

Decision maker:	Director of Children and Families
Decision date:	Friday, 19 July 2019
Title of report:	Local Management of Schools Capital Loan to Goodrich Church of England (VC) Primary School
Report by:	Corporate Finance Assistant

Classification

Open

Decision type

Non-key

Wards affected

Kerne Bridge;

Purpose and summary

To approve a loan from school balances of £45,000 to Goodrich Church of England (VC) Primary School for a cabin style building to facilitate a new nursery provision in accordance with the council's scheme for financing schools. The school loan scheme provides a valuable way of enhancing school buildings without using the council's limited capital budgets.

Recommendation(s)

That:

- (a) **A capital loan of £45,000 to Goodrich Church of England (VC) Primary School be approved at 0% interest, repayable from April 2021 at one annual instalment of £6,428.58 followed by six annual instalments of £6,428.57 for a new permanent nursery building.**

Alternative options

1. The alternative option is not to grant the loan as requested and in which case the additional facilities at the school will not proceed.

Key considerations

2. In accordance with the Department for Education's (DfE) requirements, the council's approved scheme for financing schools includes a paragraph (4.10) setting out loan arrangements for schools by way of actual payments to schools on condition that a corresponding sum is repaid from the school's formula budget. The loans are to fund one-off purchases of equipment and capital works. The maximum annual repayment allowed for any one school is limited to 2% of the schools own formula allocation in the dedicated schools grant.
3. The governors of Goodrich Church of England (VC) Primary School have requested a loan of £45,000 to be repaid over seven years from April 2021. The payments would be made in instalments of one annual instalment of £6,428.58 followed by six annual instalments of £6,428.57. The loan is the difference between the cost of the new permanent nursery building and the school's contribution of £51,000.
4. The repayments will be from the school's formula budget. The capital loan is to be used to help meet the costs of a new permanent nursery building at the school.
5. The school's income from the national funding formula in 2019/20 is £499,739 and the maximum repayment permissible is £9,994. Repayments to the council are guaranteed by deducting the repayment at source from the school's budget. In the event of conversion to an academy, any outstanding balance of the loan will transfer to the academy trust. No interest is chargeable to the school for the duration of the loan, as the bank rate is less than 1% and the scheme for financing schools sets the interest (both payable and chargeable) to schools at 1% below base rate. Interest on future loans to schools will depend on the bank base rate at the point the loan is agreed.

Community impact

6. The provision of the new permanent nursery building will not only be an asset to children and staff, but also to the local community. It will enable the school to build relationships with the children and families sooner, supporting the corporate plan priority of giving children and young people a great start in life.
7. The only childcare provider in the school's catchment area has recently closed which has left the school with no local feeder.

Equality duty

8. 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;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. The school's new nursery building will be fully compliant with Equality legislation in particular around access and disability, similar to the rest of the school.

Resource implications

10. The resource implications are as follows:
 - a. School balances are included in the Medium Term Financial Strategy (MTFS)
 - b. The cost of the loan is £45,000 which will be repaid in full by the school by the end of the agreed term.
 - c. School balances are used to fund the cash flow for capital loans to schools. Repayment of the loans are credited to school balances on an annual basis. There are no budget implications for the council and the school has budgeted for the repayments.

Legal implications

11. This is an executive function. Para 66 of the Children and Families director scheme of delegation refers to Section 48 School Standards and Framework Act 1998, thereby giving authority to the Director of Children's and Families to authorise.
12. Department for Education provides statutory guidance, updated in March 2018, for local councils (in line with the legal requirements set out in Section 48 and schedule 14 of the School Standards and Framework Act 1998 and the Schools and Early Years Finance Regulations 2018) in relation to schemes for financing schools
13. The statutory guidance states that a local authority may only provide a loan to a maintained school to be used to assist schools in spreading the cost over more than one year of large on off individual items of capital expenditure that have a benefit to the school lasting more than one financial or academic year.
14. The council's scheme for financing maintained schools or local management of schools (revised in January 2019) has been drawn up in line with the statutory guidance: https://www.herefordshire.gov.uk/info/200227/support_for_schools_and_settings/460/school_finance_information/4
15. The scheme proposed is one off capital expenditure, that will provide a benefit to the school over a number of years and as such the requirements of the council's scheme are met.

Risk management

16. Risks are minimised by ensuring that repayments are taken directly from the school's budget annually. Any outstanding loan would transfer to the academy trust on potential conversion to an academy. Should the school become unviable, then any outstanding loan would be the first call on any surplus balance on closure of the school.

17. The council actively reviews the finances of small schools and would address the outstanding loan well before any potential closure was discussed. Goodrich Church of England (VC) Primary School is an Ofsted rated Good school, well led by the current headteacher and is not considered a risk. No school has ever defaulted on such a loan since Herefordshire Council was formed in 1998.

Consultees

18. The ward member has been consulted and had no comments.

Appendices

None

Background papers

Herefordshire Council's scheme for financing schools.

https://www.herefordshire.gov.uk/info/200227/support_for_schools_and_settings/460/school_finance_information/4