

Comments from Fairer Funding Group

- 1.1 This appendix summarises the suggestions made by the Fairer Funding For All Borough Schools group in relation to the allocation of education S106 developer contributions. These comments were made in response to three questions posed by the Chair of Children's Services Overview and Scrutiny Panel. This appendix also provides the borough's comments on those suggestions.

Table 1

A. How do we strike balance between the need to respond to planning applications quickly and involving schools in any decisions?	
1.	<p>Planning applications should not be a surprise to the borough as they are weeks, months and years in the making. The borough should be able to consider new developments in a timely fashion.</p> <p>Most Planning Application are received without prior notice in many cases, and dependent upon the size of the application may have a statutory time line to be determined which is either eight or thirteen weeks.</p>
2.	<p>School Chairs of Governors and School Business Managers should be briefed on developer contributions, including CIL and the interim S106 arrangements, and particularly on what they might be required to deliver at short notice in terms of information about projects. The criteria for prioritising schemes should be explained, with an opportunity to suggest improvements.</p> <p>It is proposed that an update on S106 is provided to schools via the next School Bursars' Meeting, with academy and free school representatives invited for that section of the meeting. A written explanation will also be sent to schools alongside the request for an updated AMP following approval of the interim methodology.</p>
3.	<p>Schools should have the responsibility for updating school Asset Management Plans, with Governor oversight. The borough should call in Asset Management Plan data regularly (half-yearly).</p> <p>It is for individual schools to determine how best to oversee their Asset Management Plans. The borough already asks all schools to update their Asset Management Plans on an annual basis. Schools are also able to update their AMPs at any time. It is proposed that this arrangement continues, with an update from schools requested by the borough following any Cabinet approval of the interim policy. A half yearly update is not required, given that AMPs do not change frequently.</p>
4.	<p>Put together email templates and receiver lists so that schools can be contacted quickly for each application.</p> <p>It is not proposed that schools are contacted in relation to each application. See '5' below.</p>

B. How do we strike a balance between treating schools fairly and ensuring that education S106 contributions are spent in accordance with regulations?

5.	<p>Email all schools in the borough for every development, asking for confirmation of receipt and requiring Nil Returns. Outline the location, scale and likely award from the development, re-iterating the success criteria, and giving a deadline to respond. Non-responders should be chased.</p>
	<p>It is proposed that schools are asked by the borough to update their Asset Management Plan list of S106 compliant projects following any Cabinet approval of the interim methodology. This will include an explanation of the methodology and the prioritisation criteria. A deadline will be set, nil returns requested and non-responders chased. An update to the Asset Management Plans will then be sought via the usual annual process in the summer term.</p>
	<p>It is proposed that schools are notified when applications potentially worth £100k for education contributions are considered, to allow them the opportunity to update their Asset Management Plans. Schools are, of course, able to advise the borough at any time of changes to these plans.</p>
	<p>However, it is not proposed to email schools in relation to every development. Children’s Services were consulted on 170 planning applications in 2013 and 160 in 2014. Whilst the number of applications meeting the new threshold under the interim policy will be lower, there is still the potential for in the region of 30 applications annually. Emailing schools about every application repeatedly is:</p> <ul style="list-style-type: none"> • Unnecessary if up-to-date information is collected initially. • Inefficient for both schools and officers, as the same information will sought/collected each time. • Likely to lead to confusion amongst schools. • Not possible during holiday periods, particularly the summer holiday.
6.	<p>Inform schools of the results, including weighting against the criteria, allowing them to improve their chances next time. Review the criteria if the same schools are always coming on top.</p>
	<p>The borough will consider how the decisions on each planning application for S106 education developer contributions can be made public. The proposed criteria in the interim methodology do not, however, offer much opportunity for schools to “improve their chances”. This is because the criteria focus on things that are not likely to change – e.g. school location, the balance of space per pupil within the school, project cost relative to the S106 available and local demand for places. The element that can change – whether a project will lead to an increased Published Admission Number, is something that the school should identify at the outset.</p>
7.	<p>Consult with other stakeholders on the prioritisation criteria, including schools.</p>
	<p>The draft Interim Education S106 Education Developer Contribution methodology has been circulated to schools ahead of Cabinet. The context of changes to S106 have also been discussed at the October 2015 Schools Forum meeting.</p>

C. How do we decide between competing school projects?

8.	<p>By applying clear, objective and unambiguous criteria, consistently and transparently.</p> <p>The interim S106 education developer contributions methodology sets out a clear set of objective criteria that will be applied to each planning application. The workings for each application will be recorded.</p>
9.	<p>Proximity to development should be a high priority, but balanced against the chances of a child at the development getting into the school. So for example a single-sex school might win on proximity but can only serve half the 11-18 children.</p> <p>It is proposed that schools be considered eligible for consideration if they are located in the same area or subarea as the development. For the purposes of school place planning the borough has been split into geographical areas/subareas, taking account of school designated area boundaries where available. This ensures that schools being considered are ones that give priority to residents living in the proposed development on the basis of designated area and/or proximity. The area/subarea groupings of schools are given in the interim methodology.</p>
10.	<p>Oversubscription, but should be a simple subtraction of applications minus number of places to given a clearer indication of the number of places needed.</p> <p>Number of 1st preferences should be given a higher weighting than Ofsted.</p> <p>It is not proposed that oversubscription is used directly as a criterion for prioritisation of S106 funding.</p> <p>However, priority for S106 funding is proposed for schools that have expansion projects already agreed by Cabinet. For secondary sector schools, these expansions will have been assessed against a different set of secondary school expansion criteria, agreed at Cabinet in September 2015. This does include oversubscription, calculated on the total number of 1st preferences, minus the number of places available, as a proportion of the places available. Ofsted rankings are given a higher weighting than 1st preferences in the secondary school expansion criteria. The secondary school expansion criteria were agreed following consultation with head teachers.</p>
12.	<p>There should be some weighting according to need, i.e. a school with no drama/music facilities, for example, should be given preference over a school with some.</p> <p>It is proposed that the criteria for S106 funding includes an assessment of the balance between the overall number of places available in a school and the number of workplaces in that schools accommodation. Projects at schools with a worse ratio (i.e. fewer workplaces per pupil place) will be scored more highly. This is based on the government's Net Capacity formula.</p> <p>This approach gives priority to schools that are more overcrowded, and so need more space to cope with additional pupils.</p>
13.	<p>If Ofsted ratings are used then the usage needs to be clearly defined – e.g. what is the position on 'No Ofsted available'.</p> <p>It is not proposed that oversubscription is used directly as a criterion for prioritisation of S106 funding.</p> <p>However, priority for S106 funding is proposed for schools that have expansion projects already agreed by Cabinet. For secondary sector schools, these expansions will have been assessed against a different set of secondary school expansion criteria, agreed at Cabinet in September 2015. This includes Ofsted gradings. The calculation of points for Ofsted is worked so that a 'No Ofsted' judgement has a neutral impact on a school's ranking.</p>
14.	<p>The existence of costed plans would indicate commitment to the development.</p> <p>Detailed costing of building works is expensive and time-consuming, and is usually only carried out where there is a clear expectation of funding being available. It is not proposed, therefore, to make the existence of costed plans a criterion. An estimated cost of projects will be taken into account, based on the borough's published per m² building rate, so that an assessment can be made on whether a scheme is affordable given the funding available.</p>
15.	<p>The ability of the school to expand in terms of available land and/or planning restrictions should be considered.</p> <p>The borough already considers planning and land restrictions in relation to AMP projects.</p>

16.	Criteria should be analysed and reviewed annually.
	It is not expected that the interim arrangements will apply for more than a year, as they will be superseded once the Community Infrastructure Levy (CIL) is implemented. If the CIL is delayed significantly, then this policy will be reviewed in November 2016.