Seaton  
Councillor Bill Williams  
Councillor Kieron Williams

### Education representatives

Reverend Nicholas Elder, Church of England Diocese  
Lynette Murphy-O'Dwyer, Archdiocese of Southwark  
Abdul Raheem Musa, Parent Governor Representative  
George Ogbonna, Parent Governor Representative

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### Contact

Peter Roberts on 020 7525 4350 or email: [peter.roberts@southwark.gov.uk](mailto:peter.roberts@southwark.gov.uk)

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Members of the committee are summoned to attend this meeting

**Eleanor Kelly**

Chief Executive

Date: 4 July 2014





# Overview & Scrutiny Committee

Monday 14 July 2014  
7.00 pm  
160 Tooley Street, London SE1 2QH

## Order of Business

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### PART A - OPEN BUSINESS

1. APOLOGIES
2. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

In special circumstances, an item of business may be added to an agenda within five clear working days of the meeting.

3. DISCLOSURE OF INTERESTS AND DISPENSATIONS

Members to declare any interests and dispensations in respect of any item of business to be considered at this meeting.

4. MINUTES

To approve as a correct record the Minutes of the open section of the meeting held on 25 June 2014. To follow

5. MANAGEMENT OF COMPLEX COMPLAINTS 1 - 7

6. SCHOOL PLACES STRATEGY UPDATE 8 - 17

7. DRAPER HOUSE - UPDATE ON SCRUTINY RECOMMENDATIONS To follow

8. CORPORATE PROCUREMENT STRATEGY

9. WORK PROGRAMME

**DISCUSSION OF ANY OTHER OPEN ITEMS AS NOTIFIED AT THE START OF THE MEETING.**

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## **PART B - CLOSED BUSINESS**

**DISCUSSION OF ANY CLOSED ITEMS AS NOTIFIED AT THE START  
OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.**

Date: 4 July 2014

<b>Classification:</b> Open	<b>Date:</b> 14 July 2014	<b>Meeting Name:</b> Overview & scrutiny committee
<b>Report title:</b>	Management of complex complaints	
<b>Ward or groups affected:</b>	All	
<b>From:</b>	Zoe Bulmer, Customer Resolution Manager	

## Request

At its meeting on the 31st March 2014 the committee requested a briefing to the incoming Overview & Scrutiny Committee detailing the process by which complicated complaints are dealt with. The briefing was asked to include:

- a) how it is decided where a complaint goes
- b) how a complaint is escalated
- c) maintenance of any audit trail for complaints, decisions and costs
- d) whether there is any cap on compensation awards
- e) recent performance against the current procedure
- f) any comparative procedures and statistics
- g) decision making process in determining a vexatious complainant

## Context

1. The Council recognises that occasionally mistakes are made or processes do not work effectively, which can cause an injustice to those who use our services.
2. The Council has a two-stage complaints procedure, the aim of which is to resolve any complaints received in an effective, fair and efficient manner. The Council receives around 8,000 complaints a year, mainly concerning housing and environment as the two biggest services. The aim of the complaints process is to provide redress by putting the complainant back into the position they would have been if no error had occurred.
3. Following extensive consultation, the council moved to a two-stage complaint process as part of introducing a new complaints procedure in April 2013. This brought Southwark in line with a large number of local authorities which have also adopted a two-stage process.

## How it is decided where a complaint goes

4. Reflecting the complexity of the services it provides, Southwark receives a wide variety of complaints. For example, in June we received complaints about; street harassment by contractors, the ethnic make up of contractor staff, the design chosen for newly painted bollards, poor levels of resurfacing on Walworth Road, the difficulties in finding private sector housing in Southwark for those on benefits and the failure to publish a street plan for Camberwell Green.

5. This can sometimes make it challenging to categorise complaints and allocate them to the right service for response. Overwhelmingly however, the majority of complaints received are straightforward requests for services which the council had previously failed to supply, for example repeated problems with bin collection or failure to carry out a repair. The service allocation for the complaint is very straightforward as the responsible team is easily identifiable.
6. Some of the complaints we receive will sit between more than one team, in which case a lead team is identified with input from other appropriate officers.
7. Very occasionally a complaint is received where the matters raised are very different and it will be logged as two separate complaints. However this is generally not best practice as it is preferable that the customer receives one response.
8. An example of this would be a fairly minor complaint about failure to repair a light in a communal area, coupled with a complaint about a major road improvement. The Council will be able to repair the light fairly quickly and respond, but the road complaint is much more complex, may take longer to respond and the response will come from a different department.
9. If a complaint is separated the customer will be informed so they are clear that they will be receiving 2 responses and the reasons for doing so.

### **Decision-making and jurisdiction**

10. The decision about where a complaint should be assigned is decided by the officer logging it, in consultation with managers where necessary.
11. Some complaints will be out of jurisdiction of the council's complaints process. In some cases this can be very easy to identify, for example where dissatisfaction with repairs is being pursued via both the legal disrepair and the complaints process. This would be out of jurisdiction of the complaints process as the legal action is considered the 'higher' process and takes precedent.
12. Sometimes however, it is not clear if the complaint is in jurisdiction and sometimes only part of a complaint might be in jurisdiction. A good example of this would be a complaint about a homeless application. The customer may complain about the behaviour and responsiveness of the officers dealing with their case. They may also disagree with the outcome of their homelessness application. The disagreement with the outcome must be pursued via a legal process, and the law stipulates how such disagreements should be managed. However the council could consider the rest of the complaint separately as these would not form part of legal process.
13. There are of course always grey areas and each case must be taken on its merits. Where the Council is in doubt about jurisdiction it generally consults with the Local Government Ombudsman to ask their opinion. Legal advice may also be obtained from colleagues in Legal Services.

14. For particularly complex complaints a case conference may be arranged to engage with a number of services and teams and across organisations, including the police and mental health teams. This is best practice as recommended by the Local Government Ombudsman and has been found to be an effective way to resolve challenging cases.

#### **How a complaint is escalated**

15. Generally it is the customer who requests to escalate a complaint. However, the Council may choose to escalate where the customer is clearly in disagreement with the outcome of the complaint and continues to contact us. There are also cases where the Ombudsman may ask us to escalate a matter as a customer has contacted them directly.
16. The revised complaints policy introduced in April 2013 gave the Council the option to refuse to escalate a complaint where it is felt that the outcome was unlikely to change. These cases tend to be where the customer disagrees with the decision made, but the council feels the decision was correct and is happy to defend it to the ombudsman. An example of this might be a customer who disagrees with the outcome of their housing benefit application.
17. This approach was adopted following benchmarking with other organisation. The decision not to escalate must be taken by a manager in the complaints team to ensure it has been properly considered.

#### **Maintenance of any audit trail for complaints, decisions and costs**

18. The Council uses an IT system called Icasework to log and monitor complaints. Icasework has a detailed audit trail for each case so information can be accessed on how specific cases have been managed.
19. Regular reports are also produced on complaint costs, outcomes, numbers received and escalation rates. Where high levels of compensation are recommended it is raised with the division head. In Housing, all complaints about officers are also passed to the division head.
20. Southwark uses Housemark (an organisation which supports social housing in a number of ways including benchmarking and statistical analysis) to benchmark ourselves against similar organisations and are also members of a number of specialist complaints networks including the public sector complaint network. London councils work particularly closely together on complaints and complaints team has regular contact with complaint teams in Tower Hamlets, Brent, Lambeth, Lewisham, Camden, Hammersmith and Fulham, Bexley, Croydon and Islington.

#### **Whether there is any cap on compensation awards**

21. The complaints policy details compensation payable, which follows best practice recommended by the Local Government Ombudsman. There is no cap on compensation awards and occasionally larger awards, outside the normal policy, are made, often at the request of the Local Government Ombudsman.

### **Recent performance against the current procedure**

- 22. Please see appendix 1 for recent performance on answering complaints and member enquiries. Southwark receives around 600 complaints on average per month and a similar number of member enquiries. It should be noted that member enquiries are not necessarily complaints.
- 23. While response times have not always met the challenging targets set for the service, performance is gradually improving and the response rate for member enquiries is almost on target.
- 24. There has been a significant reduction in cases being escalated from stage one to stage two. The most significant fall has been for the repairs service, which over the last few years has reduced their escalation rate from 25% of stage one's escalating in 2011, to 6% for the period ending March 2014. For the rest of the Council escalation fell from 16% to 7.5% in the same period.

### **Any comparative procedures and statistics**

- 25. Southwark has followed the general trend for local authorities and moved our focus towards resolution of complaints, which is applicable for the majority of complaints received. This works less well however for the minority of complaints which are in disagreement with a policy, decision or process.
- 26. It can be difficult to compare procedures across organisations. Different legislation applies and even amongst the same type of organisations there can be considerable difference. Local Authorities can interpret relevant legislation differently, for example one council may choose to look at a benefits complaint via the complaints process where another would insist it went through the statutory appeals process.
- 27. There are also regulatory bodies which should be used for complaints to certain bodies, for example the Care Quality Commission for the NHS. This can make the complaints process a confusing challenge for customers.
- 28. The NHS is a good comparator for Local Authorities, being a similar type of organisation where customers may not have a choice in their use of the services. They may also have certain expectations of the type of service they receive and may go for long periods without any contact with the service provider, so have little understanding of its processes and service standards.
- 29. The NHS has a single complaints policy, but customers must choose whether to complain to NHS England or their local Clinical Commissioning Group. The NHS has a one stage complaint policy, which is mirrored in Southwark's Adults complaint policy. If customers are unhappy with the local resolution stage the next step is the Health Ombudsman.
- 30. Like Councils the NHS has a 12 month time limit and as with local authorities, the number of complaints received shows a very varied pattern, but the tendency is for inner city areas to receive much higher numbers. If hospitals are compared, Guys and St Thomas received an

average of 800 complaints a year over the last three years, Barts received 1,000 on average, but The Royal Brompton and Harefield NHS Foundation Trust received 90 on average per year.

31. The DWP is also a good comparator and has a very similar complaint process to Southwark, but with three stages. The first stage is answerable by the team that provides the service complained about. The second stage is provided by the Director General of Operations for the Department for Work and Pensions and the third stage is undertaken by an independent case examiner, which is the third stage for a number of DWP and Pensions services.
32. Benchmarking has shown a varied picture in London at comparable councils. For example Tower Hamlets receive around 1,200 member enquiries each month but far fewer complaints. If Housing is excluded, Lambeth receives more complaints and much more member enquiries. The situation may also be changeable, for example typically more member enquiries are received in the 12 months prior to elections than in other years.
33. It can be difficult to compare like for like boroughs, as the level of housing stock has a significant impact on the number and type of complaints received. Different practices for managing complaints can also have an impact on numbers logged.
34. The comparable statistics for complaints and MEs received in Lambeth Council are shown in appendix 1. The comparison is interesting as they receive more complaints corporately than Southwark and had an 11% escalation rate, much higher than Southwark's. However their comparable statistics from Lambeth Living, which runs their housing, are much lower. In April Lambeth Living began using a 'pre-formal' stage for complaints, which has significantly lowered the number of complaints they are recording. However, their escalation rate to stage 2 is 27%

#### **Decision making process in determining a vexatious complainant**

35. The emphasis of Southwark's complaint process over the last few years has been on resolution. Most customers are happy with this approach as they have made a complaint to achieve an outcome. Some customers remain unhappy with the outcome at stage 1 and will pursue the matter further, via a stage 2 review and the local government or housing ombudsman. A very small number of customers remain dissatisfied once this process has been concluded. Their persistence in pursuing matters can occasionally reach unreasonable levels. Some customers will also refuse to use the complaint process and will instead insist on communicating directly with senior managers. There are complainants who will only write to the Chief Executive.
36. Managing such complainants creates a pressure on time and resources. Some complainants can also be very abusive both to and about staff and behave in a way that is considered inappropriate.
37. The Habitual Complaints procedure contains a clear definition of what sort of behaviour could potentially be considered habitual or persistent (appendix 3). Every case must be viewed on its merits, but the recent

examples of where the policy has been used have fit clearly within the definitions. There is also a clear sign off process, with a report presented to the chief executive with accompanying evidence.

38. Use of the policy has increased steadily since it was introduced in 2011. There are currently seven people designated habitual complainants under the policy. Warnings about behaviour are sent regularly to customers and they are informed about the possibility of use of the policy. The most common reason for issuing a warning using racist language in correspondence and telephone calls with the Council.
39. Usage of the policy is not taken lightly and the designation is generally time limited and is reviewed to see whether it remains applicable or if it should be lifted. Some of those designated as habitual have since been removed from the list. Those on the policy are given one point of contact to ensure they are still able to contact the Council and receive services from us.
40. Examples of types of behaviour which have led to use of the policy include violence and aggression towards staff, sending abusive comments to staff and sending a large amount of emails, for example a customer sent over 500 emails in one weekend. In 2013 a customer was designated habitual after sending repeated offensive emails, including about the residents who died in the Lakanal fire. In 2014 a customer was designated habitual after sending more than 400 emails to a senior manager.
41. A review of the policy will shortly be carried out, as it has been found that it is not comprehensive enough to cover all the situations recently encountered. The intention is to extend it to cover all types of customer contact, not just complaints.
42. This is also an opportunity to review the sign off process. As covered earlier, it is currently the chief executive. This does appear to be generally the right level of sign off, as removing a service from a customer should be treated as a serious matter and agreed at a senior level. However, where the chief executive has been directly involved with a complainant it is appropriate that there is an alternative sign off process.
43. Staff have reported that they find it challenging to deal with some customers. The Customer Resolution Team currently offers training on managing complaints and we are developing additional training on managing difficult customers, using the habitual complaints policy and investigating complaints about staff.

## Appendix 1 - Cases received

### Southwark cases received – April and May 2014

Service area	Stage 1	Member enquiry	Stage 2
Chief Executive	27	21	4
Environment	304	339	8
Finance & Corporate	108	72	4
Housing	798	772	58
Total	1237	1204	74

### Lambeth Council (corporately) – April and May

Service area	Stage 1	Member enquiry	Stage 2
Total	579	731	66

### Lambeth Living (Housing) – April and May

Service area	Stage 1	Member enquiry	Stage 2
Total	85	419	23

### Southwark cases responded within target - April and May 2014

Period	Stage 1	Member enquiry	Stage 2
April and May 2014	72% (868/1204)	86% (1055/1231)	99% (78/79)

### Southwark complaint outcomes - April and May 2014

Outcome	Stage 1	Stage 2	Total
No consent received from customer	2	0	2
Not upheld	510	33	543
Partially upheld	192	31	223
Stage 1 - No outcome, proceed to next stage	17	0	17
Upheld	483	13	496
Withdrawn	0	2	2
<b>Total</b>	<b>1204</b>	<b>79</b>	<b>1283</b>

# Agenda Item 6

<b>Item No.</b> 11.	<b>Classification:</b> Open	<b>Date:</b> 18 March 2014	<b>Meeting Name:</b> Cabinet
<b>Report title:</b>		School Places Strategy Update	
<b>Ward(s) or groups affected:</b>		All	
<b>Cabinet Member:</b>		Councillor Dora Dixon-Fyle, Children's Services	

## **FOREWORD – COUNCILLOR DORA DIXON-FYLE, CABINET MEMBER FOR CHILDREN'S SERVICES**

Considerable progress has been made over recent years both in keeping pace with increased demand for primary and secondary school places and in driving up standards of educational achievement. An additional 1,080 extra primary school reception places were created between 2009 and 2013, alongside rapidly improved levels of achievement in English and maths combined of 83% compared to the national average of 79%. 80 per cent of primary schools have been judged good or outstanding by Ofsted, which is in the top quartile of performance nationally. At the same time, Southwark's GCSE results achieved record levels of improvement in 2013, with 65.2% of pupils receiving five or more A\* to C grades at GCSE or equivalent, significantly better than the national average of 60.8 per cent. As a result, Southwark's secondary schools are now ranked 33<sup>rd</sup> in England, a leap of 38 places from the previous year, which moves the borough into the top 25% in the country.

None of this would have been possible without sustained investment in school places and the schools estate over recent years – the council has spent £170 million in improving Southwark's primary and secondary schools over the past four years.

Forecast demand for primary and secondary school places continues to rise. Between 17.5 and 23 additional forms of entry (FE) will be required in Southwark's primary schools by September 2016 and, although there is currently an overall surplus of secondary school places , a further 18 FE for Year 7 pupils is forecast to be required by September 2019 across the borough.

The pace and scale of the increase in demand for school places requires a continuing investment programme, one that maximises efficiency and effectiveness of the borough's existing schools estate, builds on the success and popularity of local high-performing schools and seeks to engage external funding sources and school providers to ensure the best opportunities for the borough's school children. A primary school investment programme, aimed at meeting expansion targets up to September 2016, is already underway and initial steps are being taken to establish an equivalent programme to meet the demand for secondary schools expansion.

This report sets out in detail the continuing demand in the borough for primary and secondary school places, describes the steps being taken to meet that demand, identifies a number of issues and challenges that need further exploration and recommends that a further report be brought to cabinet in July 2014 with options for a new secondary school in the borough, and for additional primary places required to fine tune supply and demand in the north of the borough.

I recommend this report to cabinet.

## **RECOMMENDATIONS**

1. That Cabinet notes the forecast demand for primary and secondary places and the associated need for additional school places.
2. That Cabinet notes the approach for meeting primary demand described in paragraphs 5 to 10 in this report.
3. That Cabinet agrees that officers bring an update report to the July 2014 cabinet meeting on the free school proposals in the south of the borough and options for new primary places in the north.
4. That Cabinet notes that the financial implications of an expansion to the primary and secondary estate are significant and further discussions will be required with funding bodies to ensure that sufficient resources are available to deliver the new secondary places required.

## **BACKGROUND INFORMATION**

### **Primary**

5. The Primary Investment Strategy was agreed by Cabinet in July 2013 and updated by the Cabinet Member for Children's Services in January 2014. The forecast shortfall in reception places is shown in Table 1 below.

*Table 1: Shortfall in reception places by primary planning area*

	September 2014	September 2015	September 2016
North West (Borough, Bankside and Walworth)	0 FE	0 FE	2 to 3.5 FE
North East (Bermondsey and Rotherhithe)	4 to 5.5 FE	6.5 to 8 FE	7.5 to 9FE
Central West (Camberwell)	0 to 0.5 FE	1.5 to 2.5 FE	2 to 3 FE
Central East (Peckham and Nunhead)	2 to 3.5 FE	3 to 4 FE	4.5 to 5.5 FE
South (Dulwich)	2.5 to 3 FE	1.5 to 2 FE	1.5 to 2 FE
<b>Total</b>	<b>8.5 to 12.5 FE</b>	<b>12.5 to 16.5FE</b>	<b>17.5 to 23FE</b>

Notes: FE is an abbreviation of Forms of Entry. One form of entry is equivalent to 30 additional places in a year group or 210 places across a school.

The higher figure in the range incorporates a 5% planning margin.

6. A Primary Investment Programme to deliver the strategy will provide an additional 21.5 forms of entry (FE) to meet the forecast demand by September 2016. Table 2 summarises the schools, sites and free schools that are proposed to deliver the required primary places.

*Table 2: Primary investment programme*

School	Ofsted Rating	Type	Planning Area	Additional Forms of Entry by September 2016 (forecast demand shown in brackets)
Keyworth	Outstanding	Expansion	Borough, Bankside and Walworth	0 <sup>1</sup>
Charles Dickens	Outstanding	Expansion	Borough, Bankside and Walworth	0.5
Robert Browning	Good	Expansion	Borough, Bankside and Walworth	0.5
			<b>Subtotal</b>	<b>1 (2 to 3.5)</b>
Southwark Free School	N/A	Free School	Bermondsey and Rotherhithe	2
Albion	Outstanding	Expansion	Bermondsey and Rotherhithe	1
Grange	Good	Expansion	Bermondsey and Rotherhithe	0.5
Galleywall	N/A	New provision	Bermondsey and Rotherhithe	2
Redriff	Outstanding	Expansion	Bermondsey and Rotherhithe	1
			<b>Subtotal</b>	<b>6.5 (7.5 to 9)</b>
Belham (Old Bellenden School)	N/A	New Free School	Camberwell	2
Bessemer Grange	Good	Expansion	Camberwell	1
Crawford	Outstanding	Expansion	Camberwell	1
			<b>Subtotal</b>	<b>4 (2 to 3)</b>
Gloucester	Good	Expansion	Peckham and Nunhead	1
Bellenden	Good	Expansion	Peckham and Nunhead	1
Harris Primary Free School Nunhead		New Free School	Peckham and Nunhead	2
Ivydale	Good	Expansion	Peckham and Nunhead	2
			<b>Subtotal</b>	<b>6 (4.5 to 5.5)</b>
Judith Kerr Free School	N/A	Free School	Dulwich	1 <sup>2</sup>
Harris Primary Free School East Dulwich	N/A	Free School	Dulwich	2
Dulwich Wood	Good	Expansion	Dulwich	1
			<b>Subtotal</b>	<b>4 (1.5 to 2)</b>
			<b>Total</b>	<b>21.5 (17.5 to 23)</b>

Notes:

- 1 – No net increase as a result of Keyworth's increase by half FE offsetting historic reduction of Townsend by half FE.  
 2 – Two form entry school but assuming one form of entry for planning purposes.

7. This shows that whilst the proposed overall number of additional places will meet the forecast demand, the distribution of places indicates pressure in the north of the borough. Conversely there are sufficient to excess places in the south with

the addition of a 2FE Harris primary free school in Nunhead recently approved by the Department for Education to open in September 2015.

8. Officers in regeneration, housing and children's and adults' services are reviewing opportunities to relieve the forecast pressure for 2016 in the north of the borough and will update cabinet on the options in July 2014.
9. Implementation of the primary investment programme is under way. This includes the preparation of the required building schemes so that the accommodation will be in place for the school expansions and scoping options for new provision at the Galleywall site.
10. A separate report to Cabinet seeks agreement to the permanent enlargement of Keyworth primary school from September 2014, Albion, Bessemer Grange, Crawford and Grange primary schools from September 2015 and Charles Dickens primary school from September 2016 following the necessary statutory local consultations.

### **Secondary**

11. In August 2007 Southwark's Outline Business Case (OBC) for the Building Schools for the Future (BSF) programme identified the need to deliver an additional 10 forms of entry of secondary places by 2016. This was largely to be delivered through the delivery of two new secondary schools responding to demand expected to be created in the key regeneration areas - Heygate/Aylesbury and Rotherhithe/Bermondsey Spa/Canada Water.
12. In the Heygate/Aylesbury area the new school will be the University Engineering Academy South Bank, which will open in September 2014 in Trafalgar Street SE17 delivering 5 FE of places.
13. Part way through the BSF programme the funding for the new 5 FE school proposed for the Rotherhithe area was withdrawn by Partnerships for Schools (now the Education Funding Agency). Subsequently the Compass Free School in Bermondsey opened in September 2013 delivering circa 3 FE of places.
14. Other changes have taken place to the planned delivery of new places since the OBC. A significant fall in roll at St Michaels and All Angels Academy resulted in a new sponsor and a reduction in the proposed new school's roll. The Harris Academy at Peckham also reduced its roll by 2 FE while the City of London Academy increased by 2 FE.
15. In total almost 9FE of net new places will have been delivered by 2014, when compared to 2007, close to the 10FE proposed through the BSF programme.

### **KEY ISSUES FOR CONSIDERATION**

#### **Pupil place planning**

16. Southwark's pupil place planning is commissioned from the Greater London Authority (GLA), which also provides this service for the majority of London boroughs. The projections are refreshed annually and draw upon:
  - o Current school rolls based on the January schools' census
  - o Birth rates

- Underlying population projections
- Migration
- New housing

### **Primary places**

17. In primary place planning the borough is split into five smaller planning areas to enable place planning to respond to the more local pressure for places whereas secondary planning is carried out on a borough-wide basis because the catchment areas for secondary schools extends as far as and often further than the borough's boundaries, and secondary age pupils are able to travel to secondary schools both in and outside the borough.
18. Local authority planning of school places has become more complicated as a result of structural changes to education provision, particularly the opportunity for sponsors to establish free schools that respond to locally expressed need rather than in response to the pressure for places. The addition of primary free school places is welcome where they meet forecast demand, however it adds a further variable to the place planning mix and requires local authorities to be even more flexible and responsive in their planning.
19. Southwark, like its neighbouring authorities, is also aware of the cross border movement by pupils both at primary and more widely at secondary level. Intelligence about proposals in our neighbouring boroughs both for expansions of existing schools and new free schools therefore inform the place planning agenda. This is in the context that all our neighbouring boroughs are planning additional primary places in the light of considerable projected growth in the need for primary places over the next few years.
20. There is a free school proposal for a Crystal Palace Primary School, which is planning to open in September 2015 on the basis of an admissions zone that would marginally extend into the south of the borough. This new free school would meet the forecast need for additional places in Bromley, Croydon, Lambeth and Lewisham as well as impacting on Southwark. The impact of this new provision will be kept under close review and will inform future place planning.

### **Secondary Places**

21. Secondary place demand is more unpredictable than at primary as a result of a number of factors. For instance, there is greater movement of secondary age children and their families both in terms of their housing, with historically many families moving out of borough prior to or during their children's secondary education, but also in terms of them accessing secondary provision out of borough while remaining resident in Southwark as a result of the greater willingness to travel to secondary school. These trends have been changing in recent years as a combination of the improved performance and associated reputation of Southwark's schools and also the impact of the recession on the housing market and the ability and desire of families to move.
22. More recently house prices have begun to rise steeply in some areas of the borough which may well change the pattern of movement by families as children approach secondary school age compared to previous trends.

23. Table 3 shows the Year 7 pupil place demand against current availability.

*Table 3 Secondary Place demand*

		Sept 2013	Sept 2014	Sept 2015	Sept 2016	Sept 2017	Sept 2018	Sept 2019	Sept 2020
Year 7	Pupil Place Demand	2444	2567	2653	2899	2940	3140	3403	3280
Year 7	Available Places	2636	2876	2876	2876	2876	2876	2876	2876
	Difference (Pupil number/ FE)	192/ +7.3	309/ +10.7	223/ +7.8	-23/ -0.8	-64/ -2.2	-264/ -9.2	-527/ -18.3	-404/ -14

Note: + denotes surplus – denotes shortfall

24. This shows that overall there is significant capacity within Southwark schools to meet the forecast demand for year 7 places until 2016 and a dramatic increase in demand from thereon. It should be noted that for September 2014 and 2015 the data shows an overall surplus of places, although this is rapidly reversed by September 2018. However this borough wide picture masks local variations in the demand for and supply of local places.

#### **Availability of places, performance and preference**

- 25. Southwark is the most improved London borough at secondary level. In 2013 65.2% of pupils gained 5 or more good GCSEs including English and maths, placing our schools above London and national levels of performance.
- 26. Although there is a sufficiency of places across the borough there is ongoing representation from some primary schools, parent groups and families in regard to accessibility of places in their preferred schools. A particular concern is the provision of accessible local secondary places in the south of the borough, where a lack of direct travel routes from home to school means that secondary schools that may be geographically close and have available places are difficult to reach. Examining demand and supply at this more local level indicates that the pressure for places is likely to be felt in the south of borough from 2016 onwards, flowing through to the rest of the borough from 2018 onwards.
- 27. Table 4 shows the proportion of pupils receiving a place at their preferred school over the last 5 years.

*Table 4: Pupils receiving their preferred secondary place*

	2009		2010		2011		2012		2013	
<b>Total applications received</b>	2472	100.0%	2459	100.0%	2521	100.0%	2436	100.0%	2500	100.0%
<b>Number offered 1st preference</b>	1355	54.8%	1345	54.7%	1322	52.4%	1362	55.9%	1468	58.7%
<b>Number offered one of their first 3 preferences</b>	2020	81.7%	2039	82.9%	1987	78.8%	2011	82.5%	2126	85.0%
<b>Number offered one of their first 6 preferences</b>	2267	91.7%	2250	91.5%	2232	88.5%	2213	90.8%	2327	93.0%
<b>Number offered an alternative place manually (not offered a preference)</b>	205	8.3%	207	8.4%	243	9.6%	215	8.8%	173	6.9%
<b>Pupils without an offer</b>	0	0.0%	0	0.0%	44	1.7%	0	0.0%	0	0.0%

- 28. Overall a higher proportion of families gained one of their preferences in 2013 compared to previous years. However the balance between demand and availability of places is not evenly spread across the borough.
- 29. Despite rapidly improved performance by schools across the borough there is a significant variation in schools' popularity with parents, with some schools being named as one of the first six preferences by over 1000 families, and others by less than 200 despite having similar capacities.
- 30. This imbalance manifests itself in over 80% of the unused capacity at Year 7 in academic year 2012/13 being as a result of under-subscription at only a few schools rather than evenly spread across all schools.
- 31. Not unsurprisingly secondary headteachers' views are mixed with strong feelings both for and against the provision of new places within the system. The temporary oversupply of places noted in table 3 above coupled with parental preference for some schools over others presents a significant risk to some schools' financial viability in the short term. The timing and scale of the provision of any new secondary places needs to be considered carefully in partnership with headteachers to mitigate the impact and ensure that other schools and their pupils are not adversely affected in the shorter term.

### **Meeting future secondary demand**

- 32. In autumn 2012 all secondary schools were invited to take part in an architectural study to ascertain their capacity to expand. Four popular and oversubscribed schools took part in the study – St Michaels Catholic College, City of London Academy, Bacon's College and Kingsdale School.

- 33. All were identified as having capacity to expand with over 10FE of additional capacity possible at these schools with appropriate investment.
- 34. It is anticipated that other schools within the existing estate could have capacity for expansion. Given the demand forecast it is proposed to go back to all Southwark's secondary schools to ascertain their capacity for expansion.
- 35. Although it may be theoretically possible to meet all the longer term demand from within the existing estate it is unlikely that this approach would be the best way to do so. Meeting the rapid rise in demand in this way would naturally put pressure on existing sites and facilities, and potentially impact on current pupils and their learning.
- 36. The experience of the primary expansion programme has shown that expanding existing schools becomes more complex as tight sites that must continue to provide the highest standard of education for pupils come into scope. These schemes can become costly per place when compared to a new build school.
- 37. The establishment of a new secondary school in the borough to meet the place demand that is likely to be felt from 2016 in the south of the borough and from 2018 borough-wide needs to be given serious consideration. A free school proposal is emerging from a group of local parents who are exploring a parent promoted secondary free school in East Dulwich. Officers will keep members advised on the progress of this proposal.
- 38. One of the biggest challenges will be identifying a site for a new school. The original proposal for the Harris East Dulwich primary free school named the Dulwich hospital site. Although this school will now be located on the decommissioned police station site in East Dulwich officers have continued to work with NHS Property Services and the Greater London Authority to include the outline requirements for educational provision in their soft market testing brief for the site. Officers will continue to engage with the NHS on this scheme.
- 39. As a result of the challenges of accurately predicting secondary demand it will be essential to monitor actual demand year on year against forecasts in order to ensure that the scale and timing of any response is appropriate and meets demand without undermining local schools.
- 40. Academies are able to exceed their published admission numbers without consultation with the local authority. Consequently it will be important to engage with schools to achieve buy-in to the overall strategy and subsequently to the specific responses proposed in order that a level of co-ordination is achieved.
- 41. Officer engagement with the Department for Education and the Education Funding Agency in regard to resourcing future secondary challenges has begun and these ongoing discussions will inform the delivery and funding approaches to the provision of future places.

### **Statutory proposals**

- 42. Any enlargement of the capacity of a non-academy school which results in an increase of 30 pupils and an increase of more than 25% or 200 pupils (whichever is the lesser) would require the publication of statutory proposals. In Southwark all non-Academy schools are voluntary aided and the necessary consultation

would be managed by these schools directly. Academies are not required to follow a statutory consultation process in regard to their expansion.

### **Financial implications of expansion programme**

43. The costs associated with an expansion of the secondary estate in line with the demand identified in Table 3 will be significant and would be exacerbated further should sites need to be acquired for these purposes.
44. Liabilities to the Authority will depend on how any new places are to be delivered and the approach to delivery.
45. Currently all funding identified for new places in the education estate is being targeted on primary expansion in order to meet that present challenge. Funding will need to be identified over the next 2-3 years and beyond to enable the delivery of new places within the secondary estate.

### **Consultation**

46. It is proposed that Cabinet is updated in July 2014 with new pupil place planning data, a refreshed appraisal of existing secondary schools potential to expand, a secondary site review, any proposals arising and the outcome of discussions with funding bodies in regard to the approach to delivery and the availability of funding.

### **Community impact statement**

47. The impact on communities of the issues and recommendations within this report has been considered in line with Southwark's Approach to Equality. Generally the recommendations will have a positive impact on communities with increased provision of places in areas where they are needed enhancing community cohesion. The proposals are consistent with promoting the safeguarding and well being of all local children and young people by providing sufficient school places to meet forecast need.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Director of Legal Services**

48. This report is providing an update to Cabinet on the school places strategy.

Pursuant to Part 3 B of the Constitution the Cabinet has responsibility to formulate the council's overall policy objectives and priorities.

Section 14 Education Act 1996 places a duty on local authorities to secure that there are sufficient primary and secondary school places in their area. Local authorities must ensure there are enough school places to meet needs as well as working to secure diversity of provision and increasing opportunities for parental choice. Local authorities are also bound by the duty to take into account parental preference in so far as to do so avoids unreasonable public expenditure.

Cabinet will note that the Education Act 2011 removed the legal power for local authorities to establish community schools to address the issue of increased demand for places. Local authorities may look to expand existing provision or to free schools and academies to meet demand.

Cabinet is reminded of the duty to have due regard to the public sector equality duty under s.149 Equality Act 2010.

### **Strategic Director of Finance and Corporate Services (FC13/091)**

49. This report notes the forecast demand for primary and secondary places and outlines a strategy to create the additional capacity within Southwark's estate. The financial implications are outlined in the body of this report.
50. The strategic director of finance and corporate services notes that this strategy will require significant capital investment and that additional funding will need to be identified. A full financial appraisal of proposals will be undertaken and included in future reports to cabinet, starting with an update in July 2014.

### **BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
None		

### **APPENDICES**

<b>No.</b>	<b>Title</b>
None	

### **AUDIT TRAIL**

<b>Cabinet Member</b>	Councillor Dora Dixon-Fyle, Cabinet Member for Children's Services	
<b>Lead Officer</b>	Kerry Crichlow, Director of Strategy and Commissioning Children's and Adults' Services	
<b>Report Author</b>	Andy Brown, Head of Regeneration – Capital Projects	
<b>Version</b>	Final	
<b>Dated</b>	7 March 2014	
<b>Key Decision?</b>	Yes	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Director of Legal Services	Yes	Yes
Strategic Director of Finance and Corporate Services	Yes	Yes
<b>Cabinet Member</b>	Yes	Yes
<b>Date final report sent to Constitutional Team</b>	7 March 2014	

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