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From: [REDACTED]
 Sent: 14 February 2011 19:48
 To: CUNLIFFE-MILLER, Jobshare
 Cc: [REDACTED]
 Subject: FW: BSF JR Outcome - reconsideration process
 Importance: High
 Attachments: Public Sector Equality Duty - Private Office Note fnl.doc; EQUIAWorkbook.doc;
 110214_example_school chart.xls

Hi Jane,
 [REDACTED]

We have a meeting in your diary for 10am to talk through where we are, but in advance of that I thought I'd get you thinking on the process so we can use that meeting to start putting meat on the bones.

Clearly, rather a lot of the day has been taken up with UQs (Commons and Lords) various bits of media and starting work on this exercise, so we aren't as far as we'd had like, but nevertheless progress has been made!

Work required by end of the week:

Submission covering the proposed process for consultation - we have to use that term not reconsideration - teeing up certain issues:

- new (from 1 April) equalities duties (adding namely pregnancy, sexual orientation and religion),
- cross reference the submission on Capital pressures as not having money isn't a justification in itself,
- how we are going to make the decision - factors, criteria, comparators - but should decide on our methods until we have seen the results of the consultation.
- In the annex we need draft letter and 2 forms that we are planning to provide to the claimant LAs.

Draft letter to Claimant authorities - addressed to the Chief Executive cc'ed DCS from Sarah - I've started a draft.

The 2 Forms:

1. Chart (overview) of basic school level data (attached - although we've had some further thoughts about what we should also ask)
2. Consultation document: open questions (free text) we need to allow them space to make their case, not defined by us. Comparable questions on the impact, number of areas e.g. basic need, regen, vfm, etc plus personal/school/child statement on the impact of the cancellation on them, the school, the area etc.

What we have done so far:

We met Equalities colleagues [REDACTED] and established the following factors:

- we need to read and work through the attached workbook
- we need to take into account the new duties from 1 April, and give schools/LAs opportunities to make representations on those grounds (but recognising that they may not yet have data, and not penalising them for that) - [REDACTED]
- we should keep what we're asking quite open - and definitely not try to apply any categories to schools at this point (e.g building falling down and high BN pressures category 1 etc). When we get the data, we can then decide whether to categorise schools or LAs, or to deal with on a case by case basis

- we shouldn't pre-populate our form, but SARD do have school level data on gender, disability & race which we can use to cross-check the data that comes back - LAs
- We don't need to decide what comparative data we'll be using until later. We can take into account other relevant evidence, and this can include other LA/school information. We can do this without consulting more widely as SARD has the data on the 3 main areas
- Question about whether we need to get Star Chamber clearance for the data collection.
- Lack of funds is not a constraint in itself and we need to be able to state that taking money from another area (either within capital or outside) would have a greater impact.

I spoke to [REDACTED] about the consultation exercise that was carried out for the 'for discussion' academies:

All sponsors (and/or Head) sent a questionnaire and PfS carried out a full site survey of the condition and status of the building. The decision whether or not to fund was based a formula (state of the building not educational attainment)

Issues that need to be considered:

- Star Chamber required for data collection?
- PfS commissioned to complete a site survey of all the schools in question? - I am holding a slot in your diary for Wednesday (1 hour) for possible briefing with PfS - no invites have been sent.
- Process - see timetable, but there are other considerations:

Draft timetable of the process

Currently the suggestion is that we allow the claimants 4 weeks and we take 4 weeks (see below). But we are going to need 5 weeks, so we might be better to suggest 6 weeks each, Recess, Easter and the Royal Wedding would eat into our time though. We are not convinced that we can get all this through internally in that final week - but any later and we're into Easter/weddings.

21st Feb (4 weeks): LAs invited to make representations. Due by Monday 21st March. Also informed of need to be available for a meeting at the dept. LAs are informed about the site surveys to be carried out by PfS (PfS to contact directly and start w/c 28 Feb)
During this timeframe we need to be considering what funding is available

22nd March (1 -2 week): Initial assessment of LA submissions, consideration to their data/info and the site surveys

4th April (1 week): [REDACTED]

11th April (1 week): LAs invited to the dept to discuss their submissions. 1 hour meeting. Suggest CE, DCS & BSF Manager attend. Plus PfS. Allows LAs to fully demonstrate the impact of halting certain projects. Provides us an opportunity to challenge their prioritisation and proposed efficiencies.

18th April (1 week): Internal decision making (Good Friday this week)

w/c 25 April: LAs informed of decision. - 25th is Easter Monday and Royal wedding is that week too, there are only 3 working days in this week.

Right well that will give us something to think/talk about!

Central Capital Unit, Department for Education

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please note new email: [REDACTED]

Tel: [REDACTED]

Department for
Education

From: CUNLIFFE-MILLER, Jobshare

Sent: 11 February 2011 19:24

To: [REDACTED]

Cc: [REDACTED]; HEALEY, Sarah; [REDACTED] JOHNSTON, Claire-LAO;

LONGSTONE, Lesley; [REDACTED]

Subject: BSF JR Outcome - reconsideration process

Could you please on Monday think about the advice (and draft letter) that we should put to the SoS on the process for reconsidering the schools included in the BSF JR judgement.

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We need to prepare a letter to LAs (at official level, I think), which (and this list may not be exhaustive):

- invites them to provide a written assessment of those schools
- requests cost information for the projects (broken down if possible) (and with a clear expectation of greater efficiency than might have been the case previously)
- asks for information on any contractual (or other) commitments to particular work
- asks them to prioritise their projects
- asks for relevant local equalities information (sex, race, disability etc)
- makes clear that these projects are now effectively in a 'for discussion' category and that no action should be taken on them, nor costs incurred
- sets a deadline of 4 weeks for response

This letter needs to be shared in draft with PfS. [REDACTED] in first instance, rather than beyond, I think) and equalities leads [REDACTED].

The covering submission would ideally set out the whole process of reconsideration for the SoS. That will need to cover:

- the timeline - from kick-off letter to communication of outcome
- how we intend to assess the representations - we need to think about who to involve (PfS? Equalities colleagues? Lawyers? Others?); what criteria/scoring to apply (or indeed if whether to adopt formal criteria....pros and cons would be good)
- what we need to do to ensure our equalities considerations are sufficiently rigorous

[REDACTED] and [REDACTED] should be able to help here too)

I don't think that this submission needs to go into the issue of sources of capital as that will be covered in Friday's submission on the full span of capital pressures.

If you could have a draft submission and a draft letter ready to discuss with Jane on Tuesday that would be great. I'll see if I can find a time for you to discuss.

We should aim to get this up to the SoS during the course of the week. A letter out on Friday would be good going.

Thanks

Stuart

Jane Cunliffe and Stuart Miller
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Department for
Education

Priority Ranking of school	School	Unique Reference Number	Type of School 2008	Type of School following BSF Investment	Fress School Meals %	English as a second language %	Age Range	Net Capacity	Numbers On Roll Jan 2010	Future Net Capacity following BSF investment		Pupil g
										Nov-16 Post 16 spaces	% Girls	

Project Types

1. New school
2. New replacement school
3. Extension
4. Extension + refurb
5. Refurb + 80%

Attachment to
14/2/11 email at 19:48
110214-examale-school chart.xls

Gender	SEN provision	Is the BSF proposal meeting basic need?	If meeting basic need, how many places?	Assessed OFSTED Category Date?	GCSE 5 A*-C		BSF Investment Proposal (see key)	Further description of project (e.g. school reorganisation etc)	BSF proposed spend	Proposed efficiency saving	
% Boys						Incl. Eng & Maths					

