

Item No. 12.	Classification: Open	Date: 18 March 2014	Meeting Name: Cabinet
Report title:		Permanent enlargement of Albion, Bessemer Grange, Charles Dickens, Crawford, Grange and Keyworth Primary Schools	
Ward(s) or groups affected:		All	
Cabinet Member:		Councillor Dora Dixon-Fyle, Children's Services	

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

As part of the Primary Strategy it is proposed to expand a number of primary schools. This is as a result of the projected increase in demand for reception places. The appropriate consultation has been carried out on the proposed permanent enlargement of Albion, Bessemer Grange, Charles Dickens, Crawford, Grange and Keyworth primary schools. All the comments received during the first stage of the consultation were fully considered in the report in January 2014. Subsequently the public notices have been published and no further comments have been received. Permanently enlarging these primary schools will therefore provide additional primary school places to meet the forecast demand for places. I recommend this report to Cabinet.

RECOMMENDATIONS

1. That the cabinet notes the outcome of the final consultation on the proposed enlargements of Albion, Bessemer Grange, Charles Dickens, Crawford, Grange and Keyworth primary schools.
2. That the cabinet agrees to the 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.

BACKGROUND INFORMATION

3. Further to the report dated 18 December 2013, the Cabinet Member for Children's Services agreed on 3 January 2014 to the publication of the statutory notices, having considered the outcome of the initial consultation on these proposed enlargements. The publication of notices is the final stage of the statutory consultation process.
4. Cabinet had agreed on 16 July 2013 in the report on the Primary Investment Strategy to open initial consultation on the statutory proposals to permanently enlarge Albion, Bessemer Grange, Charles Dickens, Crawford, Grange and Keyworth primary schools. These primary school enlargements are part of the current target of 21.5 forms of entry of new reception places by September 2016.

KEY ISSUES FOR CONSIDERATION

5. The statutory notices were displayed as required at the six primary schools' gates, published in the South London Press on 21 January and the Southwark News on 23 January, on the Council's website and copies were sent to local libraries for display. There was then a period of 4 weeks from 23 January to 20 February 2014 during which anyone could object to or comment on the proposal. No responses have been received to this consultation stage.
6. Before making a decision on the proposals, the relevant DfE non-statutory guidance advises that decision makers should consider four key, procedural issues:
 - **Is all the information required available to make a decision on these proposals?** All the information as specified in the relevant Secretary of State's guidance is contained in this report.
 - **Do the published notices comply with statutory requirements?** The statutory notices comply with the relevant regulations.
 - **Has the statutory consultation been carried out prior to the publication of the notice?** The statutory consultation was carried out in accordance with the relevant guidance. In addition to the statutory consultation, an initial consultation was carried out prior to the publication of the proposals which allowed respondents 6 weeks to reply and included drop in meetings at all the schools. Consultation documents were sent to all stakeholders likely to be affected by the proposals, including parents, staff, governors as well as all other stakeholders specified in the guidance. The initial consultation process was delivered in accordance with the guidance and enabled the views of all stakeholders, both for and against aspects of the proposals to be considered fully. All care was taken to ensure no one was omitted from the process. The analysis of the consultation enabled the cabinet member to understand the views of those affected by the proposals. The outcome of the initial consultation was considered by the Cabinet Member for Children's services in January 2014.
 - **Are the proposals related to other published proposals?** There are no related proposals.
7. In deciding on proposals, the decision maker must have regard to statutory guidance issued by the Secretary of State. The relevant DfE statutory guidance provides a non-exhaustive list of factors that decision makers must have regard to. The following factors are of particular relevance to these proposals:
 - **Effect on standards and school improvement.** All the schools will be supported to ensure that there is no impact on standards as a result of the provision of additional places by the enlargement of these schools.
 - **Need for the places.** The Primary Investment Strategy was agreed by Cabinet in July 2013 and updated by the Cabinet Member for Children's Services in January 2014. Projections, which take into account the increase in school rolls, the forecast additional population as a result of increased births, migration and the new population as a result of additional housing, forecast a continuing increase in demand for reception places.

These permanent enlargements are proposed in the light of the forecast shortfall in reception places, which is shown on Table 1.

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
Total	8.5 to 12.5 FE	12.5 to 16.5FE	17.5 to 23FE

- **Travel arrangements.** There is not likely to be any impact on local travel patterns as a result of these enlargements.
- **Diversity and equal opportunities.** The impact on communities of the issues and recommendations within this report has been considered in line with Southwark's Approach to Equality. The recommendations will have a positive impact on communities with increased provision of primary places in areas where they are needed enhancing community cohesion. The schools' admission criteria will remain the same as at present and therefore there will be no detrimental effect on community cohesion.
- **Views of interested parties.** The publication of the statutory notices is the final stage of the consultation process on the enlargement of these schools. The initial consultation was carried out with all the individual school parents/carers, staff and governors, including a drop-in parents' meeting at all of the schools. In addition there was consultation with head teachers and chairs of governors of Southwark's schools, Southwark councillors and Southwark, Lambeth and Lewisham MPs, the Southwark Diocesan Board and Commission, trade unions and neighbouring authorities. Views expressed during the consultation from the 200 respondents were taken into account and concerns addressed in the report to the cabinet member in January 2014.
- **Funding and land.** The enlargements will all take place on existing school sites. Funding is considered in the financial paragraphs below.
- **Special Educational Needs (SEN) provision.** There are no anticipated issues for SEN provision as a result of these expansions

Conclusion

8. In the light of this appraisal it is recommended that the permanent enlargement of all these schools is agreed.
9. The guidance requires that the local authority must make a decision on the proposals within 2 months of the end of the representation period i.e. in this case by 20 April 2014 or if not then the LA must forward the proposals to the schools adjudicator for decision.

Policy implications

10. The primary planning and investment strategies are fully aligned to local planning and policy frameworks including the Council Plan, and Children and Young People's Plan. These outline the council's continued 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 local schools system.

Community Impact Statement

11. The proposals are consistent with promoting the safeguarding and well being of all local children and young people by providing sufficient primary school places to meet forecast need. Increasing pupil numbers will foster good relations because it provides for the expansion of existing provision that meets the needs of our diverse communities and promotes the fostering of good relations. The enlargements of schools would provide more choice for parents.

Financial implications of expansion programme

12. The July Cabinet report identified an overall available budget for the programme of £50.6m. The available funding is sufficient to fund all these proposed enlargements.
13. The July cabinet report delegated the authority to the Strategic Director of Children's and Adults' Services to allocate the budgets for individual school expansion programmes from within the existing available resources.
14. The expected budgets for the first wave of schools in this report can be met from existing identified resources. The allocation of the budget will be made at the gateway 2 award of the contract for the construction of the school expansions.
15. The schools will be responsible for the ongoing revenue implications arising from expansion.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Legal Services

16. The decision the Cabinet is being asked to take is one that it is reserved to Cabinet under the Council's Constitution.
17. Section 14 Education Act 1996 places a duty on local authorities to ensure that there are sufficient primary and secondary schools in their area. Local authorities must ensure there are enough school places to meet needs as well as working to

secure diversity of provision. 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.

18. The Education Act 2011 removed the legal power for local authorities to establish community schools to address the issue of increased demand for primary places. Local authorities may look to existing provision to expand or to free schools and academies to meet demand.
19. The legal requirements on local authorities in relation to school organisation are contained in the Education and Inspections Act 2006. The Act requires that local authorities must publish proposals where it proposes to make a “prescribed alteration” and the alteration is one that a local authority is capable of making. “Prescribed alterations” are set out in the School Organisation (Prescribed Alterations) Regulations 2007 (“the 2007 Regulations”) and the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (“the 2013 Regulations”).
20. Statutory and non-statutory guidance has been issued by the Secretary of State in 2007 (“Expanding a Maintained Mainstream School by enlargement or adding a sixth form – A Guide for Local Authorities and Governing Bodies”, updated 2010), and new guidance to accompany the 2013 Regulations was published on 28 January 2014.
21. Cabinet should note that the 2013 Regulations came into effect on 28 January 2014, and revoked the 2007 Regulations from the same date. However, the 2007 Regulations remain in force in relation to proposals published prior to 28 January 2014. As such it is the 2007 Regulations that govern the proposals described in this report, and the Cabinet, as decision maker, must have regard to the 2007 guidance, as amended, when making its decision. The 2007 guidance for decision makers is summarised in the body of the report.
22. Cabinet is reminded of the duty to have due regard to the public sector equality duty under s.149 Equality Act 2010 in noting the recommendations in particular those identified in the Community Impact Statement.

Strategic Director of Finance and Corporate Services (FC13/098)

23. This report is requesting cabinet to approve the enlargement of Albion, Bessemer Grange, Charles Dickens, Crawford, Grange and Keyworth primary schools, as reflected in recommendation 2, following the outcome of the final consultation exercise detailed in the report.
24. It is noted that the proposed enlargement can be contained within the overall available funding. Officers should ensure that budgets for the contracts are established and profiled on the council’s financial information system for effective monitoring and reporting.
25. It is also noted that the associated revenue costs arising from the enlargement will be funded by the schools.
26. Staffing and any other costs connected with this contract to be contained within existing departmental revenue budgets.

BACKGROUND DOCUMENTS

Background Documents	Held At	Contact
Primary Investment Strategy – Report to Cabinet July 2013	Council Offices 160 Tooley Street, London SE1 2QH	Merril Haeusler, 020 7525 3755
Link http://moderngov.southwark.gov.uk/documents/s39446/Report%20Primary%20Investment%20Strategy.pdf		
Primary Investment Strategy Update – report to Cabinet member for Children’s Services January 2014	Council Offices 160 Tooley Street, London SE1 2QH	Merril Haeusler, 020 7525 3755
Link http://moderngov.southwark.gov.uk/documents/s43106/Report.pdf		
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- January 2014	Council Offices 160 Tooley Street, London SE1 2QH	Merril Haeusler, 020 7525 3755
Link http://moderngov.southwark.gov.uk/documents/s43491/Report.pdf		

APPENDICES

No.	Title
None	

AUDIT TRAIL

Cabinet Member	Councillor Dora Dixon-Fyle, Cabinet Member for Children's Services	
Lead Officer	Romi Bowen, Strategic Director of Children's and Adults' Services	
Report Author	Martin Wilcox, Education Planning Officer	
Version	Final	
Dated	7 March 2014	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Legal Services	Yes	Yes
Strategic Director of Finance and Corporate Services	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team	7 March 2014	