

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

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

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.

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