



**Report of: Director of Children's Services**

**Executive Board**

**23<sup>rd</sup> September 2010**

**SUBJECT: Review of the 1990 Community Use of Schools Policy**

**Electoral Wards Affected:**

**All**

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In

Not Eligible for Call In  
(Details contained in the report)

**EXECUTIVE SUMMARY**

- 1.0 As part of the 2010/11 City Council Budget the budget used to reimburse schools for Community Use under the 1990 policy was removed from September 2010. This report seeks to confirm the budget decision to remove the central subsidy from all community use of schools and to establish a Community Use policy that sets maximum charges to be made by schools to 'Recommended' user groups, with an expectation that schools will consider charging lower subsidised rates where use contributes to their extended services plans, or where local costs are below the centrally determined rates.
- 2.0 The report seeks to confirm that a central 'support' grant fund be established to provide some support to users meeting corporate priorities in the budget year 2010-11.
- 3.0 Prior to April 1990, when schools commenced operation under conditions of local management, Leeds City Council had actively promoted the community usage of school facilities. In order to maintain such usage after 1<sup>st</sup> April 1990 a Community Use Policy (1990) was approved. The 1990 policy (reviewed in 1991) set out specific groups of users who could access Leeds school facilities free of charge. Schools were reimbursed from a central budget, totalling approximately £1m, for each instance of community usage. In order to administer the policy a central Lettings Unit was set up. The policy is discretionary.
- 4.0 Since 1990 there have been numerous changes in the field of education, the nature of which could not have been foreseen when the structure of the 1990 policy was determined such as:
- 5.0 Governing Bodies of Schools have become responsible for the delivery of the extended services core offer and in recent years significant funding has been provided to schools and

clusters of schools from the Government to support this;

- 6.0 Different categories of school have been established where the power of the Local Authority to direct use does not apply.

### **RECOMMENDATIONS**

The Executive Board is recommended to approve the following:

1. That the central subsidy on community use of schools should cease from November 2010.
2. That a support fund of £50,000 be established
3. The revised policies and procedures as set out in section 5 of the report
4. That £10,000 be provided as an additional grant to support supplementary schools.  
Administration to be carried out by the Head of School Improvement Education Leeds.
5. That the policy set out at section 5 is applied to PFI schools, the lettings of which are administered directly by the Lettings Unit.



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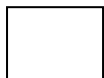
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## 1.0 PURPOSE OF REPORT

- 1.1 This report seeks to confirm the budget decision to remove the central subsidy from all community use of schools from November 2010 and to establish a Community Use policy that sets maximum charges to be made by schools to recommended user groups, with an expectation that schools will consider charging lower subsidised rates where use contributes to their extended services plans, or where local costs are below the centrally determined rates.
- 1.2 This report sets out revised policies and procedures which seek to safeguard the access of community groups to school premises whilst at the same time eliminating central funding for those lettings.
- 1.3 The report seeks to confirm that a central 'hardship' grant fund be established to provide some support to users meeting corporate priorities.

## 2.0 BACKGROUND

- 2.1 Prior to April 1990, when schools commenced operation under conditions of local management, Leeds City Council had actively promoted the community usage of school facilities. In order to maintain such usage after 1<sup>st</sup> April 1990 a Community Use Policy (1990) was approved. The 1990 policy (reviewed in 1991) set out specific groups of users who could access school facilities free of charge. Schools were reimbursed from a central budget, totalling approximately £1m, for each instance of community usage. In order to administer the policy a central Lettings Unit was set up. The policy is discretionary.
- 2.2 Since 1990 there have been numerous changes in the field of education, the nature of

which could not have been foreseen when the structure of the 1990 policy was determined. Governing Bodies of Schools have become responsible for the delivery of the extended services core offer and in recent years significant funding has been provided to schools and clusters of schools from the Government to support this.

### **3.0 MAIN ISSUES**

The 1990 Community Use policy does not reflect the current responsibilities and reasons for change can be summarised as follows:

#### **3.1 Funding Responsibility**

3.1.1 The community use policy was developed prior to the introduction of extended services responsibilities on governing bodies. Governing Bodies have a responsibility for the provision of extended services and the Government expectation is that users generally should pay the economic cost of using schools. Extracts from Government guidance to School Governing Bodies regarding the planning and funding of extended schools is reproduced at Appendix 1.

3.1.2 Whilst the general expectation is that users should pay the economic costs for using schools significant funding streams are available to schools to prioritise towards supporting extended services. Details of the current funding streams available to schools are shown at Appendix 2. The Government has also changed the regulations governing the activities that Schools may fund from their School Budgets. In recent years schools have been able to use their budgets to support any activity that Governors expect to bring an educational benefit to pupils as detailed in Appendix 1. However, from April 2010 the 'School Budget Shares (prescribed purposes ) (England) regulations have extended the activities that schools can support from their budgets.

#### **3.2 Targeting and Economic Usage**

3.2.1 The current policy does not target the City Council subsidy in any way. Allocations are not prioritised based on target groups or wider city council priorities, ability of users to pay, geography, age or wider thresholds such as chartered status of under 18 sports clubs. Where more than one group requests the same time and facility the school at which the letting takes place determines which user to accept. An analysis of the 2008/09 and 2009/10 reimbursements shows that only 30% of reimbursements are made to schools in the 30% most deprived IMD areas and only 30% of reimbursements are made on behalf of hirers resident in the 30% most deprived IMD areas. The analysis by hirer also shows that over 11% of reimbursements to schools are where the home address of the hirer is outside of the Leeds area.

3.2.2 The lack of any contribution from users or limit to the amount of use available to a particular user provides no incentive to use facilities economically and leads to a wide variation in free use provided to similar groups. It also leads to time being booked that is then not used. Groups 'block book' times each week but there are then a number of cancellations throughout the year. Appendix 3 details the reimbursements made to schools for each user under the policy over the two years to March 2010.

#### **3.3 Reimbursement Rates to Schools**

3.3.1 The power to direct the use of schools can only be used where schools receive income to offset the cost of the letting. Current reimbursement rates to schools have not kept pace with inflation and certain rates require a significant increase in order that they can be shown to cover costs. This is not affordable from the Children's Services Budget. However, as in Appendix 2 schools receive funding that may be used to subsidise this use.

### 3.4 Charges for Other Council Provision

- 3.4.1 The current policy does not form part of a coherent policy for access to all council facilities. E.g. The free lettings for under 18 sport are in contrast with charges being levied for under 18 sports use of parks and recreation pitches and the City Council's Leisure Centres. There is also a charge levied to users of Leeds City Council Community buildings. This provides differential access based on geography.

### 3.5 Changes in Legislation

The community use policy based on the power of direction is outdated due to the growth in the number of schools where the policy does not apply. Out of 39 Secondary Schools in the city there is currently no power of direction over seven (Academy and Trust), limited power over five as they are Aided schools, and a power only within the terms of contracts in a further 11 (PFI schools). As the number of City Academies and Trust Schools increases there will be large areas within the City where access will be entirely dependent on Governing Body wishes and which fall entirely outside of any City Council policy. Appendix 4 details the reimbursements for Community use by school over the two years to March 2010.

#### 3.5.1 *Legislative Background*

- 3.5.2 Appendix 5 sets out the general legislative background surrounding the use of school premises by outside groups and by the local authority. Of particular relevance is the 2002 Education Act. This Act gave powers to governing bodies to provide any facilities or services whose provision furthers any charitable purpose for the benefit of:

- (a) pupils at the school or their families, or
- (b) people who live or work in the locality in which the school is situated

- 3.5.3 Education Acts place a general requirement on governing bodies to have regard to the desirability of having premises available for community use outside of school hours.

- 3.5.4 Guidance issued under the Education Act 2002 allows schools to:
- (a) use their delegated budgets to support or subsidise extended activities that bring an educational benefit to children, but not to support extended activities that are solely community facilities such as sports activities for the local community.
  - (b) Use their School Standards Grant to support the full range of extended services.

- 3.5.5 Non educational community usage therefore could not be subsidised from the school budget share but such usage could be subsidised from school standards grant, other income or specific grants that may be provided for such a purpose.

- 3.5.6 The use of the school delegated budget has now been amended by the School Budget Shares (Prescribed Purposes) (England) Regulations 2010 that allows governing bodies to use school budget shares for the provision of staff, goods, services, accommodation or other resources; or the making of payments towards expenditure incurred, by, or for purposes connected with the functions of, the Children's Trust Board for the area in which the school is situated.

### 3.6 Resource Implications

#### 3.6.1 **Current Cost**

The table below sets out the expenditure on reimbursements to schools for community use funded lettings in 2009/10 Financial Year.

**Table 1. Community Use Reimbursements to Schools 2009/10**

Letting Type	Reimbursement	Types of group covered
Under 18 Sport	£366,447	Under 18 football / rugby / hockey etc teams
Voluntary Youth	£217,518	Brownies, Guides, Majorettes, Scouts, Dance, Drama groups
Supplementary Schools	£75,848	Language / curriculum classes from ethnic minority groups
Music Centres*	£62,617	Classes run by EL Music Services / Artforms
Community Groups	£29,778	Neighbourhood Watch, Action / Campaign Groups, Tenant Associations
Youth Programme*	£17,996	LCC staff run youth clubs or target groups
Polling Stations+	£14,790	Schools used for elections
Leisure Classes*	£12,386	Classes run by LCC Sports Development Unit
Holiday Playschemes	£15,521	Schemes funded through LCC
Groups with Disabilities	£12,736	Gateway Groups / Disabled sports
Parish Councils	£2,170	
Political Parties	£1,021	Monthly committee meetings
Governor Training*	£468	Area Gov meetings run by EL governor support
MP/Cllr Surgeries	£172	
<b>Total Payment to Schools</b>	<b>£829,468</b>	

+ A recharge for the polling stations expenditure is received from Central Government, in the case of general and the LCC Elections department for local elections.

\* These categories represent use of schools by the City Council and adjustments to budgets will need to take place in respect of these categories.

3.6.2 In the first year of the 1990 Community Use Policy the reimbursements to schools totalled approximately £1m. Reimbursements have declined over the years due to a reduction in the number of schools and an inability to index link the reimbursement rates in most years since 1990. From the above table the maximum full year savings from the change in policy is £721,211. This saving will be reduced by the establishment of any hardship grants and increase in charges to be met by City Council users.

### 3.7 Proposals for a Revised Policy

#### 3.7.1 *Recommended / Private Lettings*

In accordance with decision made in the 2010/11 budget round it is proposed that from November 2010 the provisions of the Community Use Policy (1990) as amended in 1991 will no longer apply.

3.7.2 From November 2010 school lettings at Leeds Schools where the power of LA direction applies should be categorised into two groupings:

- (i) Recommended Community Lettings
- (ii) Private Lettings

3.7.3 Set out below are the features of both categories of Letting within this policy:

#### (i) *Recommended Community Lettings*

Appendix 6 is a list of recommended categories of community groups that schools should accept under this policy. This is in line with the current directed policy. Table 2. below shows a list of maximum rates chargeable to the groups falling within the categories set out at Appendix 6. These charges should be considered the break even charge to be made to

groups considered to fall into the recommended categories for the relevant type of usage.

3.7.4 The rates set out in Table 2 represent the maximum charge rates applicable to the recommended groups. Schools and Extended Service Clusters should be encouraged to use their legal powers and funding as set out at section 3 and Appendices 2 and 5 to reduce the charges set out in table 2 or to provide free usage to the relevant groups, where the activities are meeting extended service outcomes. The current central reimbursement rates have been rather simplistic and it is proposed that the recommended rates from 1<sup>st</sup> November are amended to reflect broad differences in cost. For example, the current reimbursement for classrooms is based on £9 per room, whereas once the building is open the additional cost of using additional rooms will be lower.

3.7.5 **Table 2 Maximum Charge Rates For Recommended Groups - 1<sup>st</sup> November 2010**

Facility	Reimbursement Rate Prior to 1 <sup>st</sup> November 2010	Maximum Charge to Recommended Groups From 1 <sup>st</sup> November 2010
School Hall - Primary	£19 / hr	£20 / hr
School Hall - Secondary	£19 / hr	£25 / hr
Sports Hall	£19 / hr	£25 / hr
Gym / Dance Studio	£19 / hr	£20 / hr
Classroom / Meeting room	£9 / hr	£10 / hr
Each subsequent classroom / meeting room	£9 / hr	£4 / hr
Playing Field per Match	£7.50	£20
Playing Field Seasonal Hire	N/A	£180
Changing Facility per Match	£7	£15
Changing Facility Seasonal	N/A	£150
All Weather / Astro Pitch Full	£32 / hr	£40 / hr
All Weather / Astro Pitch Half	£16 / hr	£20 / hr
Floodlights	£2 / hr	£12 / hr
Cricket Field /match	£7.50	£30
Cricket Field / season	N/A	£200
Maximum hourly charge per user group for internal use	£48 / hr	To be determined by Governing Body
For one off use of Sports Facilities and pitches the above charges are inclusive of VAT, other lettings are exempt .		

**Notes to Table 2:**

- The reimbursement rate column shows the amount that the school would have been reimbursed under the terms of the 1990 Community Use Policy
- The maximum charges column represents the maximum charge to the groups shown in Appendix 6.
- There was no seasonal pitch hire reimbursement prior to September 2010. Seasonal usage assumes up to 14 uses for 2.5 hrs each use.
- Schools with specialist spaces such as ICT suites, Music Rooms and hydrotherapy pools should determine the charges for the use of these facilities.
- The current reimbursement is capped at £48 per hour where use of internal space exceeds a school hall and three other rooms.

3.7.6

(ii) *Private Lettings*

These Lettings comprise all other lettings other than those falling under the category of Recommended Community Lettings. It is expected that these lettings should be charged at full cost to the hirer. Schools may however consider that, although a group or individual falls outside of the categories set out at appendix 6, it is desirable to ensure that access is affordable for particular individuals or groups and charge less than economic cost.

Regard must be paid to the legal principles concerning charging for community facilities. Schools should set out in a governor approved Charging Policy what rates they wish to charge hirers of school facilities.

In the case of both Recommended and Private Lettings schools should operate within the general principle that the use of school facilities by outside bodies should not be at the expense of school activities.

### 3.7.7 *Support Fund*

3.7.8 It is proposed that a budget of £50,000 is set aside as a support fund in the 2010/11 financial year. Schools may apply for subsidy if they would choose, but are unable, to support community groups through their delegated budgets. It is proposed that support would be to a maximum of £5000 and provided where school budgets are at risk of deficit or only marginal surplus and community groups meet all of the following criteria:

- Group not eligible for support against core offer of a Children's Centre or extended school
- Group can not collect subscriptions or raise revenue to support rental
- Group meets needs of community in lowest 30% IMD (Indices of Multiple Deprivation) and of a vulnerable group.
- Group would cease to operate, is currently well attended and would leave a gap in community provision.

3.7.9 If necessary, the support would be scaled down to stay within the total available budget.

3.7.10 In addition the Local Authority currently provides some grant funding to Supplementary Schools in Leeds and a separate budget of £10,000 is maintained. It is proposed that this budget is increased by £10,000 and should continue to be administered by the Head of school Improvement, Education Leeds.

### 3.8 Recommended Administrative Procedures

It is recommended that schools adopt the following procedures from 1<sup>st</sup> September 2010:

#### 3.8.1 (i) Lettings Agreements

It is essential that, for all uses of school premises that are not 'pay and play' uses, a lettings agreement is produced to evidence the usage and confirm to the hirer the conditions under which the usage takes place. Agreements should be produced either by the Lettings Unit or at the school on approved stationery.

#### 3.8.2 (ii) School Lettings / Charging Policies

The law requires that that a governing body may not charge for anything unless it has drawn up a statement of general policy on charging (advice on this subject was previously distributed to schools by Education Leeds Financial Services in November 2008). From November 2010 school governing bodies should include within their charging policy a section concerning school lettings. This section should outline the charges set for the various types of school facilities that may be in use in the forthcoming year. The policy should make it clear upon what basis any remission is made from the recommended rates set out for recommended lettings at Table 2. School governors should ensure that their policies in respect of school premises lettings are authorised by the Governing Body or by a properly delegated sub committee of the Governing Body.

#### 3.8.3 (iii) Insurance

In order to safeguard the premises and property at the school site it is essential that checks be carried out to ensure that groups using school facilities have up to date third party liability insurance.



#### 3.8.4 (iv) Safeguarding

Although the young persons and vulnerable adults using schools through lettings are not under the direct control of the school it is clear that the school cannot divorce itself entirely from any responsibility with regard to safeguarding in respect of lettings in school buildings. In the past the Lettings Unit have performed CRB checks and also checks on qualifications of teachers and instructors in contact with vulnerable persons. At the time of writing a review of necessary safeguarding actions in respect of lettings is taking place. Information regarding this important aspect of lettings will be communicated to schools as soon as possible and this should form an important element of the school safeguarding and/or lettings policies.

#### 3.9 Lettings Unit

3.9.1 The 1990 Community Use Policy authorised the establishment of a central Lettings Unit to administer the policy. Costs of the unit have always been recovered as an overhead on the central cost of free lettings.

3.9.2 It is expected that during the financial year 2010/11 the unit will be involved in extra work administering the policy changes. From 1<sup>st</sup> April 2011 it is proposed that the Lettings Unit will operate as a traded service, with a Service Level Agreement to be agreed with schools.

#### 3.10 Use of Schools for Elections

It should be noted that separate legislation exists which requires the use of schools where necessary for the purpose of elections. Specific rules also exist as to what reimbursement schools can receive for this usage.

### 4.0 FINANCIAL IMPLICATIONS

4.1 The main financial implications are detailed in the body of this report.

### 5.0 LEGAL IMPLICATIONS

5.1 The legislative background to this issue is considered in section 3.5. The law relating to school letting and charging policies is discussed in paragraph 3.8.2.

### 6.0 RECOMMENDATIONS

6.1 The Executive Board is asked to approve the following:

- that the central subsidy on community use of schools should cease from November 2010.
- that a support fund of £50,000 be established
- revised policies and procedures as set out in section 5 of this report .
- that £10,000 be provided as an additional grant to support supplementary schools. Administration to be carried out by the Head of School Improvement Education Leeds.
- that the policy set out at section 5 is applied to PFI properties, the lettings of which are administered directly by the Lettings Unit.

#### **BACKGROUND PAPERS**

HM Government 'Planning and Funding Extended Services: a guide for schools, Local Authorities and their partner organisations.'

DCSF 'Funding Extended Services, guidance for local Authorities and schools including academies.'

HM Government 'Extended Schools, building on experience'.

DCSF 'Extended Services, extra support for you and your children.'

School Budget Shares (Prescribed Purposes) (England) Regulations 2010

Education Act 2002

DCSF Extended Services Toolkit for Governors

DCSF Guide to the Law for School Governors 2009 chapters 21 to 23

Leeds City Council Budget Report 2010/11

