

**Meeting:** Executive

**Date:** 27 March 2012

**Subject:** New School Places Programme 2012/13 – 2016/17

**Report of:** Cllr Mark Versallion , Executive Member for Children’s Services

**Summary:** The report proposes a five year investment programme, subject to annual refresh, of new school places to fulfil the Council's statutory duty regarding sufficiency of school places and to implement the identified need in the previously published school organisation plan.

**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

**Key Decision** Yes

## **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:**

1. 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.
2. 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.

3. 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:**

4. 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.
5. 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.
6. 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:**

7. This programme of commissioning new school places and related investment of capital, implements the identified need in the previously published school organisation plan (see appendix A) 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).
8. 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.
9. The commissioning of each scheme identified within the programme will include risk assessment and management criteria to ensure these are clear to decision makers. Contract and construction risks will be overseen through the project management of the agreed projects.

**Staffing (including Trades Unions):**

10. 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.
11. 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.
12. 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.
13. Whilst there are no immediate human resource implications for the Council resulting from this programme, there are issues which will need to be considered both within Children's Services and corporately particularly in the Property and Assets Team in terms of the capacity to deliver. This will need to be subject to further consideration when setting the needs identified in the plan against current resources, particularly where options for future organizational structure are being considered.

**Equalities/Human Rights:**

14. 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:**

15. 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:**

16. 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.

**Procurement:**

17. The programme of capital investment outlined in this report requires significant engagement with the Council's Procurement Team to ensure that value for money is secured and a range of potential procurement routes are considered, including the use of national frameworks that already exist and have been used on major capital projects in Central Bedfordshire including the current All Saints Academy scheme.

**Overview and Scrutiny:**

18. The Children's Services Overview and Scrutiny Committee considered this report on 28 February 2012. Comments made by the Committee will be available separately at the meeting of the Executive by way of a handout.

#### **RECOMMENDATIONS:**

**The Executive is asked to:**

- 1. Approve the rolling Capital programme for New School Places as set out in this report, noting the required amendments to the Council's approved Capital Programme 2012/13 to 2015/16.**
- 2. Approve the commencement of informal consultation and the publication of statutory notices for the proposals to expand Fairfield Park Lower and Shefford Lower School, as outlined in Appendix D, and the Leighton Buzzard Lower School named in the exempt report attached at Appendix E.**
- 3. Agree that the Transforming Learning reviews for the Sandy and Biggleswade area and rural mid Bedfordshire area, planned to commence in April 2012 and April 2013 respectively, do not now go ahead and that places planning takes place across the whole geographical area of Central Bedfordshire as required by the annual refresh of the School Organisation Plan.**
- 4. Approve the new Education Vision at Appendix F.**

*Reason for*

*Recommendations: So that the implementation of the programme can commence.*

#### **Executive Summary**

19. This report details the Council's statutory obligations to ensure sufficient school places in Central Bedfordshire. It builds on the work undertaken within the published school organisation plan which identified the demographic pressures that have an influence on the local supply of school places and the need for new provision in Central Bedfordshire.
20. The report summarises the processes of pupil place planning and the major influence of housing growth in Central Bedfordshire. The report explains the sources of capital at the Council's disposal for meeting the challenge of new places.
21. The Council's role as commissioner of new school places is explained as are the options for providing new places as expansions to existing schools or by establishing new stand alone provision. The Council's role as decision maker for some of these options is clarified and delegated authority for decision making is sought.
22. Design standards for new provision are proposed and the responsibility for procurement and for overseeing the delivery, review and refresh of the programme are suggested.
23. The indicative programme is provided as Appendix C. to the report. Appendix D is a separate report relating to a new site for lower school provision in Leighton Buzzard, Fairfield Lower school and Shefford Lower School where the Executive is asked to approve the commencement of consultation on expanding existing schools.

#### **Introduction**

24. Section 14 of the Education Act 1996 placed a duty on Local Authorities 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 also gave Councils a strategic role as commissioners, but not providers, of school places to promote parental choice, diversity, high standards, the fulfillment of every child's educational potential and fair access to educational opportunity.
25. To fulfill these obligations the Council's first School Organisation Plan was published in September 2011, setting out the current extent of provision and the challenges of local demographic change in the period 2011-16 arising from changes in birth rates, housing developments and proposals by neighbouring authorities. The Plan is attached as Appendix A.
26. The Official Statistical Release issued in July 2011 by the Department for Education provided national projections for the number of pupils in schools. In summary the findings were:
- Overall pupil numbers (aged up to and including 15) in state-funded schools began to increase in 2011 and are projected to continue.
  - Numbers in maintained nursery and state-funded primary schools started increasing in 2010 and are expected to continue rising. By 2017, numbers are projected to reach levels last seen in the late 1970s.
  - By 2015, pupil numbers in maintained nursery and state-funded primary schools are projected to increase by 9%. The number of pupils aged 5 to 6 will increase by 10%. For pupils aged 7 to 10, an 8% increase is projected over the same period.
  - State-funded secondary school rolls of pupils aged up to and including 15 have been in decline since 2004 and are expected to decline further until around 2016, when the increases in primary pupil numbers will start to flow through.
27. In Central Bedfordshire this national picture in changing birth rate feeding into the education system is mirrored, although the impact of housing growth is the predominant factor that will drive the demand for new school places in a number of specific locations and at all phases across the Council's area.
28. An average of 2,000 new homes are expected to be completed each year over the next ten years in Central Bedfordshire. Therefore, the forecasts of growth in pupil numbers in Central Bedfordshire show an increase in numbers each year both as a result of the naturally changing demographics with an increase in pre-school numbers and the impact of the housing growth. At post 16, school populations are also increasing as a result of higher student numbers staying on into school based sixth forms.

### **School Places Planning and Capital funding**

29. The School Organisation Plan is subject to annual review and is refreshed with pupil level annual school census data, area health authority statistics on pre-school children, housing occupancy predictions and other influences on the local supply of school places across four planning areas which subdivide Central Bedfordshire. A map of these planning areas is provided at Appendix B.
30. The School Organisation Plan establishes a clear overview of the forecast change in pupil numbers over the next five years, and provides the basis for the development of a programme of capital investment in major projects which is represented by this report, to provide new school places in the areas of demand where new schools or significant expansions of existing schools are required.

31. The annual refresh and review of area health authority data also enables the assessment of demand in the pre-school population identifying temporary or more sustained increases in pupil numbers forecast to come through to specific schools.
32. Where there is a demand for additional places at any phase the Council utilises its rolling capital programme of temporary accommodation or applies developer contributions where appropriate in a range of minor capital projects typically with a value of less than £100k. This cyclical process of review, assess and invest in minor projects is outside the scope of this report.
33. Ongoing liaison meetings are held throughout the year between schools in each of the four planning areas with Children's Services staff, ensuring that there is an appropriate flow of information and opportunity to influence and develop options for managing growth. This regularly requires focussed discussions with individual schools via headteachers on options for local management of increasing pupil numbers. This will often involve families of schools and school Trusts that are actively working in partnership to achieve a common goal. Options can therefore be considered that ensure continuity of education provision 0-19 years.

### **Place Planning and Transforming Learning area reviews**

34. The adoption of Central Bedfordshire's Education Vision by the Council's Executive in March 2010 committed the Council to undertake four area reviews to determine how school organisation in each area could best meet the aspirations set out in the Vision. The Vision has now been renewed and refreshed and is attached at Appendix F.
35. The first of the Area Reviews in Dunstable and Houghton Regis concluded with four options, three of which reflected proposals to implement structural change to a two tier system. The fourth option, which was recommended and approved by the Council's Executive in May 2011, reflected a continuation of the current pattern of provision but with schools actively encouraged to engage formally in hard federations, Academy chains and/or trusts with a 0 – 19 age focus to secure good transitions and improve educational outcomes.
36. Implementation of this recommendation is now driven through targeted work with schools to promote, and facilitate partnership arrangements between schools that create school to school support and collaboration or more formally by supporting schools through conversion to Academy status. There are two formal mechanisms through which the Council currently assists such arrangements. The first is by utilising the school organisation powers that it has to assist in situations where maintained schools are voluntarily seeking organisational change. The second is when it is required to act under its intervention power when a maintained school is causing significant concern in order to broker a link with a successful school or academy partner in order to effect lasting improvement.
37. In accepting this recommendation for the Dunstable and Houghton Regis area on 31 May 2011, the impact on the strategic scope of the next review, then planned and now underway in the Leighton Buzzard and Linslade area, was outlined for Executive. As a result the Leighton Buzzard and Linslade review has been framed to focus much more on places planning within a partnerships/Academies structure and has not considered structural changes to age ranges.

38. Headteachers and Governors of schools have agreed that realising the Council's Education Vision, both 2010 and refreshed in general terms, if the revised Vision at Appendix F is agreed, will require significant collaboration between them to establish effective, governed partnerships which are driven by the need to improve outcomes and raise achievement for all young people within the community. Children's Services staff, as commissioners of places and school support, on behalf of the Council, provide support to schools in these discussions and also with regard to the potential for the intelligent use of data and the overarching need to raise standards.
39. The Council is increasingly managing the impact of school driven proposals to convert to Academy status, proposals to change age ranges and also evaluating Government decisions such as the establishment of the UTC that also impact on this work. From a place planning perspective the existing local liaison meetings in each of the planning areas are now therefore largely fulfilling the refocussed purpose of the Transforming Learning reviews and in accordance with the Executive decision on 31 May 2011, the reviews will continue to be driven on a school places planning basis.
40. It is therefore proposed that the Transforming Learning reviews for the Sandy and Biggleswade area and rural mid Bedfordshire area, planned to commence in April 2012 and April 2013 respectively, do not now go ahead and that places planning takes place across the whole geographical area of Central Bedfordshire as required by the annual refresh of the School Organisation Plan.

### **Planning Obligations**

41. The School Organisation Plan is the Council's key evidence base for seeking developer contributions where new permanent school places (and sites) are required as a consequence of new housing developments. The Council has a presumption that developer contributions will be sought towards the cost of the new provision secured through planning agreements or unilateral undertakings under S106 of the Town and Country Planning Act 1990.
42. Over the next five years, based on current predictions of the rate of housing growth, Central Bedfordshire is expected to receive approximately £62M in S106 contributions towards the cost of major projects outlined in this report. In addition, the Council will secure new sites or additional land to extend playing field provision in thirteen locations.
43. The approach to negotiation and calculation of contribution, based on the expected pupil product from new housing is outlined in the Council's Planning Obligations Supplementary Planning Documents. A pupil yield of *4 children per year group per 100 houses* is assumed as the broad basis for assessing contributions. The resulting pupil product is multiplied by a DfE cost multiplier per pupil place for new build at specific phases, with a weighting for local build costs in our area, to give the total contribution.

44. It should be noted that Section 106 (S106) income cannot be relied upon to cover the full capital cost of new provision. This is for a number of reasons including:
- the DfE cost multipliers used in Central Bedfordshire are based on part primary school and part secondary, there are no specific DfE figures for middle schools.
  - the DfE multipliers are now a couple of years out of date although they are the best we can use as an objective measure.
  - they are also based on average costs and therefore exclude any abnormalities or other extraneous factors
  - the requested S106 is based on the actual numbers that would be expected from a development, which rarely reflects the equivalent of a school in organisational terms i.e 4FE Middle (480 places) reflecting an additional cost over and above the figures derived from the development itself (400 places)
  - the S106 when negotiated, is based on "current" figures, although these would be expected to be linked to an appropriate index in order to inflation proof them.
45. Planning obligations are sought for mainstream education, early years education and childcare and Children's Centres where evidence can show additional demand, above current capacity or sufficiency of provision, as a result of new housing.
46. The Council's internal process for monitoring and spending planning obligations is set out in Planning Obligations Guidance, published by the Council.

### **Government Grant**

47. The DfE currently makes annual allocations of Basic Need grant to Councils to support the capital requirement for providing new pupil places at any publicly funded schools, including voluntary-aided schools and academies (including at existing or new Free Schools) where they face pressures caused by demographic growth. Announcements are usually made in the autumn each year.
48. In 2011-12, the allocation to Central Bedfordshire of £9.8M was based entirely on pupil growth as forecast in the 2010 School Capacity collection, an annual return made by the Council to the DfE. £2M of this income was allocated as a contribution towards the project budget to build a new, enlarged Roecroft Lower School in Stotfold, required as a result of local demographic growth, freeing the Council from a previous commitment to fund the contribution from its own resources in 2011/12.
49. In November 2011 a further £730k was allocated to Central Bedfordshire as one of a number of Local Authorities expected to experience the greatest need in managing the shortfall in pupil places.
50. For 2012-13, the allocation to Central Bedfordshire was a reduced sum of £5.8M based on a new methodology including elements of both predicted growth and calculated shortfall against capacity. The DfE are currently reviewing this allocation methodology for 2013/14 onwards but based on current allocations, and extended across the five year span of this report also beyond the current Spending Review Period, Central Bedfordshire could expect to receive £37M in Basic Need grant.
51. Aside from Basic Need, Central Government only now provides capital to address priority condition related issues in schools. Schools Capital Maintenance for Community, Voluntary Controlled, Foundation and Trust schools is allocated to the Council on an annual basis with Voluntary Aided schools and Academies funded through separate mechanisms.

### **Other capital funding sources**



52. The allocations by Central Government of devolved formula capital to schools has reduced very considerably, by approximately 80% over the past year, largely removing the potential for schools to invest in additional accommodation where they may previously have chosen to do so. This capital funding will however enable schools to make purchases of ICT equipment and to address priority maintenance and health and safety issues but realistically nothing more.
53. Those Academies which are currently considering options for the investment of considerable revenue funding that they have been allocated under the current Academy funding regime have indicated a willingness to work with the Council to consider options for expenditure, including alignment with the projects that are represented by this report.
54. The Council ultimately holds the statutory obligation to provide sufficient school places and may need to make resources available from its own capital programme if project costs cannot be held within the overall budget as estimated in this report. Potential mitigations are outlined later in this report, as are the range of assumptions built into the indicative programme set out in Appendix C.
55. The day to day running costs of new and expanded provision is met through separate revenue funding which is made available to each school as part of the dedicated schools grant.

#### **Early Years Education and Childcare**

56. The Childcare Act 2006 places a duty on Councils to secure sufficient childcare in its area, for parents who need it to access training, study or work, for children 0-14 years old, up to 18 for children with a disability. Fulfilment of this duty is overseen by Children's Services staff through a Sufficiency Assessment undertaken every 3 years, most recently in March 2011. This is currently being supplemented through an exercise to map the impact of the announcement of the new entitlement to free nursery and childcare places for disadvantaged two year olds, to be introduced from September 2013 and expanded in 2014.
57. The DfE are currently considering the potential capital requirements on Local Authorities of fulfilling this extended entitlement. Central Bedfordshire also requires developer contributions to be made towards new and expanded early years education and day care provision for 3+ year olds where housing development places additional demand in an area without surplus places.
58. The duty to secure sufficient childcare provision places the Council in the role of commissioner of these places. Provision in Central Bedfordshire is operated in a range of private, voluntary, independent and school settings.
59. Early Years Education and Childcare provision is currently outside of the scope of the major investment programme represented by this report but where capital finance is available, and sufficiency assessments support the need for new places, opportunities will be taken to provide early years facilities on school sites. For any project, on any scale of capital investment, officers will first of all consider how new provision will integrate with existing education provision, childcare services and other services for young children and their families.

#### **Post 16**

60. The Education Act 1996 requires Local Authorities to secure sufficient suitable education and training provision for all young people aged 16-18 in their area. In commissioning these places the Council work with providers in the 14-19 Strategy Group including schools, FE colleges and other providers.
61. The Young Peoples Learning Agency (YPLA) currently administers capital funding through an annual bidding process to create or expand accommodation for new learners aged 16 to 19 in local areas, arising from increases in the local population or increases in participation due to the engagement of young people who were not in education, employment or training (NEET). Academies, maintained schools and sixth form colleges are eligible for this funding which for 2012/13 provides a national budget of £44M. The local share is not yet known.
62. From the summer of 2013 the Education and Skills Act 2008 places a duty on all young people to participate in education or training until the age of 17, rising to 18 from 2015. The YPLA will therefore also consider exceptional cases in which demographic growth has resulted in overcrowding resulting from this pressure. Providers of post 16 accommodation for pupils with learning difficulties and/or disabilities who require local provision including that in further education colleges will also be eligible to bid for capital to support growth in local LLD/D provision.
63. For 2012-13, the YPLA will be inviting all local authorities to identify the numbers of young people aged 16 to 19 in their areas that fit these definitions, and the most appropriate providers to accommodate predicted growth. Academies, sixth form colleges of which Central Bedfordshire does not have provision, and further education colleges will be able to submit independent proposals if not supported by local authorities.
64. Opportunities will be taken where they exist, to align required investment in Post 16 provision with investment within this programme on new or expanding school sites.

### **Special School Provision**

65. Whilst this is not currently set out in the School Organisation Plan, the Council monitors demand for special school places in maintained and non maintained settings in Central Bedfordshire and this process ensures that there continues to be sufficient and appropriate high quality places for all children requiring a special school place or additional support in a mainstreamed setting in Central Bedfordshire. Demographic change clearly also impacts on Special Educational Needs (SEN) provision as will the forthcoming SEN White Paper which will advocate for a new approach to the assessment of special educational needs and increase parental choice for schools.
66. In Summer 2012, officers will address and consider the challenges of demographic growth of numbers of pupils with Special Educational Needs and in consultation with elected Members, the changing national policy on SEN provision (outlined in the current Green Paper 'Support and Aspiration: a new approach to special educational needs and disability'). Any necessary changes to the SEN provision will be proposed to Executive at that time.

### **Commissioners of places and option appraisals**

67. Central Bedfordshire is the strategic commissioner of school places, but is not the service provider, a role that fits with the increasing diversification and autonomy within the school system. New school places are provided either by expanding existing provision or by establishing new schools.

68. In many instances new school places are commissioned through expansion of existing catchment schools. This expansion may include additional sites and/or playing field provision, where it is required and can be secured, in addition to changes to the built form of the school.
69. The scale of new housing development in Central Bedfordshire requires a significant number of new sites to be provided. Options for configuring provision on new sites can include the establishment of new schools, opportunities to enlarge and relocate existing schools, and can enable the expansion of successful and popular schools across both current and new sites.
70. The potential to expand existing successful and popular schools across two or more sites is not limited to those within the existing phase of the planned new provision and can offer opportunities for 5-13, 13-19 or “all through schools”, 3 – 19 if they develop through Trusts or Academies.
71. In evaluating options for sponsors of provision on new sites the Council will have regard to a number of key principles including its statutory obligations to promote parental choice, diversity, high standards, the fulfilment of every child’s educational potential and fair access to educational opportunity and also:
- The need to manage forecast growth in pupil numbers in the local area
  - The need to provide local schools for local children, ensuring a sense of community belonging and also promoting sustainable modes of travel
  - The need to create schools that are of sufficient size to be financially and educationally viable
  - The ability to support the expansion of local popular and successful schools
  - The potential to further promote and support robust partnerships and learning communities
  - The ambition to achieve a single phase of education 0-19
72. It will also have regard to the principles for transforming learning that form the core of the Council’s Education Vision. These widely shared principles are now seen in the context of the enhanced complexity created by increased numbers of academies, academy chain partners and school self-determination.

### **Commissioning New Schools**

73. The Council, as the commissioner of school places, is able to propose, and is the decision maker for expansions to existing community, voluntary controlled, voluntary aided, foundation and trust schools. There are tensions in expanding popular and successful schools where new places are needed in the immediate area but where surplus places may also exist in other schools nearby. Where proposals are made to expand popular and successful schools the statutory guidance for decision makers is clear that there should be a presumption of approval.
74. Where the Council seeks to commission new school places by the expansion of an existing Academy, it will invite the Academy to publish proposals which are ultimately decided upon by the DfE.
75. Where the Council seeks to establish a new school, Section 37 of the Education Act 2011 requires Local Authorities to seek proposals from promoters for the establishment of an Academy or Free School. The Secretary of State is the decision maker for any proposals received and in the absence of any coming forward from sponsors he may require the Council as the Local Authority to hold a competition to establish providers of a new foundation or voluntary school, as is currently the process.

76. Guidance and regulations related to this new legislation has yet to be published.
77. The Council is responsible for the commissioning of new school places, for commissioning early feasibility studies where required and for evaluating options for new provision. The Council must adhere to the legal processes set out in regulation and statutory guidance where the Local Authority is decision maker.
78. Appendix D outlines the rationale for the expansion and increase in capacity of Fairfield Park Lower School, Shefford Lower school and a Leighton Buzzard Lower School as the preferred provider for the new lower school provision at Pratts Quarry, Kestrel Way in Leighton Buzzard. In relation to the Pratts Quarry site, the evaluation of proposals made by three local Leighton Buzzard schools is outlined in the exempt report attached at Appendix E, as is the name of the Lower School proposed to be provider for the new site.
79. The Council is decision maker for these three proposals and the outcome of the consultation process will be reported to the Council's Executive in due course when a report will be drafted seeking the determination of the expansion proposals.
80. In commissioning new school places a report will be provided for approval to the Council's Executive on each of the projects outlined within the programme to provide a recommendation on the chosen option proposed to be taken forward in consultation i.e. expansion of a catchment school or Academy, expansion of an existing school or Academy to include a new site or the establishment of a new school.

#### **Design standards & procurement**

81. The National independent Review of Education Capital, led by Sebastian James (Group Operations Director of Dixons Retail plc), was published by the Department for Education on 8 April 2011. It was asked to review, in the context of the Government's deficit reduction plans and emerging policy the Department's existing capital expenditure and make recommendations on the future delivery models for capital investment.
82. The recommendations arising from the review which are being brought forward by the DfE in further consultations include:
  - the need to review the regulations and guidance on school premises
  - the potential for Central Government procurement of significant local capital projects above an as yet undefined value
  - the notional allocation of all education capital for the Local Authority area in a single pot allowing local prioritisation between responsible bodies and between potentially competing demands of the need to provide new places and the need to address priority condition related issues
  - the use of standardised designs for school buildings
83. When further clarity is bought to the outcome of these consultations, the potential implementation of these recommendations, and the impact on this programme, a further report, if required, will be provided to the Council's Executive.
84. The vast majority of maintained primary and secondary schools in England are built to the standards established by the non-statutory DfE Building Bulletin briefing standards 99 (BB 99) and Building Bulletin 98 (BB 98) introduced in 2004. In essence the publications give minimum sizes, types and number of spaces that should be provided in maintained schools.

85. In Central Bedfordshire these standards have been adapted to provide specific space and suitability standards for each phase in our three tier education system. They also support negotiations with developers which are currently based on the per pupil cost of new provision, based upon the appropriate Building Bulletin standards, which is the regulatory guidance.
86. Suitability surveys have been conducted of all of our schools to determine how well the existing premises meet the needs of pupils, teachers and other users. The assessments concentrate mainly on the numbers and characteristics of each type of internal and external space. While there is no specific focus of Central Government grant to address these issues in isolation, where capital investment is planned for the expansion of existing schools the suitability of the current school is a key input to the process of defining a brief for feasibility studies to be undertaken.
87. Likewise where significant new education infrastructure is being planned, opportunities will be considered to join up with other services including leisure and those that provide other benefits to the wider community, where affordable. This will also include early years education and childcare provision where required and where funding is available.
88. This need to integrate with local infrastructure planning will be enabled through the work of the local Place Making Groups where detail on the planned programme to provide new school places is shared, and through the Council's Corporate Asset procedures which will scrutinise investment proposals to ensure that they are technically deliverable, that the procurement routes to construction are appropriate and that opportunities to join up with other Council services have been considered.
89. Children's Services staff are responsible for guiding the early stage of each project with schools and sponsors through initial brief, feasibility and on to design ensuring that the scheme stays within its indicative budget but also remains focussed on providing the additional school places required.
90. Of those schemes in the programme, feasibility studies have already been commissioned on Etonbury Academy, Shefford Lower School, Fairfield Lower School and the Pratts Quarry site for lower school provision in Leighton Buzzard. Early design work has also commenced on Shefford Lower Schools and Fairfield Lower School to ensure the anticipated need for additional places can be achieved. Children's Services officers are working with Redborne School (Academy) and Vandyke Academy to dovetail the future need for additional places in this programme with projects planned and funded by the schools to make significant additions to their existing buildings. Regarding the Pratts Quarry site, bids were requested from good or outstanding schools. This was to fit in with existing provision and in order to address the places need within the Capital available. Therefore, a Lower School is planned. Flexibility has been left on the site should a consultation to become a Primary School be considered in the future, if and when the school has the Capital available and it wishes to do so.
91. The Council's Property and Assets Team support the process and are primarily responsible for the procurement and project management of resulting contracts where the Council holds the responsibility for the build. Procurement by schools where they are able to prove the ability and capacity to manage the contract, may be appropriate.

## **Programme and governance**

92. Appendix C sets out the draft programme of major schemes for new school places 2012/13 to 2016/17. It indicates the location of planned new or expanded provision, the scale of new places that each will provide and the current planned implementation date for each. It sets out the indicative budget for each scheme, the cash flow and sources of funding.

93. It is important to note that the programme does not illustrate the separate commissioning and legal processes outlined earlier in this report that are required to enable the expansion of existing schools or the establishment of new provision. Ideally these processes would be complete or at least running in parallel with the early feasibility work and complete by the time that detailed design work is underway.
94. The programme has been built on a range of assumptions which require annual review including:
- the commencement of development on related LDF sites i.e North Houghton Regis
  - the rate of housing development in many areas, therefore the required date for the additional or new provision and the trigger points for s106 income
  - the continued level of Basic Need allocations as income to the Council, based on 12/13
  - the need to integrate new schools with the existing pattern of provision, therefore the reference to new lower or middle schools
  - the project costs, which are based on the additional/new floor areas required for the planned provision, including inflation, fees, furniture and equipment
95. The costs for each project are based on a typical floor area for the new or enlarged school, but a feasibility study would "fine tune" the requirements. The figures in the spreadsheet can also be refined through the design development process and fine-tuning of the actual requirements.
96. The costs are also based on stand-alone provision whereas many of the projects are integrating growth with existing and even where new standalone is indicated there would be benefits of scale and sharing of some costs where provision is linked i.e. 5-13, rather than separate lower and middle.
97. A key challenge at this point is the reduction of programme costs to minimise or remove the potential impact on the Council's inevitable requirement to contribute to any shortfall in funding.
98. The required implementation timeframe has been carefully evaluated with costs of the early phases of the programme. However all schemes would benefit from feasibility studies at a sufficiently early stage to enable greater clarity to be brought to the programme, particularly given the ability to split feasibility and design work from the eventual procurement of the construction phase.
99. Capital expenditure within the programme will be subject to the Council's Code of Financial Governance and approval for expenditure to commission early feasibility studies and design work for projects within this rolling programme will be sought from the Executive Member for Children's Services, in consultation with the Deputy Chief Executive/Director of Children's Services as per Sec 4.10.7 of the Council's constitution. Likewise, the tendering and approval process for awarding construction contracts will be in accordance with the Council's Code of Procurement Guidance and the thresholds indicated in section 5.1 of the Council's constitution.
100. Opportunities will be taken to capitalise salary costs wherever appropriate for those engaged directly in this programme. Future models for delivering the Council's Property and Asset management function will need to be configured to ensure the continued deliverability of this programme.

## **Conclusion**

101. The planning and provision of new school places is one of the key challenges for the Council in managing growth and providing quality infrastructure for its new communities. This challenge must be managed in partnership with schools, many of which are now independent of the Council and with whom it shares a new relationship.
102. The planning, management and scrutiny arrangements outlined in this report will ensure the timely delivery of the programme, ensuring limited resources are targeted where most needed and allocated to ensure value for money, maximising opportunities to join up with other infrastructure planning where possible.

### **Appendices:**

Appendix A – Central Bedfordshire’s School Organisation Plan

Appendix B – Map of Planning Areas

Appendix C – Indicative programme New School Places 2012 – 2017

Appendix D – Request to commence informal consultation and the publication of statutory notices regarding expansions of Fairfield Lower, Shefford Lower and a Leighton Buzzard Lower school named in the exempt report at Appendix E.

Appendix E – Exempt report on the evaluation of potential providers for the new lower school provision at Pratts Quarry in south Leighton Buzzard

Appendix F – Education Vision