



Leading learning and skills

16-19 Capital Fund- Additional Guidance

14 August 2006

This paper is an update to the **16-19 Capital Fund Guidance: 2006-07 Onwards**, published in December 2005. It features frequently asked questions and answers and provides further clarification for both LSC colleagues and providers in assessing the eligibility of applications to the 16-19 Capital fund.

This guidance will be updated as necessary, and in particular, following the first year of operation of the 16-19 Capital Fund.

Frequently Asked Questions

1. Can a school apply to the 16-19 capital fund for a new building to accommodate less than 50 new learners?

No. All applications to the 16-19 Capital Fund should be for the capital cost of providing new places for at least 50, 16-19 year old learners. This means all applications should be for at least 50 additional places within the school or college. The only time a proposal for less than 50 places will be accepted is for applications from special schools for learners with disabilities.

2. What is meant by the term “new learners”?

New learners in this context means additional learners over and above the number of learners that are already catered for by the provider submitting the application. These can be divided into the following categories:

- new learners as a result of increasing participation;
- new learners as a result of demographic increases in 16-19 year olds within a local area;
- new learners (to the provider) as a result of displacing learners from a neighbouring geographical area; (but see below)
- new learners (to the provider) as a result of displacing learners from neighbouring providers (but see below).

The primary purpose of the 16-19 capital fund is to fund new learners as defined in the first two bullet points above. However, a secondary purpose of

the fund is to fund the capital costs of the reorganisation of 16-19 provision within a local area identified by a StAR or other formal review process aimed at improving choice, raising standards, or meeting local, regional and national targets. Therefore, in these circumstances, an application may be eligible that results in displacement of learners from other providers since those learners will be classed as being new learners to the applicant provider. The Local LSC may, even in such circumstances decide that the application is not eligible if such displacement would destabilise high quality provision elsewhere or where learner numbers have already been agreed as part of an existing capital application to the LSC. (See FAQ 3 for more detail.)

3. Under what circumstances can a proposal come forward for the reorganisation of provision that includes the displacement of learners from other providers?

Proposals for the re-organisation of provision that includes the displacement of learners from other providers will be eligible for funding where the proposal is the result of a competition or has been identified as an option as part of a StAR or other area-based review and meets the criteria set out in Annex A. In exceptional circumstances a proposal could come forward that has the full support of the LSC but is not part of a StAR or a competition as long as it meets the criteria which are used for determining a StAR outcome. The criteria that need to be considered include:

- the need to raise standards;
- the need to improve choice;
- the extent to which the proposal ensures effective collaboration with existing providers as part of a locally coherent system;
- the distance between the provider and other providers from where the provision will be displaced; and
- the extent to which the proposal for the expansion of a sixth form is proportionate to the 11-16 learner numbers for that school.

4. Does a proposal have to have been previously identified in a StAR?

Yes, other than if the application is a result of a presumption or a 16-19 or FE competition that has not been part of a StAR. In other cases proposals will only be eligible as a result of previously being identified within a StAR, OfSTED area-wide inspection or another area-wide review.

5. What is meant by the need to raise standards?

It is the role of the LSC local office in consultation with the local authority and partners to determine whether or not standards need to be raised within a local area in line with local, regional and national targets and advice from OfSTED through the inspection processes.

6. What is meant by improving choice in this context?

It is the role of the LSC local office in consultation with the local authority and partners to determine whether or not choice schools and colleges and their curricula needs to be improved within an area. Poor OfSTED inspections will be used to guide this as well as falling recruitment, retention and achievement rates between inspections

7. What is meant by the extent to which the proposal ensures effective collaboration with existing providers?

All applications should result in an integrated curriculum plan over the travel to learn area and other providers should have been consulted on the proposals.

8. Is there a specific distance between providers above which it is acceptable for the displacement of learners to occur?

No. It is up to the LSC local office in consultation with the local authority and partners to determine whether or not the travel-to-learn distances are of sufficient distance as to justify a proposal for new provision within a local area, which may lead to the displacement of learners from providers outside of the area.

9. How large is the allowable expansion of an existing school sixth form?

The LSC will not approve applications for the expansion of existing school sixth forms if the proposal will lead to the sixth form being disproportionate in size to the 11-16 part of the school.

10. Does the proposal have to be for a new building?

As the main purpose of the 16-19 capital fund is to expand 16-19 provision it is expected that most applications will be for new buildings to accommodate additional learners. However, proposals could include the refurbishment of existing buildings which have been made available to the provider applying to the fund or if it includes for example a building currently being used for 11-16 provision which is surplus to requirements. Proposals for the refurbishment of existing buildings that are currently being used for 16-19 education purposes by the provider applying to the fund will not normally be eligible as such refurbishment is classed as modernisation, which is specifically excluded from the 16-19 Capital Fund. The only exception to this is where a minimal amount of refurbishment may be required on an existing building to enable the construction of a new building which is to be attached to the existing building. The extent to which this is allowed will be determined by the LSC Regional Property Advisor assessing each particular proposal.

11. Does the proposal always have to have the support of the local authority?

Other than where the application is as a result of the presumption, all applications from schools are expected to have been endorsed by the local

authority. At the very least a local authority should be aware of a proposal from a school within its area and not have any objections to the proposal before it is submitted to the LSC. The LSC will not approve applications from a school where there is an objection from the local authority.

12. Can the proposal incorporate the existing learners that are accommodated in overcrowded buildings?

No. The 16-19 capital fund has been set up to meet the capital cost of planned 16-19 growth in numbers. In cases where there is overcrowding in existing school buildings, funding should be sought from the DfES devolved formula capital fund or targeted capital fund. Where overcrowding occurs in colleges, funding should be sought from the LSC's FE capital fund.

13. Does an application from a school for the proposal for a new sixth form have to be approved by the LSC before it is submitted to the Schools Organisation Committee (SOC)?

Yes. The SOC will not approve a proposal for the creation of a new school sixth form if the capital funding has not been agreed by the LSC at the very least on an in principle basis. This includes applications under the presumption.

14. If there is uncertainty about whether a proposal will be approved by the SOC does a school have to submit an application which incorporates a detailed design proposal?

A two stage process exists for applications where the proposal needs to go before a SOC.

At the first stage the application should be submitted to the LSC with a full education case but with limited outline information and budget costs on the property aspect of the proposal. The application form should still be completed, although the costs included in the elemental breakdown on page 4 of the application form can be indicative. No detailed drawings are required at this stage. If the application is approved by the LSC then the proposal can be considered by the SOC. Following approval from the SOC a second submission of the application should be made to the LSC. At the second stage the application would consist of further detail on the design and cost of the proposed building – based on RIBA Stage D or tendered costs. Further guidance should be sought from the Regional Property Advisor.

These arrangements apply to:

- 11-16 specialist schools meeting the presumption criteria.
- 11-16 schools applying for a sixth form that do not meet the presumption criteria
- Local authority controlled sixth form centres that are being proposed but are not as a result of the competition process

15. What guidance should be used for space utilisation on multi-site proposals?

The space utilisation guidelines in the 16-19 Capital Fund guidance should be followed in determining the floor space allowances for applications from schools and colleges. Where there is an application for a multi-site proposal it is not acceptable to include a core space allowance for every single site. The allowable space requirement will depend on the precise nature of the proposal and the numbers involved.

16. Will the application be treated differently dependant on the type of school from which it is received?

Within the guidance there is no discrimination against or in favour of any type of school. The only preference given is to high performing specialist schools applying under the presumption arrangements. All other applications from publicly funded schools and colleges will be treated equally on their merits.

17. Will a school sixth form proposal which has come forward as a result of the presumption arrangements always be approved?

Applications that are eligible under the presumption will normally be processed for approval. The considerations listed in question 4 are all overruled by the presumption. If the local LSC has concerns on education grounds about a school setting up a sixth form then these concerns will be noted but will not prevent the proposal being approved. However, all applications will have to meet the property and finance parts of capital criteria and demonstrate value for money or the project proposal will not be approved.

18. Will there be any funding available from the 16-19 capital fund to cover the 14-16 element of a proposal that addresses 14-19 provision?

The LSC does not currently have any capital funding available for 14-16 provision. If there is an application for a 14-19 vocational centre the LSC can only fund the 16-19 element of that proposal. In 2007-08 and 2008-09 the LSC will be funding a series of 14-16 pilot projects. Further information on this will follow. There are other sources of the funding available from the DfES to cover the cost of 14-16 provision in schools.

19. Will the 16-19 Capital Fund be available to fund the cost of creating a new school sixth form in an existing 11-16 school which is being rebuilt under Building Schools for the Future?

Any school being rebuilt under BSF (including BSF one-school pathfinders) should receive BSF funding for its sixth form. If BSF is rebuilding an 11-16 school then the local authority could apply to the 16-19 Capital Fund. The 16-19 Capital fund is not available to fund the cost of rebuilding existing school sixth forms as part of the BSF programme.

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