

Meeting: Children's Services Overview and Scrutiny Committee
Date: 23 April 2013
Subject: Commissioning New School Places for implementation from September 2015.

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 14 May 2013 which outlines seven 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 2015.

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: Ampthill, Stotfold and Langford, Arlesey, Shefford, Silsoe and Shillington, Houghton Conquest and Haynes, Northill, Cranfield and Marston, Biggleswade North, Biggleswade South
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 seven proposals outlined in this report are contained within the Council's New School Places Programme 2013/14 – 2017/18 and are capital funded as outlined in Appendix A to the Executive report through Basic Need Grant and S106 contributions. The whole programme represents a total investment of £104M in New School Places, whereas the projects outlined in this report account for £21.8M of expenditure. As reported to the Council's Executive in March 2013 the level of Department for Education (DfE) Basic Need Grant allocated to the Council for 2013/14 and 2014/15 represents a significant increase on previous years although the allocations beyond this period will not be known until late 2014/15. The Council's Executive approved the New School Places Programme 2013/14 – 2017/18 in March 2013 and acknowledged that the programme now reflects a significantly reduced capital contribution, on current planning assumptions, that the Council may be required to provide from its own resources of approximately £1M in 2015/16.

2. 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.
3. 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.
4. Capital expenditure within the New School Places Programme 2013/14 – 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:

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 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.
7. 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, two of which are set out in this report relating to the proposed expansion of St Andrews CofE VC Lower School, Biggleswade and of Russell Lower School in Ampthill.
8. 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 proposal to expand Etonbury Middle School and to change its age range to provide additional places for the upper school age range on its site has been required to follow this process. Likewise the proposals to expand Cranfield CofE Academy and the Academy of Holywell Middle in Cranfield will require this process to be followed as a result of the proposed increases in additional places, in comparison with the existing schools capacity.
9. The proposals to expand St Marys Lower in Stotfold and Robert Bloomfield Middle in Shefford 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:

10. The seven 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.

11. 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 Section106 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 seven 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.

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 to time and on budget, 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. Each business case is subject of evaluation against these Principles and the results are considered as part of the final Executive approval of any proposal and before approval to commence expenditure is given. A separate detailed capital business case will be provided for each project to accompany any Executive recommendation to give final approval and to commence expenditure.

RECOMMENDATION:

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

Appendices:

Appendix A – Executive Report – Commissioning New School Places for implementation from September 2015.