
Meeting: Children's Services Overview and Scrutiny
Date: 11 December 2012
Subject: Consultation on Policy Principles for Pupil Place Planning in Schools

Report of: Cllr Mark Versallion, Executive Member for Children's Services.

Summary: Attached at Appendix A is the Report considered by Executive on 4 December 2012 to approve the commencement of consultation on proposed Policy Principles for Pupil Place Planning in schools which, if adopted, will form the basis for the development of commissioning options for New School Places in Central Bedfordshire. If the consultation exercise is approved, the outcome will be reported to Executive on 5 February 2013.

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:

1. The report supports Central Bedfordshire's Medium Term Plan: Delivering your priorities – Our Plan for Central Bedfordshire 2012-2016 and the specific priority of Improved Educational Attainment.

Financial:

2. There are no financial implications arising directly from this report. The annual review of the Council's New School Places Programme, reported to Executive in February of each year, outlines the financial implications of the next five years of the rolling programme and of specific options for commissioning new school places.

Legal:

3. The Council has statutory responsibilities in respect of education provision for Early Years, compulsory school age children, post 16 and for pupils who have special educational needs.

4. Section 6 of the 2006 Childcare Act gives local authorities a duty to secure the provision of early education and childcare to meet the requirements of parents in their area who require childcare.
5. 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.
6. The Education Act 2011 has created a presumption that all new schools will be academies or free schools.
7. Section 19 of the Education Act 1996 places a duty on the Council acting as the Local Authority to provide full time education for pupils not in education by reason of illness, exclusion or otherwise and which is appropriate to individual pupil needs. This duty is discharged through the Pupil Referral Unit and the Alternative Provision Free School.
8. The Apprenticeship, Skills, Children and Learning Act 2009 requires Local Authorities as strategic commissioners of 16-19 education and training to ensure suitable and sufficient opportunities are accessible to all young people of that age and those aged 19-24 who have a learning difficulty. This is further emphasised by the new duty on all young people to participate in education or training until their 18th birthday, from September 2015.
9. There is a range of legislation that establishes duties for the Council acting as the Local Authority in relation to provision for children and young people with special educational needs in schools, academies and pre school settings. The duties also include the requirement to ensure that children and young people with disabilities are not unfairly discriminated against.
10. In discharging each of its duties, the Council must comply with legislation, regulation and also have regard to statutory guidance. However, the commissioning of new provision also provides the Council acting as the Local Authority with options and flexibility to enable it to adopt local planning principles and ensure transparency in its role of strategic commissioner.

Risk Management:

11. The need to commission new provision through the Council's New School Places Programme implements the identified need in the previously published early years sufficiency assessment and in the school organisation plan and mitigates the risk on the Council of failing in its statutory duty to provide sufficient early years and 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.
- Risks of equity and equality in terms of access to school places

Staffing (including Trades Unions):

12. Staff and Trades Unions are consultees on any proposals to expand schools or Academies, as part of the initial consultation and statutory process required by regulations.

Equalities/Human Rights:

13. Public authorities have a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and to foster good relations in respect of the following protected characteristics: age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. All new schools will be reminded of their duties under the Equality Act 2010.
14. This statutory duty includes requirements to:
- Remove or minimise disadvantages suffered by people due to their protected characteristics.
 - Take steps to meet the needs of people from protected groups where these are different from the needs of other people.
 - Encourage people from protected groups to participate in public life or in other activities where their participation is disproportionately low.
15. The consultation and decision making process set out in regulation for proposals to expand Council maintained schools requires an evaluation on a project by project basis of any equalities and human rights issues that might arise. This applies not only where the Council is the decision maker for proposals, but where it is strategic commissioner of all new provision. The recommendations include an annual assessment of equalities impacts arising out of the application of these proposals.

Public Health:

16. Services around school and early years settings will be further developed as a result of the growing early years and school population.

The range of extended services that may be provided in schools includes:

- Parenting and family support officers.
- Transition support for pupils, schools and families.
- Combined clubs and after school activities.
- Holiday activities.
- Support for vulnerable pupils and families i.e. siblings group and young carers.

Community Safety:

17. Whilst schools have an important role in working alongside a range of other agencies to ensure safety in their local communities, the expansion of schools and the creation of new Academies has the potential to increase community safety issues around the school locations. Inconsiderate parking, low level anti social behaviour, noise, litter etc.
18. These are issues that can, in some instances, have a significant impact on residents living in the school vicinity and place additional demand upon the services responsible for dealing with them. To meet its statutory duty in relation to crime and disorder, the Council will work with schools and the promoters of new Academies to ensure that community safety issues are considered and appropriate measures are put in place to mitigate any risks with regard to community safety issues in these areas.

Sustainability:

19. 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 in the Council's New School Places Programme. These measures will contribute to reduced running costs through better energy and resource efficiency, and therefore limit the Carbon Reduction Commitment burden on the Council and the school, alongside creating a better learning environment for the pupils.

Procurement:

20. Where capital projects for new school places are commissioned through new or existing Academies the Council will seek suitable safeguards and assurances, as outlined in this report, for project management and construction procurement, following the Council's finance and procurement rules.

RECOMMENDATION:

- **The Children's Services Overview and Scrutiny Committee are asked to consider the content of the report.**