

Title of report: Local authority school buildings maintenance works 2023 - 2026 and accessibility improvement works 2023 - 2024

Meeting: Cabinet

Meeting date: Thursday 23 February 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 and accessibility improvement works.

Recommendation(s)

That:

- a) The Service Director Education, Skills and Learning be authorised to take all operational decisions necessary to implement the programme of works, and any urgent contingency schemes required, within the approved budget of £3.75m for maintenance, subject to addition to the capital programme by the S151 officer;**
- b) The Service Director Education, Skills and Learning be authorised to take all operational decisions necessary to implement the additional programme of works, within the additional approved budget of £2.7m for maintenance;**
- c) The Service Director Education, Skills and Learning be authorised to take all operational decisions necessary to implement the accessibility improvement works, within the approved budget of £1m for accessibility;**
- d) The Service Director Education, Skills and Learning be authorised to take all operational decisions necessary to vary the programme of works should the amount of funding received from the Department for Education differ from that used to determine the initial programme of works; and**
- e) The Corporate Director, Childrens and Young People be authorised to take all operational decisions relating to the award of contracts for the above programmes of work.**

Alternative options

1. The maintenance grant supporting building works in schools could be profiled differently. The schemes will be determined based on the most recent condition reports produced for each school. The profile will be produced by the consultants undertaking the update of the condition reports and will be 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 will address the known priorities.
2. No funding is spent on accessibility improvement works in schools, and children are required to attend different schools. There is a statutory process which requires the council to arrange the admission of a disabled child or a child with an education health and care plan to the parent / carer's preferred school, unless it can be shown that to do so would prejudice other children or it would be unreasonable to do so. The excessive financial cost of making adaptations could be considered unreasonable.

Key considerations

3. The Department for Education (DfE) 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.
4. 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.

5. The schools accessibility works budget will be used to adapt schools so that they can meet the physical needs of identified learners, with special educational needs, to attend school.
6. 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.
7. Academy and free schools have access to the DfE's Condition Improvement Fund (CIF) for building works, both maintenance and improvements. They cannot utilise the maintenance grant.
8. 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
9. The national schools funding formula means all schools receive a relatively small devolved formula capital allocation to support minor maintenance or improvement works. Schools may convert revenue budgets to capital to assist with these works. Bigger maintenance schemes like the replacement of a roof, a new heating system or windows are funded through the central maintenance grant awarded to the council for community and voluntary controlled schools. Denominational and academy schools will have use of CIF and diocesan SCA to support these large schemes. Opportunities for schools to make a contribution to works by using their devolved formula capital allocation or school balances will always be explored by council officers in discussion with schools.
10. The sums allocated to local authorities are determined by the Department for Education and are published on the government website. Maintenance work is prioritised on the basis of condition surveys.
11. 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 by the last set of condition surveys produced in 2019, an estimated £15m required over the five year period covered by the surveys compared with SCA receipts of approximately £1.195m per year.
12. In order to prioritise the expenditure, all maintained school condition surveys are scrutinised to identify the most significant and pressing works that are highlighted as requiring attention. In addition, priority is given to health and safety work regarding fire safety arising from routine inspections of schools by qualified fire safety officers and any safeguarding arrangements that are considered a potential safeguarding risk.
13. A new set of condition reports are currently being undertaken and expected to be completed by end of February 2023. These reports will be used to create the maintenance programme for the next three years 2023/24 through to 2025/2026. The consultants undertaking the new surveys have been commissioned to produce a programme of works to cover the three year period based on the findings of the reports. It is expected as a minimum that all priority 1 works (those requiring immediate remedial works or replacements) will be included in the programme.
14. 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 year's funding.
15. Due to the insufficient budget available from the DfE for addressing condition items in schools, not all priority 1 items from the 2019 condition reports were able to be addressed. In addition to

this the number and cost of urgent unforeseen works has been increasing annually. These urgent works have impacted on the programme of works put forward for 2021/22-2022/23 resulting in a number of items being deferred from the programme. In order to address the outstanding priority 1 items and the deferred works without impacting on future years' funding from the DfE, a request for additional capital to deliver these works was made to full council which was approved 10 February 2023. These works will therefore be carried out in 2023/24.

16. The programme of works for 2023-2026 and the additional capital maintenance request will address key priorities only to keep the estate operational (safe, wind and water tight). They will not include any retrofit measures to align the buildings with the aim of the council to be net zero carbon. Where possible, works will actively seek opportunities to improve and enhance environmental performance. Past examples include the addition of increased insulation in roofing schemes and installation of LED lighting when ceilings were replaced.
17. Although this programme doesn't seek to directly address the councils concerns around climate change schools do play an important role in achieving the councils net zero aspirations. To this end a consultant has been engaged to deliver a set of Heat Decarbonisation Plans for all maintained schools as a separate piece of work. These plans will inform the council of how schools can become carbon neutral and whether it is cost effective to do so.
18. The council has a duty to ensure that any child with special needs attending a mainstream school can be reasonably accommodated. A number of children have been identified that will be attending primary school, or transferring from primary to secondary school, in September 2023 for which schools will require adaptations to meet the needs of the child and enable them to attend a school. In order for these schemes to be completed a request for capital funding was made to full council which was approved 10 February 2023. These schemes will therefore be carried out in 2023/24.
19. 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 reducing the scope of works, using some of the contingency, making an application to council for additional funding or, as a last resort, deferring the scheme to a future year.
20. All capital work, including maintenance, will be procured in accordance with the council's contract procedure rules.

Community impact

21. 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.
22. 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.
23. S39 (1) Children & Families Act 2014 sets out that parents are entitled to make a request to a local authority to secure that a particular school or other institution is named in their child's EHC plan. The impact of the proposed works would mean that there would be more suitable placements for pupils with special needs within their local community, but also, a cost saving to

the Local Authority, if their needs could be met within in their local schools as opposed to placing pupils in school's outside the area or independent schools which is more costly to the Local Authority.

24. 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.
25. 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

26. This decision / proposal seeks to deliver the council's environmental policy commitments and aligns to the following success measures in the County Plan.
 - a) Reduce the council's carbon emissions
 - b) Work in partnership with others to reduce county carbon emissions
 - c) Improve the air quality within Herefordshire
27. 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.
28. 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.
29. 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.
30. 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.
31. 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.
32. 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.

33. 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

34. 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.
35. 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.
36. The proposed capital maintenance and accessibility improvement schemes will give due consideration to equality issues particularly in relation to disability. The council maintains an accessibility strategy.
37. We will comply with the commitments made in the council's own equality policy relating to accessibility, namely:
- a. When designing infrastructure schemes and redesigning the public realm in our city and town centres, we will work with user groups to ensure that the design improves access for all.
 - b. In all our proposals, we will aim for the highest level of accessibility.

Resource implications

38. Grants available to fund maintenance are shown in the table below. The maintenance grant for 2023/24, 2024/25 and 2025/26 are expected to be in the region of £1.25m, in line with previous years' receipts. Announcements of the actual value of the grant is not due until March 2023 for the 2023/24 allocation, March 2024 for the 2024/25 allocation and March 2025 for the 2025/26 allocation. The budget in the capital programme for 23/24 and 24/25 is currently £1.195m and will be adjusted by the S151 officer once the final award is announced, 25/26 is currently not in the capital programme but will be added in the future. Therefore the below figures will vary to match the actual grant award. 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.

39. 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.
40. 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.
41. Ongoing maintenance costs will be covered by the schools revenue budget so there will be no impact on the council's revenue budget in future years.

Capital cost of project	2023/24	2024/25	2025/26	Future Years	Total
	£000	£000	£000	£000	£000
LA Planned Maintenance	3,278	930	930		5,138
LA Planned Maintenance Fees	492	140	140		772
LA Maintenance Contingency	180	180	180		540
SUB-TOTAL	3,950	1,250	1,250		6,450
Accessibility Improvements	870				870
Accessibility Improvements Fees	130				130
SUB-TOTAL	1,000				1,000
TOTAL	4,950	1,250	1,250		7,450

Funding streams (indicate whether base budget / external / grant / capital borrowing)	2023/24	2024/25	2025/26	Future Years	Total
	£000	£000	£000	£000	£000
LA Maintenance Grant (provisional figure)	1,250	1,250	1,250		3,750
Prudential Borrowing - maintenance	2,700				2,700
Prudential Borrowing - accessibility	1,000				1,000
TOTAL	4,950	1,250	1,250		7,450

42. 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 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.

Legal implications

43. The Council is legally responsible for ensuring that school buildings within its area have appropriate facilities for its pupils and staff. The maintenance of school buildings ensures that all pupils and staff have a safe and comfortable environment conducive to their learning and development.
44. Educational establishments must be compliant with a number of legal provisions, in particular, Health & Safety, Equality and Education legislations. The proposed works set out within this report satisfy the legal duties imposed upon the Council and will support the Council with meeting its legal requirements of maintaining school buildings. The recommendations made within this report may be approved by cabinet as set out in section 3 paragraph 3.3.5 of the Council's constitution, which permits cabinet members to approve the proposal within this report.
45. In addition to providing the local community with appropriately maintained buildings, the impact of the proposed works would mean that there would be more suitable placements for pupils with special needs within the local community, which in the long term would have a cost saving to the Council, if pupils with special needs can have their needs met within in their local schools as opposed to placing pupils in schools outside the area.

Risk management

46. 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.
47. 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

48. The Cabinet Member for children & families has been consulted and is supportive of the programme of works.
49. The Cabinet member for commissioning, procurement and assets has been consulted and is supportive of the programme of works.
50. Political groups have been consulted.
51. Questions were raised about the inclusion of measures to address the councils' climate commitments. This programme is purely addressing the maintenance side of schools however Heat Decarbonisation Plans have been undertaken as a separate piece of work which will feed in to these schemes. A further question related to whether the council got value for money from the procurement model for schools. All works are tendered in line with the councils' contract procedure rules to ensure that best value was obtained.
52. In terms of accessibility the question was raised about having earlier conversations with families regarding the aspirations for their children and the options for school choices and whether the council could advise or guide the families on which schools are already accessible. The aim is to adapt the school and not adapt the school for a child so that if a child with a different accessibility need comes along, the school does not need further adaptations. The need to have earlier conversations with families has been recognised. The council website

already identifies the schools that have been adapted however any conversations with families would have to be carefully managed so the aspect of parental preference was not removed.

Appendices

None

Background papers

None

Report Reviewers Used for appraising this report:

Please note this section must be completed before the report can be published		
Governance	John Coleman	Date 01/02/2023
Finance	Karen Morris	Date 25/01/2023
Legal	Pooja Nahar	Date 27/01/2023
Communications	Luenne Featherstone	Date 20/01/2023
Equality Duty	Harriet Yellin	Date 20/01/2023
Procurement	Lee Robertson	Date 18/01/2023
Risk	Elizabeth Freedland	Date 19/01/2023
Approved by	Darryl Freeman	Date 07/02/2023

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

DfE Department for Education
SCA School Condition Allocation
CIF Condition Improvement Fund
PRU Pupil Referral Unit
LMS Local Management of Schools