

Decision maker	Cabinet member: Contracts and assets
Decision date:	30 June 2017
Title of report:	Local authority schools maintenance programme
Report by:	Head of education development

Classification

Open

Key decision

This is a key decision because it is likely to be significant in terms of its effect on communities living or working in an area comprising one or more wards in the county.

Notice has been served in accordance with Part 3, Section 9 (Publicity in Connection with Key Decisions) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Wards affected

Countywide

Purpose

To approve the planned programme of maintenance work at local authority maintained schools to voluntary aided and designated trust schools.

Recommendation(s)

THAT:

- (a) The school maintenance schemes as set out in appendix 1 be approved;**
- (b) Authority is delegated to the director of children's wellbeing to take all operational decisions necessary to implement the programme as set out in appendix 1;and**
- (c) where there are variances to works, or tender prices these will be subject to the council's governance arrangements.**

Alternative options

- 1 The maintenance programme could be prioritised differently. The profile has been extracted from the latest condition survey reports and information to ensure statutory

Further information on the subject of this report is available from
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compliance for each school and information returned by schools. The proposed works are addressing known priorities and a different profile would not address the works in order of priority.

- 2 Children could be required to attend different schools. There is a statutory process which requires the local authority to arrange the admission of a child with a disability or an education health and care plan to the parents/carers preferred school unless it can be shown that to do so would prejudice other children or it would be an unreasonable to do so. The excessive financial cost of making the adaptations could be considered unreasonable.

Reasons for recommendations

- 3 The government grants the council three separate funding streams for capital works to schools: maintenance, basic need and LCVAP. Maintenance grants can only be spent on local authority maintained and voluntary controlled schools; LCVAP can only be applied to voluntary aided schools; and basic need grant is accessible by all schools. There should be an open and transparent approach to the amounts of funding received and its expenditure, which this report provides. Academy and free schools have access to the education funding agencies condition improvement fund for building works, both maintenance and improvements.
- 4 In preparing the schools capital investment strategy, approved by cabinet 11th February 2016 a significant a backlog of urgent and essential maintenance works at local authority maintained, voluntary controlled and voluntary aided schools was identified. Using the available information on the condition of schools there has been a prioritisation process involving school staff, head teachers and property professionals. The key priorities have been linked to fire risks and health and safety and accessibility with additional consideration given to major disruptions to the education of the school, where for example it may have to be closed. There has been detail and consensual approach to ensure work to address the poorest condition items in schools has been appropriately prioritised

Key considerations

- 5 A rolling programme of condition surveys of all schools is undertaken by the council. Additionally the Education Funding Agency (EFA) undertakes surveys of school buildings. Data and information about the condition of 12 different elements of the building (roofs, walls, outside area drainage etc.) are considered on a condition scale of A-D, where D is the most severe and priority on a scale of 1- 5 where 1 is the highest priority. Different elements have different priority weighting, a playground with a similar condition rating to boilers may have a lower priority. All schools have been assessed for accessibility.
- 6 There are a variety of funding streams to support capital works at schools. The national schools funding formula means all schools receive a relatively small devolved capital allocation to support minor maintenance or improvement works. Schools may convert revenue budgets to capital to assist with these works. Bigger maintenance schemes like the replacement of a roof, a new heating system or windows are funded through a central maintenance grant awarded to the council or via the academy/free school condition improvement fund. Denominational schools are given a separate LCVAP grant to support these larger schemes. The use of the LCVAP money for 2016/17 is set out in Appendix 1.

- 7 The funding streams provided to the council by the Education Funding Agency for school capital works are to be used as follows:
 - a. Maintenance Grant – to support large scale improvement work in community and voluntary controlled schools. Grant monies not allocated within a financial year can be retained by the council for use in the following years.
 - b. LCVAP Funding – to support large scale improvement work in voluntary aided schools. The council has a duty to ensure that grant monies are spent effectively. Monies allocated must be spent in the same financial year.
 - c. Basic Need Grant – this is available for all schools and is to be used to create additional pupil places where there is demand. The council must complete statutory returns which include details of where the allocated grant monies have been spent.
- 8 All schools have a detailed condition report that identifies the severity of condition of the buildings. These have been undertaken on a rolling programme over 5 years. There is insufficient budget to address all the maintenance and condition issues in schools as reported in the reports. In order to prioritise the expenditure all school condition reports have been scrutinised to identify the most significant and pressing work. In addition consideration has been given to health and safety work regarding fire safety identified arising from routine inspections of schools by qualified fire safety officers applying the most modern standards. Consideration has also been given to increasing awareness of safeguarding issues, accessibility and the need to have a contingency for emergency works that were not foreseen in maintenance and condition reports.
- 9 Proposals for the use of the funding streams are consulted on with schools via the capital consultative group, made up of representative head teachers and with the LCVAP group involving the diocese and archdiocese. Reports on progress of schemes against spend will form part of the corporate performance report. A report on the final outturn and programme is provided as part of the proposals for the next year's programme.
- 10 The council is constantly reviewing the safeguarding arrangements at all its schools to ensure they meet current expectations. The council is expected to rectify fencing that is considered a potential safeguarding risk. Some allocations have been made to address safeguarding issues as set out in Appendix 1.
- 11 It is not always possible to foresee all schemes that need to be undertaken in any one year. A portion of the grant is set aside for emergency works. The council also has a duty to ensure that any child with special needs attending a mainstream school can be reasonably accommodated. This may result in a requirement for the provision of additional facilities either in terms of equipment or buildings. Funding has been set aside to meet this duty.
- 12 The school capital investment strategy guides the identification and prioritisation of significant capital investment where high levels of ongoing maintenance or repair may not be the best or most efficient long term solution for a school. Peterchurch and Ashfield Park schools are both in need of significant work which will be costly. These schools have been allocated the minimum maintenance allocation whilst business cases for more significant investment are developed.
- 13 On detailed examination of the work identified in the condition survey and prioritised

for inclusion in this report there may be differences in cost or scale of works. Approval for variations will follow the council's governance processes.

- 14 The capital maintenance work will be procured in accordance with the council's contract procedural rules.
- 15 Weobley High school is a mainstream secondary school, judged good by Ofsted that is consistently oversubscribed. Parents of children who have special educational needs and have an education health and care plan are particularly attracted to the high quality provision. The school does not have a dedicated unit to support children with special educational needs and disabilities but in line with all other schools has withdrawal and safe spaces to accommodate children. Analysis of the areas and spaces in the school has identified insufficient withdrawal and safe respite areas to support the complexity and variety of need. This lack of suitable space requires expansion of the areas adjacent to the existing spaces and classrooms used for SEND pupils. A review of the building arrangements suggests an additional temporary classroom be sited adjacent to the current facilities also housed in temporary classrooms. While the preference may have been for a permanent build this would require more extensive remodelling and significant additional cost.
- 16 Pembridge C of E School is considered mostly accessible but requires some further adaptations to enable it to meet current pupil needs. In addition the facility would increase the accessibility for child in the future. Analysis of the space in the school suggests the facility could be made without compromising other space e.g. classrooms, storage, admin etc. As the school is a church school half of the costs are to be met through the local controlled voluntary aided capital programme (LCVAP)
- 17 St David's pupil referral unit is a mostly accessible ground floor building but there is a key area where improvement is required to enable safe exit if there was a fire. The arrangements are currently managed through staff being restricted to specific parts of the building. Making adjustments to the fire escape would support the staff members working effectiveness and make the building more accessible.
- 18 The expectation is that schools will contribute appropriately to works in excess of £2000.

Community impact

- 19 Using the resources available to the council to ensure that Herefordshire's school buildings are well maintained and fit for purpose supports achievement of the council's corporate plan priorities to 'keep children and young people safe and give them a great start in life' and to secure better services, quality of life and value for money. The proposed works include mitigation of potential health and safety and safeguarding risks, and well maintained buildings are more cost efficient to run.

Equality duty

- 20 The proposed schemes have given due consideration to equality issues particularly in relation to disability. The council maintains a disability access scheme.
- 21 Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 22 The Equality Act 2010 established a positive obligation on local authorities to promote equality and to reduce discrimination in relation to any of the nine 'protected characteristics' (age; disability; gender reassignment; pregnancy and maternity; marriage and civil partnership; race; religion or belief; sex; and sexual orientation). In particular, the council must have 'due regard' to the public sector equality duty when taking any decisions on service changes. Any building works carried out within schools will be compliant with the Disability Discrimination Act requirements and support improved accessibility.

Financial implications

- 23 The government allocates an annual grant to the council for maintenance. There is also a grant for basic need. In 2017/18 this was £1.2m for maintenance. There is also a sum of money for basic need which can cover special educational needs and disability. £330k has been identified to provide adaptations and space to meet pupil access and curriculum need. The LCVAP allocation for 2017/18 is £587k and proposals on its spend are being finalised and will be subject to council governance arrangements.
- 24 The schools capital investment strategy set out the expectation that where appropriate schools contribute to the cost of capital works. Schools have their own devolved formula capital to cover minor maintenance works. Where the works are of greater scale schools are asked to contribute, alongside consideration of the local authority's responsibilities for maintenance of maintained schools in line with the maintenance grant.

Legal implications

- 25 The recommendation in this report may be approved by the cabinet member in line with the powers set out in Part 3 of the council's constitution, specifically in paragraph 3.3.11.
- 26 The council has a duty to provide and support places of education that are both fit for purpose and comply with our duties under equalities and health and safety legislation. The proposals set out in this report and its appendices support the council in meeting these duties.
- 27 Failure to make repairs to known defects (such as those set out in this report and its appendices) or adaptations increases the risk to the council of litigation from matters arising from these defects.

Risk management

- 28 Without undertaking the maintenance programme more children will be attending

schools with defects including those that are considered health and safety concerns. This programme will address the highest known risks within the funding available.

- 29 Recent changes to fire regulations have led to a number of schools identifying needing remedial works. This programme will address the major faults identified. However there is a risk that government guidance on building control standards will be revised in light of the Grenfell Tower incident which may require further expenditure.
- 30 The final scheme costs are significantly above or below the forecast. All schemes will be monitored by the capital strategy consultative group and a capital project board with officers from education, commissioning and property services. The board will meet monthly to review schemes where there are variances to works, or tender prices these will be subject to the council's governance arrangements.

Consultees

- 31 The cabinet member for young people and children's wellbeing has been consulted and is supportive of the programme of maintenance as set out.
- 32 A LCVAP group with diocesan and arch-diocesan representation meet at least termly; and approved the 2016/17 programme as outlined in appendix 1.
- 33 A capital strategy consultative group, with a number of head teachers, diocesan representation and property services officers meet at least termly. The outline proposals were agreed as a constructive way forward for use of the grants.

Appendices

Appendix 1 – Revised maintenance 2016-17 and proposed maintenance programme 2017-18

Background papers

- None identified