

**Meeting:** Children's Services Overview and Scrutiny Committee  
**Date:** 26th February 2013  
**Subject:** Commissioning New School Places for implementation from September 2014.

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

**Summary:** Attached at Appendix A is a report to be considered by the Council's Executive on the 19<sup>th</sup> March 2013 which will outline five projects within the New School Places Programme 2013/14 – 2017/18 where local pressures of demographic growth require new school places to be provided from September 2014.

**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. The five proposals outlined in this report are contained with the New School Places Programme 2011/12 – 2017/18 which is largely capital funded as outlined in Appendix A to the Executive report through Basic Need Grant (actual and assumed) and S106 contributions.
2. At the time of writing this report the Department for Education had yet to announce its allocations of Basic Need grant for 2013/14 and beyond although this is now expected before the end of February 2013. **For Central Bedfordshire it is expected that this will represent a change over previous years allocations and this will be reflected in the programme and cash flow attached at Appendix A to the Executive report which will be updated with the DfE announcement before the final report is presented to Executive.** This will also update the previous forecasts of income and expenditure to the programme, as set out in the Council's capital programme. Figures for 2015/16 onwards are currently based on an assumption of Basic Need grant at similar levels to 2012/13.
3. The programme reflects a significant capital contribution, on current planning assumptions of grant income, that the Council may be required to provide from its own resources of approximately £12.87M across 2015/16 and 2016/17, although this may be offset by significant income in following years.

4. The day to day running costs of school provision is met through revenue funding which is made available to each school as part of the dedicated schools grant and is based primarily on the numbers of pupils attending, which will increase accordingly in an expanded school.
5. Where necessary, additional revenue support for relevant costs can be accessed on application through the Growth Fund established by the Schools Forum, for Schools and Academies that are undertaking significant expansion on commission from the Council.
6. Capital expenditure within the New School Places Programme 2011/12 – 2017/18 is subject to the Council's Code of Financial Governance and expenditure to commission feasibility studies and design work required for projects within this rolling programme has been approved by 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.

**Legal:**

7. 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.
8. 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.
9. DfE regulations outline the requirements and process for proposals to expand Council maintained schools and these include full public consultation, the publication of statutory proposals and the decision making process. The Council is decision maker for proposals relating to maintained schools, one of which is set out in this report and relates to the proposed expansion of Church End Lower School, Marston.
10. The DfE has also produced guidance for Academies wishing to make significant changes including proposals to enlarge premises by a significant proportion. The process, which is overseen by the Education Funding Agency on behalf of the DfE requires consultation and subsequent submission by the Academy of a report for determination by the Secretary of State. The proposals to expand Stratton Upper, and Redborne Upper will be required to follow this process. The proposals to expand Vandyke Upper and Alameda Middle as set out in this report will not be required to follow this process as the proposed increases in capacity do not reach the trigger point set out in the DfE guidance.

**Risk Management:**

11. The five proposals to commission new school places and to allocate related capital investment outlined in this report implements the identified need to manage demographic growth in the previously published school organisation plan and mitigates the risk on the Council of failing in its statutory duty to provide sufficient school places.

Key risks include:

Failure to discharge legal and statutory duties/guidance.

Failure to deliver the Council's strategic priorities

Reputational risks associated with the non delivery of required school places.

Financial risks, including;

Non realisation of anticipated Section 106 monies and anticipated levels of government grant.

Potential for overspend on any project within the programme

Inability of schools to recruit suitable additional staff

12. Without the formal process of strategic planning and implementation of required projects 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 Section 106 monies will not be able to be properly planned or 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.
13. The commissioning of each of the five projects in this report will include risk assessment and management criteria to ensure these and the proposed procurement route are clear to decision makers. Contract and construction risks will be overseen through the project management of the agreed projects which may be led by the schools, with appropriate safeguards in place as set out in the Procurement section below.

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

14. Staff and Trades Unions will be consulted on the proposals to expand the schools in this report as part of the informal and statutory consultation process required by regulations and DfE guidance.
15. Schools will have the support of their commissioned HR Providers where any proposals require changes in school staff structures or to terms and conditions of employment. The Council's Schools Statutory HR Team will monitor restructures to ensure redundancy charges to the Council are minimised and justified.
16. Each expanding school will need to increase the numbers of teaching and non-teaching staff to support the increase in pupil numbers. This will be funded through the school's Dedicated School Grant budget and the increased share which the school will receive.

#### **Equalities/Human Rights:**

17. The consultation and decision making process set out in regulation for proposals to expand Academies and Council maintained schools requires an evaluation on a project by project basis of any equalities and human rights issues that might arise. These will be reported to the Council's Executive in August 2013 when a final decision and approval to commence expenditure will be required.

#### **Public Health:**

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

19. 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:**

20. Schools have an important role in working alongside a range of other agencies to ensure safety in their local communities. The potential to further promote and support robust partnerships is one of the principles by which options for new school places are evaluated.

**Sustainability:**

21. 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:**

22. 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. Where Schools or Academies are able to provide significant reassurance of their ability and capacity to procure and project manage the delivery of the required construction works, the Council will support this arrangement with appropriate oversight and governance in place.

23. Each proposal in the New School Places Programme is required by the Council's Policy Principles on Pupil Place Planning in Schools to be supported by a business case that establishes a guarantee of the quality of the new places being added to the system. This business case is considered as part of the final Executive approval of any proposal and before approval to commence expenditure is given.

24. Where the school or Academy that is subject to an expansion proposal is also intended to procure and deliver the capital project with the support of the Council, the business case will require assurances of the capability and capacity of the school to deliver the proposal to time and on budget, based on their expertise and experience.

**RECOMMENDATIONS:**

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

Appendices:

Appendix A – Executive Report – Commissioning New School Places for implementation from September 2014.