

**REPORT OF THE CHAIRMAN OF THE CHILDREN AND YOUNG PEOPLE'S  
COMMITTEE**

**POLICY FOR PUPIL PLACE PLANNING AND NEW SCHOOL FUNDING  
ROUTES**

**Purpose of the Report**

1. The report seeks Committee approval of the Pupil Place Planning and School Capital Policy (attached as **Appendix 1**), which reflects both the 'presumption route' and 'direct route' processes where the building of new schools is required, as a result of house building and/or increases in the local population (Basic Need Programme).

**Information and Advice**

**Place Planning and Schools Capital Policy and Free School Presumption Process**

2. At the Children and Young People's Committee meeting on 19 December 2016, it was agreed to promote the 'direct route' to identify sponsors for any new school. Since then, the County Council has received further information from the Office of the Regional Schools Commissioner (RSC) as to the routes by which new schools can be established.
3. It remains the case that there are two distinct routes to open new schools:
  - a) the 'direct route', whereby an interested party perceives there to be a need for a new school and applies to the Department for Education (DfE) central free schools programme to establish a free school. If the bid is successful, the DfE will then source a building/site, fund the school build and also fund the revenue gap throughout the early years of operating the school.
  - b) the 'Free School Presumption Route' is used once a local authority has identified the need for a new school. The local authority would then secure funding, procure a site and deliver a school. The revenue funding for this is subject to the agreement of the Schools Forum. It should be noted that basic need or Section 106/Community Infrastructure Levy (CIL) preclude the use of these funding routes to address set up revenue costs.
4. In January 2017, as encouraged by the Education Skills Funding Agency (ESFA) and the New Schools Network, the Council's place planning officers provided a detailed briefing to Members and delivered two public events to key stakeholders, including multi academy trusts, indicating where new schools in Nottinghamshire were likely to be required as a result of housing development. This event was in response to a request by

the DfE and Housing Minister to work in partnership to ensure that the Government's target to open 500 new Free Schools by 2020 could be met. It has since become evident that the ESFA was no longer in a position to forward fund new schools through the direct route, when addressing demand for places by new housing developments.

5. The DfE and the ESFA have now indicated that councils will need to follow the 'presumption' route to secure new schools arising from housing developments, despite earlier requests to work more closely with the DfE's Free School teams to secure sponsors through the direct route.
6. This means that the Council is required to undertake the presumption route process to open new schools in the County. Capital funding for any new school, as a result of a housing development, is secured through a Section 106 agreement or CIL.
7. Members will be aware that the final selection of the sponsor of a new school, through either the free school presumption or direct routes, will be the decision of the Secretary of State for Education, through the Office of the RSC. The Council is expected to undertake the process to identify the sponsor of any new school in a fair and transparent manner and is able to make a recommendation to the RSC as to their preferred sponsor. When running a selection process to establish a new school, the Council must use the process and template prescribed by the DfE (see links to background papers below).
8. In order to maximise available funding resources, the Council will need to work closely with planning partners to ensure effective delivery of a sufficiency of school places. As new housing developments are built and existing Section 106 triggers are met, it will be essential that the Council continues to work in conjunction with local planning authority partners to secure the trigger payments in a timely manner.
9. It should be noted that many existing Section 106 agreements are for 1 form entry schools and in a small number of cases for 0.5 form entry schools. However, as the RSC has indicated a preference for larger primary schools of at least 2 forms of entry to ensure financial viability, the Place Planning Policy seeks to secure at least two form entry schools, wherever this is appropriate to meet the demand for school places.

### **Other Options Considered**

10. No other options have been considered, as there are no other routes available to councils to open new schools as a result of new housing.

### **Reason/s for Recommendation/s**

11. The existing Place Planning Policy does not allow for the use of the Free Schools Presumption route to secure funding for new schools. As this is the only route open to councils, when new housing requires a new school, the updated Policy allows for this option, as well as the Direct Route, which is available to other providers, such as a multi-academy trust.

### **Statutory and Policy Implications**

12. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty,

safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

## **RECOMMENDATION/S**

- 1) That the Pupil Place Planning and School Capital Policy, attached as **Appendix 1**, be approved.

**Councillor Philip Owen**  
**Chairman of the Children and Young People's Committee**

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### **Constitutional Comments (SLB 06/11/17)**

13. Policy Committee is the appropriate body to consider the content of this report.

### **Financial Comments (GB 06/11/17)**

14. There are no financial implications arising directly from this report.

### **Background Papers and Published Documents**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

The establishment and funding routes for new schools – report to Children and Young People's Committee on 19 December 2016

<http://ws43-0029.nottsc.gov.uk/dmsadmin/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/3792/Committee/482/SelectedTab/Documents/Default.aspx>

Creation of Additional Places to Support Demand

<http://www.nottinghamshire.gov.uk/media/127201/additional-places-to-support-demand.pdf>

Establishing New Schools:

New Legislation and the Implications for Policy and Strategic Decision-Making (DfE)

[Education Act 2011](#)

Proposal to Establish a New School – Process and Templates (DfE)

[Establishing a new school: free school presumption - GOV.UK](#)

Nottinghamshire: Primary and Secondary Planning Areas: May 2017

<http://www.nottinghamshire.gov.uk/media/127203/primary-and-secondary-planning-areas.pdf>

County Demographic Trend Data – Pupils Attending Nottinghamshire Schools at County and District levels

<http://www.nottinghamshire.gov.uk/media/127202/demographic-trend-data-pupils-attending-schools.pdf>

**Electoral Division(s) and Member(s) Affected**

All.

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