

Meeting:	Cabinet
Meeting date:	Thursday 17 January 2019
Title of report:	2019/20 Local authority schools building, maintenance programme and accessibility improvement works
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 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 of 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.

The proposals are to spend £1.5m on maintenance improvements works and £120k on accessibility improvements works. 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 2019/20; and**
- (b) the Assistant Director Education Development and Skills be authorised to take all operational decisions necessary to implement the approved schemes within an approved budget of £1.535m for maintenance and £120k for individual pupil needs.**

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 additional pupil places.
3. No funding is spent on accessibility 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 parents/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 the adaptations could be considered unreasonable.

Key considerations

4. The Education and Skills Funding Agency (ESFA) provide funding streams to the council for school capital 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 educational needs to attend schools.
7. Voluntary aided schools have access to the Education and Skills Funding Agency's LCVAP (local authority co-ordinated voluntary aided programme) funding to support large scale improvement work. Whilst the council has a duty to ensure that grant monies are spent effectively, this funding does not pass through the council's accounts. The council has a role purely in co-ordinating its distribution. Monies allocated must be spent in the same financial year. Schools then apply direct to the ESFA for their agreed allocation.
8. Academy and free schools have access to the Education and Skills Funding Agency's condition improvement fund for building works, both maintenance and improvements. They cannot utilise the maintenance grant or LCVAP funding.
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 schools have use of the LCVAP grant to support these large schemes. It is expected that schools make a contribution to works by utilising their devolved formula capital allocation. Some schools may also be able to contribute funding from their balances. These opportunities will always be explored by council officers in discussion with schools
10. All but one of the cabinet agreed plans for the 2018/19 maintenance programme will be delivered in 2018/19. Completed schemes to date include:
 - a. Almeley and Hampton Dene – drainage
 - b. Garway, Wellington and Aconbury – safeguarding (security fencing and roof access)
 - c. Much Birch – curtain walling
 - d. Peterchurch – heating
 - e. St Martins – emergency lighting
 - f. Walford, Wellington, Withington, Westfield and Aconbury - fire precautions
 - g. Aylestone – mechanical

11. Other schemes in progress and due to complete over the Autumn and Winter period are:
 - a. Ashfield Park, Bosbury, Much Birch, Riverside, St Martins, Aylestone and, Weobley High – roofing
 - b. Credenhil, St Mary's – flood alleviation
 - c. Eastnor - academy conversion dilapidations
12. The boiler and heating scheme at Kington Primary was planned using 2018/19 funding and will be delivered in 2019/20. The delay to this scheme is a result of a change of council maintenance provider and personnel with mechanical and electrical experience.
13. The maintenance carry forward has arisen mainly as a result of a combination of schemes coming in under budget, the Kington scheme not being delivered in the planned year and the contingency not being fully spent. The result is that the 2018/19 maintenance budget is shown as underspent. The plans for the coming financial year's maintenance programme (2019/20) take into account the 2019/20 allocation and the carry forward from 2018/19.
14. 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 2019/20 programme are set out in the resource implications section and appendix 1.
15. 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. In order to prioritise the expenditure, all maintained school condition surveys have been scrutinised to identify the most significant and pressing work that has not previously been addressed or which is likely to have deteriorated since the condition report was produced. 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.
16. 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.
17. It is not always possible to foresee all schemes that need to be undertaken in any one year. An element of emergency/contingency funding therefore is set aside to cover such events that cannot wait to be included in a future year's funding.
18. 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.
19. The current years' basic need allocation and carry forward will be reserved pending the outcome of a separate school place expansion consultation that is taking place over Autumn 2018.

20. The council has a duty to ensure that any child with special needs attending a mainstream school can be reasonably accommodated. No accessibility improvements have been identified for 2019/20. 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 year's funding.
21. 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.
22. All capital work, including maintenance, will be procured in accordance with the council's contract procedure rules.

Community impact

23. Schools are a key part of communities and as such it is important they are well maintained. Parents are encouraged to choose a suitable school for their child.
24. 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.
25. 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 contributes to the attractiveness of the county as a place to live and work.
26. 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

27. 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.

28. 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.
29. 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

30. Grants available to fund maintenance and other works are shown in the below table. The maintenance grant for 2019/20 is expected to be in the region of £1.2m, in line with previous years' receipts. Announcement of the actual value of the grant is not due until early 2019.

Funding streams	2019/20
	£000s
LA Maintenance Grant 2019/20 (provisional figure)	1,200
LA Maintenance Grant 2018/19 carry forward (provisional figure)	335
TOTAL	1,535
Individual Pupil Needs 2018/19 carry forward (provisional figure)	120
TOTAL	120
Basic Need Grant 2019/20	1,749
Basic Need Grant 2018/19 carry forward	310
TOTAL	2,059

31. 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 program of works as proposed to be delivered or removing schemes to fit within the reduced budget available.
32. The proposed expenditure for maintenance and other works are shown in the table below.

Expenditure	2019/20
	£000s
Maintenance	
LA Planned Maintenance	1,201
Maintenance Fees	165
Contingency Emergency Works	169
TOTAL	1,535

Individual Pupil Needs	
Contingency Emergency Works	120
TOTAL	120
Basic Need	
No Schemes Proposed	0
TOTAL	0

33. The schools capital investment 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 the 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.
34. The cost of planned maintenance is shown below. A more detailed breakdown of work by school is available in appendix 1.

Type of Work	2019/20 Planned Expenditure
	£000s
Roofing	420
Windows	270
Heating	175
Fire precautions	92
Boilers	66
Safeguarding	18
Fascias	69
Ventilation	25
Switchgear	51
Drainage	15
TOTAL	1,201

Legal implications

35. The recommendation in this report may be approved by cabinet in line with the powers set out in Part 3 of the council's constitution, specifically in paragraph 3.3.9(a).
36. The council has a duty to provide and support places of education that are both fit for purpose and comply with our duties under equalities and health and safety legislation. The proposals set out in this report and its appendices support the council in meeting these duties.

37. The delegation to undertake the works by the assistant director is permissible and decisions will be made in accordance with the grant conditions and the councils' contract and finance procedure rules.

Risk management

38. 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.
39. 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

40. The Cabinet member for children and families has been consulted and is supportive of the programme of works as set out.
41. The Cabinet member for contracts and assets has been consulted and is supportive of the programme of works as set out.
42. 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 17 October, the outline proposals were agreed as a constructive way forward for the use of the grants.
43. Political groups have been consulted and no objections or comments have been received by the time of publication of the report.

Appendices

Appendix 1 – Schemes associated with schools

Background papers

None