

<b>Meeting:</b>	<b>Cabinet</b>
<b>Meeting date:</b>	<b>Tuesday 31 March 2020</b>
<b>Title of report:</b>	<b>Local authority schools building, maintenance programme and accessibility improvement works 2020 -2021</b>
<b>Report by:</b>	<b>Cabinet member commissioning, procurement and assets</b>

## **Classification**

Open

## **Decision type**

Key

This is a key decision because it is likely to result in the council incurring expenditure which is, or the making of savings which are, significant having regard to the council's budget for the service or function concerned. A threshold of £500,000 is regarded as significant.

This is a key decision because it is likely to be significant having regard to: the strategic nature of the decision; and / or whether the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the authority to a significant number of people living or working in the locality (two or more wards) affected.

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**

(All Wards);

## **Purpose and summary**

To approve the proposed expenditure of capital grants for schools building, maintenance and accessibility improvement works.

The Department for Education provides capital funding to local authorities responsible for schools. This funding includes the schools condition allocation which is intended for the

maintenance of community and voluntary controlled schools, and the basic need allocation which is intended for the provision of additional school places to meet the needs of growing populations. An individual pupil needs budget is intended for any accessibility improvement works identified to enable children with special educational needs to attend schools.

The distribution of this funding is determined in accordance with the principles set out in the schools capital investment strategy and is based on regular condition surveys and assessments of current and forecast demand for places.

Appendix 1 provides the details of the schemes being proposed as part of this programme of works.

## **Recommendation(s)**

**That:**

- (a) The school capital and maintenance schemes as set out in appendix 1 be approved for implementation in 2020/21;**
- (b) The Assistant Director Education Development and Skills be authorised to take all operational decisions necessary to implement the approved schemes within the approved budget of £1.447m for maintenance and £43k for individual pupil needs; and**
- (c) The Assistant Director Education Development and Skills be authorised to take all operational decisions necessary to vary the approved schemes should the amount of funding received from the Department for Education differ from that used to determine the proposed schemes.**

## **Alternative options**

1. The capital and maintenance grants supporting building works in schools could be profiled differently. The schemes have been determined from the last condition reports produced for each school. The profile has been considered extensively by the schools capital investment strategy team, the council's property services section and the capital strategy consultative group (involving headteachers). The proposed works are addressing the known priorities.
2. Basic need could be allocated to schools. The priorities are being formulated on the best information and advice available and consulted upon. Basic need allocation should be directed to projects that are clearly adding pupil places.
3. No funding is spent on accessibility improvement works in schools and children are required to attend different schools. There is a statutory process which requires the council to arrange the admission of a child with a disability or an education health and care plan to the parent / carers preferred school, unless it can be shown that to do so would prejudice other children or it would be unreasonable to do so. The excessive financial cost of making adaptations could be considered unreasonable.

## **Key considerations**

4. The Education and Skills Funding Agency (ESFA) provide funding streams to the council for school condition works.

5. The funding streams 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 or spent within a financial year can be retained by the council for use in the following years. The council must complete statutory returns which include details of where the funding has been spent.
  - b. Basic need grant – this is to be used to create additional pupil places where there is demand and could be directed to any school including academies. The council must complete statutory returns which include details of where the funding has been spent.
6. An individual pupil needs budget, which consists of a carry forward of basic need and maintenance monies contributed in previous years, is intended for any accessibility improvement works identified to enable children with special education needs to attend schools.
7. Voluntary Aided schools had access to the ESFA's LCVAP (Local Authority Co-ordinated Voluntary Aided Programme) funding to support large scale maintenance work. In previous years the council has had a duty to ensure that the grant monies were spent effectively although this funding never passed through the council's accounts. For 2020/21 the ESFA will be retiring the current LCVAP system and moving all voluntary aided schools to the same capital funding system used by other types of schools namely School Condition Allocations (SCA) and Condition Improvement Fund (CIF). Most Voluntary Aided schools will see no day-to-day impact following this change as the allocations will be co-ordinated by their respective dioceses and arch-dioceses. Where a school is not associated with one of these bodies, they will have access to the bid-based CIF instead. They cannot utilise the maintenance grant.
8. Academy and free schools have access to the ESFA's Condition Improvement Fund (CIF) for building works, both maintenance and improvements. They cannot utilise the maintenance grant.
9. The national schools funding formula means all schools receive a relatively small devolved formula 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 the central maintenance grant awarded to the council for community and voluntary controlled schools. Denominational and academy schools will have use of CIF and diocesan SCA to support these large schemes. Opportunities for schools to make a contribution to works by using their devolved formula capital allocation or school balances will always be explored by council officers in discussion with schools.
10. All but five of the cabinet agreed plans for the 2019/20 maintenance programme will be delivered in 2019/20. Completed schemes to date include:
  - a. Fire precautions at: Almeley primary, Hampton Dene primary and Weobley primary
  - b. Roofing at: Ashfield Park primary, Clifford primary, Kington primary, Madley primary, St Martin's primary and Aylestone high
  - c. Safeguarding fencing at: Bredenbury primary

- d. Drainage at: Hampton Dene primary
  - e. Windows at: Hampton Dene primary, Wellington primary, Weobley high and St David's centre
  - f. Switchgear at: Luston primary, Trinity primary and Wellington primary
  - g. Fascias at: St Mary's Credenhill primary and Weobley high
  - h. Ventilation at: St Peter's primary and Trinity primary
  - i. Boilers at: Weobley high
11. Other schemes in progress and due to complete over the Easter period are:
- a. Gorsley Goffs primary and Stole Prior primary – fire precautions
  - b. Luston primary – fascias
12. The boiler and heating scheme at Kington primary was planned using 2019/20 funding and will be delivered in 2020/21. The delay to this scheme is a result of the estimated cost of the works for this scheme and the boiler replacement at Weobley high, both of which significantly exceeded the budgets available. Only one of the schemes could be delivered within the combined budget. The advice from the mechanical engineer within property services was that the boiler at Weobley should be given priority due to its condition. The Kington heating scheme is included in the 2020/21 maintenance programme.
13. The boiler replacement scheme at Michaelchurch Escley primary was planned using 2019/20 funding, however on inspection it was deemed that the existing heating system would also need to be replaced as it was unlikely to be able to handle any increased pressure resulting from a new boiler. The boiler and heating replacement has been included in the 2020/21 maintenance programme.
14. Roofing work at Walford primary was planned using 2019/20 funding, however the nature of the repair works required more extensive work than was initially thought. The larger scheme has been included in the 2020/21 maintenance programme.
15. Fascias were due to be replaced at Withington primary school. This scheme was not progressed as an initial inspection revealed that they were still in a satisfactory condition and did not require any remedial works.
16. The maintenance carry forward has arisen mainly as a result of a combination of schemes coming in under budget, lower professional fees than expected and the contingency not being fully spent. The result is that the 2019/20 maintenance budget is shown as underspent. The plans for the coming year's maintenance programme (2020/21) take into account the 2020/21 allocation and the carry forward from 2019/20.
17. The sums allocated to local authorities are determined by the Department for Education and ESFA and published on the government website. The process for locally determining its expenditure is based on the council's schools capital investment strategy. Maintenance work is prioritised on the basis of condition surveys. An outline of the scope, forecast cost and schools involved in the 2020/21 programme are set out in the resource implications section and appendix 1.

18. There is a backlog of urgent and essential maintenance works at local authority maintained and voluntary controlled schools. There is also insufficient budget to address all the maintenance and condition issues in schools, as indicated in the last set of condition surveys produced, an estimated £15m over the next five years. In order to prioritise the expenditure, all maintained school condition surveys have been scrutinised to identify the most significant and pressing works that are highlighted as requiring attention. In addition, priority has been given to health and safety work regarding fire safety identified arising from routine inspections of schools by qualified fire safety officers.
19. 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.
20. Due to the size and scope of some schemes e.g. roof replacement and windows, and the limited funding available, some projects have been phased to be completed over a number of years. Some allocations have been made to continue this phasing of work.
21. It is not always possible to foresee all schemes that need to be undertaken in any one year. An element of emergency / contingency funding is therefore set aside to cover such events that cannot wait to be included in a future years' funding.
22. On detailed examination and specification of the work identified in appendix 1 there may be differences in the cost or scale of works required. Sometimes when preparations are made for maintenance work additional problems are discovered which may require the work to be modified and the final cost will alter as a consequence.
23. The current years' basic need allocation and carry forward will be reserved pending the outcome of a separate schools place expansion consultation that is taking place for both the primary and secondary phases.
24. The council has a duty to ensure that any child with special needs attending a mainstream school can be reasonable accommodated. No accessibility improvements have been identified for 2020/21. The balance of the individual pupil needs budget will be retained as a contingency to cover any unforeseen requirements that cannot wait to be included in a future years' funding.
25. Approval for variations that can be covered within the available budget will follow the council's governance processes. Where there is insufficient budget to cover the work required consideration will be given to reduce the scope of works or defer the scheme to a future year.
26. All capital work, including maintenance, will be procured in accordance with the council's contract procedure rules.

## **Community impact**

27. Schools are a key part of communities and as such it is important that they are well maintained. Parents are encouraged to choose a school suitable for their child.
28. 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, aim to provide well maintained buildings which are more cost effective to run and therefore benefit all pupils, including looked after children and care leavers.

29. The schemes fit within the schools capital investment strategy which sets out the councils approach to delivering the legal duty to ensure there are enough school places for the children in its area. In Herefordshire this will be done in a way that supports the delivery of high quality education and contributed to the attractiveness of the county as a place to live and work.
30. The schemes fit within the corporate property strategy whose aims are to support and help deliver integrated public services across the county with the vision to support the efficient integrated delivery of public services across the county by providing modern, fit for purpose buildings, shared by public agencies.

## Equality duty

31. 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.
32. 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. Our providers will be made aware of their contractual requirements in regards to equality legislation. Any building works carried out within schools will be compliant with the Equality Act 2010 and support improved accessibility.
  33. The proposed capital building, maintenance and accessibility improvement schemes have given due consideration to equalities issues particularly in relation to disability. The council maintains an accessibility strategy.

## Resource implications

34. Grants available to fund maintenance and other works are shown in the table below. The maintenance grant for 2020/21 is expected to be in the region of £1.2m, in line with previous years' receipts. Announcements of the actual value of the grant is not due until March 2020.

Funding streams	2020/21
	£000's

LA Maintenance Grant 2020/21 (provisional figure)	1,200
LA Maintenance Grant 2019/20 carry forward (Provisional figure)	247
<b>TOTAL</b>	<b>1,447</b>
Individual pupil needs 2019/20 carry forward (provisional figure)	43
<b>TOTAL</b>	<b>43</b>
Basic Need Grant 2020/21	6,833
Basic Need Grant 2019/20 carry forward	2,058
<b>TOTAL</b>	<b>8,891</b>

35. Should additional maintenance funding be received consideration will be given to adding further schemes to the programme of work. Should less funding be received consideration will be given to reducing the level of contingency to enable to programme for works as proposed to be delivered or removing schemes to fit within the reduced budget available.
36. The proposed expenditure for maintenance and other works are shown in the table below.

<b>Expenditure</b>	<b>2020/21</b>
	£000's
<b>Maintenance</b>	
LA Planned Maintenance	1,155
Maintenance Fees	120
Contingency Emergency Works	172
<b>TOTAL</b>	<b>1,447</b>
<b>Individual Pupil Needs</b>	
Contingency Emergency Works	43
<b>TOTAL</b>	<b>43</b>

<b>Basic Need</b>	
Expansion of Secondary Place Provision	To be confirmed via separate cabinet decisions

37. The schools capital investments strategy sets out the expectation that where appropriate, schools contribute to the costs of capital works. Schools have their own devolved formula capital to cover minor maintenance works in accordance with Annex O (Schedule of Maintenance Responsibility) of the Herefordshire Councils Scheme for Financing Maintained Schools or Local Management of Schools (LMS). Where works are of a greater scale, or encompass some minor maintenance works, schools are expected to contribute alongside consideration of the council's responsibilities for maintenance of maintained schools.
38. The cost of planned maintenance is shown below. A more detailed breakdown of work by school is available in appendix 1.

<b>Type of Work</b>	<b>2020/21 Planned Expenditure</b>
	<b>£000's</b>
Safeguarding – fencing	55
Roofing	485
Fire precautions	15
Boiler & heating replacements	360
Damp	85
Windows	50
Gas safety works	20
Demolition	35
Asbestos surveys	50
<b>TOTAL`</b>	<b>1,155</b>

## Legal implications

39. The council has statutory duties and accountabilities to provide and maintain places of education that are safe and fit for purpose. These educational establishments must also comply with the council's responsibilities arising from a number of statutory provisions including education, equality, and health and safety legislation. The proposals set out in this report and its appendices support the council in meeting these duties.



40. The recommendations in this report may be approved by cabinet in accordance with the functions contained in part 3 of the council's constitution, specifically in section 3 paragraph 3.3.5. Authority to delegate implementation of the approved capital and maintenance schemes to the assistant director is also permitted under part 3 Section 7 clause 3.7.10 of the constitution.
41. Decisions will be made in accordance with the grant conditions and the councils' contract and finance procedure rules.

## **Risk management**

42. By not 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.
43. The final scheme costs are significantly above or below the forecast. All schemes will be monitored by the property liaison group with council officers from education, health and safety, estates and property services. The group 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**

44. The Cabinet Member for children and families has been consulted and is supportive of the programme of works as set out.
45. The Cabinet Member for contracts and assets has been consulted and is supportive of the programme of works as set out.
46. The capital strategy consultative group, consisting of a number of head teachers, property services officers, health & safety representative and children & families officers meet at least termly. At the meeting on 3 March 2020, the outline proposals were agreed as a constructive way forward for the use of the grants.
47. Political groups have been consulted and no objections or comments were received.

## **Appendices**

Appendix 1 – Schemes associated with schools

## **Background papers**

None

## **Glossary of terms, abbreviations and acronyms used in this report.**

ESFA Education and Skills Funding Agency

LCVAP Local Authority Co-ordinated Voluntary Aided Programme

SCA School Condition Allocations  
CIF Condition Improvement Fund  
LMS Local Management of Schools