

WARDS AFFECTED All Wards

## FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:

## CYPS Scrutiny Committee Cabinet

10<sup>th</sup> December 2009 14<sup>th</sup> December 2009

# Leicester's Building Schools for the Future (BSF) Programme

## Report of the Strategic Director, Children

## 1. Purpose of Report

1.1 The purpose of this report is to advise Members of the outcome of Phase 1 of the BSF programme, which is now substantially complete, and to seek approval for the Council's Strategy for Change (SfC) direction of travel. The SfC is the Council's revised business plan for the BSF Programme and approval by Cabinet and Partnerships for Schools (PfS) will set in train significant further work to allow the remainder of the programme to be implemented.

## 2. Summary

2.1 The Council's ambitions for children are to raise standards of attainment, improve their well-being and close the equality gaps in health and education. Although outcomes for children in Leicester continue to improve steadily, the Building Schools for the Future Programme offers a once in a lifetime opportunity to transform secondary education and bring about a step change.

To support these ambitions, the aims of the BSF programme are to:

- Provide an inclusive learning environment within which every child can reach their full potential with personalised learning designed to meet their own individual needs;
- Provide all teachers with a 21<sup>st</sup> Century working environment;
- Provide excellent facilities accessible to and at the heart of every community; and
- Offer a comprehensive range of services within easy reach of every family.
- 2.2 This report advises Members of the outcome of Phase 1, which represented around 25% of the total programme. All projects were delivered on time, were within budget and now provide a quality teaching and learning environment. Beaumont Leys School recently won the 'BSF School of the Year' award and the PfS 'Grand Prix' award for a

school project deserving special distinction and Soar Valley College was shortlisted for the award for 'Most Inspirational Use of Outdoor Space'.

- 2.3 The proposals in this report are based on a submission for additional funding which has not yet been fully agreed with Partnerships for Schools (PfS). Funding risks are discussed in the report. It may still be necessary to reduce the scope of the programme following negotiations with Partnerships for Schools or to ensure affordability for the Council and schools. Members are asked to consider the SfC now because PfS cannot approve it until it has first been approved by the Council.
- 2.4 The SfC describes the educational challenges and vision for transformation then goes on to describe the estate proposals for the remainder of the programme. In real terms, the overall programme is now expected to represent an investment of around £305m, which is £70 million over and above the existing approval (at 2006 prices). This is due in roughly equal proportions to: the inclusion of New College in the programme (at the time of the last approval, proposals to create an academy were being considered outside the BSF programme); a rise in the annual number of births which will eventually lead to more places being required in secondary schools; and finally, due to the inclusion of special schools in the programme. The original figure of £235m, which has always been widely quoted, is at 2006 prices. The funding allocation will be inflated over 5 years to a 2011 construction start date.
- 2.5 The SfC sets out detailed proposals for school sizes, the scope and cost of work within each school and the timetable. However, if adopted, this sets the direction of travel. Further informal consultation will continue and many of the proposed changes, such as change in school sizes or age range, require statutory procedures to be followed. If Cabinet endorses this report, this does not prejudice the outcome of statutory procedures.
- 2.6 BSF is one of the largest capital and transformation projects ever undertaken by the Council and the report outlines the risks associated with the programme. The SfC contains a detailed risk management strategy and risk log. This report provides a high-level commentary on risk and sets out the financial commitments required over the next few months to take the project forward and the risk management implications.
- 2.7 The BSF Programme is currently going through a programme assurance check by the ODI team and so far has been found to be in good health.

## 3. Recommendations

- 3.1 CYP Scrutiny is recommended to consider the report and advise Cabinet of any observations it wishes to make.
- 3.2 Cabinet is recommended to:
  - a. Note the successful outcome of Phase 1 of the BSF Programme.
  - b. Approve the Strategy for Change (SfC), as the Council's intended direction of travel;

- c. Note that the service is developing an action plan to ensure that BSF is affordable within existing budgeted resources, and that action will be taken as necessary (and as described in the financial implications) to deliver this;
- d. Note that the SfC is still subject to negotiation with and approval from Partnerships for Schools (PfS), the Government's agency responsible for delivery of the national programme;
- e. Note that this report only sets out the Council's intended direction of travel. The report includes proposals to change schools that will require statutory consultation and statutory procedures to be followed. This report must not prejudice those procedures, including the current statutory process being followed for Riverside Business and Enterprise College. The SfC contains a single set of proposals as specifically required by Partnerships for Schools;
- f. Decide if the Council should underwrite the cost of activities on the critical path in order to avoid delay to the programme, with financial commitments as follows; noting that in the order of £700,000 of the costs would be subsequently recoverable from BSF capital funding with the balance from CYPS revenue resources (as previously agreed): -

i.	OBC–Specialist financial modeling required by Treasury & banks	£	225,000
ii	OBC – Abnormals and planning brief	£	20,000
iii	Rushey Mead School Planning	£	40,000
iv	Crown Hills / City of Leicester develop scheme	£	500,000
V	Childrens Hospital School Stage	£	125,000
vi	Cherryleas specialist learning centre Stage	£	80,000
vii	St Paul's legal agreements with Diocese	£	15,000

## Total £1,005,000

## 4. Report

- 4.1 Delivery of the Phase 1 Schools
- 4.1.1 Cost the table below summarises the current estimate of outturn costs of the four schools developed as part of Phase 1:

PfS - Funded works	£61,878,447
LCC additions funded from capital programme	£276,528
LCC pre-contract additions funded from borrowing	£1,325,330
LCC post-contract contingencies from borrowing	£809,972
School – funded additional works	£456,119
Total	£64,746,396

It can be seen from the above that a contingency of £809,972 was used after contracts were signed which represents 1.3% above original planned costs. £485,000 of this was due to asbestos removal costs over and above the BSF funding allowed by PfS. Cost reliability at 1.3% of the contract sum is excellent compared with national benchmarks.

Taking into account the pre contract additions the total funded from borrowing equated to 3.4%.

- 4.1.2 Time all four projects were completed on or before the dates stipulated in the contracts. Again, this was an exceptional performance compared with national benchmarks, due in no small part to the performance of the contractor and commitment of school staff.
- 4.1.3 Quality There have been some issues for schools, particularly during the first few weeks. Staff and students were very tolerant and patient with disruption, working hard to prepare the schools for use and their contribution is gratefully acknowledged. The quality of design and workmanship has generally been very good.

## 4.2 <u>Strategy for Change</u>

- 4.2.1 In the autumn of 2008, PfS advised the Council that a new Strategy for Change would need to be submitted before further projects could be approved. However, it was acknowledged that a delay to the programme would have an adverse impact on the LEP (the joint venture company between the local authority and a group of companies that will build and maintain the BSF schools). Leicester's LEP is the Leicester Miller Education Company (LMEC) and its only income is derived from the development of new projects. PfS supported a proposal to take forward two projects, Rushey Mead School and Crown Hills Community College, concurrently with the preparation of the SFC. This matter was reported to Cabinet in January 2009.
- 4.2.2 Notwithstanding the position adopted by PfS, it was believed to be essential for the Council to re-examine its business case, which had been prepared in 2004/05, before proceeding further with the programme. Local and national policy and strategy has changed significantly in many areas since 2005, notably:
  - One Leicester shaping Britain's Sustainable City
  - The 2006 Education Standards and Framework Act particularly the approach to choice, access and diversity
  - National Challenge
  - Demographic changes affecting populating, location and parental choice. In particular, a rise in the annual number of births over the last 10 years of around 20 %
  - Inclusion strategy, including SEN and approach to behaviour support
  - Extended and co-located services in and around schools.
  - 14 19 agenda, including the specialised diploma offer
  - Post -16 provision and the raising of the age of participation.
  - Changes in teaching and learning and the opportunity to exploit new developments in ICT
  - Changes in the economic climate and the opportunity to take advantage of favourable market conditions.
- 4.2.3 The Strategy for Change is appended to this report. It comprises two sections:
  - Meeting educational challenges and key objectives
  - Addressing the estate proposal

## 4.2.4 Population projection and school sizes.

The number of births in 2007 was almost exactly 20% above the average level of births in Leicester in the 4 years 1998 – 2001. This is expected to lead to a 20% increase in the secondary population towards the end of the BSF planning period. This growth in population could be catered for by expanding existing schools or building new schools.

The proposals for provision of school places needs to take into account the statutory duty to support parental preference by expanding popular and successful schools, providing sufficient school places close to where people live, the constraints on school size caused by site area, the different specialist offer from schools and the need to meet the needs of different faith groups. The proposals shown in Appendix 1 take all these factors into account in a balanced way and result in a proposal to expand popular schools and provide additional school places close to where people are expected to live. The proposals include a new school close to the City Centre to meet the anticipated demand from new families moving closer to the City Centre. This new school could be a catalyst for the regeneration of the central area. In addition to secondary provision, there would be the opportunity to provide a co-located primary school or consider an all-age school. Furthermore, other community facilities such as a library, primary health care, etc could be co-located to provide a focus for a new city-centre community. School proposals will be developed in close partnership with regeneration and housing agencies.

The proposals do not include funding for a new school at Ashton Green because this development does not qualify for BSF funding. Funding for future development is only granted where planning consents already exist. A new school at Ashton Green would be funded by applying to the Government for 'Basic Need' funding and by developer contributions.

4.2.5 School – level estate options

Various options have been developed after assessing each building block in terms of its condition, suitability and adaptability. The preferred option for each school is summarised in Appendix 2.

## 4.3 Affordability - Capital

LMEC has proposed a range of different options for each school. The cost of the preferred option for each school has been calculated and the total cost compared with the funding allocation currently being requested from PfS and yet to be confirmed and other secured funding. The reconciliation is based on funding levels and prices at  $3^{rd}$  quarter 2006 price base. The reconciliation shows estimated capital costs at £280.2m and estimated capital funding at £281.8m, a small surplus of £1.6m.

If these prices are inflated to the anticipated start of construction dates for each project, the current headline figure for the total programme costs is £274.5m for construction and £29.7m for ICT hardware, a programme total of £304.2m. (This figure is still subject to negotiation with Partnerships for Schools and may be reduced)

Nationally, programmes such as this would normally hold a contingency of between 3% and 10%. Experience of Phase 1, where the contingency used before and after financial close was 3.4% would indicate that a contingency at the lower end would be acceptable. On this basis and taking into account the small balance in the capital reconciliation, a contingency of 5% is proposed. At this stage, there have been no intrusive asbestos surveys, no geotechnical surveys and no detailed building or plant condition surveys. It is therefore not possible to give a quantified breakdown of contingency, although a 5% contingency for Phase 2 onwards would equate to £12m, of which the asbestos removal element (based on Phase 1) could be £2m-3m.

## *i.* Scope of the programme

Funding for this national programme is predicated on a model whereby all local authorities are given funding to rebuild, remodel and refurbish their school estates on the basis of 50%: 35%:15% of the total building stock. Ideally, we would like to rebuild every school but there is insufficient funding to do this. The basic costs represent the estimated costs of the preferred option for each school. This is considered to be the minimum option capable of delivering transformation.

*ii.* School funding

All schools receive substantial sums of devolved capital funds and some schools hold substantial reserves. The Council allows schools to make contributions to projects from their own funds, to enhance projects and add facilities beyond those that the basic BSF funding can afford. This will normally represent excellent value for money for schools and all Phase 1 schools took up this opportunity.

## Leicester City Council funding

In addition to the funding approved by PfS, the Council can choose to add its own resources. For example, at phase 1, borrowing was used to top-up the PfS allocation to achieve an acceptable set of designs, and a risk contingency also funded by borrowing was approved to be called upon in the event of unavoidable cost increases. The main call on the latter has been the additional costs of asbestos removal, referred to earlier in the report.

## *iii.* 3<sup>rd</sup> party funding

The Council has had considerable success, particularly in terms of sport, in bringing additional funding or facilities to secondary schools although, hitherto, it has not been possible to combine this with BSF funding. There is a potential substantial investment from the English Cricket Board at Crown Hills Community College which would enhance the BSF project but this is not yet confirmed.

The Council has also successfully bid for £1.1m to enhance kitchen and dining facilities at Rushey Mead School and Crown Hills Community College and £1.2m to enhance sustainability at Rushey Mead School. The Council secured £3.1m from the Government's Co-location Fund, which, together with around £1.3m of Extended Services Capital and some BSF funding will enable a number of multi-agency integrated

service hubs to be established in and around schools. Around £2m of ISH funding is proposed to be used in conjunction with the BSF programme. The proposals for funding a new City Centre school include an element of developer contributions of £3.2m.

## *iv.* Receipts from the disposal of surplus school land

The proposals to rebuild and relocate some schools now provide an opportunity to realise some assets by selling land. The Council's Property Services Division has provided valuations of sites based on potential for residential development.

The total value of these sites is estimated to be around  $\pounds$ 5.4m, of which around  $\pounds$ 3.45m would be available to the programme and  $\pounds$ 1.95m would be returned to PfS under national rules for sharing assets.

It should be noted that this would represent a change to the Council's previous approach and would require formal approval. However, the national context is that the government is currently seeking to dispose of a wide range of public assets in order to raise capital. Given that the Council is asking for over £300m of government funding, there is an expectation that the Council will do what it can to help. Although PfS rules would require the Council to share some of the proceeds of sale with the national programme, this is currently estimated to be less than £2m. The disposal of surplus school sites could not take place until after building programmes are complete which would mean they would not be sold for another 3 years when land values may have recovered. Tactically therefore, it is considered sensible to include this option in the programme.

- 4.4 Risk analysis
- 4.4.1 PfS approval

Most local authorities use a sequential process through BSF starting with agreement with PfS on population forecasts followed by agreement on an indicative funding envelope, approval of the Strategy for Change, followed by Outline Business Case for the programme, then Stage 1 approval for individual projects.

The process in Leicester is unique because of the PfS requirement to submit a Strategy for Change part way through the programme with a LEP already in place. This gives rise to a number of additional risks, which were summarised for Members in a report in January 2009. The key risk is that the additional funding requested from PfS will not be agreed. The component factors of this risk are explored in more detail below:

- (a) The pupil forecasts have now been agreed in their entirety, and PfS has agreed the number of 11-16 places to be funded, the LSC supports the 1000 post-16 places to be funded, which should allow PfS to fund that number. The special school numbers have been agreed and supported by the DCSF Regional SEN advisor. Funding for students attending behaviour support centres and resourced units in schools has also received approval.
- (b) PfS funding is directly related to pupil numbers so if these are reduced then funding could be reduced. Also, local authorities are normally required to manage their

programmes on the basis of a 'once and for all indicative funding agreement'. The Council is seeking significant additional funding.

- (c) The actual funding for each project is calculated on the basis of inflation indices, known as the Pubsec index, and agreed when OBC or Stage 0 is approved for that project. The index has dropped very sharply in the last quarter. PfS argue that this will not mean a reduction in the programme because LEPs have to use this index as a benchmark for their prices so they would be expected to offer lower prices accordingly. However, the 'New Project Requests' for Rushey Mead and Crown Hills schemes were issued to the LEP in February of this year, on the basis of the indices current at that time. The Council has argued for the indices at the time that the requests were made to be used and PfS has indicated its willingness to accede.
- (d) Finally, in relation to PfS, there is a risk that one of the signatories to the 'Strategy for Change' may not be satisfied with the Council's proposals. The proposals for our National Challenge Schools are supported by Professor Woods, the National Challenge Advisor, and confirmation of endorsement from the Secretary of State has been received.

## 4.4.2 Statutory Proposals

As noted previously, the proposals in this Strategy for Change must be regarded as the 'Direction of Travel' that the Council wishes to take. Changes to school sizes, age ranges, locations, governance, etc., require statutory consultation processes to be followed. Likewise, disposal of school sites may require the approval of the Secretary of State. Although construction contracts would not be signed until all statutory processes are complete, these processes will need to be conducted in parallel with design work so there is a significant risk of abortive costs if the desired outcomes of statutory processes are not achieved.

## 4.4.3 Governors' agreements

School Governors' agreements confirm the endorsement of the proposals for their schools and their school's commitment to make specified contributions from their delegated school budget to the ongoing costs of the programme including facilities management and managed ICT services. It is necessary to develop the projects in sufficient detail at risk in order to secure governors' agreements, but this risk can be minimised by including seeking governors' agreements as early in the process as possible. Agreements in principle were signed by all mainstream school governors in 2005 at commencement of the Leicester BSF programme. However it should be noted that special schools were not asked to sign agreements at the time and that mainstream school governors will wish to understand the current financial position.

## 4.4.4 Construction risks

All construction projects have inherent risks, for example, unforeseen ground conditions, hidden defects in existing buildings, hidden asbestos, etc. These can be managed, but not eliminated by careful surveys and investigations. There are other

risks such as adverse weather conditions, economic conditions, design and specification omissions, timely production of design information, etc., that can be apportioned to the most appropriate party to the contract. The form of contracts used with BSF places most of these risks with the LEP and this is reflected in the very low levels of additional expenditure incurred by the Council with Phase 1 projects. However, it must be recognised that risk costs money and the risk taken by the LEP will be reflected in their project charges.

## 4.5 Financial commitments to maintain the programme (as set out at 3.1j)

4.5.1 Members may wish to consider the activities on the programme's critical path and decide to what extent the Council wishes to underwrite the cost of avoiding delay to the programme, pending the receipt of various approvals.

## 4.5.2 Outline Business Case

In order to develop the OBC, it will be necessary to commission the PFI modelling at a estimated cost of £225,000. This would be specialist financial modelling and analysis work, which needs to be carried out by independent expert consultants to meet the requirements of the banks providing finance, and the National Treasury.

## 4.5.3 Rushey Mead School

In order to prepare the Outline business case it will be necessary to undertake a detailed analysis of abnormals and prepare a detailed planning brief at an estimated cost of  $\pounds 20,000$ . Members may also wish to consider maintaining progress on the design development of the Rushey Mead project, by authorising the Planning Application fee of around  $\pounds 40,000$ .

## 4.5.4 Phase 2b – Crown Hills Community College and City of Leicester College

The LEP's proposals for Crown Hills Community College are a 100% new build solution rather than the partial rebuild originally requested by the Council. PfS expect that schools with more than 70% new build should be funded by PFI and the LEP has confirmed that a single school PFI does not represent value for money due to the disproportionately high procurement costs. It is therefore proposed to link together Crown Hills and the City of Leicester School as a joint PFI. Although City of Leicester is well advanced in terms of developing its education vision, design work has not started. Therefore, this will have an impact on the programme for Crown Hills, extending it by at least 3 months. If progress is to be made on Crown Hills, a New Project request must be made for City of Leicester to bring it forward to the same stage. The potential risk of abortive costs in doing this, until obtaining an OBC approval is secured, would be of the order of £250,000 per month, or around £500,000 in total.

## 4.5.5 Phase 2c – Childrens Hospital School and Cherryleas

There is no authority to progress these schemes further. In order to complete work for September 2010, approval will be sought in the report to Cabinet in January 2010 to issue a new Project Proposal. However, work would need to start now on preparing a Stage 0 submission and the cost is estimated to be £125,000 for CHS and £80,000 for Cherryleas

## 4.5.6 Phase 2d – St Pauls

It is not proposed to do further work at risk until the SfC and OBC have been signed off by the Council and PfS. However, there are legal costs estimated at around £15,000 to draw up the legal agreements to work with this VA school and it would be advisable to do this work now.

## 4.6 <u>Affordability analysis – revenue</u>

- 4.6.1 At the time of writing this report a whole life affordability analysis is being prepared by the Council's Finance Officers, supported by Financial Consultants, GTUK. This will assess the ongoing costs over the 25 year life of the BSF Programme and will be the basis upon which the gap between annual funding levels and the future cost of the programme will be quantified, together with options to address it. It is nevertheless clear that work will be needed to reduce the on-going revenue costs of the BSF schools. This is discussed further in the financial implications, and the results of this work will be reported with the OBC in January.
- 4.6.2 The programme contains an allowance of £1450 per student for the purchase of ICT hardware. Schools currently make an annual payment for their managed ICT services but it is recognised that the service is not sustainable at the current level in the longer term. Furthermore, the current funding model contains no allowance for renewal of equipment. School contributions will need to be renegotiated but there is no proposal to seek a contribution to the cost of the managed ICT Service from the Council.

## 4.7 Key Milestones

4.7.1 The projects already approved by Cabinet to be in Phase 2, namely: Rushey Mead School; Crown Hills Community College; City of Leicester College; St Pauls School; Childrens Hospital School and Cherryleas Specialist Learning Centre should all start on site next year. The remainder of the programme should be on site in 2011 and all work should be complete by the summer of 2014. The exception to this would be the proposed new City Centre School which could possibly commence later in the programme, as and when the additional school places are required. However, if a new school was required to be used as a catalyst for regeneration, this could be brought forward in the programme but there would be revenue implications to be considered as part of the detailed planning for the new school.

## 5. FINANCIAL, LEGAL AND OTHER IMPLICATIONS

## 5.1. Financial Implications

- 5.1.1. This report essentially sets out the future strategy around BSF, and is concerned with headline financial implications and risks throughout. However, it is worth noting particularly that the Strategy as presented assumes significantly higher pupil numbers and higher funding from PfS than was originally approved, which is currently under negotiation; that land sales and the resulting capital receipts are assumed, which would be a change to the Council's previous approach and which could lead to a funding gap if the sales do not materialise as planned; and that a key issue to be resolved is the ongoing revenue affordability which is considered in more detail at 5.1.4 onwards.
- 5.1.2. Whilst the report does not seek to set out the financial aspects of BSF in detail, some further key points should be noted. For example, it should be recognised that under the existing agreements with schools, the Council bears 70% of any affordability gap between the costs and the available funding, and the schools bear 30%. This could present challenges to some schools and possibly also to the Council, depending on the scale, and for which £4m pa is currently budgeted/planned. There is also increasing concern about the funding available for ICT and the costs of a periodic refresh programme, which is expected to add to the on-going revenue costs to be borne by schools. These matters will need to be considered by school governing bodies and by the Council as the actual proposals for each school are developed and brought to Cabinet for formal approval.
- 5.1.3. There could also be complications regarding the approach to the on-going revenue funding at those schools where the buildings are not owned by the Council (or which may not be into the future). For example, discussions with the Catholic Diocese will be required around on the two Catholic Voluntary Aided Schools, similarly with the Governors of the Children's Hospital School which is a Foundation school, and also with the Governors of schools that may potentially adopt Trust status.
- 5.1.4. A key issue to be resolved prior to approval of the OBC is therefore to ensure that future revenue costs of phases of BSF can be contained within the available budgets. The following paragraphs explore this in more detail.
- 5.1.5. The revenue costs of BSF are significant and complex and include:-
  - costs of maintaining (life-cycling) new schools to a higher standard than is currently the case;
  - costs of any borrowing incurred by the Council; and
  - costs of facilities management.
- 5.1.6. For PFI schools, a single regular payment is made to the LEP to cover all of the above, plus the LEP's cost of financing the capital development. For D&B schools, most of the capital cost is met by Government grant, and ongoing costs are paid to the LEP by virtue of separate contracts.
- 5.1.7. To help meet these costs a "PFI grant" will be received annually for PFI schools from the Government. Secondary schools will make a contribution of broadly 11% of their delegated budgets each year, which on average is slightly higher than their current spending on facilities management, premises, ICT etc. Special School contributions are yet to be determined. Allowing for a reasonable estimate of schools' contributions,

a revenue affordability gap is expected, and the Council has previously agreed to pay £4m p.a. for BSF, to be met 70% by the Council, and 30% by schools (over and above their standard contribution). The Council's contribution is built into our medium term financial planning; the position at individual schools will vary

- 5.1.8. The Council's financial advisers, Grant Thornton UK, are currently assessing the full revenue implications of the schemes now proposed in the Strategy for Change. This work is not yet complete.
- 5.1.9. Provisional indications are that implementing BSF to the full extent to which the Strategy for Change aspires would result in an annual revenue cost after Government PFI grant in the order of £22m p.a. This would exceed the projected contributions from schools by an estimated £9m p.a., which is more than the Council's and schools' budgeted affordability gap provision of £4m p.a. Assuming final modelling work confirms this, action will be taken to bring the costs within budget, in consultation with PfS and schools. This will be set out in the form of an action plan to achieve revenue affordability. Actions being considered are:-
  - Seeking cost reductions and efficiencies in facilities management;
  - Reducing the extensiveness of repairs, maintenance and renewals currently envisaged at D&B schools;
  - Reviewing assumptions around the days and times during which schools are assumed for costing purposes as being available for use;
  - Considering discussions around schools not owned by the Council as explained at 5.1.3 above;
  - Reviewing how expected future increases in pupil numbers are reflected in the estimated contributions from schools;
  - Reducing the amount of facilities management, particularly for smaller schools; and
  - As a last resort, reducing the scope of the programme.
- 5.1.10. Final decisions on the scope of the scheme and its affordability will be taken when the OBC is submitted in January. By approving the Strategy for Change as the intended direction of travel at this stage, Members would be endorsing the approach. Such an endorsement by Cabinet would be seen as a commitment to the programme as set out and to the potential financial implications arising therefrom, recognising that actions to reduce on-going revenue costs will be required
- 5.1.11. With regards to the proposal for the Council to underwrite the cost of activities on the critical path, it should be noted that if the schemes ultimately proceed the majority of the costs would be off-set by BSF capital funding. However if BSF as a whole (or individual schemes) do not proceed then the Council would need to identify the funding. It is suggested at this stage that this would come from the funds set aside for the TLE clientside function, which would not be required if BSF does not proceed. However the risks inherent in this approach should be noted.

Colin Sharpe, Head of Finance and Efficiency, CYPS, ext. 29 7750

## 5.2 Legal Implications

- 5.2.1 The Council has entered into a Strategic Partnering Agreement with Leicester Miller Education Company and the proposed changes to what is currently the "strategic business case" need to be taken to the Strategic Partnering Board set up under that agreement.
- 5.2.2 In terms of procurement there are advantages, if this can be done, in bundling PFI schools together in a group PFI contract. Because of the way PFI deals are structured major changes to pupil numbers or a change in school status could have a significant effect on the Council in financial terms. The school programme includes units not originally set out in the approved BSF programme and the availability of BSF funding for these units should be confirmed with PFS and DCSF.
- 5.2.3 Contracts for the proposed school projects will follow the "new projects approval process" in the partnering services contract that the Council has entered into with LMEC (the Strategic Partnering Agreement).
- 5.2.4 Contract prices for new projects are subject to benchmarking against (a) the phase 1 schools, (b) the PFS data base and (c) local information.
- 5.2.5 The Council has power to enter into the various contracts under the Education Act 1996, School Standards and Framework Act 1998, the Local Government (Contracts) Act 1997 and Section 111 of the Local Government Act 1972 and under Section 2 of the Local Government Act 2000.
- 5.2.6 For PFI schools a credit approval letter will need to be obtained but this will be done after the government departmental approval of the final business case.
- 5.2.7 The Council has powers to finance capital investment within its affordable limit for borrowing under Section 2(1) of the Local Government Act 2003, having regard to the Prudential Code for Capital Finance in Local Authorities.
- 5.2.8 No interest in land is to be disposed of or transferred to the contractor. However the Council may not own, currently, all the land to be involved in all the forthcoming phases. This will need to be addressed before new projects are initiated under the new projects approval process.
- 5.2.9 The forms of contract are in the "Agreed Form" attached to the strategic partnering agreement. Reference should be made to the legal summary of these contracts in the report to Cabinet on the Financial Close of the phase 1 schools. Generally these contracts achieve a fair balance of risk between the contractor and the Council (and of course in the case of PFI contracts achieve the required transfer of risk threshold under the relevant Financial Reporting standard) Thus it needs to be made clear that, whether through contract variations or compensation events as listed in the contracts, the lump sum price or the service charge ("Unitary Charge" for PFI) may be liable to change, in contract.
- 5.2.10 In respect of the proposed ICT contracts it is proposed that these effectively be coterminus with the ICT contracts for the Phase 1 schools to avoid any difficulties with integrating fragmented providers.

- 5.2.11 Some school staff would transfer under TUPE. The contracts will contain provisions reflecting the obligations of the parties under the TUPE regulations, and also the statutory code on non TUPE transfers, two tier workforce and pensions issues, where this is relevant.
- 5.2.12 Governing Body agreements will be needed in respect of the proposed contractual arrangements for each school.
- 5.2.13 School change procedures may be needed if there are to be certain alterations to a school, for example enlargement, moving school sites.
- 5.2.14 The Council will need government for the disposal of assets such as school playing fields, playgrounds and recreation areas on school sites. Statutory consultations are required as part of the approval process with, amongst others, Sport England. Capital funding conditions will need to be examined in the event of any proposal to dispose of land which will realise a capital sum.
- 5.2.15 The Council has a minority share interest in LMEC and has appointed a director.
- 5.2.16 As these proposals form a change to existing Council policy, an Equalities Impact Assessment should be undertaken and taken into consideration.
- 5.2.17 Conditions of third party funding should be carefully examined and legal advice sought so that funding conditions align with the BSF contracts. It is common for funders either to restrict disposals of the funded facility and/or seek clawback at market values.

Joanna Bunting, Head of Commercial & Property Law, Legal Services Division, RAD, Tel: (0116) 2526450

## 6. Other Implications

Other Implications	Yes No	Paragraph References within report
Equal Opportunities	Yes	Improving educational outcomes and narrowing the gap for all children and young people – see section 2.1 and also throughout the SfC
Policy	Yes	Throughout the SfC
Sustainability and Environment	Yes	Throughout the SfC
Crime and Disorder Human Rights Act Elderly / People on low income	No No No	

## 7. Risk Assessment Matrix

Paragraph 4.4 includes a risk commentary. The Strategy for Change includes a risk management strategy and detailed risk log.

## 8. Background Papers – Local Government Act 1972

Supporting documentation and appendices to the SfC Part 2 main reports are available in Cabinet Members' Rooms Life affordability analysis will be made available upon completion (referenced in 4.5.1).

#### 9. Consultation

#### 10. **Report Author:**

John Garratt, 11-19 Programme Director, Learning Environment Division Tel: (0116) 2211654, Extn 391654

Helen Ryan, Divisional Director, Learning Environment Tel: 29-8791

Key Decision	Yes	
Reason	Is significant in terms of its effect on communities living or working in an area comprising more than one ward	
Appeared in Forward Plan	Yes	
Executive or Council Decision	Executive (Cabinet)	

APPENDIX 1 – Pupil place planning and proposed school sizes	

School	Admission Number 2010/11	Proposed admission Number	Proposed capacity
Babington	210	210	1050
Beaumont leys	210	210	1050
City of Leicester	220	240	1200
Crown Hills	240	240	1200
English Martyrs	180	210	1050
Fullhurst	180	240	1200
Hamilton	240	240	1200
Judgemeadow	240	240	1200
Lancaster	240	240	1200
Madani	120	120	600
Moat	210	210	1050
New College	180	210	1050
Riverside	180	0	0
Rushey Mead	270	300	1500
Samworth Academy	120	120	600
Sir J North	240	240	1200
Soar Valley	255	255	1275
St Pauls	180	210	1050
Ashton Green (new)	0	0	0
City Centre (new)	0	165	825
TOTAL			19500

 Table 1.1 – Proposed mainstream school places 11-16

Less schools not in BSF Programme:				
Madani High School	600			
Samworth Academy	<u>600</u>			
Total	1200			
Total BSF Funded Places =	18,300			

The table above shows the proposals for 11-16 mainstream school places to be funded from BSF

School	Current Post -16 places	Proposed post -16 places
City of Leicester College	371	370
English Martyrs RC School	148	150
New College Leicester	330	150
St Pauls RC School	153	150
Babington Community Technology College	0	90
Fullhurst Community College	0	90
Total	1002	1000

Table 1.2 – Proposed School Post-16 Places

## **APPENDIX 2 – School estate proposals**

Ashfield Special School – (note all costs are at 3 <sup>rd</sup> quarter 2006 prices and exclude ICT hardware)         Age range:       Current       5 – 18         Proposed       5 - 18				
Size:	Current Proposed	5 – 18 5 - 18	74 + 29 post 16 85 + 25 post 16	
Governance:	Current Proposed	Community Sp Community Sp		
Buildings / Site: Additional facilities on site:	which is in good condition. The site also contains a number of supplementary mobile units. The preferred option is to remodel and refurbish the main block and build a new portion to increase the overall area. None			
Statutory Changes:	None required			
Procurement:	D&B			
Total estimated outturn cost:				

# Babington Community Technology College

Age range:	Current Proposed	11-16 11-18	
Size:	Current Proposed	11-16 11-18	1050 1050 + 90 post 16
Governance:	Current Proposed	Community National Cha	illenge Trust
Specialism:	Technology		
Buildings / Site: Additional facilities on site:	The existing school is generally accommodated within one Block which has a satisfactory structure, although the lightweight roof and heating systems have both degraded. The preferred option is to refurbish and remodel the existing block with a small amount of new build to align with the BB98 allowance. Proposed Integrated Service Hub (ISH)		
Statutory Changes:	Change of Age Range, plus establishment of National Challenge Trust status		
Procurement:	D&B		
Total estimated outturn cost:	£8,339,815		

## **Beaumont Leys School – Phase 1 School**

Age Range:	Current Proposed	11-16 11-16	
Size:	Current 11-16 Proposed	1050 11-16	1050
Governance:	Current Commu Proposed	inity Commu	inity

#### Specialism: Science

Buildings / Site: The previous buildings dated from the 1950's, with significant extensions in 1960's of CLASP construction and a small later addition. The original proposal was a rebuild of about 54% but the LEP offered a 100% rebuild which, although slightly more expensive, was considered a better value for money solution.

Additional None facilities on site:

Statutory None required Changes:

#### Procurement: D&B

Total estimated £14,639,226 (including additional costs authorised by LCC) outturn cost:

## **Carisbrooke Specialist Learning Centre**

Age range:	Current Proposed	11-16 11-16	
Size:	Current Proposed	11-16 11-16	25 (current as not detailed in SBC) 32
Governance:	Current Proposed	Community Community	
Buildings / Site:	architecturally	poor, is overall	block which was constructed between 1967-1976 and whilst in a satisfactory condition. The stakeholders are content with the osal is therefore to limit work on this site to just ICT provision.
Additional facilities on site:	None		
Statutory Changes:	None required		
Procurement:	D&B		
Total estimated outturn cost:	£7,200 (ICT in	frastructure only	)

# Cherry Leas Specialist Learning Centre

Age range:	Current Proposed	N/a 11-16	
Size:	Current Proposed	N/a 11-16	0 30
Governance:	Current Proposed	N/a Community	
Buildings / Site:	option is to rer allowance. The	model the existir	ed within one block which is in suitable condition. The preferred ng block and provide 100m2 of new build to align with the BB98 nal 200m2 of unheated covered outdoor play area provided on
Additional facilities on site:	None	s costed at rem	Juelleu Tales.
Statutory Changes:	None required		
Procurement:	D&B		
Total estimated outturn cost:	£1,083,432		

# Children's Hospital School

Age range:	Current Proposed	11-16 11-16	
Size:	Current Proposed	11-16 11-16	50 (current as not detailed in SBC) 50
Governance:	Current Proposed	Foundation Sp Foundation Sp	
Buildings / Site:			the footprint of the existing primary school is in relatively good complete remodelling to make it appropriate for this SEN school.
Additional facilities on site:	Co-located wit	h Eyres Monsel	Primary School
Statutory Changes:	None required		
Procurement:	D&B		
Total estimated outturn cost:	£1,719,803		

# The City of Leicester College

Age range:	Current Proposed	11-18 11-18	
Size:	Current Proposed	11-18 11-18	1050 + 371 post 16 1200 + 370 post 16
Governance:	Current Proposed	Community Community	
Specialism: Buildings / Site: Additional facilities on site:	poor condition location on the with St Paul's.	at the existing The preferre site for this is	school are split over two sites, are architecturally unsuitable and in ed option is therefore to create a new stand alone option. The s yet to be determined and will be dependent on collaborative links public swimming pool
Statutory Changes:	Increase in PA	N	
Procurement:	PFI		
Total estimated outturn cost:	£23701210		

# Coleman Specialist Learning Centre (Individual Leaning Centre)

Age range:	Current Proposed	11-16 11-16	
Size:	Current Proposed	11-16 11-16	69 37
Governance:	Current Proposed	Community Community	
Buildings / Site:		an Junior Scho n is to dispose of	ol which has been considerably modernised over recent years. this asset.
Additional facilities on site:	None		
Statutory Changes:	None required		
Procurement:	D&B		
Total estimated outturn cost:	£ 775 (minor l	CT infrastructure	only)

# Crown Hills Community College

Age range:	Current Proposed	11-16 11-16	
Size:	Current Proposed	11-16 11-16	1200 1200
Governance:	Current Proposed	Community Community	
Specialism: Buildings / Site:		d. Block 1 is	e existing school is of Clasp or mobile construction and will therefore proposed for remodelling with a large proportion of new build to 398 area.
Additional facilities on site:	Proposed ISH,	existing comm	nercial 5-a-side football centre
Statutory Changes:	None required		
Procurement:	D&B or PFI		
Total estimated outturn cost:	£15,949,563		

# Ellesmere College Special School

Age range:	Current Proposed	11-18 11-18	
Size:	Current Proposed	11-18 11-18	181 + 63 post 16 184 + 63 post 16
Governance:	Current Proposed	Community Sp Community Sp	
Buildings / Site: Additional facilities on site:	of Clasp const	ruction and in po elds. A remodelli	of three blocks. Two would be suitable for remodelling, but one is por condition. The preferred option is a total new build on a new site ing programme at this school would also be significantly disruptive
Statutory Changes:	Possibly due t	o relocation	
Procurement:	PFI		
Total estimated outturn cost:	£13,981,332		

## **English Martyrs' School**

Age range:	Current Proposed	11-18 11-18	
Size:	Current Proposed	11-18 11-18	900 + 150 post 16 1050 + 150 post 16
Governance:	Current Proposed	Voluntary Aid Voluntary Aid	
Specialism: Buildings / Site:		omprises of tw ne proposal is	vo main Blocks, 1 and 2 and a significant number of temporary to remodel block one, demolish the remainder and provide new build llowance.
Additional facilities on site:	None		
Statutory Changes:	Increase in PAN		
Procurement:	D&B		
Total estimated outturn cost:	£16,289,313 (e	excluding allow	ance for a non-recoverable VAT)

## Fullhurst Community College Ph A – Phase 1 School

Age Range:	Current Proposed	11-16 11-16	
Size:	Current 11-16 Proposed		900 (but further expansion proposed)

Governance:	Current Community
Proposed	Hard federation with Rushey Mead supported by National Challenge Trust

### Specialism:

Buildings / Site: The previous buildings dated from the 1930s with some later extensions and a number of mobile classrooms. The original proposal was a rebuild of about 18% and refurbish / remodel 76%.

acilities for motor engineering
was built entirely with third party funding

Statutory None required (for this phase of work at the school) Changes:

Procurement: D&B

£12,523,981 (including additional costs authorised by LCC) Total estimated

# Fullhurst Community College Ph B

Age range:	Current Proposed	11-16 11-18	
Size:	Current Proposed	11-16 11-18	900 1050 + 190 post 16
Governance:	Current Proposed	Community Hard federat	ion with Rushey Mead supported by National Challenge Trust
Specialism: Buildings / Site:	The proposal	is to enlarge t	sively refurbished and extended in Phase 1 of the BSF programme. The school with additional new build accommodation and additional date an increase in pupil numbers.
Additional facilities on site:	Vocational skills Centre and proposed ISH		
Statutory Changes:	Increase in PAN, Increase in age range, establishment of Hard federation and National Challenge		
Procurement:	D&B		
Total estimated outturn cost:	£5,546,417		

# Hamilton Community College

Age range:	Current Proposed	11-16 11-16	
Size:	Current Proposed	11-16 11-16	1200 1200
Governance:	Current Proposed	Community Community	
Specialism: Buildings / Site:			Block (3&4) are relatively new and will therefore remain. The demolished and rebuilt.
Additional facilities on site:	Proposed ISH		
Statutory Changes:	None required		
Procurement:	PFI		
Total estimated outturn cost:	£14,970,817		

# Judgemeadow Community College – Phase 1 School

Age Range:		11-16 11-16		
Size:	Current 11-16 Proposed	1215 11-16	1200	
Governance:	Current Commu Proposed	inity Community		
Specialism:	Languages			
Buildings / Site: modern classroom bl	•	•	rom the 1960's and were of CLASP construction rebuild the CLASP Structure (91%) and refurbis	•
Additional	Football foundat	tion facility Chan	nging rooms, floodlit 3G pitch facilities on site:	and grass pitches
Statutory None r Changes:	equired			
Procurement: PFI				
Total estimated outturn cost:	£16,298,083 (ind	cluding additiona	al costs authorised by LCC)	

# Keyham Lodge Special School

Age range:	Current Proposed	11-16 10-16	
Size:	Current	11-16	53 boys only (current secondary role only as not in SBC) 11 primary + 115 secondary (incl 20 girls)
	Proposed	10-16	
Governance:	Current Proposed	Community Sp Community Sp	
Buildings / Site: Additional	construction ir remainder are	n satisfactory co mobile accomm	e main body of accommodation in one Block which is Clasp ondition. The second Block is of sectional construction and the nodation. The preferred option is to part refurbish and remodel the ninder and provide new build to achieve the balance of the allocated
facilities on site:	None		
Statutory Changes:	Extension of a	ge range, chang	e to co-ed, increase in PAN
Procurement:	D&B		
Total estimated outturn cost:	£6,565,389		

## The Lancaster School

Age range:	Current Proposed	11-16 11-16	
Size:	Current Proposed	11-16 11-16	1200 1200
Governance:	Current Proposed	Community Bo Community Bo	
Specialism: Buildings / Site: Additional facilities on site:	remodelling. T accommodatio new build spor	he remainder of n. The proposal ts hall and teach	school is accommodated within Block 1 which is suitable for f the school is of Clasp construction, in poor condition or mobile is to remodel Block 1, demolish the remaining school and provide ing block to align with the BB98 allowance. th Sir Jonathan North)
Statutory Changes:	None required		
Procurement:	D&B		
Total estimated outturn cost:	£14,862,471		

# Millgate Lodge Specialist Learning Centre

Age range:	Current Proposed	11-16 11-16	
Size:	Current	11-16	20 (current role as not detailed in SBC) 25
	Proposed	11-16	
Governance:	Current Proposed	Community Sp Community Sp	
Buildings / Site: Additional facilities on site:	the base of the workshops and and the prefer	e drive, 2 mobile d steel container	of a 1919-1945 2-storey load bearing masonry building located at e classrooms at the top of the drive and a number of prefabricated s. The stakeholders are content with their existing accommodation refore limited to ICT only.
Statutory Changes:	None required		
Procurement:	D&B		
Total estimated outturn cost:	£5,265 (ICT in	frastructure only)	)

# Millgate Special School

Age range:	Current Proposed	11-16 11-16	
Size:	Current	11-16	43 (current role as not detailed in SBC) 75 secondary incl 20 girls
	Proposed	11-16	, ,
Governance:	Current Proposed	Community Sp Community Sp	
Buildings / Site:	preferred optic		s of 6 distinct blocks all of which are in satisfactory condition. The rbish, part remodel the existing buildings then provide a new block d area.
Additional facilities on site:	Co-located wit	h Millgate lodge	PRU
Statutory Changes:	Change to co-	ed, increase in F	PAN
Procurement:	D&B		
Total estimated outturn cost:	£2,677,550		

# Moat Community College

Age range:	Current Proposed	11-16 11-16	
Size:	Current Proposed	11-16 11-16	1050 1050
Governance:	Current Proposed	Community Community	
Specialism: Buildings / Site:		part remodel an	ccommodated within one Block which is satisfactory. The proposal d part refurbish the school, then provide new build to align with the
Additional facilities on site:	Proposed ISH		
Statutory Changes:	None required		
Procurement:	D&B		
Total estimated outturn cost:	£9,247,212		

# Netherhall Special School

Age range:	Current Proposed	05-18 05-18	
Size:	Current	05-18	56 plus 24 post 16 (current as detail not in SBC) 64 plus 16 post 16
	Proposed	05-18	
Governance:	Current Proposed	Community Sp Community Sp	
Buildings / Site:	construction in classrooms an new build on a	unsatisfactory d storage areas	is accommodated within one block which is of post 1967-76 condition. The remainder of the school is a combination of mobile . The site is very constrained and the preferred option is therefore a ed closer to the client base.
Additional facilities on site:	None		
Statutory Changes:	Possibly, due	to relocation	
Procurement:	PFI		
Total estimated outturn cost:	£6,759,112		

# New City Centre School

Age range:	Current Proposed	N/a 11-16	
Size:	Current Proposed	N/a 11-16	0 825
Governance:	Current Proposed	N/a To be determi	ned by competition
Buildings / Site:		is for a new bui into the city cent	ld school on a new site to accommodate an increased number of re
Additional facilities on site:	None		
Statutory Changes:	School compe	tition	
Procurement:	PFI		
Total estimated outturn cost:	£12,807,121 (i	ncluding develop	per contributions)

## New College

Age range:	Current Proposed	11-18 11-18	
Size:	Current	11-18	900 + 330 post 16 (current role as not in SBC as previously expressed as an Academy) 1050 + 150 post 16
	Proposed	11-18	
Governance:	Current	Community	
	Proposed	National Chall	enge Trust
Specialism: Buildings / Site: Additional facilities on site:	general teachi having suffere blocks and der area.	chool blocks are ng and Art are ed fire damage.	e suitable for remodelling. The Gym, main entrance, Sports Hall, all relatively new, whilst the remainder are in poor condition, one The preferred option refurbishes and remodels the satisfactory nainder. A new block is then created to balance the accommodation undation facility
Statutory Changes:	Increased PAN	N, establishment	of National Challenge Trust
Procurement:	D&B		
Total estimated outturn cost:	£9,446,380		

## **Rushey Mead School**

Rushey Meau Sch	501					
Age range:	Current Proposed	11-16 11-16				
Size:	Current Proposed	11-16 11-16	1275 1500			
Governance:	Current Proposed	Commu Hard fee Challen	deration with Fullhurst Community College supported by National			
Specialism: Buildings / Site:	Sports and Science The existing accommodation comprises of several blocks. Three are in good condition, three are suitable for remodelling and one is of Clasp construction requiring demolition. The preferred option is to remodel the majority of the accommodation, demolish the Clasp structures and mobiles, do nothing to one and provide new build to balance the remainder of the BB98 area allowance.					
Additional facilities on site:	Proposed sate	llite ISH				
Statutory Changes:	Increase in PA	N, establis	shment of National Challenge Hard Federation and Trust,			
Procurement:	D&B					
Total estimated outturn cost:	£12,351,799					

# Sir Jonathan North Community College

Age range:	Current Proposed	11-16 11-16	
Size:	Current Proposed	11-16 11-16	1200 1200
Governance:	Current Proposed	Community ( Community (	
Specialism: Buildings / Site: Additional facilities on site:	The existing a (new classroor construction. 1	ccommodation ns, ICT and Te The preferred o obiles, then pro	cs, Applied Learning comprises of 5 main blocks. Three have been recently constructed ennis centre), one is suitable for remodelling and one is of poor Clasp option is to do nothing to the recent buildings, demolish the Clasp ovide a new 2-storey science block.
Statutory Changes:	None required		
Procurement:	D&B		
Total estimated outturn cost:	£10,527,798		

# Soar Valley Community School – Phase 1 School

Age range:	Current Proposed	11-16 11-16	
Size:	Current Proposed	11-16 11-16	1200 1275
Governance:	Current Proposed	Community Community	
Specialism: Buildings / Site:	Maths and Cor The original bu		Clasp construction and have been completely replaced.
Additional facilities on site:	Netball Centre,	, proposed Voca	tional Centre
Statutory Changes:	None		
Procurement:	PFI		
Total estimated outturn cost:	£21,033141 (in	cluding addition	al costs authorised by LCC)

## St Paul's Catholic School

Age range:	Current Proposed	11-18 11-18		
Size:	Current Proposed	11-18 11-18	900 + 153 post 16 1050 + 150 post 16	
Governance:	Current Proposed	Voluntary Aide Voluntary Aide		
Specialism: Buildings / Site:	Performing Arts The majority of St Paul's accommodation is one block which is suitable for remodelling. The remainder of the accommodation is in mobile classrooms. The preferred option is to remodel and refurbish the school then build a new 2-storey general teaching and behavioural support unit.			
Additional facilities on site:	None			
Statutory Changes:	Increase in PAN			
Procurement:	D&B			
Total estimated outturn cost:	£12,633,858 (excluding allowance for a non-recoverable VAT)			

# West Gate Special School – Phase School

Age range:	Current Proposed	5 -18 5 -18		
Size:	Current Proposed		127 + 23 post 16 129 + 31 post 16	
Governance:	Current Proposed	Community Spe Community Spe		
Buildings / Site: Additional facilities on site:	The School is currently split between two sites separated by Glenfield road. The preferred option is to provide the school north of the road by part remodelling and refurbishing the main block, doing nothing to one and creating new build to provide the balance of the allocated area. The boundary on the Upper school site will be extended to provide sufficient external play area. The lower school site will be disposed of to assist with funding the BSF scheme. None			
Statutory Changes:	None required			
Procurement:	D&B			
Total estimated outturn cost:	£7,766,918			