

Cabinet Meeting on Wednesday 17 February 2021

Implementation of the Updated Staffordshire County Council Education Infrastructure Contributions Policy (SEICP)



Cllr Jonathan Price, Cabinet Member for Education (and SEND) said,

“It is essential that we ensure there are enough school places available for children in the county, and that any child who wants to learn in a mainstream school has the opportunity to do so. Therefore it is important we assess the impact of any new housing development and ensure we have sufficient places.

By updating our contributions policy, we can ensure that we can continue to secure enough mainstream and early years places, as well as securing special education places and home-to-school travel assistance for eligible pupils.

Report Summary:

Staffordshire County Council (SCC) has a statutory duty to ensure that there are sufficient school places for all children and young people resident in Staffordshire who wish to attend a publicly funded school.

The School Organisation Team has an existing Education Planning Obligations Policy (EPOP), which outlines SCC’s approach to assessing the impact of new housing developments on mainstream and early years educational provision and assessing the appropriate mitigation.

The School Organisation Team has updated the EPOP, now called “Staffordshire Education Infrastructure Contributions Policy” (SEICP) in response to new and revised guidance/legislation.

This report outlines the key policy changes in the updated SEICP, in particular, the addition of ;

- Special Education Needs and Disability (SEND) places
- Home to school travel (mainstream)
- Home to school travel (SEND)

A six week public consultation was undertaken between 12th October 2020 and the 23rd November 2020 giving key stakeholders the opportunity to comment on the revised policy. An overview of the seven responses received during this consultation have been included in an Appendix to this report.

Recommendations

I recommend that Cabinet:

- a. Approves the implementation of the updated “Staffordshire Education Infrastructure Contributions Policy” from 1st March 2021.

Local Members Interest
N/A

Cabinet – Wednesday 17 February 2021

Implementation of the Updated Staffordshire County Council Education Infrastructure Contributions Policy (SEICP)

Recommendations of the Cabinet Member for Education (and SEND)

I recommend that Cabinet:

- a. Approves the implementation of the updated “Staffordshire Education Infrastructure Contributions Policy” from 1st March 2021.

Report of the Deputy Chief Executive and Director for Families and Communities

Reasons for Recommendations:

Background

1. Staffordshire County Council (SCC) has a statutory duty to ensure that there are sufficient school places for all children and young people resident in Staffordshire who wish to attend a publicly funded school. This covers all local-authority maintained schools, academies and free schools.
2. Staffordshire’s current Education Planning Obligations Policy (or EPOP) details our approach to assessing the impact of new housing developments on educational provision and assessing the appropriate mitigation for.
 - a. mainstream school places;
 - b. early years school places.
3. The School Organisation Team has used the current EPOP to successfully negotiate and secure financial contributions and land for new and expanded mainstream schools.
4. Following the publication of new Department for Education (DfE) guidance on ["Securing developer contributions for education"](#), and the revised National Planning Policy Framework (NPPF), both in 2019, the team established a policy working group to update the current policy.
5. The School Organisation Team have worked with colleagues - in Planning Policy, SEND and Inclusion, Highways, Transport Connectivity, Early Years, Post-16, Admissions, Strategic Property, Home to school travel and Legal - and have kept lead members and partners, in borough and district councils, informed of progress. In addition, the policy update has been informed by feedback from Staffordshire Local Planning Authorities, examples of other local authority good practice and experience from previous formal appeals to the Planning Inspectorate.

6. The implementation of the updated contributions policy would support the county council's statutory duties in respect of:
 - a. securing sufficient mainstream school places
 - b. securing sufficient provision for young people with an Education Health and Care Plan (EHCP)
 - c. ensuring access to high quality, funded early education places
 - d. home-to-school travel assistance for eligible pupils

Overview of the Staffordshire Education Infrastructure Contributions Policy (SEICP)

7. The SEICP would provide the foundation for identifying the impact of new residential development on education infrastructure and the necessary mitigation to make developments acceptable in planning terms.
8. By providing a consistent and transparent approach to planning obligations, local planning authorities (LPAs), developers and landowners will be able to consider the potential costs of a proposed development at the earliest stage.
9. Education contributions to mitigate the impact of residential development on the provision of education infrastructure in the updated policy includes:
 - a. Mainstream school places (updated policy)
 - b. Early Years school places (updated policy)
 - c. Special Education Needs and Disability (SEND) places (new policy)
 - d. Home to school travel (mainstream) (new policy)
 - e. Home to school travel (SEND) (new policy)

Special Education Needs and Disability (SEND) places

10. DfE guidance states that "It is reasonable and fair to seek developer contributions for SEN provision in direct proportion to the needs arising from planned housing development, applying the same principle to SEN provision as to mainstream".
11. The DfE guidance also recognises that some SEND pupils (with an EHCP) attend a mainstream setting with additional support provided rather than a special school.
12. The updated policy provides the ability for SCC to request an education contribution towards special education needs and disabilities (SEND) provision where necessary.
13. Over the last three years, SCC has received applications for an average of 5,000 new dwellings per year, which would generate an expected 21 primary SEND pupils and 44 secondary SEND pupils. On the basis that there is no available SEND capacity, this would have provided an opportunity to request for a potential c£5m in capital. It must be noted that no Section 106 contributions are guaranteed.

Home to School Transport Provision (Mainstream and SEND)

14. The Education Act 1996, as amended by Part 6 of the Education and Inspections Act 2006, places a duty on Local Authorities to make suitable travel arrangements free of charge for eligible children as they consider necessary to facilitate their attendance at school.
15. The updated policy provides the ability for SCC to request an education contribution towards home to school transport provision (mainstream and SEND) where necessary.
16. During a nine-month assessment in 2019, five planning applications would have resulted in a request for a contribution towards home to school transport in mainstream provision. If this is typical, it would equate to requests for a potential of £0.4m in funding each year to be utilised towards home to school transport.

Public Consultation on the SEICP

17. A six-week public consultation took place between 12th October and 23rd November 2020 on the updated “Staffordshire Education Infrastructure Contributions Policy”.
18. Details of the consultation were sent to all SCC members through the weekly members briefing, Local Planning Authorities through the Staffordshire Development Control Officers Group who we also asked to forward on to housing developers and district members, all neighbouring authorities through the Educational Building and Development Officers Group, local Diocese contacts, members of the Staffordshire Learning Infrastructure Board, SCC internal colleagues through The Knot and Intranet news pages.
19. Seven consultation responses were received from both Staffordshire residents and interested organisations. All seven responses were positive, and no objections were raised. A summary of the representations received, and the county council’s response is in Appendix 2 and each individual representation is in shown in Appendix 3. As a result, no further changes were required to the proposed SEICP document.

Legal Implications

20. Joint working on the updated policy has been undertaken with internal legal colleagues. The updated document is in accordance with current legislation and guidance (National Planning Policy Framework and Securing Developer Contributions for Education).

Resource and Value for Money Implications

21. To calculate, negotiate and finalise additional educational infrastructure contributions for school transport and SEND places, will require additional officer time within existing capacity.

If the proposed policy is implemented, additional funding to support mainstream places, SEND provision and home to school transport would be generated. During financial year 2019/20 circa £13.5million plus land was secured for mainstream education infrastructure as per the [Annual Infrastructure Funding Statement](#).

22. It must be noted that Section 106 contributions are not guaranteed. Developers may submit a viability assessment to the Local Planning Authority (LPA) for consideration when determining the planning application. All planning obligations necessary to mitigate the impact of the development will be considered. The determination of the planning application may include a reduction or removal of the financial contribution for education infrastructure.

List of Background Documents/Appendices:

Appendix 1 – Proposed Staffordshire Education Infrastructure Contributions Policy

Appendix 2 – Summary of relevant public consultation representations received and the county council's statement in response

Appendix 3 – Individual public consultation representations received

Contact Details

Assistant Director: Tim Moss, Assistant Director of Education Strategy and Improvement

Report Author: Andrew Marsden
Job Title: County Commissioner for Access to Learning
Telephone No.: 01785 278787
E-Mail Address: andrew.marsden@staffordshire.gov.uk