

Agenda

Cabinet

Date: **Thursday 17 December 2020**

Time: **2.30 pm**

Place: **online meeting**

Notes: Please note the time, date and venue of the meeting.

For any further information please contact:

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If you would like help to understand this document, or would like it in another format, please call Sarah Buffrey on (01432) 260176 or e-mail sarah.buffrey@herefordshire.gov.uk in advance of the meeting.

Agenda for the meeting of Cabinet

Membership

Chairperson Councillor David Hitchiner, Leader of the Council
Vice-Chairperson Councillor Felicity Norman, Deputy Leader of the Council

Councillor Ellie Chowns
Councillor Pauline Crockett
Councillor Gemma Davies
Councillor John Harrington
Councillor Liz Harvey
Councillor Ange Tyler

Agenda

		Pages
1.	APOLOGIES FOR ABSENCE To receive any apologies for absence.	
2.	DECLARATIONS OF INTEREST To receive declarations of interests in respect of Schedule 1, Schedule 2 or Other Interests from members of the committee in respect of items on the agenda.	
3.	MINUTES To approve and sign the minutes of the meeting held on 26 November 2020.	To Follow
HOW TO SUBMIT QUESTIONS		
<i>The deadline for submission of questions for this meeting is:</i>		
<i>9:30am on Monday 14 December 2020.</i>		
<i>Questions must be submitted to councillorservices@herefordshire.gov.uk. Questions sent to any other address may not be accepted.</i>		
<i>Accepted questions and the response to them will be published as a supplement to the agenda papers prior to the meeting. Further information and guidance is available at https://www.herefordshire.gov.uk/getinvolved</i>		
4.	QUESTIONS FROM MEMBERS OF THE PUBLIC To receive questions from members of the public.	
5.	QUESTIONS FROM COUNCILLORS To receive questions from councillors.	
6.	RECOMMENDATION FOR THE FIRST PROCEEDABLE AFFORDABLE HOUSING SCHEME To approve the development work for the first proceedable site for affordable housing in Herefordshire.	11 - 20
7.	REVIEW OF FOSTERING ALLOWANCES AND FEES FOR FOSTER CARERS This report is seeking approval for an increase in allowances and fees for foster carers approved by Herefordshire Council.	21 - 36
8.	LOCAL AUTHORITY SCHOOL BUILDINGS MAINTENANCE WORKS 2021-2023 To approve the proposed expenditure of capital grants for school buildings maintenance works.	37 - 48

The Public's Rights to Information and Attendance at Meetings

Due to the current COVID-19 pandemic Herefordshire Council will be holding remote meetings in accordance with the latest regulations¹. Details of how to observe virtual meetings are set out below. Access to agenda, minutes, decision notices and other documents will be via the Herefordshire Council website or by contacting the Governance Support Team on 01432 260201 / 261699 or at governancesupportteam@herefordshire.gov.uk

YOU HAVE A RIGHT TO: -

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

Observing meetings

Meetings will be streamed live on the Herefordshire Council YouTube Channel at <https://www.youtube.com/HerefordshireCouncil>. The recording of the meeting will be available shortly after the meeting has concluded.

¹ The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020

Recording of this meeting

Please note that filming, photography and recording of this meeting is permitted provided that it does not disrupt the business of the meeting.

Members of the public are advised that if you do not wish to be filmed or photographed you should let the governance services team know before the meeting starts so that anyone who intends filming or photographing the meeting can be made aware.

The reporting of meetings is subject to the law and it is the responsibility of those doing the reporting to ensure that they comply.

The council is making an official recording of this public meeting. These recordings form part of the public record of the meeting and are made available for members of the public via the council's web-site.

Guide to Cabinet

The Executive or Cabinet of the Herefordshire Council consists of a Leader and Deputy Leader and six other Cabinet Members each with their own individual programme area responsibilities. The current Cabinet membership is:

Cllr David Hitchiner (Leader) (Herefordshire Independents)	Corporate Strategy and Budget
Cllr Felicity Norman (Deputy Leader) (The Green Party)	Children and Families
Cllr Gemma Davies (Herefordshire Independents)	Commissioning, Procurement and Assets
Cllr Ellie Chowns (The Green Party)	Environment, Economy and Skills
Cllr Liz Harvey (It's Our County)	Finance and Corporate Services
Cllr Pauline Crockett (Herefordshire Independents)	Health and Adult Wellbeing
Cllr John Harrington (It's Our County)	Infrastructure and Transport
Cllr Ange Tyler (Herefordshire Independents)	Housing, Regulatory Services and Community Safety

The Cabinet's roles are:

- To consider the overall management and direction of the Council. Directed by the Leader of the Council, it will work with senior managers to ensure the policies of Herefordshire are clear and carried through effectively;
- To propose to Council a strategic policy framework and individual strategic policies;
- To identify priorities and recommend them to Council;
- To propose to Council the Council's budget and levels of Council Tax;
- To give guidance in relation to: policy co-ordination; implementation of policy; management of the Council; senior employees in relation to day to day implementation issues;
- To receive reports from Cabinet Members on significant matters requiring consideration and proposals for new or amended policies and initiatives;
- To consider and determine policy issues within the policy framework covering more than one programme area and issues relating to the implementation of the outcomes of monitoring reviews.

Who attends cabinet meetings?

On the next page you will find a layout plan of the room showing who is sitting where. Coloured nameplates are used which correspond to the colours on the plan as follows:

	Members of the cabinet, including the leader of the council and deputy leader – these are the decision makers, only members of the cabinet can vote on recommendations put to the meeting.
	Officers of the council – attend to present reports and give technical advice to cabinet members
	Chairmen of scrutiny committees – attend to present the views of their committee if it has considered the item under discussion
	Political group leaders attend to present the views of their political group on the item under discussion. Other councillors may also attend as observers but are not entitled to take part in the discussion.

**The Seven Principles of Public Life
(Nolan Principles)**

1. Selflessness

Holders of public office should act solely in terms of the public interest.

2. Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

3. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4. Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

5. Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

6. Honesty

Holders of public office should be truthful.

7. Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.



Meeting:	Cabinet
Meeting date:	Thursday 17 December 2020
Title of report:	Recommendation for the first proceedable affordable housing scheme
Report by:	Cabinet member housing, regulatory services, and community safety

Classification

Open

Decision type

Non-key

Wards affected

Widemarsh;

Purpose

At Cabinet on 26 November 2020 the decision was taken on how the council will progress the delivery of affordable housing across the county over the coming years. In the past few months Engie Regeneration Limited (Engie) have concluded a review of the Station Approach area to consider how development in this part of the city centre should be brought forward. The final report – The Station Approach Site Study – has been presented to Cabinet for consideration.

This paper seeks approval for the first council owned sites in the Station Approach area to be brought forward as the first scheme of wider affordable housing programme.

Recommendation(s)

That:

- (a) **Cabinet approve to spend up to £68k to work up outline proposals for a net carbon zero affordable housing scheme on Sites 1b, 1c, 2a and 2b Station Approach for**

further review and approval by Cabinet

Alternative options

1. The council could simply place the sites at Station Approach on the open market and encourage existing house builders or housing providers to bring forward a residential scheme. However, the council would lose control over the scale, type and timing of such a development and it would not contribute to the wider council objective for the delivery of affordable housing or contribute towards the climate change agenda.

Key considerations

2. Engie have recently completed a masterplan review of the council owned sites in the Station Approach area of the city centre and the final report was endorsed by Cabinet in November 2020. During the development of the Station Approach Site Review the first sites in council ownership that could be developed for affordable housing and amenity space provision were identified, these being Sites 1b, 1c, 2a and 2b (Appendix 1). From initial massing studies it is estimated that these three sites could provide approximately 180 residential units, this being dependent upon the ultimate type and size of units provided. The site also provides an opportunity for the development of other commercial developments including the provision of intergenerational facilities.
3. Whilst the council have set out a broad range of criteria for this area of the city all details beyond these broad requirements are yet to be agreed. This piece of work will present the options available to the council in terms of density of development, type of use and size of individual units, specification for the units, partners who may be interested in supporting the council as well as a commercial review and viability assessment to identify the optimum mix of tenures to be developed. The scope will also consider in broad terms the proposals for green and amenity space, transport infrastructure and car parking requirements in the area to compliment the residential development.
4. The outcome of the exercise will be a clear recommendation on the most appropriate form of development to be brought forward on these key council owned sites that will be subject to a future Cabinet decision. A scheme or schemes will only be progressed to formal planning application stage following this later approval by Cabinet.

Community impact

5. The County Plan 2020 - 2024 aims to shape the future of Herefordshire and encourage and strengthen communities whilst creating a thriving local economy and protecting and enhancing the environment to ensure Herefordshire remains a great place to live, visit, work, learn and do business. Taking forward this option would allow for all of those strands to be achieved including through the regeneration of the brown field site at the western end of the link road.
6. The council recognises that healthy, connected and vibrant ecosystems strongly support the local economy, improve health and wellbeing and make the county an attractive place to live and to visit. It is vital that we protect and enhance this environment while stewarding it for future generations. Access to green space in Hereford is vital and this will be a key consideration throughout this development.
7. Providing affordable homes delivered through carefully planned policies, sustainable development and taking account of the needs for adapted properties will meet the needs of

local people, improving Herefordshire's house affordability ratio making accommodation more affordable.

8. Increasing the number of private rental properties will contribute to a balanced community providing additional accommodation of an alternative tenure to meet a wider cohort of residents in the county and encourage existing private landlords to increase the standards of their existing current accommodation

Environmental Impact

9. As the proposals are developed during this stage the council can heavily influence and retain full control of what is ultimately built as part of this first scheme. This ensures that all the council's sustainability policies and objectives can be met for the sites to be developed.
10. The proposal for the council to advance affordable housing and have at least an element of control over design helps deliver the council's environmental policy commitments and aligns to the following success measures in the County Plan:
 - Increase flood resilience and reduce levels of phosphate pollution in the County's river – by ensuring that new developments take into account opportunities to minimise the impact on the environment including, where appropriate, through grey water capture and other methods.
 - Reduce the council's carbon emissions – seeking high levels of sustainability and energy efficiency in the construction and operating costs of new homes delivered.
 - Work in partnership with others to reduce County carbon emissions – working with partners to minimise our carbon footprint in terms of methods of construction and in seeking the use of local materials and labour wherever possible.
 - Improve the air quality within Herefordshire – supporting the development, where appropriate, of car free schemes in new developments and making provision for safe cycling and walking spaces.
 - Improve residents' access to green space in Herefordshire - ensuring new developments make appropriate provision for green space and the use of appropriate, indigenous planting.
 - Improve energy efficiency of homes and build standards for new housing – good design and high levels of energy efficiency in council-owned or influenced developments will provide a blueprint principle to other developers in Herefordshire.
 - Increase the number of short distance trips being done by sustainable modes of travel – walking, cycling, and public transport – promoting access to sustainable modes of transport in the master-planning of larger scale developments.
11. The Station Approach Site Study has already reviewed and considered the environmental impacts on development in the area. This includes the likes of flood alleviation in the area, the integration of green open space in and around the developments, the pedestrian routes through the development to local services, car parking requirements, transport infrastructure and the like. All of this will be built upon as the schemes are developed.

12. The council provides and purchases a wide range of services for the people of Herefordshire. Together with partner organisations in the private, public and voluntary sectors we share a strong commitment to improving our environmental sustainability, achieving carbon neutrality and to protect and enhance Herefordshire's outstanding natural environment.
13. The environmental impact of this proposal has been considered through the service specification and includes appropriate requirements on the contractor/delivery partner to minimise waste, reduce energy and carbon emissions and to consider opportunities to enhance biodiversity. This will be managed and reported through the ongoing contract management.
14. The development of this project has sought to minimise any adverse environmental impact and will actively seek opportunities to improve and enhance environmental performance.

Equality duty

15. 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.
16. Section 9 of the Housing Act 1985 (the 1985 Act) is the key power for councils to provide housing accommodation. It includes two sets of acquisition provisions: Sections 9(1)(b) and 9(2) - a local housing authority (LHA) may acquire houses – and alter, enlarge, repair or improve a house so acquired; Section 9(3) – a LHA can exercise the Section 9 powers to provide housing accommodation "in relation to" land acquired for the purpose of (a) disposing of houses provided, or to be provided, on the land or (b) disposing of the land to a person who intends to provide housing accommodation on it.
 17. The Localism Act 2011 enables local authorities to make their own decisions to adapt housing provision to local needs, and make the system fairer and more effective giving local authorities more control over the funding of social housing, helping them to plan for the long term and giving the people who live in social housing new ways of holding their landlords to account. From this project a focus will be to deliver supported and accessible accommodation for vulnerable groups which advances the equality of opportunity to access the housing market by those who share a protected characteristic.
 18. The accommodation will add to the county's housing stock and will be affordable in perpetuity allowing future households who share protected characteristics to also have access to appropriate accommodation. Consideration has been given to the types and standard of accommodation required taking a fabric first approach to building design, maximising the performance of the components and materials. Taking this approach can minimise the need for energy consumption so will be cost beneficial to the occupant,

demonstrating the council's commitment to equality and their pro-active approach to ensuring the right properties are available in the right location and built to a high specification to meet their needs.

19. Approving this decision will provide particular benefit for a range of vulnerable residents such as those with physical disabilities, care leavers and looked after children who all belong to groups who share protected characteristics.

Resource implications

20. Once the units are constructed and held then the full annual costings of managing and maintaining the units will need to be funded from the revenue received from the units, irrespective of the model chosen.
21. In order to progress the development it will be necessary to allocate funding from the Development Regeneration Programme (DRP) capital budget of £68k, if the work does not progress the costs will revert to revenue costs. This piece of work will be provided from Engie to assess the deliverability of the site and, will recommend a number of options which ensure the full cost of building the houses can be recovered by either sale or rental income or a combination of both. Due to the ambition to deliver housing to Passivhaus standard and rent at social rent levels, it may be a requirement that a number of houses need to be sold to cross subsidise the development or alternative tenures explored to ensure the full cost recovery over 40 years.

Capital cost of project	2019/20	2020/21	2021/22	Future Years	Total
	£000	£000	£000	£000	£000
<i>Develop outline options for affordable housing scheme on Station Approach</i>		22	46		68
TOTAL		22	46		68

Funding streams (indicate whether base budget / external / grant / capital borrowing)	2019/20	2020/21	2021/22	Future Years	Total
	£000	£000	£000	£000	£000
<i>DRP Capital Budget</i>		22	46		68
TOTAL		22	46		68

Further information on the subject of this report is available from Nigel Thomas, , email: Nigel.Thomas@herefordshire.gov.uk

Legal implications

22. Engie will be commissioned to work up outline proposals for a net carbon zero affordable housing scheme on Sites 1b, 1c, 2a and 2b. The council procured Engie, one of its Development and Regeneration partners, through a Public Contract Regulations 2015 compliant procurement process and entered into an Overarching Agreement with Engie in 2018.
23. The works will be requested as Additional Services under the terms and conditions of the Overarching Agreement.
24. There are no other significant legal implications arising from this report.

Risk management

25. The key risks associated with the options outlined in the paper are as follows:

Risk / opportunity	Mitigation
The project team are unable to establish a development that could provide value for money for the council	There are a number of potential uses that could be incorporated into a scheme and the council will be drawing upon Engie's commercial expertise to establish a viable scheme
The council's own internal team are unable to adequately brief the Engie team on the council's requirements for the sites.	Establish a dedicated project team within the council which draws upon the different directorates and is headed by one experienced individual who can brief the Engie team accordingly
Following completion of this work a decision is made to simply dispose of the sites	The investment in developing a set of proposals that could be implemented will add value to any potential purchaser of the site which would then be reflected in the value of the sites
The council's wider sustainability objectives are not adequately incorporated	The Station Approach Site Study already embeds the wider sustainability objectives and forms the starting point to develop the three sites

26. Risks are managed according to the council's risk management framework, and recorded on a service risk register, being escalated to the directorate or corporate risk register according to the significance of the risk.

27. A project risk register will be maintained on the council's project management system, Verto.

Consultees

28. Consultations have taken place with the Cabinet Members for Housing, Regulatory Services, and Community Safety; Finance and Corporate Services; Commissioning, Procurement and Assets; and Environment, Economy and Skills.
29. This paper and the recommendations contained within it incorporate comments received during the above consultations.

Appendices

None

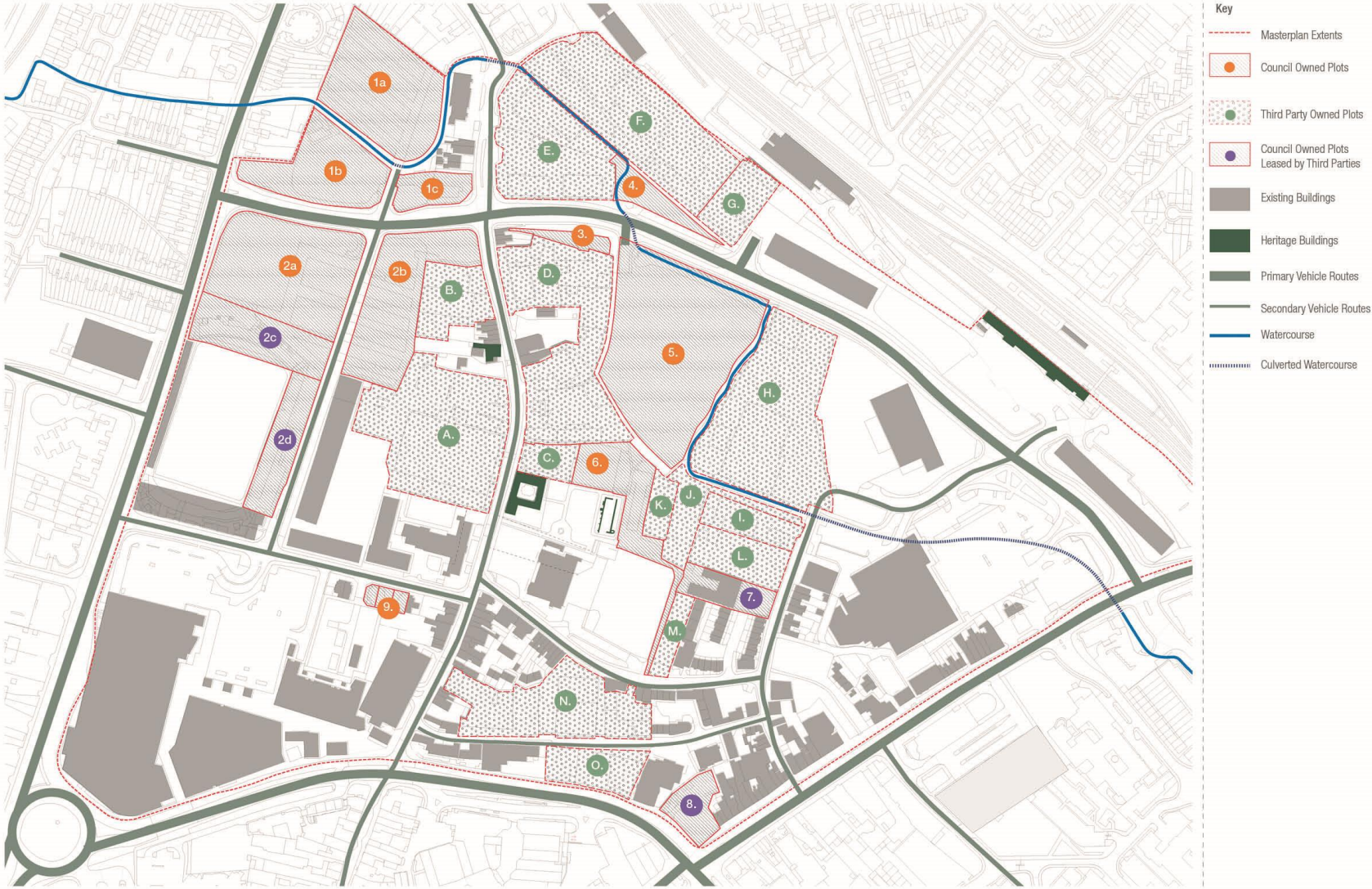
Background papers

None identified

Please include a glossary of terms, abbreviations and acronyms used in this report.

Station Approach Sites

Existing Site



Station Approach Sites





Meeting:	Cabinet
Meeting date:	Thursday 17 December 2020
Title of report:	Review of fostering allowances and fees for foster carers
Report by:	Cabinet member children and families

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

This report is seeking approval for an increase in allowances and fees for foster carers approved by Herefordshire Council.

Recommendation(s)

That:

- (a) **Fostering fees and allowances are increased to the amounts detailed in Appendix A from 1st January 2021;**
- (b) **The Director of Children and Families is given delegated authority to approve annual increases in fostering fees in consultation with the Cabinet Member for Children and Families and the section 151 Officer;**
- (c) **The fostering fees and allowances policy is approved and implemented from 1st January 2021 (Appendix B); and**
- (d) **Council approved foster carers receive a 50% exemption to their Council tax from 1st April 2021.**

Alternative options

1. Do nothing. A comprehensive review of current fostering fees and allowances has been completed comparing the Council's level of payment with those of neighbouring and regional authorities. This has highlighted that the Council pays lower fees and allowances than these authorities which is likely to impact on our ability to recruit and retain foster carers.
2. Increase fees and allowances at a lower level than proposed. Fostering services operate in a competitive market place. The service needs to improve recruitment and retention of foster carers to meet needs of children and young people in care. Allowances and fees need to be equal to or better than our local competitors if possible.
3. Increase fees and allowances at a higher level than proposed. Any short term advantage of paying higher than competitors is likely to be very short-lived as the market would adjust and ultimately drive up the cost of foster placements locally. It is therefore proposed that the Council approve allowances and fees that are comparable with other authorities and our competitors and that the focus continues to be on providing a quality service that attracts and retains foster carers alongside the package of financial support offered.

Key considerations

4. The Children Act 1989 requires the local authority to secure sufficient suitable accommodation to meet the needs of children and young people in care. The current Looked After Children & Complex Needs Accommodation Commissioning & Sufficiency Strategy was approved by Cabinet in March 2019 and set a target to increase the number of approved foster carers so that 90% of children in general and specialist foster care placements are living with in-house foster carers. At the end of September 2020 67% of children and young people in care were living with in-house foster carers.
5. Foster carers are paid two distinct elements to meet the needs of children. The first of these is a maintenance allowance to cover the day to day costs of caring for a child or young person. Under Regulation 28.1 of the National Minimum Standards for Fostering 2011 there is a requirement that;

Each foster carer receives at least the national minimum allowance for the child, plus any necessary agreed expenses for the care, education and reasonable leisure interests of the child, including insurance, holidays, birthdays, school trips, religious festivals etc., which cover the full cost of caring for each child placed with her/him.

6. The Department for Education (DfE) sets out the national minimum allowance each year and the allowances are banded depending upon the age of the child. The regulations and guidance are ambiguous about whether this minimum allowance is inclusive of payments for birthdays, holidays and religious festivals. Herefordshire council has taken the approach of including these payments within the minimum allowances and so practically these are deducted from the fortnightly allowance and paid at the relevant time to each foster carer. The review of allowances paid by neighbouring authorities has highlighted that all other local authorities pay birthday, holiday and religious festival allowances in addition to the DfE national minimum allowance. Consequently the Council's rate of payment is the lowest of those included in the review for age groups 0-10 and mid-table for allowances for children aged 11+.
7. It is recommended that maintenance allowances are increased to the average of our neighbouring local authorities or current allowance is maintained (whichever is higher) and that the clothing grant, which is currently paid separately, is included within the weekly allowance. Herefordshire council has previously chosen to pay higher than the DfE minimum allowances for older children and therefore by choosing to pay the average of neighbouring authorities the proposed increase is higher for younger children than for older children. This would result in Herefordshire paying the 3rd highest rate for 0-4 years, 4th highest rate for 5-10 years and 5th highest rate for 11-17 year age groups out of six neighbouring and regional local authorities that have been reviewed within the benchmarking exercise.

Age range	Current weekly payment	Proposed weekly payment	Proposed weekly increase
0-4years	£123.85	£154.15	£30.30
5-10 years	£138.75	£168.46	£29.71
11-15 years	£195.92	£199.06	£3.14
16+	£234.46	£234.46	£0.00

8. The second element paid to foster carers is a fostering fee which is a taxable reward payment to foster carers in recognition of the work they carry out for the Authority. There is no requirement or national minimum amount for this payment but it is standard practice within local authorities. Herefordshire fostering service, similarly to others, has different fee levels with the highest fee level paid to foster carers who are able to demonstrate the ability to meet the needs of children and young people with more complex needs and who provide additional support to the fostering service for example by supporting recruitment activity, training and buddying other foster carers.
9. When compared with other local fostering services Herefordshire pays slightly more than others to Level 1 carers but much less to Level 2 and Level 3 carers who make up the majority of our approved foster carers.

10. It is recommended that the maintenance allowance is increased to the average of our neighbouring local authorities or current fee is maintained (whichever is higher) and that the authority to approve an annual increase in fostering fees is delegated to the Director of Children’s services to reflect rises in inflation and to ensure that Herefordshire’s fees remain competitive. It is recommended that the Director consults with the Cabinet Member for Children and Families prior to making this decision.

Fee Level	Current weekly payment	Proposed weekly payment	Proposed weekly increase
Level 0 (Pre foundation training)	£0.00	£0.00	£0.00
Level 1	£100.00	£100.00	£0.00
Level 2	£125.00	£164.30	£39.30
Level 3	£175.00	£223.00	£48.00

11. The Fostering service has specific payments and allowances that are paid to foster carers who provide respite or specialist placements such as parent and baby placements, children with complex disabilities or who are considered alternative to residential placements. These have all been reviewed and a number of changes are proposed to simplify the payments policy and in particular to ensure that the package of allowances provided to respite foster carers fully meets the costs to carers of meeting this service need. These are set out in the policy attached at Appendix B.
12. The Fostering service’ main competitors are within the independent sector where fostering agencies are run by businesses and in some cases the third sector. The service does routinely place children and young people with independent fostering agencies when it is unable to match an in-house foster carer with the child’s needs. The service needs to utilise every advantage to distinguish itself from the independent sector. One way of doing this financially is to offer council tax discounts to foster carers approved by the local authority which offers a significant financial benefit that is not something the independent sector is in a position to offer.

Community impact

13. The County plan has an ambition to “strengthen communities to ensure everyone lives well and safely together” and this includes a specific ambition to support children and young people in care to be well supported. The provision of local foster carers well supported by the council’s fostering service will contribute to children in care growing up with the stability and support they need to succeed as adults, who for the most part, will continue to live within local Herefordshire communities.
14. The County plan also aims to “Spend public money in the local economy wherever possible”. In-house foster carers almost all live within the County and will spend their household income within the County. Foster carers approved by independent fostering agencies don’t all live within the County and most companies are making profits that the local community does not receive any benefit from.
15. These proposals contribute to the council’s ability to achieve its ambitions in key strategies in the children and young people’s plan and placement sufficiency strategy.

16. The Corporate Parenting strategy includes priorities of increasing the number of foster carers so that children and young people can remain living in their local community close to family, friends, school and their social activities.

Environmental Impact

17. If children are placed with independent fostering agencies or in residential units because of the insufficient availability of in-house foster placements these are more likely to be out of county and in some cases a large distance away. This requires social workers, other related professionals as well as families to travel to see the child and young person increasing travel requirements and the impact on the environment. Increasing the provision of local foster carers would reduce this impact.

Equality duty

18. 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.
19. 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 fostering service welcomes applications from all sectors of the community and is ambitious in seeking placements for children whatever their level of need. The fostering service needs to increase the diversity of approved foster carers as there are not sufficient carers from Black and Minority Ethnic groups to match with children and young people in care. There is a particular gap in relation to foster carers from a Gypsy, Roma and Traveller background. The service is focussing upon increasing the number of children and young people placed with kinship foster carers so that children and young people are able to live with those from the same background as themselves. A more attractive financial support package will support the ambition to increase the diversity of approved foster carers.
 20. All foster carers complete mandatory diversity training to ensure that they have an understanding of the importance of understanding the impact of discrimination and what they can do to ensure the needs of children and young people are understood and met. It is important that all children and young people are supported to develop a positive sense of identity.

Resource implications

21. These proposals will enable the service to provide a competitive financial package of support to prospective and existing foster carers which alongside other measures to

enhance the success of recruitment and to provide good quality support will increase the ability of the service to recruit and retain foster carers.

22. The average cost of an in-house foster placement is £17,153 compared with £39,420 for an independent fostering agency placement per annum. Assuming that the numbers of looked after children remain the same if the service achieved its target of providing in-house placements to 90% of children in foster care then the estimated spend would reduce from £5.5 million to £4 million per annum avoiding costs of £1.5 million per annum.

23. This would further increase if fewer children were placed in residential care. At the end of September 2020 there were 23 children placed in residential care because no suitable foster placement could be found. The average cost of a residential placement is £228k per annum.

24. Projected additional costs include an annual inflationary uplift of 2%.

Revenue or Capital cost of project (indicate R or C)	2020/21	2021/22	2022/23	Future Years	Total
Increase in fostering allowances – increased incrementally at least in line with DfE minimum allowance	£43,042	£175,566	£175,666	£175,766	£570,040
Increase in fostering fees – reviewed and increased in line with inflation each financial year	£65,436	£266,943	£267,043	£267,143	£866,565
Increase to allowances for respite foster carers	£5,750	£23,400	£23,450	£23,500	£76,100
50% rate of exemption to Council tax for all approved foster carers	£0	£87,198	£87,298	£87,398	£261,894
TOTAL	£114,228	£553,107	£553,457	£553,807	£1,774,599

Legal implications

25. The Local Authority is required by law to pay its foster carers the National Minimum Fostering Allowances.

26. Payment of the National Minimum Fostering Allowances ensures the Local Authority's compliance with Section 49, Children Act 2004. Whilst the Local Authority has a duty to maintain a child apart from the provision of accommodation (s22B Children Act 1989), and legally has to pay the National Minimum Fostering Allowances, it has discretion as to the way in which it pays for the specific and additional living costs of fostered children.

27. In determining the appropriate fostering allowances Department of Education sets National Minimum rates for these allowances each financial year.
The National Minimum Standards (NMS), Standard 28, set out that:-
“Each foster carer receives at least the national minimum allowance for the child, plus any necessary agreed expenses for the care, education and reasonable leisure interests of the child, including insurance, holidays, birthdays, school trips, religious festivals etc, which cover the full cost of caring for each child placed with her/him.”
28. The NMS for fostering services are issued by the Secretary of State under section 23 of the Care Standards Act 2000. The Secretary of State will keep the standards under review and may publish amended standards as appropriate.
29. The standards apply to fostering services (including local authority fostering services). Where a standard places an expectation on a foster carer, this should be interpreted as an expectation on their fostering service (local authority) to support the foster carer to meet the standard.
30. The underpinning legislation for NMS standard 28 – payment to carers are The Fostering Regulations (England) 2011:-
- Reg 17 Support, information and training for foster parents;
 - Reg 27 Approval of foster parents; and
 - Schedule 5 - Matters and obligations in Foster Care Agreements
31. NMS standard 28 also sets out:-
- 28.3 - Allowances and any fees paid are reviewed annually and the fostering service consults with foster carers in advance of any change to the allowance and fee.
 - 28.5 - There is a clear and transparent written policy on payments to foster carers that sets out the criteria for calculating payments and distinguishes between the allowance paid and any fee paid. The policy includes policy on payment of allowances and any fee during a break in placement or should the fostering household be subject to an allegation.
 - 28.6 - The written policy and the current level of payments are provided annually to each foster carer and commissioners of the service. The foster carer receives clear information about the allowances and expenses payable, and how to access them, before a child is placed.
 - 28.7 - Criteria for calculating fees and allowances are applied equally to all foster carers, whether the foster carer is related to the child or unrelated, or the placement is short or long term.
32. This is a key decision because it is likely to be significant having regard to the strategic nature of the decision and the financial impact upon the service.
33. The relevant power and specific statutory duty to pay foster carers derives from the National Minimum Standards (NMS) 2011, Standard 28.1, the NMS 2011 were issued pursuant to s23 of The Care Standards Act 2000.
34. Under section 13A(1)(c) of the Local Government Finance Act 1992 the Council is permitted to operate a discretionary council tax discount scheme in addition to the mandatory council tax reduction scheme for those in financial need. The discretionary scheme can reduce the amount of council tax to be paid to nil; and can apply to particular cases or class of cases. A discount for in-house foster carers is permitted under this provision and is entirely lawful.

Risk management

Risk / opportunity	Mitigation
Despite an increase in allowances there is not an increase in foster carers recruitment or retention and spend on independent fostering agencies and residential placements does not reduce.	The increase in financial support proposals are one element of the service's recruitment and retention approach which includes adding marketing specialisms and improving the training and support provided to foster carers
There have been a number of cases considering whether foster carers are either workers or employees. As a result of a Scottish case involving Glasgow City Council foster carers working as 'multi treatment foster carers' have successfully challenged their status as employees of the council as a result of the contractual agreement they entered into with the local authority and the degree of control the authority exercised over their day to day work. There is a risk that litigation by foster carers in England might also be brought.	The current prevailing view in English law is that foster carers are not workers or employees as they do not have a contract with the local authority; their relationship is governed exclusively by a statutory framework. Cases are very much fact specific. Legal advice should be sought before any contractual agreement is entered into with foster carers and the council including if any grievance or threatened litigation is raised challenging the employment status of foster carers.

Consultees

35. The recommendations within the review have taken into account the views of foster carers shared through their annual reviews and meetings with the foster carers representatives group.
36. Political groups have been consulted. One question clarifying the budget implications was received and responded to.

Appendices

Appendix A – New foster carer rates 2021

Appendix B – Fostering Fees and Allowances policy

Background papers

None

Please include a glossary of terms, abbreviations and acronyms used in this report.

Herefordshire Council Children and Families Directorate

Foster Care Rates - Effective from 1st January to 31st March 2021

1. FOSTER CARE ALLOWANCES (Age allowance)

AGE	WEEKLY RATE	F/NIGHTLY RATE	DAILY RATE
0 - 4 years	154.15	308.30	22.02
5 - 10 years	168.46	336.92	24.07
11 - 15 years	199.06	398.12	28.44
16 - 17 years	234.46	468.92	33.49

2. FOSTERING FEES

	WEEKLY RATE	F/NIGHTLY RATE	DAILY RATE
Foundation Level Fee - (generally family & friends carers only)	Foster care allowance only		
Level 1	100.00	200.00	14.29
Level 2	164.30	328.60	23.47
Level 3	223.00	446.00	31.86
HIPSS/ARC	450.00	900.00	64.29

3. DISCRETIONARY FOSTERING FEES

	WEEKLY RATE	F/NIGHTLY RATE	DAILY RATE
Foster placement plus	100.00	200.00	14.29
Exceptional skills payment	£250 for 3 months if exceptional progress made by child if outcomes achieved due to skill and		

4. PARENT AND BABY PLACEMENTS: FEES AND ALLOWANCES

	ALLOWANCES	WEEKLY FEE	CONTRIBUTION FROM PARENT
Parent and baby are both looked after	Age allowance for both parent and baby	450.00	£15 per week if in receipt of living allowance
Only baby is looked after	Age allowance for baby and £300 for parent	450.00	£15 per week
Only parent is looked after	Age allowances for parent	450.00	£15 per week plus all costs related to care of baby

5. OTHER ALLOWANCES

Birthday	1 week's basic allowance
Christmas and festival	1 week's basic allowance
Holidays	2 weeks basic allowance
Discretionary holiday allowance	Up to £200 per annum
Discretionary clothing grant	Up to £200 per annum
Starting School	Up to £117
Changing Schools	Up to £211
Uniform allowance	Up to £107

6. RESPITE

Main carer	
Pay 60% of Basic Allowances & Full Fee (if applicable) whilst child is away on respite for up to 14 days per year	
Payment of allowance and fees in lieu of respite if respite entitlement is not utilised	
Respite carer	
Full allowances and fees (equivalent to main carer's fee level)	
Activities payment	£50 per weekend
Sessional rate for meetings and training attended	
Fees payable if respite cancelled with less than 2 weeks notice	

7. RETAINERS

End of placement	50% of fostering fee paid for up to 4 weeks following end of a placement (exceptionally up to 12 weeks). Payment ends if another child is placed.
Investigation following allegation	60% maintenance allowance and 50% fee for duration of investigation or until return of children to placement if sooner.

8. MILEAGE

Per Mile	£0.45
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9. SESSIONAL RATES

Hourly rate	£8.21
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10. STAYING PUT ALLOWANCES

	Allowance	Fee	Young person's contribution
Level 1	Age 16-17 maintenance allowance	£ 100.00	£15 per week or £25 if provided with meals. Young person is responsible for their own costs of living
Level 2		£ 125.00	
Level 3		£ 175.00	

11. SUPPORTED LODGINGS PLACEMENTS

	Allowance	Fee	Young person's contribution
Level 1	N/a	£ 180.00	£15 per week or £25 if provided with meals. Young person is responsible for their own costs of living
Level 2	N/a	£ 300.00	
Level 3	N/a	£ 450.00	

FOSTERING ALLOWANCES AND FEES POLICY

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FOSTERING ALLOWANCES

Foster carers receive a maintenance allowance to cover the cost of caring for a child. The Department for Education sets national minimum rates for these allowances each financial year. The level of allowance is reviewed by the Council every year to ensure that the level of allowance for each age band is at or above the rate recommended by the Department for Education.

The current rates of allowances paid can be found on the Herefordshire [Foster carer resources](#) webpage.

Children's savings are deducted before payment of allowances to foster carers. The details of this are explained in the [Pocket money and savings policy](#).

FOSTERING FEES

Foster carer with a child in placement are paid a fostering fee in addition to the maintenance allowance. Fees are paid in recognition of the valued role of foster carers. Fostering fees are paid to approved foster carers dependent upon their level of skill and experience and are paid for each child placed.

There are five levels of payment for foster carers in Herefordshire:

- Foundation Level for kinship carers who have been temporarily approved as foster carers but have not yet attended preparation group training.
- Level 1 for newly approved foster carers who have attended preparation group training but have not yet completed their mandatory training or training, support and development (TSD) standards portfolio.
- Level 2 for carers who have completed mandatory training, TSD standards and are maintaining minimum requirements.
- Level 3 for carers who are providing specialisms and good practice required by the fostering service.
- Herefordshire Intensive Placement Support Service (HIPSS) and Alternative to Residential Care (ARC) for carers providing placements to children and young people moving from residential care or would otherwise require residential care.

The full criteria for each level of carer is available on the [Foster Carer resources webpage](#).

The scheme aims to provide a clear career pathway for foster carers, rewarding and supporting ongoing post-approval development and child-focussed foster care.

Progression on the scheme is dependent upon ongoing evidence of competence. Although experience and attendance at post-approval workshops are important factors they do not guarantee progression. There is, for example, no automatic progression based upon experience alone.

Regular attendance at posts-approval workshops is seen as an essential component of the scheme for two reasons: it promotes post-approval learning and development; and it provides opportunities for experienced foster carers to share experiences and knowledge with other carers. Consequently, although relevant training run by other organisations may be accepted by the Team Manager in specifically agreed cases, the general expectation is that the workshops will be a significant source of post-approval training for Herefordshire's foster carers.

While it is hoped that the majority of foster carers will progress to at least Level 2 of the scheme, those who fail to meet the requirements of a specific level may be downgraded to a lower level. For example, if a Level 2 carer fails to attend post-approval workshops or fails to offer high quality foster care they may be regraded through the foster care review process to Level 1. Significant practice concerns may result in a recommendation to terminate approval as foster carers.

Foster carers who, for personal reasons such as bereavement or a significant change in family circumstances, need to take a break from fostering, will generally resume their fostering at the same level as the one they were on when they stopped fostering.

Progression through the scheme is achieved through the foster care review process, the means established through regulation for assessing the quality of foster care provision.

In order to ensure consistency and independent scrutiny, all decisions related to progression within the scheme are based upon a foster care review.

Payments related to progression will commence following approval by the Agency Decision Maker. Foster carers can request that their review is brought forward if they wish to apply for a higher level.

All foster carers will have a development plan setting out their learning and development plans for each year. An action plan setting out what is required to enable a foster carer who wishes to progress to the next level will be included within this plan.

Foster placement plus

There are placements that do not meet the criteria of other schemes, but nevertheless require additional skills to 'mainstream' placements. Placements such as babies and young children with complex health needs e.g. oxygen dependent, substance withdrawing babies, severe autism, young people at risk of exploitation require carers to undertake such things as complex medical responsibilities, restriction of liberty, and/or consistent sleep deprivation for carers.

A discretionary fostering fees can be made by agreement with Head of Service.

Exceptional skills payment

Foster carers can be rewarded for significant achievements for children and young people in line with their care plans. An exceptional skills payment can be made for a child covering a three month period of outcomes achieved. If a second three months period of outcomes is achieved a new application and decision will be reached.

Criteria for exceptional skills are:

- that a child/young person has achieved exceptional outcomes against their care plan which have been sustained for any one 3 month period; and
- the skill and commitment of the carers have gone "above and beyond" good quality standard care and have they been a primary contributor to enabling the child to reach these outcomes.

Exceptional skills payments will be agreed by the Head of Service upon recommendation of the Fostering Team manager.

Tax

The Fostering fee is taxable and foster carers can obtain advice from [The Fostering Network](#). The local authority provides free membership to The Fostering Network for all of their approved foster carers.

BIRTHDAY, HOLIDAY AND FESTIVAL ALLOWANCES

Foster carers are paid one week's fostering allowance for each child's birthday and at Christmas. These payments are made automatically in the payment run prior to the child's birthday and in the first payment run of December. If any foster carer would prefer the festival allowance to be paid at a different time of year then this should be requested through their Fostering Social Worker.

Foster carers are paid up to two week's fostering allowance towards the cost of a holiday each year. The total amount can be claimed in separate instalments if the fostering family are planning more than one break during the year.

If a fostering family choose not to go away on holiday they can apply for the holiday allowance to contribute to the cost of day excursions.

Foster carers apply for the holiday allowance by requesting the payment via their Fostering Social Worker.

An additional discretionary holiday allowance of up to £200 can be made in exceptional circumstances and would relate to the specific needs of the child. Any additional payments must be agreed in advance by the Fostering Team manager and cannot be assumed.

RESPIRE PAYMENTS

Respite carers

Foster carers providing respite breaks for children will receive the same allowances and fees as other foster carers on a pro rata basis. Respite carers who provide respite for children and young people ordinarily placed under HIPSS scheme or any other enhanced fee payment, will receive pro-rata payments of main carers fees rather than the standard fee level.

An activities payment is paid for each weekend respite stay to ensure children have an enjoyable experience of respite care and that carers are not funding activities themselves.

Respite carers are paid the hourly day care rate for time spent attending meetings and supervision and pro-rata equivalent of their fee for attending training

If respite arrangements are agreed and cancelled with less than 2 weeks' notice by the main foster carer or the fostering service, then respite carers receive the equivalent fees payment as if respite had gone ahead.

Payments in lieu of respite

Every foster carer is entitled to 14 days paid respite each year during which time they receive full fees and 60% of allowances. Some foster carers choose not to use this entitlement, either due to their own personal circumstances or recognising the impact for some children and young people of going to a respite placement. To ensure that foster carers who choose not to make use of this entitlement are not disadvantaged these foster carers will receive an additional payment in lieu of respite not used at the end of the financial year.

RETAINER PAYMENTS

General foster carers

After a placement ends, if there are no children or young people in placement then 50% of fostering fees will be paid for 4 weeks but can be extended up to 12 weeks in exceptional circumstances with agreement of head of service. The retainer payment will end if another placement is made with the carer during this period. No retainer is paid where carers give notice on a placement.

Retainer payments for carers under investigation

If children are removed from the care of their foster carer as a consequence of a safeguarding investigation under S.47 of the Children Act 1989 then foster carers are paid a retention fee of 50% fees and 60% of child related allowances for each child/young person moved for the duration of the investigation or until the child/young person(s) are returned, if earlier.

If the investigation concludes that the allegations against the carer were substantiated then payment of the retainer fees cease immediately.

ADDITIONAL PAYMENTS

Transport

Foster carers can claim all transport costs specifically related to their fostering. It is expected that, unless specifically agreed by the Fostering Service, carers will be responsible for the transport of children in placement. The transport costs of those outings which can be considered a part of ordinary family life – e.g. weekly food shopping or family trips – are included in the weekly fostering allowance and cannot be claimed for.

Purchase of cars

Where it can be demonstrated that the size of a foster carer's car has been increased as a direct result of taking on additional fostering tasks, Herefordshire Council will consider financial support for vehicle purchase. Such payments will be discretionary and subject to the agreement of the Head of Service responsible for the Fostering service. The replacement of cars of a similar size will not be eligible for financial support.

Clothing grants

The cost of clothing is included within the fostering allowance.

An emergency clothing grant for each child in any one year can be made at the discretion of the Fostering Team Manager. It will be based upon evidence that a child's level of clothing is inadequate, either upon emergency placement or as a result of excessive loss or damage during their time with the foster carer.

Uniform grants

Uniform grants will be paid when a child starts at a new school on production of receipts. Replacement school uniforms should be paid for from the maintenance allowance.

If a child or young person requires a uniform to take part in work or a social activity then a grant can be made for this on production of receipts.

SESSIONAL RATES

Foster carers providing additional support on behalf of the fostering service will be paid the national minimum wage on a sessional basis.

Any arrangements agreed between foster carers will be paid for by the foster carer from their allowances and Fostering Social Workers must be notified in advance.

STAYING PUT ALLOWANCES

'Staying Put' accommodation provides for young people aged 18+ to remain living with their previous foster carers and is available to young adults who were placed with foster carers immediately prior to their 18th birthday. This is not an extension to the fostering placement but rather a supportive environment for young people to develop their independence skills further.

Staying put carers are paid the top band Fostering Allowance (16-17 years) plus appropriate fee level for the carers.

Young people are expected to contribute £15 per week or £25 if they are provided with meals.

OVERPAYMENTS

If a foster carer is overpaid then the money will be recovered in the next payment due. If the child is no longer living with the foster carer at the time of the overpayment being picked up then foster carers will need to make arrangements to pay back the money in full. The overpayment can be deducted from payments for the next placement as long as this is within 3 months of being notified of the overpayment. It is a foster carers responsibility to inform the team at the earliest opportunity if any payments are made that were not expected.

COUNCIL TAX EXEMPTION

Herefordshire approved foster carers are entitled to a 50% discount on their council tax. Details of how to apply for the discount are found on the [Herefordshire Council website](#).



Meeting:	Cabinet
Meeting date:	Thursday 17 December 2020
Title of report:	Local authority school buildings maintenance works 2021-2023
Report by:	Cabinet member commissioning, procurement and assets

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

To approve the proposed expenditure of capital grants for school buildings maintenance 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.

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.

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

Recommendation(s)

That:

- (a) The school maintenance schemes as set out in appendix A be approved for implementation in 2021/22 and 2022/23;**
- (b) The Assistant Director Education Development and Skills be authorised to take all operational decisions necessary to implement the approved schemes, and any other urgent contingency schemes required, within the approved budget of £2.940m for maintenance;**
- (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 maintenance grant 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.

Key considerations

2. The Education and Skills Funding Agency (ESFA) provide funding streams to the council for school condition works.
3. The maintenance grant is 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.
4. 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.
5. Voluntary Aided schools have access to School Condition Allocations (SCA) and Condition Improvement Fund (CIF). The SCA 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. They cannot utilise the maintenance grant.

6. 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.
7. Due to the COVID-19 pandemic there has been a delay to works starting in 2020/21 however all but two of the cabinet agreed plans for the 2020/21 maintenance programme will be delivered in 2020/21. Completed schemes to date include:
 - a. Kington Primary: Heating
 - b. Ashfield Park Primary: Swimming pool demolition
 - c. Clifford Primary: Safeguarding- fencing
8. Other schemes in progress and due to complete this year are:
 - a. Safeguarding – fencing at: Ashfield Park Primary
 - b. Roofing at - Ashfield Park Primary, Riverside Primary, Walford Primary and Aylestone High
 - c. Fire precautions at – Garway Primary
 - d. Damp at- Garway Primary, Stoke Prior Primary and Wellington Primary
 - e. Windows at - St Davids Pupil Referral Unit (PRU)
9. The boiler and heating scheme at Michaelchurch Escley was planned using 2020/21 funding and will be delivered in 2021/22. Initial works have commenced, however as there is a requirement for a two phased approach to the project i.e. design of heating system and installation, completion of this project will fall in 2021/22.
10. Aylestone gas safety works requires further investigation into the pipe runs at the school to enable an effective design to be proposed. This work is likely to lead to the completion of this project in 2021/22.
11. 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 2020/21 maintenance budget is shown as underspent. The plans for the coming two year's maintenance programme (2021/23) take into account the 2021/22 and 2022/23 allocations and the carry forward from 2020/21.
12. The sums allocated to local authorities are determined by the Department for Education and ESFA and published on the government website. Maintenance work is prioritised on the basis of condition surveys. An outline of the scope, forecast cost and schools involved

Further information on the subject of this report is available from
Karen Knight, Quentin Mee, Tel: 01432 383042, email: kknight@herefordshire.gov.uk,
Quentin.Mee@herefordshire.gov.uk

in the 2021/23 programme are set out in the resource implications section and appendix A.

13. 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 required over the five year period covered by the surveys. 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.
14. 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.
15. Due to the size and scope of some schemes e.g. roof replacement and windows, and the limited funding available, some projects were phased to be completed over a number of years. Some allocations have been made to continue this phasing of work.
16. 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.
17. On detailed examination and specification of the work identified in Appendix A 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 specification and cost will alter as a consequence.
18. 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, use some of the contingency or defer the scheme to a future year.
19. All capital work, including maintenance, will be procured in accordance with the council's contract procedure rules.

Community impact

20. 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.
21. Using the resources available to the council to ensure that Herefordshire's school buildings are well maintained and fit for purpose supports the council's County Plan Ambition to strengthen communities to ensure that everyone lives well and safely together and the Children & Young People's Plan Pledge of helping children and young people succeed – be amazing. The proposed works will include mitigation of potential health and safety and safeguarding risks, aim to promote well maintained buildings which are more cost effective to run and therefore benefit all pupils, including looked after children and care leavers. The schemes fit within the schools capital investment strategy which sets out the council's 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 contributes to the attractiveness of the county as a place to live and work.

22. The schemes fit within the corporate property strategy whose aims are to support and help deliver public integrated 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.

Environmental Impact

23. This decision / proposal seeks to deliver the council's environmental policy commitments and aligns to the following success measures in the County Plan.
 - Reduce the council's carbon emissions
 - Work in partnership with others to reduce county carbon emissions
 - Improve the air quality within Herefordshire
24. The Council provides and purchases a wide range of services for the people of Herefordshire. Together with partner organisations in the private, public and voluntary sectors we share a strong commitment to improving our environmental sustainability, achieving carbon neutrality and to protect and enhance Herefordshire's outstanding natural environment.
25. The environmental impact of this proposal has been considered through the service specification and includes appropriate requirements on the contractor/delivery partner to minimise waste, reduce energy and carbon emissions and to consider opportunities to enhance biodiversity. This will be managed and reported through the ongoing contract management.
26. Replacement of assets provides a means of improving building service installations, for instance using more efficient light fittings and controls to better manage heating systems. These proposals will contribute towards the delivery of the aims in the council's corporate plan to 'support improvement in the quality of the natural and built environment' and 'to make best use of the resources available to meet the council's priorities' as well as improve the council's energy efficiency, reduce its carbon footprint and provide cost savings.
27. Environmental measures will be considered as part of each scheme to support the council's Carbon management Plan's target and areas of work for projects and schools and academies. Each scheme will be looked at independently to assess what additional features can be integrated into the scheme to improve the environmental performance of the school for example, additional insulation in a roof replacement scheme.
28. The environmental measures to be incorporated within the build will support the council's Carbon Management Plan's target and areas of work for projects and Schools & Academies.
29. Opportunities to access grant funding for environmental improvement works, for example, Salix funding, will be explored. The use of this funding will ensure that an energy efficient scheme is implemented and will release funding from the maintenance grant to be utilised on other schools.

30. The development of this project has sought to minimise any adverse environmental impact and will actively seek opportunities to improve and enhance environmental performance.

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 maintenance schemes have given due consideration to equality issues particularly in relation to disability. The council maintains an accessibility strategy.

Resource implications

34. Grants available to fund maintenance are shown in the table below. The maintenance grant for 2021/22 and 2022/23 are expected to be in the region of £1.195m, in line with previous years' receipts. Announcements of the actual value of the grant is not due until March 2021 for the 2021/22 allocation and March 2022 for the 2022/23 allocation. The creation of a programme of works prior to receipt of funding enables scoping of the projects to be undertaken in the months leading up to the school summer holidays, which is the best time to complete the works, that is, when the buildings are unoccupied. This will also provide the best opportunity to spend the funding within the financial year in which it is received.
35. On 29 June 2020 the government announced that an additional £560m in condition funding would be made available this year to maintain and improve the school estate. This is the total government allocation to all local authorities and not just Herefordshire. The percentage of the total countrywide condition fund available in 2020/21 allocated to the council has been calculated and used to determine the amount of the additional allocation that the council would receive. This resulted in an additional allocation of £550k.

Maintenance Grant	£000's
Additional LA Maintenance Grant 2020/21	550

Further information on the subject of this report is available from
 Karen Knight, Quentin Mee, Tel: 01432 383042, email: kknight@herefordshire.gov.uk,
Quentin.Mee@herefordshire.gov.uk

LA Maintenance Grant 2021/22 (provisional figure)	1,195
LA Maintenance Grant 2022/23 (provisional figure)	1,195
TOTAL	2,940

36. 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 the programme for works as proposed to be delivered or removing schemes to fit within the reduced budget available.
37. An element of contingency funding has been allocated in each year to cover cost variations of planned work. As it is not always possible to foresee all schemes that need to be undertaken in any one year (urgent capital works), the contingency funding will also be used to cover such events that cannot wait to be included in a future years' funding.
38. The proposed expenditure for maintenance is shown in the table below.

Maintenance Expenditure	£000's
LA Planned Maintenance 2021/22	1,426
LA Planned Maintenance Fees 2021/22	142
LA Maintenance Contingency 2021/22	177
LA Planned Maintenance 2022/23	926
LA Planned Maintenance Fees 2022/23	92
LA Maintenance Contingency 2022/23	177
TOTAL	2,940

39. The cost of planned maintenance is shown below. A more detailed breakdown of work by school is available in appendix 1.

Type of Work	2021/22 Proposed expenditure	2022/23 Proposed expenditure
	£000's	£000's
Roofing	425	158
Heating		405

Safeguarding – fencing	65	
Fire precautions	60	
External Walls	28	
Drainage	31	
Ceilings	50	
Distribution boards	120	209
Hot water	5	
Tarmac	50	
Windows	130	
Mobiles	65	
Ventilation	347	13
Emergency lighting		61
Asbestos surveys	50	
Condition surveys		80
TOTAL	1,426	926

Legal implications

40. The council has specific duties under the Education Act 1996 and the School Premises Regulations 1999 to ensure that school buildings meet minimum standards and to maintain school premises under the Schools Standards and Framework Act 1998.
41. The council also has duties under health and safety legislation to ensure that all schools within its property portfolio are and remain fit for purpose and occupation.

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 school maintenance project board which meets monthly to review the programme. Education, property services and corporate programme management officers also meet weekly to discuss the individual schemes. Where there are variances to works, or tender process, these will be subject to the council's governance arrangements.

Further information on the subject of this report is available from
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Consultees

44. The Cabinet Member for children & families has been consulted and is supportive of the programme of works as set out.
45. The Cabinet member for commissioning, procurement 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 14 October 2020, the outline proposals were agreed as a constructive way forward for the use of the grants.
47. Political groups have been consulted. The True Independents are supportive of the proposals subject to all works being closely monitored so that value for money is obtained and projects are delivered on time.

Appendices

Appendix A – Schemes associated with schools

Background papers

None

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

ESFA	Education and Skills Funding Agency
SCA	School Condition Allocation
CIF	Condition Improvement Fund
PRU	Pupil Referral Unit

Proposed Maintenance Programme 2021-2023

School	Category	Estimated cost	Year of work
Aconbury	Distribution boards	£20,000	2021
Ashfield Park	Roof	£65,000	2021
Aylestone	Roof	£150,000	2021
Aylestone	Ventilation	£266,000	2021
Aylestone	Drainage	£20,000	2021
Blackmarston	Fencing	£25,000	2021
Blackmarston	Tarmac	£50,000	2021
Clehonger	Mobiles	£15,000	2021
Clehonger	Ventilation	£11,000	2021
Clifford	Distribution boards	£5,000	2021
Clifford	External walls	£9,000	2021
Credenhill, St Mary's	Ceiling	£50,000	2021
Eardisley	Fire alarm	£25,000	2021
Eardisley	Ventilation	£10,000	2021
Garway	Fire alarm	£20,000	2021
Gorsley Goffs	External walls	£9,000	2021
Hampton Dene	Fencing	£40,000	2021
Hampton Dene	Roof	£200,000	2021
Kington	Distribution boards	£15,000	2021
Michaelchurch Escley	External walls	£10,000	2021
Michaelchurch Escley	Fire alarm	£15,000	2021
Much Birch	Distribution boards	£15,000	2021
Orleton	Mobiles	£40,000	2021
St David's	Windows	£50,000	2021
St Martins	Drainage	£11,000	2021
St Martins	Roof	£10,000	2021
St Peter's	Ventilation	£40,000	2021
Trinity	Distribution boards	£50,000	2021
Wellington	Hot water	£5,000	2021
Wellington	Ventilation	£10,000	2021
Wellington	Windows	£80,000	2021
Withington	Distribution boards	£15,000	2021
Withington	Mobiles	£10,000	2021
Withington	Ventilation	£10,000	2021
All Schools	Asbestos Surveys	£50,000	2021

Proposed Maintenance Programme 2021-2023 (continued)

School	Category	Estimated cost	Year of work
Almeley	Ventilation	£7,000	2022
Aylestone	Distribution boards	£154,000	2022
Aylestone	Emergency lighting	£61,000	2022
Blackmarston	Roof	£8,000	2022
Bosbury	Heating	£200,000	2022
Eardisley	Heating	£200,000	2022
Garway	Distribution boards	£15,000	2022
Ledbury	Distribution boards	£10,000	2022
Ledbury	Heating	£5,000	2022
Luston	Distribution boards	£5,000	2022
Shobdon	Distribution boards	£25,000	2022
Shobdon	Ventilation	£6,000	2022
Weobley High	Roof	£150,000	2022
All Schools	Condition reports	£80,000	2022