

Meeting: Executive
Date: 5 February 2013
Subject: Central Bedfordshire's Policy Principles for Pupil Place Planning in Schools and Annual Refresh of the Council's New School Places Programme 2013/14 – 2017/18

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

Summary: Part 1 of this report informs the Council's Executive of the outcome of the consultation on the proposed Policy Principles for Pupil Place Planning in Schools and seeks their adoption. Part 2 of the report outlines the annual refresh of the Council's rolling five year investment programme in 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:

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:

1. This programme reflects an estimated total capital investment in new school places commissioned within the period 2011/12 to 2018/19 of £101M. 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 may be required to provide from its own resources of approximately £11.85M in 2015/16, although this may be offset by significant income in following years. Further detail on this forecast will be provided to Executive in March 2013.

2. A further report will be presented to Executive in March 2013, updated following the Department for Education (DfE) announcement of basic need grant, expected to be made in January 2013. The report will also bring forward a number of specific commissioning proposals for approval and it will also provide clarity on cashflow within the programme and amendments that may be required to the Council's current Capital Programme.
3. The DfE allocations to the programme based on 2012/13 allocations, could amount to approx £4m per annum although the allocation methodology has been changed for 2013/14 onwards and the announcement was expected at the time of writing this report. A verbal update will therefore be given to Executive. This is in addition to the current S106 planning obligations summarised 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.

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 or Academy provision, requirements of the decision making process include full public consultation. Details of options, processes and decision makers for commissioning new school places 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 annually refreshed 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; and
 - non realisation of a reduction in programme costs.

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. This reinforces the importance of the Council adopting a new Development Strategy and Community Infrastructure Levy in 2014 to ensure that well designed appropriately located housing is supported by educational infrastructure.
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 and Academy Trusts 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. Schools will have the support of the Council's Human Resources team in order to meet the Council's statutory responsibilities as employer where these are implicated throughout any change management process.
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 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 is subject of a separate exercise which is currently considering the most effective procurement of programme management support for the delivery of the programme.

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.

Public Health:

15. Extended Services around School and Early Years settings will be further developed as a result of the growing school population.

16. 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. 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:

18. 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, alongside creating a better learning environment for the pupils.

Procurement:

19. 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 All Saints Academy, the University Technical College and the current Alternative Provision Free School scheme.

Overview and Scrutiny:

20. The Children's Services Overview and Scrutiny Committee considered this report at its meeting on 15 January 2013 and endorsed the proposed Principles for Pupil Place Planning in Schools as attached at Appendix B to this report, for approval by Executive. The committee was concerned in due course to review the effectiveness of their application as guidance to the process of commissioning of new school places.

RECOMMENDATIONS:

The Executive is asked to:

1. **consider the responses to the consultation of the proposed Policy Principles for Pupil Place Planning in Schools, as attached at Appendix B;**
2. **approve the Policy Principles for Pupil Place Planning in Schools, as attached at Appendix B, as the basis for the future development of commissioning options for New School Places in Central Bedfordshire; and**

3. consider the 2013 refresh of the Council's New School Places Programme and the scale of new places required for implementation in 2014 and 2015.

Reason for Recommendations: So that the Council can meet its statutory obligations for ensuring sufficient school places in Central Bedfordshire and apply a set of clear policy principles to its commissioning processes. Proposals for commissioning new places required for implementation in 2014 and 2015 will be brought to the Council's Executive in March 2013 for approval, and the report will also provide clarity on cashflow within the programme and amendments that may be required to the Council's current Capital Programme.

Executive Summary

21. Part 1 of this report provides the outcome of a consultation approved by the Council's Executive in December 2012 of nine key principles that will guide the development of options for commissioning new schools places in Central Bedfordshire. This report also provides a reminder of the Council's statutory obligations to ensure sufficient school places in Central Bedfordshire. It builds on the work undertaken within the previous year's school organisation plan, now updated, which identifies the demographic pressures that have an influence on the local supply of school places and the need for new provision in Central Bedfordshire.
22. 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 also clarified.
23. 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.
24. In part two of this report the requirement for the Council to produce an annually School Organisation plan is explained and a summary of the latest pupil number forecasts for Central Bedfordshire.
25. While design standards for new provision in Central Bedfordshire will be brought forward to the Council's Executive once the DfE has published long awaited guidance, the responsibility for procurement and for overseeing the delivery, review and refresh of the programme are suggested within this report.
26. A summary of the refreshed indicative programme is provided as Appendix C to the report.

Part 1. Policy Principles for Pupil Place Planning

27. In December 2012 the Council's Executive approved a consultation on nine key principles which it considers are critical in considering school organisation proposals and in achieving the Council's Education Vision and key strategic priorities. Responses received are attached at Appendix B to this report, alongwith the final nine principles that if adopted will be applied through evaluation against all future commissions for new school places and will be reported to the Council's Executive as and when decisions are required.
28. In evaluating options for sponsors of provision on new sites the Council will have regard if approved, to its Policy Principles and its statutory obligations to promote parental choice, diversity, high standards, the fulfilment of every child's educational potential and fair access to educational opportunity.

Part 2. Refresh of the New School Places Programme

Commissioners of places and option appraisals

29. 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.
30. 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.
31. The scale of population growth 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.
32. 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.
33. 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.

34. 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.
35. Where the Council seeks to establish a new school, Section 6A of the Education and Inspections Act, inserted by 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.
36. However, it also still remains possible to establish voluntary schools outside of the Section 6A restrictions, without seeking Secretary of State's consent. This is possible where a voluntary proposer consults and publishes its proposals to establish a new school in furtherance of its objects. In this circumstance the Council is decision maker and the Secretary of State's approval is not required.
37. 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.
38. 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.

A number of proposals will be brought forward to Executive in March 2013 and May 2013 where decisions are now required to progress with projects to commission new school places that require implementation by September 2014 and 2015.

Design standards & procurement

39. 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.
40. The recommendations arising from the review which were brought forward by the DfE in further consultations included the need to review the regulations and guidance on school premises. New school premises regulations have now been published but the essential guidance is still awaited.
41. When the guidance is published a further report will be provided to the Council's Executive.

42. 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.
43. 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 current regulatory guidance.
44. 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.
45. 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. The development of new educational infrastructure will be supported by Central Bedfordshire's Design Guide, part of the current Local Development Framework which sets out the principles which contribute to good placemaking and sustainable development, within the context of creating a safe, accessible, attractive and healthy built environment. It also seeks to ensure that new development responds to the challenges, opportunities and character of its site and setting.
46. This need to integrate with local infrastructure planning is enabled through the work of the Place Making Board and supporting local groups and member advisory groups where detail on the planned programme to provide new school places is shared. The Council's Corporate Asset Management procedures also 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.
47. 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.
48. The Council's Property and Assets Team support the process and have historically been primarily responsible for the procurement and project management of resulting contracts where the Council holds the responsibility for the build. Options are currently being developed to transfer the responsibility for procurement to schools and Academies where they are supported appropriately and are able to prove the ability and capacity to manage the contract.

Programme and governance

49. Appendix C sets out a summary of the indicative programme of major schemes for new school places that are to be commissioned and constructed in the period 2012/13 to 2018/19. It indicates the location of required 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 and sources of funding.
50. 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.
51. The Council's New School Places programme was initially approved in March 2012 and its annual refresh has included a review of a range of assumptions including:
 - the potential timing of commencement of development on current LDF sites i.e North Houghton Regis, as indicated in the Council's Draft Development Strategy;
 - 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;
 - the need to integrate new schools with the existing pattern of provision, therefore the reference to new lower, middle, primary or secondary schools; and
 - the project costs, which are based on the additional/new floor areas required for the planned provision, including inflation, fees, furniture and equipment.
52. The costs for each project are based on a typical floor area for the new or enlarged school, but feasibility studies have "fine tuned" these requirements on a number of projects where decisions for required commencement is approaching. The figures in the spreadsheet attached at Appendix C will also be refined through the design development process and fine-tuning of the actual requirements.
53. 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.
54. 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.

55. 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.
56. Opportunities continue to be taken to capitalise salary costs wherever appropriate for those engaged directly in this programme.

The refresh of the Council's School Organisation Plan

57. 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.
58. To fulfill these obligations the Council's first School Organisation Plan was published in September 2011, setting out the 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. This Plan has now been updated and is attached in amended form as Appendix A.
59. The latest Official Statistical Release issued in January 2012 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 2020 numbers are projected to be 20% higher than in 2011, reaching levels last seen in the late 1970s.
 - By 2015, pupil numbers in maintained nursery and state-funded primary schools are projected to increase by 10%. The number of pupils aged 5 to 6 will increase by 10%. For pupils aged 7 to 10, an 9% increase is projected over the same period.

- State-funded secondary school rolls of pupils aged under 16 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.
 - By 2015, state-funded secondary pupil numbers aged under 16 are expected to be five per cent lower than in 2011.
 - State-funded secondary pupil numbers aged 16 and over have risen every year since the mid 1990s. By 2013 (the latest year for which data is available) they are projected to be around 8000 higher than in 2011.
60. In Central Bedfordshire this national picture in changing birth rate feeding into the education system is mirrored, although the impact of growth in the numbers of households 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.
61. An average of 2,100 new homes are expected to be completed each year over the next five 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

62. 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 in the School Organisation Plan.
63. 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.
64. 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.
65. 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.

66. 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 focused 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.

Planning Obligations

67. 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.
68. Over the next five years, based on current predictions of the rate of housing growth, Central Bedfordshire is expected to receive approximately £56M in S106 contributions towards the cost of major projects outlined in this report and commissioned in this period. In addition, the Council is expected to secure new sites or additional land to extend playing field provision in thirteen locations. Where education contributions are sought to expand existing schools the potential to address existing suitability issues and to simultaneously improve the design and layout of existing facilities is substantial.
69. 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.
70. 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.
71. 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. These obligations are established through binding legal agreements between developers and the Council.
72. The Council's robust internal process for monitoring and spending planning obligations is set out in Planning Obligations Guidance, published by the Council. To enable the Council to continue to receive developer contributions for new infrastructure, a Community Infrastructure Levy is to be adopted by the Council in April 2014, supporting the Council's new Development Strategy which is to be adopted in February 2014. The potential for educational infrastructure can be seen in new schools funded in recent years at Fairfield Lower School, now undergoing further enlargement, and the relocated and enlarged Roecroft Lower School.

Government Grant

73. In recent years the DfE has made 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 have usually been made in the autumn each year although for 2013/14 the announcement will not be made until January 2013 and may cover multiple years.
74. 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.
75. 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.

76. 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 further 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. The 2013/14 allocation is expected to be announced by the DfE in January 2013 and the Executive will therefore receive a verbal update at its February 2013 meeting.
77. 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

78. 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.
79. 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.
80. 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 summarised in this report. Potential mitigations are outlined later in this report, as are the range of assumptions built into the summarised indicative programme set out in Appendix C.
81. 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

82. 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. The current entitlement to free nursery and childcare places is to be extended for disadvantaged two year olds, to be introduced from September 2013 and expanded in 2014.

83. In December 2012 the DfE announced a capital grant of £349k for 2012/13 for Central Bedfordshire to assist with the costs 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.
84. 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.
85. 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

86. Local authorities have a duty under section 41 of the Apprenticeships, Skills, Children and Learning Act 2009 to "secure that enough suitable education and training is provided" to meet the needs of people in their area who are over compulsory school age but under 19. In commissioning these places the Council work with providers in the 14-19 Strategy Group including schools, FE colleges and other providers.
87. The Education Funding Agency (EFA) 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 provided a national budget of £44M.
88. 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 EFA 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 are also be eligible to bid for capital to support growth in local LLD/D provision.
89. Since 2012-13, the EFA have invited all Councils 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 are also able to submit independent proposals if they are not supported by local authorities.

90. Opportunities will be taken where they exist, to align required investment in Post 16 provision with investment within the New School Places programme on new or expanding school sites.

Special School Provision

91. The School Organisation Plan sets out the range of Special Schools within Central Bedfordshire and also specific settings within mainstream schools and Academies. 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 and the supply and demand for places will continue to be a priority focus within the School Organisation Plan.

Conclusion

92. The planning and provision of new school places is one of the key challenges for the Council in managing growth effectively and providing quality infrastructure for its new and existing 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.
93. 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.
94. A further report will be made to the Council's Executive in March 2013 and May 2013 which will seek approval for detailed proposals for new places required for implementation in 2014 and 2015 and evaluated against the Policy Principles for Pupil Place Planning in Schools if adopted. The report will also provide clarity on cashflow within the programme and amendments that may be required to the Council's current Capital Programme.

Appendices:

Appendix A – Central Bedfordshire's School Organisation Plan

Appendix B – Responses to the consultation on the proposed Policy Principles for Pupil Place Planning in Schools

Appendix C – Summary indicative programme New School Places 2012 – 2017