

<b>Item No.</b> 11.	<b>Classification:</b> Open	<b>Date:</b> 13 December 2016	<b>Meeting Name:</b> Cabinet
<b>Report title:</b>		2016 Primary and Secondary School Place Planning Strategy Update	
<b>Ward(s) or groups affected:</b>		All	
<b>Cabinet Member:</b>		Councillor Victoria Mills, Children and Schools	

## **FOREWORD - COUNCILLOR VICTORIA MILLS, CABINET MEMBER FOR CHILDREN AND SCHOOLS**

Southwark Council continues to make strong progress in meeting the increased demand for primary and secondary school places alongside our firm commitment to drive up standards of educational achievement. The improvement in results across our schools means that Southwark is viewed as great place for families and young people to live and learn. As our borough grows, and as substantial regeneration occurs, we have to plan well ahead and invest in our schools to make sure we meet the pace and scale of demand for places.

This report examines in detail the progress we have made to meet the anticipated demand and the need for additional school places from 2017 onwards. The current £180million expansion programme, across primary, secondary and special schools, shows a sustained investment in school places and the schools estate which is delivering new and expanded schools with high quality facilities. By September 2016, Southwark will have added 3,200 additional primary school places since 2009, and this will be 4,425 places by September 2018. This requires a continuing investment programme which maximises efficiency and effectiveness of the borough's existing schools estate, and builds on the success and popularity of our high performing schools, as well as engaging school providers and external funding sources to ensure the best opportunities for the borough's school children.

This report also sets out why the council is well placed to meet the increasing demands for secondary school places. Not only is Key Stage 4 performance above the national and London averages, compared to the rest of England, Southwark has been provisionally ranked 23rd and in the top quartile for GCSE results in 2016. It should therefore be no surprise that the new secondary school – The Charter School East Dulwich – which opened with council support in September 2016, is 'home grown'.

However, there is no place for complacency and we know more places and schools will be needed in the coming years. This includes the rebuild and expansion of Rotherhithe Primary School to meet the needs of the new communities anticipated by the Canada Water development. We are also delighted to have played our role in securing a second new secondary school for the borough – the Haberdashers' Aske's Borough Academy – but there is much still to do to ensure the school opens as planned in September 2019.

For the first time, this place planning report gives proper space to plans and proposals for special educational needs and disability (SEND) provision. Plans already approved by cabinet to expand and relocate Cherry Garden School are presently being actioned,

with an expected completion date of September 2018. Newly agreed and funded plans now exist for the Spa Camberwell school, an ASD 4-16 free school on the former Camberwell site of Lewisham and Southwark College, with Spa Bermondsey as the sponsor, and for the redevelopment and expansion of Beormund School. Both schools will add excellent and much needed SEND provision to Southwark.

We believe in giving all our young people the best start in life and this report makes clear that securing a place at a great local school is right at the heart of this commitment.

## **RECOMMENDATIONS**

1. That cabinet notes the updated forecasts of primary and secondary school places.
2. That cabinet notes the potential future shortfall of primary reception places in planning areas 1 (Borough, Bankside and Walworth) and planning area 2 (Bermondsey and Rotherhithe) from 2020-21 onwards.
3. That cabinet notes the potential future shortfall of secondary places.

## **BACKGROUND INFORMATION**

4. The council has a statutory duty under the Education Act 1996 (amended by the Education and Inspections Act 2006) to “secure that sufficient schools for providing— (a) primary education, and (b) [secondary] education are available for their area” as well as to “secure diversity and increase opportunities for parental choice when planning the provision of school places” in the borough. This duty includes matching projected demand with supply, and ascertaining whether this demand is temporary or permanent. Based on this evidence, the authority will request schools that have the potential to expand to admit an additional form of entry for fixed period of time, or to expand permanently. Schools are funded for the additional classes they take.
5. In common with other London boroughs, Southwark has seen a sharp increase in demand for primary places and this year we received a record proportion of on time applications. Birth rates have increased 12% across the borough from 2002-2014. The authority can either expand existing schools or enable free schools or academies to open, as the council is unable under the Academies Act 2010 and Education Act 2011 from opening new schools itself.
6. Since 2010, the council has been committed to supporting, where possible, permanent expansions so that schools, parents and children have certainty over the availability of school places and so that children learn and play in high quality spaces.
7. As a result, there is currently a programme of investment of approximately £160 million in Southwark schools to increase numbers and address capacity issues. This is being funded mainly by EFA capital grant, council capital (with Section 106 support) and school contributions.
8. The school places strategy update last reported to cabinet in July 2015. This described the continuing demand for primary and secondary school places in the borough and steps being taken to meet that demand. This report updates the background data, notes that discussions are taking place with stakeholders, and

the steps the council is taking to meet anticipated primary and secondary demand.

9. Two key issues have been consistently identified over the last three years. Firstly, for primary schools, that whilst the proposed overall number of places would meet the forecast demand, the distribution of places was uneven, with an under-provision in the north of the borough and excess places in the south. In 2015 and again in September 2016, enrolment and projections have showed that whilst previously projected demand in the north has been overestimated, there was still likely, in the long term to be a shortfall in primary places in the north of the borough.
10. Secondly, for secondary schools, despite a present surplus of places across the borough, parents often feel they are unable to access places in their preferred schools, and there is a need to prepare for a steep rise in forecast demand starting in September 2018.
11. The 2016 projections have taken account of additional provision being in place, and anticipate, in certain circumstances, the risk of shortfall in places from 2020-21 onwards.
12. Projections are an estimate of demand, and occasionally, it is unclear whether developments planned will deliver within the timescale anticipated, we will therefore, on occasion, ask a school to admit an additional class temporarily in anticipation of a permanent expansion. This may also happen when the council expect funding to become available at a later stage to finance a permanent expansion.
13. The annual school capacity (SCAP) survey for 2016 was submitted on 29 July 2016. This survey informs the Department for Education (DfE) and EFA of areas where there are pressures on school places and where significant shortfalls of places are anticipated by local authorities. The projections of pupil numbers are also used to calculate the basic needs funding local authorities receive to secure sufficient school places to meet future demand. As a result of the 2015 submission, the council received £28 million to meet primary need in the borough in February 2015, but did not receive anything in 2016.
14. The Primary Investment Strategy that was agreed by cabinet in 2013 (amended in 2014 and 2015) noted the forecast future demand for primary places and associated need for the creation of additional capacity within Southwark's primary estate. As part of the Primary Investment Strategy permanent enlargements of Albion, Bellenden, Bessemer Grange, Charles Dickens, Crawford, Grange, Ivydale, Keyworth, Phoenix, and Robert Browning Primary schools were agreed in 2014 and 2015. The primary school enlargements formed part of a target of an additional 1,755 primary places by September 2016. Southwark has added a total of 500 permanent reception places in primary schools in Southwark from 1 September 2016 since September 2011 (an increase of 14%).
15. As part of the council's duty to ensure best value for money, and in particular with regard to the recent austerity measures that have reduced funding to councils, Regeneration and Children's and Adults' Services continually analyse and assess the effectiveness of programme to ensure that resources allocated are being used efficiently, and that they are being targeted in the correct areas of need. A review of the need in the borough has provided us with evidence that

existing and future need is evident in the Rotherhithe peninsula in the short term, and the Old Kent Road area in the medium term.

16. Current market conditions have meant that, on occasion, tenders for works have come in at a higher level than budgeted for. Through the use of the review process, value engineering and the amendment of the scope of some programmes, the council have ensured that projects will deliver additional places at the schools indicated, occasionally over a longer time period than originally envisaged.
17. As part of this review process, we have scaled the programme to meet the available resources, and have revised the programme to ensure we remain within the funding envelope – this has meant some schemes have been revised to remove items that the council had not made financial commitments for.

Table 1 - Primary Expansions agreed 2014 and 2015 for September 2016 and 2017

Primary School	Previous Admissions Number (FE) in 2014/5	Revised Admissions Number (FE) in 2016/7
Robert Browning	45 (1.5FE)	60 (2FE)
Charles Dickens	45 (1.5FE)	60 (2FE)
Keyworth <sup>(1)</sup>	45 (1.5FE)	90 (3FE)
Albion	30 (1FE)	60 (2FE)
Grange	45 (1.5FE)	60 (2FE)
Phoenix	60 (2FE)	120 (4FE)
Crawford	60 (2FE)	90 (3FE)
Bessemer Grange	60 (2FE)	90 (3FE)
Bellenden	30 (1FE)	60 (2FE)
Ivydale <sup>(2)</sup>	60 (2FE)	90/120 (3/4FE)
<b>Total</b>	<b>480 (16FE)</b>	<b>780/810 (26/27FE)</b>

(Source: 2015/16 Admissions brochure)

- (1) Keyworth originally agreed to expand from 1.5FE to 2FE. In March 2015, this increased to 3FE
- (2) Ivydale's expansion to 4FE will be in 2 stages – to 3FE in September 2016 and 4FE in 2017.

## KEY ISSUES FOR CONSIDERATION

### Approach to primary and secondary pupil place planning

18. Southwark's pupil place planning is based on Greater London Authority (GLA) projections which are commissioned by Southwark and most London boroughs. These are informed mainly by current school rolls, birth rates, underlying population projections, migration, and new housing developments. In primary place planning, the borough is split into five smaller planning areas outlined in Appendix A, in order to be able to respond to the more local pressure for places. These are broadly coterminous with the council's community council areas. A list of primary schools by planning area is included at Appendix A, and a map of primary school locations is attached at Appendix B. Secondary planning is carried out on a borough-wide basis, because the catchment areas for secondary schools extends as far as, and beyond the borough's boundaries, and secondary

age pupils are able to travel to schools, inside and outside the borough. A map of secondary school locations is attached at Appendix C.

19. Place planning in recent years has been complicated by the academy presumption outlined in the Academies Act 2010 that requires local authorities to facilitate academies or free schools rather than directly provide new schools themselves. An academy sponsor/free school group can apply to the EFA with a proposal for a school for their approval. The EFA only consults with (but does not seek the approval of) the local authority when a new academy or free school are proposed. The decision to open new schools therefore lies with the EFA and not the council.

### **Primary schools update**

20. Projection figures included the opening of Belham Primary Free School (in Planning Area 4) in September 2015, and Galleywall City of London Primary Academy on the old Galleywall Primary School site (in PA2) in September 2016. Southwark Free School opened in September 2012 in a temporary location and has so far taken four intakes of reception pupils, but intend to open on their permanent site on Rotherhithe New Road in 2017 with a published intake of 60 pupils.
21. The headline figures are that there is presently a “cushion” of around 12FE (360 reception places) in our primary schools, and this is projected to decrease year on year from September 2019 onwards to around 3FE in September 2024. This hides shortfalls in distinct geographical areas, particularly planning areas 1 and 2, where the need for additional places will begin from September 2021 onwards.
22. The council anticipates the requirement for additional school places in the short to medium term in two discreet areas:
  - around the Rotherhithe peninsula (as part of the Canada Water development)
  - along the Old Kent Road as part of the Bakerloo Line extension.
23. These have been interpolated into the school roll projections.
24. The geographical isolation of the peninsula and lengthy transport links to other parts of the planning area and the borough as a whole, make it imperative that the council provides locally based provision, rather than expecting Rotherhithe residents to commute to other schools that have spare places available
25. In respect of additional provision on the Old Kent Road, this is likely to be required in the medium to long term rather than immediately, and it would be prudent to assess whether existing schools could be expanded to accommodate rather than necessary choose new build – the extended timeframe will allow a proper assessment of the options available to be made, and for any economies and synergies that could be realised with regard to whole area redevelopment; Pilgrims Way School and the Tustin Estate for example.
26. It can be seen that, despite adding a permanent 3FE to Planning Area 1 (Borough, Bankside and Walworth) and 4.5FE to Planning Area 2 (Bermondsey and Rotherhithe) in September 2016, there will still be unmet need across both planning areas from September 2021 onwards. In planning areas 3 (Peckham

and Nunhead), 4 (Camberwell) and 5 (Dulwich), the picture remains broadly similar to previous years.

27. Pupil projections presume a similar level of “cross border flows” from and to Southwark from neighbouring boroughs. Southwark swaps pupils with up to 30 authorities inside and outside London at primary level, but the broad effect is positive for Southwark (i.e. there is a small net gain of pupil numbers into Southwark). Around 7% of Southwark primary school aged pupils attend another authority’s primary schools – around 11% of Southwark’s pupils come from other local authorities. This has not changed perceptibly over the last 4 years.
28. Pupil projections also assume that a similar proportion of children attend private schools inside and outside the borough. The number of private primary places in the authority area at the nine registered private primary schools has not altered significantly
29. A “planning area by planning area” summary for primary schools is given from paragraphs 34 to 44.

### **Primary programme update**

30. As mentioned previously, investment of approximately £160 million in Southwark schools has been committed to increase numbers and address capacity issues. This is being funded mainly by EFA capital grant, council capital with Section 106 support and school contributions.
31. The primary component of the programme consists of:
  - 2 new primary school rebuilds (Albion: redevelopment and regeneration of the site) and Bellenden (a new 2FE on new site)
  - 8 primary school expansions. Ivydale, Grange, Crawford, Keyworth, Phoenix, Robert Browning, Charles Dickens, Redriff
  - 2 new free schools - Belham and Galleywall.
32. All of the above are underway and on schedule to deliver additional capacity required. As with any programme, individual components proceeded at a variety of paces, and some have been influenced by a number of internal and external factors, including (but not limited to) the issues outlined below in table 2. Mitigating actions to address these have also been listed.

Table 2 – Risks to primary programme

<b>Issues</b>	<b>Mitigation</b>
Rising construction prices and labour shortages	Competitive tendering from a wide range of suppliers, secure priced schedule in first stage of two stage tendering, robust commercial approach to procurement.
Unknown ground conditions and asbestos	Detailed surveys prior to procurement.
Planning risks	Careful structured consultation with all stakeholders in stages. Pre application advice sought as schemes develop.
Property risks	Research on title, party walls, network rail, statutory services.
Programme slippage	Structured project management, lessons learnt and forward planning for worst case scenarios.
Client changes	Progressive sign off designs.
EFA and academies impact	Forward planning of strategy and Schedule 1 and 77 implications. Avoiding delays in development and funding agreements.

33. Regeneration and Children's and Adults' Services continually analyse and assess the effectiveness of programme to ensure that resources allocated are being used efficiently, and that they are being targeted in the correct areas of need. A review of the need in the borough has provided us with evidence that existing and future need is evident in the Rotherhithe peninsula in the short term, and the Old Kent Road area in the medium term.
34. To ensure that costs remain within the capital programme envelope, the programme has been amended in terms of scope and delivery times.





### **Planning Area 1 (Borough, Bankside and Walworth) – PA1**

35. Projections show that, without further action, spare capacity in the area will be exhausted by September 2021. The authority are adding 90 places - 3FE (forms of entry – i.e. 30 pupils) from September 2016 onwards - Robert Browning Primary (0.5FE), Charles Dickens (0.5FE), and Keyworth Primary (1.5FE).
36. The council is aware that John Donne Primary Academy (an existing Southwark-based academy school in Planning Area 3 - Peckham and Nunhead) has made a successful application for a 2FE Free School – tentatively called the "John Keats Primary Free School". Whilst a site on Borough High Street was provisionally identified, no formal planning approval has been given for the school on this site and so this provision has not as yet been incorporated into the projections. If the latter were approved on this or another site in PA1, it would go some way to addressing shortfalls in the area, and provide sufficient space until September 2023. If no further details of the John Keats School are received by January 2017, the council will begin to investigate alternative solutions that could be developed within the time frame needed.

### **Planning Area 2 (Bermondsey and Rotherhithe) – PA2**

37. Projections show that, without further action, spare capacity in the area will be sufficient until September 2020. A total of 5.5FE from September 2016 onwards at Albion Primary (+1FE), Phoenix (+2FE), Grange Primary (+0.5FE), and Galleywall City of London Primary Academy opened on the 1 September 2016 with a PAN of 60 (2FE) adding to the local area capacity. Projections also include an anticipated 1FE permanent expansion at Redriff Primary Academy. Southwark Free School will be moving to their new site on Rotherhithe New Road in September 2017 and admitting 2FE.
38. An analysis of application and enrolment trends, as well as pupil projections and engagement with the developers evidenced a need for additional provision in the Rotherhithe peninsular area. To this end, we engaged with schools in the area and ascertained that Rotherhithe Primary School would be one of the most suitable for expansion – presently, the school is a 2FE school housed in a variety of buildings that are in a poor state of repair. The school was rated “Good” by Ofsted when last inspected in 2014, so falls within the council’s aim of expanding good or outstanding schools only. Permanent expansion of Rotherhithe primary would contribute to meeting the needs of the new communities anticipated by the Canada Water development. Cabinet approval was sought and given on 21 July 2015 to proceed to formal consultation for the expansion of the school. The school has already temporarily expanded for 2015-2016, and 2016-2017. Council officers have engaged with the school on possible designs for expansion, a final proposal together with funding options will be brought to a future cabinet for decision.
39. The capacity in this planning area, including the changes outlined above, will ensure that there is sufficient capacity until September 2020.

### **Planning Area 3 (Peckham and Nunhead) – PA3**

40. An anticipated shortage in Planning Area 3 (Peckham and Nunhead) in 2015-16 was resolved in part by the opening of the 2FE Belham Primary (Free) School in the adjacent planning area. The expansion of Bellenden Primary from 1FE to 2FE and Ivydale Primary from 2FE to 3FE and 4FE (in stages) will also go some way to create a cushion of choice for places in this planning area.
41. Looking at longer term projections which show a (small) surplus again in 2020, at this stage it would perhaps be unwise to place further permanent expansions in this area that may not, in the long term be needed, particularly in respect of larger surpluses immediately adjacent to planning areas 4 and 5, and the new provision being planned in

Planning Area 2 (also adjacent). This is a 'long' planning area that stretches from the Old Kent Road to parts of Honor Oak and Dulwich, longer term planning will allow us to better pin point where additional demand might be needed. This situation will be kept under review to ensure need is matched by appropriate provision.

#### Planning Area 4 (Camberwell) – PA4

42. Projections show that there will be spare capacity in the area until at least September 2024. In September 2015, 60 reception places were added to the area total (2FE) with the opening of the Belham Primary School (presently temporarily located in Planning Area 3). The authority are also adding 2FE from September 2016 onwards – Bessemer Grange (1FE) and Crawford (1FE) Primary schools.
43. Together these will add 4FE to the reception capacity of the schools in the area. Whilst there is presently a 1FE excess of places this year, numbers are projected to slow from next year onwards leaving us with a 3 to 4FE excess from 2017-18 onwards. No permanent expansion of places in Planning Area 4 is therefore envisaged to be required until 2024/25 at the earliest.

#### Planning Area 5 (Dulwich) – PA5

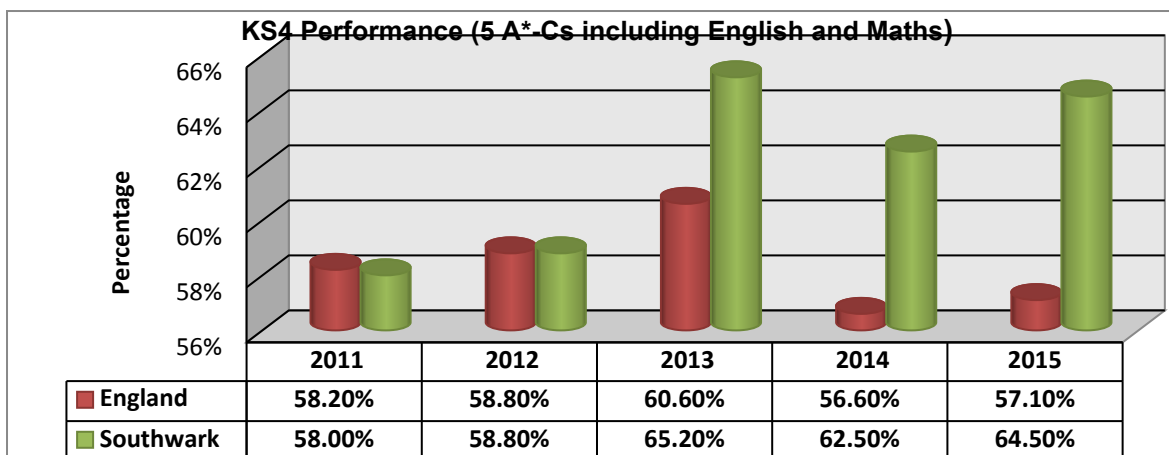
44. Projections show that there will spare capacity in the area until at least September 2024. In September 2014, 3.8FE reception places were added to the area total with the opening of the 2FE Harris Primary Free School East Dulwich and the 1.8FE bilingual English–German primary free school, Judith Kerr Primary Free School.
45. With these in place, there is a cushion of around 2FE in this area, which is projected to remain steady until at least 2024-2025. No permanent expansion of places in Planning Area 5 is therefore envisaged to be required until 2024-25 at the earliest.

#### Secondary school update

46. Southwark is one of the most improved and high performing London boroughs at secondary level. In 2015, 64.5% of pupils gained 5 or more GCSEs including English and maths, placing us above national levels of performance overall. See table 3 below for details. Southwark performance in English and maths are 7.5% and 8.5% above the national average. Performance from 2011-15 has fallen nationally by 1.1%, but has increased 6.5% in Southwark, placing the authority 7.4% above the national average.

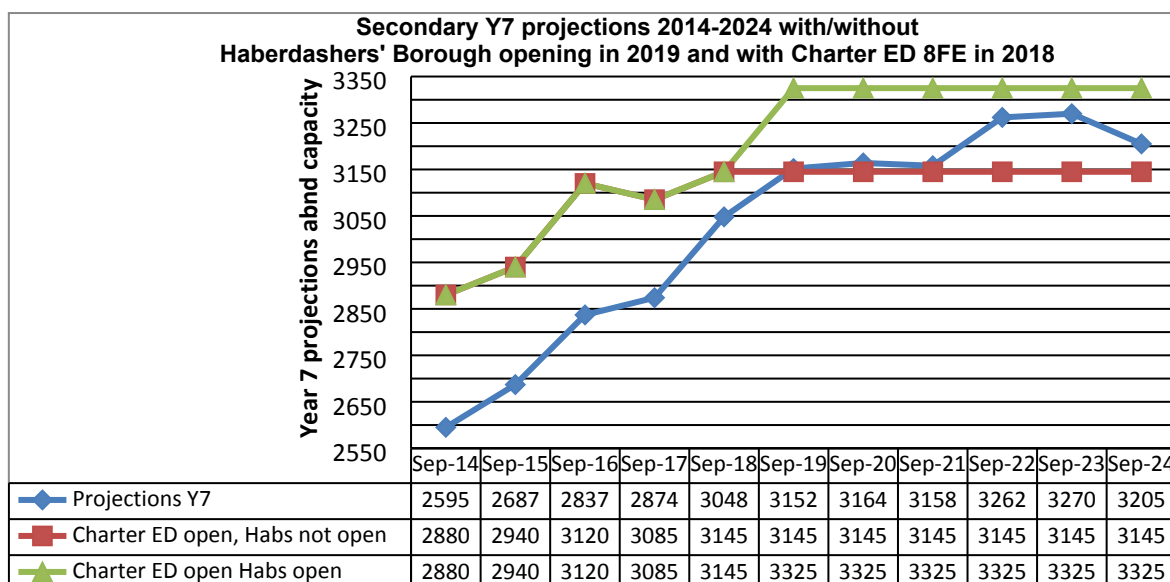
Table 3 – KS4 performance –Southwark and nationally, 2011-2015

Area (state schools)	% of pupils making expected progress		% achieving 5+ A*-C GCSEs (or equivalent) including English and maths				
	English	Maths	2011	2012	2013	2014	2015
England	71.6%	65.5%	58.2%	58.8%	60.6%	56.6%	57.1%
<b>Southwark</b>	<b>79.1%</b>	<b>74.0%</b>	<b>58.0%</b>	<b>58.8%</b>	<b>65.2%</b>	<b>62.5%</b>	<b>64.5%</b>



47. In previous reports, cabinet were advised that overall there is sufficient capacity within Southwark schools to meet the demand for year 7 places until 2016 but that a shortage of places was forecast from September 2017, rising steeply in subsequent years. Subsequent projections (including the latest 2016 GLA projections) revised these projections and showed that, whilst the demand is no longer as urgent in time as was previously reported to cabinet, additional provision would still be needed for 2019-2020 at the latest to meet anticipated demand, with another secondary school needed by 2022-23. Developments since then have taken account of this revision.
48. The Charter School (East Dulwich) received DfE approval to open in 2015, and opened in September 2016 on a temporary site in Camberwell, at the former LeSoCo site. The temporary school site does not have the capacity to allow the school to open at 8FE and will operate with a smaller intake of 4FE until the new site is ready for occupation (with a target date of September 2018, or September 2019).
49. The Haberdashers' Borough School on the old fire station site on Southwark Bridge Road has received DfE approval to open from September 2018 onwards. A planning application for the school on the site has been submitted, with an envisaged opening date of September 2019.
50. Table 4 below sets out the forecast demand for secondary places over the next nine years. This is predicated over two different scenarios – Haberdashers' opening in 2019 or not.

Table 4 – Secondary projections 2014-24



51. Since the last report to cabinet in July 2015, the following provision has been factored in:
- A 1FE permanent increase to 5FE at St Michaels Catholic College in 2017-18
  - A temporary expansion from 8FE to 12FE at Kingsdale School for 2016-17, and from 8FE to 10FE in 2017-18 and a reversion to 8FE in 2018-19.
52. Total year 7 capacity is affected by a number of factors – the expansion of St Michaels outlined above in September 2017, the reversion of Kingsdale from 12FE to 10FE in 2017/18 and to 8FE in 2018/19, as well as the opening of Charter East Dulwich this year at 4FE (and a planned increase to 8FE in 2018/19, as well as the proposed Haberdasher's Borough school. This means that Year 7 capacity will fall slightly in 2017/18, but will increase thereafter.
53. Of the 2 scenarios outlined, the following risks become apparent:
- a) If the Haberdashers' Borough School opens in 2019-20, and Charter School East Dulwich opens on its new site in 2018-19, the council will have sufficient space to accommodate projected numbers until at least 2024-25 (although a new school or equivalent expansions to existing schools would likely be needed soon thereafter).
  - b) If the Haberdashers' Borough School does *not* open in 2019-20, and Charter School East Dulwich opens on their new site in 2018-19, then the authority will fall (slightly) short of places in 2019-20 (7 places), but this will increase to a deficit of 4FE by September 2023 A new school or equivalent expansions to existing schools would therefore be needed if Haberdasher's were not to materialise or be significantly delayed.
54. The two scenarios above assume that Kingsdale School reverts to 8FE in 2018-19. It is possible the school will continue to admit above its published admissions number outlined in its academy funding agreement of 240 and partially mitigate against any presumed Y7 deficit. It should be noted, however, that currently, 50% or less of Kingsdale pupils come from Southwark, so any temporary or permanent increase in PAN would have a marginal effect on secondary provision within Southwark.

55. These forecasts are presented with the proviso that demand for secondary places is much less predictable than for primary places from factors, such as, the pattern of house moves among families, the housing market and fluctuations in the popularity and provision of schools both within and outside the borough. The projections are refreshed on an annual basis to maximise accuracy.
56. Secondary school roll projections are based in part on numbers already admitted to Southwark primary schools. Imports and exports to neighbouring boroughs, (mainly Lewisham and Lambeth), sit equally around 22%. Pupil projections presume a similar level of “cross border flows” exist from and to Southwark from neighbouring boroughs. Southwark swaps pupils with up to 30 different authorities inside and outside London at primary level, but the broad effect is neutral for Southwark (there is a small net gain or loss of pupil numbers into Southwark, but this has remained steady for some time). This has not changed perceptibly over the last four years. Pupil projections also assume that a similar proportion of children attend private schools inside and outside the borough, and/or are home educated. The number of private secondary places in the authority area at the seven registered private secondaries has not altered significantly, nor those receiving education at home.
57. There is a high overall retention of primary aged pupils (94%) through to Southwark secondary schools and therefore primary age projections are likely to be a reasonably prediction of medium to longer term demand in secondary schools. That said there are a number of factors that will impact on the accuracy of ward based GLA primary school age projections, including their sensitivity to borough migration, high mobility, and the impact of new housing. It was noted that despite an overall improvement in educational performance, and an increasing proportion of families gaining one of their preferences, a significant variation in the popularity of schools exists among parents, which indicates that the balance between demand and the availability of places is not evenly distributed across the borough. The lack of direct transport links between home and school, particularly in the south of the borough, also acts as a barrier to families’ access to places in their preferred schools.
58. For these reasons, actual demand year on year is very closely monitored by officers to inform the scale and timing of temporary or permanent expansions, and to ensure the effectiveness and a positive impact of the same. Cabinet was informed in 2014 that the future demand for secondary places could be met partly through the expansion of existing schools and partly through the construction of new school(s). As the council no longer has any directly managed secondary schools in the borough and as there is a legal requirement that new schools will be free schools/academies, the role of the council is to assist and facilitate individual schools in developing proposals, applying for funds and implementation, rather than as direct provider. The EFA has little direct knowledge of the demographic issues in the borough and will look to the council to provide guidance. The council has successfully influenced outcomes through its liaison and partnership working with the EFA and through the town planning process and will continue to work to effect this.
59. A map of existing (and agreed) secondary schools is included as Appendix B.

### **Expansion of existing secondary schools**

60. All secondary schools were invited in autumn 2012 to participate in a study to assess the capacity to expand by 1FE. St Michael’s Catholic College subsequently made a successful bid in January 2015 to the EFA for funds to expand, which has been factored into the above projections and capacity. Bacon’s College has previously indicated a wish to expand by 2FE, subject to a successful bid to the EFA. Council officers have visited the school this year, and have indicated they would welcome and support an expansion of Bacons College, as it is in an area where significant population growth is expected arising from new housing - it is also a popular and successful school. This could be achieved in a number of configurations and the council will continue to engage with the school to advance these plans.

61. Kingsdale School is a 8FE school and has taken a number of bulge classes in year 7 in previous years – an additional 4FE for this September (2016), 3FE in September 2015, and 1FE in September 2014, and plan to take 2FE additionally for September 2017 – it has also expressed a wish to permanently expand by 1-2FE, but the low percentage of pupils attending the school from Southwark could potentially mean any permanent expansion at this site may not benefit Southwark pupils proportionate to the potential expenses incurred. The school may, of course, expand of their own accord, without council funds. However, the council welcomes the interest and will continue to explore whether an expansion of benefit to Southwark pupils could be secured through alternative admissions arrangements.
62. Academies are not required to publish statutory proposals (outside of any amendments to admissions procedures) or seek local authority approval for expansion of their admission number. Based on the responses in paragraphs 59 and 60 above, an additional 3FE to 4FE might reasonably be expected from the existing estate leaving scope and need for additional, new provision in the borough for the future. The LA will consult with all secondary schools as a group to develop plans for any additional capacity required.

### **New secondary schools in Southwark**

63. As noted in paragraph 19, the Academies Act 2010 and Education Act 2011, an academy sponsor or free school group can apply to the EFA with a proposal for a school for their approval. The EFA only consults with (but does not seek the approval of) the local authority when the new academy or free school are proposed. The decision to open new schools therefore lies solely with the Education Funding Agency (EFA) and not the council. There are a limited number of potential new school sites, all with inherent risks and opportunities, along with advantages and disadvantages. The authority works closely with the EFA and have constructively engaged with them on a number of occasions to ascertain the viability of projects and the status of potential academy and free school sites across the borough

### **Expansion of existing and new special (SEND) schools**

64. Plans already approved by cabinet to increase the standard number at, and the relocation of Cherry Garden School is presently being actioned, with an expected completion date of September 2018. These plans and proposals for the expansion of other SEND provision are given in table 5 overleaf.

Table 5 - SEND proposals

<b>School</b>	<b>Proposal</b>	<b>Capacity</b>	<b>New Capacity</b>	<b>Status</b>
Cherry Garden School	Increase the standard number at, and the relocation	46	72	Expected completion date of September 2018
Spa Camberwell	ASD 4-16 free school on the former site of LeSoCo, with Spa Bermondsey as the sponsor	0	100-120	Site is presently being used as a temporary location for the Charter School East Dulwich – earliest opening date of September 2019
Beormund	Redevelopment of Beormund	40	50	Under discussion with stakeholders

## **Statutory proposals**

65. At the meeting in March 2014, the cabinet approved the proposed enlargements of Albion, Bessemer Grange, Charles Dickens, Crawford, Grange and Keyworth primary schools following statutory consultation with stakeholders. In March 2015, a similar process to underpin the expansion of Robert Browning, Phoenix, Ivydale and Bellenden schools was undertaken. As an academy, Redriff was not required to consult on their expansion.
66. Any proposal by a local authority of an 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) requires the publication of statutory proposals. In Southwark, all non-academy secondary schools are voluntary aided and the necessary consultation would be managed by these schools directly.

## **Consultation**

67. If statutory proceedings to expand non-academy schools are undertaken, informal consultation will be carried out by Regeneration with individual schools, involving meetings with parents/carers, staff and governors, including a drop-in parents' meeting at all of the schools. At the formal stage, notices will be issued to the schools concerned and Southwark councillors and Southwark, Lambeth and Lewisham MPs, the Southwark Diocesan Board and Commission, and neighbouring authorities will all be written to elicit their views on the proposed expansions.
68. Academy schools (including Free schools) are not required to consult with regard to permanent expansions (although some do), but are only required to inform the local authority if they wish to amend their published admissions number.

## **Policy implications**

69. The primary planning and investment strategies are aligned to local planning and policy frameworks, including the Council Plan and Children and Young People's Plan. These outline the council's commitment to supporting schools to be outstanding, with children and young people able to achieve their full potential, and parents able to exercise real choice in a high-performing schools system.
70. When formulating the primary and secondary expansion programmes, the council considers the suitability of all schools in Southwark and the risks and advantages of expanding each. The risks of not expanding schools are considerable. The council has a limited scope to expand existing provision, and not expanding the schools could potentially leave the council vulnerable to legal action for not meeting its target duty to provide sufficient primary school places. Section 14 of the 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 avoid unreasonable public expenditure.
71. It should be noted that the situation with free school applications and academy conversions remain fluid. Officers will make Members aware of any appropriate developments that affect the projections or indeed the anticipated provision in the borough

## **Community impact statement**

72. The Public Sector Equality Duty, at section 149 of the Equality Act, requires public bodies to have due regard when carrying out their activities to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between people with protected characteristics and those with none. The council's Approach to Equality ("the approach")

commits the council to ensuring that equality is an integral part of our day to day business.

73. "Protected characteristics" are the grounds upon which discrimination is unlawful - the characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, gender and sexual orientation. In this case, the characteristics covering gender reassignment, marriage and civil partnership, pregnancy and maternity, and sexual orientation are unlikely to be issues for consideration in the expansion of the schools in question. Enabling the expansion of primary and secondary provision to meet demand have the potential to advance equality of opportunity, and foster good relations between people with protected characteristics and those with none.

### **Resource implications**

74. The July 2014 the cabinet report delegated the authority to the Strategic Director of Children's and Adults' Services to allocate the budgets for individual primary school expansion programmes from within the existing available resources.
75. The council's current capital programme includes £160m for the Primary Expansion Programme which includes Cherry Garden Special School. The costs of the first wave of schools in this report are being managed within this budget.
76. Schools will be responsible for any ongoing revenue implications arising from the expansion. The Dedicated Schools Grant (DSG) will fund the schools for the additional expansion class pupils via the revenue "growth fund" in the first financial year of expansion (agreed by the Schools Forum); and thereafter via the schools funding formula. The "growth fund" is agreed annually by the Schools Forum and funded through a top-slice from the DSG. It should be noted that different arrangements apply to some academies and free schools, who are funded by the EFA based on estimated numbers with funding recouped from the DSG allocation. Local authorities received an additional DSG cash transfer in 2015-16 to offset these costs but no commitment has been made in relation to future years; it is likely that these costs will need to be met from existing DSG resources.

### **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

#### **Director of Law and Democracy**

77. The council's general duty in relation to securing sufficient school places in its area, and its functions in relation to making alterations to its existing maintained schools, is described in the body of the report.
78. The cabinet is reminded that the public sector equality duty under section 149 Equality Act 2010, as set out in the community impact section of the report, applies to the exercise any of its functions.

#### **Strategic Director of Finance and Governance**

79. This report notifies cabinet of the updated 74 highlights the funding allocated within the council's capital programme for the existing primary school expansion programme and paragraph 75 details how the revenue costs of expanding schools will be met from the DSG.



## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Primary Investment Strategy – Report to Cabinet July 2013	Council Offices, 160 Tooley Street, London, SE1 2QH	Nina Dohel 020 7525 3755
<b>Link</b> <a href="http://moderngov.southwark.gov.uk/documents/s39446/Report%20Primary%20Investment%20Strategy.pdf">http://moderngov.southwark.gov.uk/documents/s39446/Report%20Primary%20Investment%20Strategy.pdf</a>		
Primary Investment Strategy Update – report to Cabinet member for Children’s Services - January 2014	Council Offices, 160 Tooley Street, London, SE1 2QH	Nina Dohel 020 7525 3755
<b>Link</b> <a href="http://moderngov.southwark.gov.uk/documents/s43491/Report.pdf">http://moderngov.southwark.gov.uk/documents/s43491/Report.pdf</a>		
School Places Strategy Update – report to Cabinet member for Children’s Services - March 2014	Council Offices, 160 Tooley Street, London, SE1 2QH	Nina Dohel 020 7525 3755
<b>Link</b> <a href="http://moderngov.southwarksites.com/documents/s45063/Report%20School%20Places%20Strategy%20Update.pdf">http://moderngov.southwarksites.com/documents/s45063/Report%20School%20Places%20Strategy%20Update.pdf</a>		
Permanent enlargement of Albion, Bessemer Grange, Charles Dickens, Crawford, Grange and Keyworth primary schools – considering the initial consultation and agreeing the publication of statutory notices - March 2014	Council Offices, 160 Tooley Street, London, SE1 2QH	Andy Brown 020 7525 3755
<b>Link</b> <a href="http://moderngov.southwarksites.com/documents/s45064/Report%20Permanent%20enlargement%20of%20primary%20schools.pdf">http://moderngov.southwarksites.com/documents/s45064/Report%20Permanent%20enlargement%20of%20primary%20schools.pdf</a>		
School Places Strategy Update– report to Cabinet member for Children’s Services - July 2014	Council Offices, 160 Tooley Street, London, SE1 2QH	Andy Brown 020 7525 3755
<b>Link</b> <a href="http://moderngov.southwarksites.com/documents/s47494/Report%20School%20Places%20Strategy%20Update.pdf">http://moderngov.southwarksites.com/documents/s47494/Report%20School%20Places%20Strategy%20Update.pdf</a>		
School Organisation – Making 'prescribed alterations' to local-authority-maintained schools; Deciding prescribed alteration and establishment and discontinuance proposals; Opening and closing local-authority-maintained schools	Council Offices, 160 Tooley Street, London, SE1 2QH	Ric Euteneuer 020 7525 5018
<b>Links</b> <a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/514548/16-04-06_FINAL_SO_Guidance_PA_Regs.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/514548/16-04-06_FINAL_SO_Guidance_PA_Regs.pdf</a> <a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/514570/16-04-06_FINAL_SO_Guidance_DM.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/514570/16-04-06_FINAL_SO_Guidance_DM.pdf</a> <a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/514556/16-04-06_FINAL_SO_Guidance_ED_Regs.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/514556/16-04-06_FINAL_SO_Guidance_ED_Regs.pdf</a>		
School Places Strategy Update – report to Cabinet member for Children’s Services – July 2015	Council Offices, 160 Tooley Street, London, SE1 2QH	Ric Euteneuer 020 7525 5018
<b>Link</b> <a href="http://moderngov.southwarksites.com/documents/s55562/Report%20Primary%20and%20secondary%20school%20place%20planning%20strategy%20and%20Appendices%201-3.pdf">http://moderngov.southwarksites.com/documents/s55562/Report%20Primary%20and%20secondary%20school%20place%20planning%20strategy%20and%20Appendices%201-3.pdf</a>		
The Essential Guide to the Public Sector Equality Duty 3rd edition April 2011, updated: January 2015	Council Offices, 160 Tooley Street, London, SE1 2QH	Ric Euteneuer 020 7525 5018
<b>Link</b> <a href="https://www.equalityhumanrights.com/sites/default/files/psed_essential_guide_-_guidance_for_english_public_bodies.pdf">https://www.equalityhumanrights.com/sites/default/files/psed_essential_guide_-_guidance_for_english_public_bodies.pdf</a>		
School Organisation (Prescribed Alterations to Maintained Schools)	Council Offices, 160 Tooley Street, London,	Ric Euteneuer 020 7525 5018

Background Papers	Held At	Contact
(England) Regulations 2013	SE1 2QH	
<b>Link</b> <a href="http://www.legislation.gov.uk/ukxi/2013/3110/pdfs/ukxi_20133110_en.pdf">http://www.legislation.gov.uk/ukxi/2013/3110/pdfs/ukxi_20133110_en.pdf</a>		

## APPENDICES

No.	Title
Appendix A	List of primary schools by planning area
Appendix B	Map of Primary Schools in the borough
Appendix C	Map of Secondary Schools in the borough

## AUDIT TRAIL

<b>Cabinet Member</b>	Councillor Victoria Mills, Children and Schools	
<b>Lead Officer</b>	Nina Dohel, Director of Education,	
<b>Report Author</b>	Ric Euteneuer, Principal Strategy Officer (School Place Planning)	
<b>Version</b>	Final	
<b>Dated</b>	1 December 2016	
<b>Key Decision?</b>	Yes	
<b>CONSULTATION WITH OFFICERS/DIRECTORATES/CABINET MEMBER</b>		
	<b>Officer Title</b>	<b>Comments sought</b>
		<b>Comments included</b>
	Director of Law and Democracy	Yes
	Strategic Director of Finance and Governance	Yes
	<b>Cabinet Member</b>	Yes
	<b>Date final report sent to Constitutional Team</b>	1 December 2016