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**Meeting:** Overview and Scrutiny  
**Date:** 28 February 2012  
**Subject:** New School Places Programme 2012/13 – 2016/17  
**Report of:** Cllr Mark Versallion, Executive Member for Children’s Services.  
**Summary:** Attached at Appendix A is a draft Executive Report, together with appendices, on the proposed rolling programme to provide new school places in Central Bedfordshire 2012/13 to 2016/17. The Committee is asked to note the content and make comment on the report. Appendix E is missing from the draft Executive report. This will be an exempt report that will go Executive in March.

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**Advising Officer:** Edwina Grant Deputy Chief Executive/Director of Children’s Services.  
**Contact Officer:** Pete Dudley, Assistant Director for Learning, Commissioning and Partnerships  
**Public/Exempt:** Public.  
**Wards Affected:** All  
**Function of:** Executive

## **CORPORATE IMPLICATIONS**

### **Council Priorities:**

In providing new school places for growing communities this report supports the following Central Bedfordshire Council’s strategic priorities:

Educating, protecting and providing opportunities for children and young people  
Managing growth effectively

### **Financial:**

This programme reflects an estimated total capital investment in new school places over the period 2012/13 to 2016/17 of £93M. This is funded by developer contributions and Basic Need grant income from the Department for Education (DfE). The programme also reflects a significant capital contribution, on current planning assumptions, that the Council would be required to provide from its own resources of approximately £8M and £12.5M in 2014/15 and 2015/16 respectively. The programme established by this report also combines the Etonbury Middle capital project, currently listed as a named scheme in the Councils capital programme 2012/13 to 2015/16.

The figures in this programme differ from those within the Council’s current capital programme 2012/13 to 2015/16, approved by Council on the 14<sup>th</sup> February 2012, as a result of reduced income in Government grant over this period and the addition of Section 106 income both of which have now been mapped to provide an indicative cashflow for the programme as outlined in Appendix C. The potential impact on the Council’s capital programme and the proposed mechanisms for managing and mitigating this are outlined in the report.

The DfE allocations to the programme based on 2012/13 allocations, could amount to approx £37m. This is in addition to the current S106 planning obligations outlined in the report. It is important that this is drawn together into a single capital pot in order to deliver the requirements of the Council over the next 5 years. The delivery of sufficient school places is a statutory function of the Council. This must also be a clear and transparent process which will fulfill the likely requirements of the DfE in terms of the drawing up of a Local Investment Plan for education capital expected from 2012 onwards.

### **Legal:**

Section 14 of the Education Act 1996 places a duty on Councils to secure sufficient and suitable school places to provide for 5 – 16 year old statutory aged children in its area. The Education and Inspections Act 2006 gives Councils a strategic role as commissioners, but not providers, of school places to promote parental choice, diversity, high standards, the fulfilment of every child's educational potential and fair access to educational opportunity.

In terms of new or expanded school provision, requirements of the decision making process including full public consultation and the requirement to invite sponsors to establish new Academies or for the Council to hold competitions is set out by the DfE regulations. Details of options, processes and decision makers are set out in this report.

The main legislation governing school organisation is found in sections 7-32 of the Education and Inspections Act 2006, The School Organisation (Establishment and Discontinuance of Schools) (England Regulations 2007 and the School Organisation (Prescribed Alterations to Mainstream Schools) (England) Regulations 2007. This legislation relating to new school provision has most recently been amended by the Education Act 2011.

### **Risk Management:**

This programme of commissioning new school places and related investment of capital, implements the identified need in the previously published school organisation plan and mitigates the risk on the Council of failing in its statutory duty to provide sufficient school places. Key risks include:

- Failure to discharge legal and statutory duties/guidance.
- Failure to deliver the Council's strategic priorities
- Reputational risks associated with the non delivery of required school places.
- Financial risks, including;
- Non realisation of anticipated Section 106 monies and anticipated levels of government grant.
- Non realisation of in reduction in programme costs (referred to in para 93).

Without a formal process of strategic planning in place there is a risk that the DfE will not approve future allocations of Basic Need Funding to the Council. There is also a risk that S106 monies will not be able to be properly planned in order to achieve the spend of funds in an appropriate and timely manner.

### **Staffing (including Trades Unions):**

Staff and Trades Unions will be consulted on any options proposed as a result of this programme where the Council is the decision maker. Where the Council is not the decision maker, Governing Bodies will make their own arrangements for consultation. These arrangements will not be subject to quality control by the Council although the Council may offer comment as a consultee.

Aside from the Council's statutory responsibilities as employer and subject to service buy back arrangements, schools will have the support of the Council's Human Resources team where any proposals require changes in school staff structures or to terms and conditions of employment.

Both the Church of England and Roman Catholic Diocese have been informed of this programme and are represented by their Education Officers on the Children's Services Overview and Scrutiny Committee.

**Equalities/Human Rights:**

The commissioning and decision making processes set out within this report include an evaluation on a project by project basis of any equalities and human rights issues that might arise from proposals to expand existing or to create new schools.

**Community Safety:**

The Council has a statutory duty to consider community safety implications in undertaking its delivery of core services. The community safety impact and the opportunity to reduce crime and disorder, by working in partnership with schools, will be considered in conjunction with the Council's duty to secure sufficient and suitable school places to provide for 5 – 16 year old statutory aged children.

**Sustainability:**

Whilst there may be additional costs in order to meet sustainability objectives for new build and/or expansion of existing schools, these will be contained within the costs identified for each individual project within the programme. These measures would contribute to reduced running costs through better energy and resource efficiency, and therefore limit the CRC burden on the Council and the school, alongside creating a better learning environment for the pupils.

**RECOMMENDATION:**

- 1. The Children's Services Overview and Scrutiny Committee are asked to note the content of the report and its appendices and make comment.**

Appendices:

Appendix A – Executive Report – New School Places 2012/13 to 2016/17