
Meeting: Schools Forum

Date: 19 Sept 2011

Subjects: 1. DfE consultation on the "Implementation of the 2010-11 Review of Education Capital (The James Review)"

2. Draft Central Bedfordshire Council School Organisation Plan 2011-2016

3. Guidance on statutory consultations on proposals for Schools' change of age range.

Report of: Deputy Chief Executive and Director of Children's Services

Summary: These three separate but linked reports seek the views of Schools Forum to the DfE consultation on capital, the Council's draft School Organisation Plan 2011-16 and guidance and supporting documents that have been developed to provide a mechanism by which proposals to extend age ranges in LA maintained schools will be managed.

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Public/Exempt: Public

Wards Affected: All

Function of: Council

Reason for urgency
(if appropriate)

RECOMMENDATIONS:

1. To invite comments on the recently announced consultation that has arisen from the DfE sponsored 'James Review' of schools capital, originally reported to Schools Forum on the 20th June 2011.
2. To invite comments on Central Bedfordshire's draft School Organisation Plan 2011-16 and its use as a planning tool for the future prioritisation and allocation of Basic Need funding to the Council.
3. To invite comments on the guidance document and supplementary documents adapted from the DfE Decision Makers Guidance for making alterations to the upper and/or lower age limit of a maintained mainstream school.

Background - DfE consultation on the "Implementation of the 2010-11 Review of Education Capital (The James Review)"

1. On the 20th June 2011 Central Bedfordshire's School Forum considered a report which provided information on the findings and on the 16 recommendations of the recent independent Review of Education Capital, published on 8 April 2011.

On 19 July 2011, the Government published its response to the Review and launched a 12 week consultation on aspects of the recommendations which it felt required further consultation. In particular, it recognised that the scale and pace of change to the current system needs to be proportionate to the benefits that can be achieved and taken forward in consultation with partners.

2. The Government's response and proposed next steps are summarised in the briefing note attached to this report at Appendix A as are the three specific recommendation areas that are now subject of consultation.

These are:

- Use of Basic Need and condition data to determine local budget allocations
- Flexible Capital Budgets with Local Decision Making
- National Contracting and Procurement

Further consultations are expected in the autumn on the regulations and guidance on school premises.

3. Accompanying the Government's response to the James review were two further announcements on schools capital. The first was of an additional £500m in 2011/12 to help meet the most urgent need for additional school places and the pressures caused by increased birth rates. This will be targeted to those LAs with the most pressing need in 2011/12 with allocations finalised in autumn 2011 based on forecast data already provided by all Local Authorities.
4. The second announcement was of a new PFI programme equivalent to approx £2bn for new PFI contracts to support schools (100-300 schools) in the worst condition. LAs/schools are invited to submit bids by 14 October 2011 with announcements expected in December 2011.

For CBC, an initial assessment indicates that only a number of our smallest schools may meet the criteria, but that these would be unsuitable for PFI style procurement and it is therefore recommended that the Council does not prepare a submission to take part in this programme.

However, details of the application process and of the qualifying criteria were published in Central Essentials on the 2nd September inviting any school that would wish to be considered to respond.

5. School Forum is invited to comment on the proposals 1-3 as set out in the attached Appendix A and local Responsible Bodies are invited to consider these issues directly and respond to the consultation. The consultation will also be the subject of consideration by the Schools' Asset Management Planning sub group whose membership includes representatives of School Forum.

Background - Draft Central Bedfordshire Council School Organisation Plan 2011-2016

6. In previous years the School Standards and Framework Act 1998 required each Local Authority to review its pupil place planning proposals through the publication of a School Organisation Plan (SOP). However, the statutory requirement to produce and approve a SOP was subsequently dropped and most Authorities no longer produce one.
7. The original purpose of the plan through its formal adoption by the Local Authority was to guide policy and school organisation issues, helping to guide decision making by the then School Organisation Committee when considering proposed changes to school organisation, supported by the DfE guidance to decision makers.
8. It was also an essential element of a Capital Investment Strategy required to be submitted to the DfE to illustrate how capital would support the management of a sufficiency of school places, as a result of changing demographics and school organisation decisions, and address the condition and suitability of school buildings.
9. Whilst many DfE capital investment programmes have ceased, the underlying principle of clear, transparent, objective decision making based on robust data remains entirely valid and it is for this reason that the Council has made significant progress in refreshing asset management data on the school estate in Central Bedfordshire.
10. As Central Bedfordshire is facing significant growth over the coming 5-10 year period as a result of new housing the SOP, attached to this report at Appendix B, provides an opportunity to ensure that the housing allocations in the respective Local Plans are accounted for in the future planning of school provision to ensure that the Council can continue to fulfil its statutory obligation to ensure the sufficiency of school places.

The forecasts in the SOP are also the same as those to be used in the current school forecast return to the DfE (which has replaced the former surplus places return) developed in consultation with planning and school performance colleagues as a single consistent return. It also follows the Basic Need return sent to the DfE earlier in the year. The plan will therefore provide a single data set to be used as the basis of forward planning.

Through an annual review, the Plan can be flexible to take account of changing circumstances, particularly around the changing rates of housing completions and related forecasts.

11. The principles underpinning the original requirement for a SOP therefore remain valid, particularly in terms of translating changing demographics, either as a result of population changes or housing growth into a more coherent plan linked to capital investment requirements, including alignment with S106 contributions, Basic Need grant allocation and decision making.

In terms of the DfE allocations over the current Comprehensive Spending Review period, based on 2011/12 allocations, the Basic Need allocations could amount to approx £37m. This is in addition to the current S106 planning obligations. It is imperative that this is drawn together into a single capital pot in order to deliver the requirements of the Council over the next 5 years.

12. In relation to the previous report on the Government's response to the James review, the SOP will enable the Council to respond positively to the requirement for a Local Investment Plan (similar to the previous capital investment strategy) which will cater for the proposed allocation of the Basic Need funding alongside whatever other arrangements may be in place to manage the condition of the estate which are, as set out in government policy, the two key areas for investment over the current parliament.
13. Not only does the reintroduction of a SOP support the Council's decision making process but it also ensures that there is a mechanism for informing schools and the public in areas where there may be a need for changes to school provision and also supports the area reviews which are underway. It will also help to support the Council in terms of its responses to proposals by others of new provision e.g. Free Schools and UTCs.

The need to improve our communication on strategic place planning is particularly relevant in areas of population growth where the Council is currently subject to many FOI requests relating to new school provision.

14. The plan will also enable the Council to begin to consider, through its Corporate Asset Management planning processes how well it is placed to deliver the needs set out within it in staffing, financial, procurement, property and programme management terms and also enables dialogue to take place on integrated infrastructure planning across the Council to ensure that wider opportunities are not being missed and development is joined up to maximise the wider community benefits.
15. In relation to the previous report on the Government's response to the James review, the delivery options for new infrastructure will need to be considered with opportunities for local frameworks, partnerships or national frameworks for pre-design, design and construction.
16. In commissioning new school places to manage the level of anticipated growth across Central Bedfordshire proposals to enlarge successful and popular schools will be brought forward. Where significant new provision is required the Council, as commissioners of services, may invite existing successful and popular schools to expand their current provision across a new site.

In these circumstances guidance will be published by the Council and an amended proposal template, similar to that outlined in the next report on this agenda, will be used to capture key information for evaluation and for decision makers.

Where these opportunities do not exist, or where the need to increase diversity, choice and access cannot be met through expansion of existing providers, the Council may seek applications from new promoters to run new schools through a competition.

17. School Forum is invited to comment on the draft School Organisation Plan.

Background - Guidance on statutory consultations on proposals for Schools' change of age range

18. The report presented to the Council's Executive on the 31st May 2011 on conclusion of the Dunstable and Houghton Regis review, outlined that the Council can give support to maintained schools on any specific proposals that might arise in future where the Local Authority is decision maker. These proposals might include changing age ranges, adjusting intakes, enlarging premises and discontinuing schools.
19. The consultation undertaken on the options set out in the Dunstable and Houghton Regis report as it progressed through Children's Services Overview and Scrutiny Committee, attracted responses from the six lower schools and the middle school in Houghton Regis who, with the support of Headteachers and Chairs of Governing Bodies, submitted a proposal to extend their age ranges to become primary/secondary.
20. Proposals of this nature represent significant risks for the Council and the local community of schools, particularly the potential for the displacement that could be caused in disruption to the wider pattern of provision, the potential that consultation and other aspects of the statutory process are not understood or undertaken correctly, the potential expectation of the availability of capital to undertake necessary works and the reality that a number of lower schools would not meet the standards currently in force in the schools premises regulations (to be subject of consultation as a result of the James Review shortly) if they were to expand to provide Primary education.
21. Capital funding currently available to the Local Authority is limited for the purposes of providing new places and dealing with condition related issues in schools and costs associated solely with the reorganisation of existing pupil places would have to be met from school budgets.
22. There is also significant potential that further confusion may be caused to parents beyond if Governing Bodies of community, foundation and voluntary schools undertake initial consultation or publicise their ambitions, without appreciation of the statutory process and the likely level of Local Authority support for their proposals, as decision makers in the process.
23. There is a clear need therefore to produce local guidance for community, foundation and voluntary schools on the process by which the Council will evaluate any proposals that are brought to it. This local guidance must mirror the statutory guidance for decision makers and invite clarity from schools on their proposals and how they reflect the key factors that the Council's Executive, or other decision makers under delegated authority, would have to consider in determining the proposals.

The Local Authority, as decision maker for proposals to extend age ranges, must ensure that it has considered a range of factors as set out in guidance to test the potential benefits and outcomes against the negative impact that they may have, including on the wider pattern of provision and supply of places.

24. The guidance for decision makers attached to this report at Appendix C is based on both statutory and non-statutory guidance published by the DfE, on the process for making alterations to the upper and lower age limit to a maintained mainstream school.

Appendix D provides a template that sets out the key factors that decision makers must consider in evaluating proposals. Appendix E provides a quick reference guide to the statutory provisions for these proposals and also provides a flowchart that illustrates the process established through these three documents that schools that are considered changing the age range of their pupils should consider.

25. It should be noted that potential changes to the admission code, which are currently subject to national consultation, could have a significant impact on the Council's ability to undertake strategic evaluation of these proposals in future, especially those relating to the ability of schools to increase their PANs without consultation.
26. The approach, guidance and supporting documentation set out in this report is to be publicised, initially to those schools that have already submitted proposals, but also to the wider school community to ensure consistency of the Council's approach in all areas and not just those that have already been subject to review.
27. School Forum is invited to comment on the guidance, supporting documentation and process established by it.

Appendix A – Briefing Note on the Government Response to the James review of Schools' Capital

Appendix B – Central Bedfordshire Draft School Organisation Plan 2011-16

Appendix C – Central Bedfordshire guidance on making alterations to the upper and/or lower age limit of a maintained mainstream school

Appendix D – Information Template for proposals to make prescribed alterations to schools

Appendix E – 'Who Can Do What' - quick reference for proposals and process flow chart