

# Title of report: **Schools Accessibility Works**

**Decision Maker: Cabinet member community services 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 capital expenditure from the approved accessibility works budget in order to adapt schools so that they can meet the physical needs of learners, with special educational needs, to attend school.

## **Recommendation(s)**

**That:**

- a) 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 £1.5m**
- b) The Service Director Education, Skills and Learning be authorised to take all operational decisions necessary to vary the programme of works should there be a change in pupil needs and/or additional pupil information is received; and**

- c) 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 accessibility improvement works.**

### **Alternative options**

1. No funding is spent on accessibility improvement works in schools, and children may be required to attend different schools that could be further distance from the child's home with associated transport costs. The Children and Families Act (2014) 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**

2. The Children and Families Act (2014) requires the council to work with schools to arrange the admission of a disabled child or a child with an Education Health and Care Plan (EHCP) to the parents/carer's preferred school.
3. The council has a duty to ensure that any child with special needs attending a mainstream school can be reasonably accommodated.
4. Three children, who will start attending primary school or transitioning to a secondary school in Herefordshire, may need adaptations to their school of choice when they join in September 2025 and 2026.
5. Unless a school is named on an Education and Healthcare Plan (EHCP), parents have a choice as to which school they wish their child to attend. Therefore the Council will not have confirmation of their school until the January before the children attend in September.
6. For these children, the Council will continue to work closely with parents and health care professionals to better understand which school they are more likely to attend. If schools identified do not currently have the appropriate facilities to meet the children's need, reasonable adaptation will be made to accommodate them.
7. A further two children, who already attend a Herefordshire school, require adaptations at their current school in order to reasonably accommodate the changing nature of their disability.
8. It must also be noted that there could be children who are not yet in the Herefordshire education system or have a degenerative condition, that may come to our attention at any stage who require adaptations, and therefore works may need to be re-prioritised and/or a new capital funding request made.
9. The council does not receive any funding from central government to make adaptation to schools. Therefore, a request for capital funding was made to full council and approved on [9 February 2024](#).
10. Should this funding not be approved, the 2023-2026 maintenance programme may need to be adjusted to facilitate works as there is no other budget available against which these works can be allocated. This would put further pressure on the ability to complete all schools maintenance works.
11. All capital work will be procured in accordance with the council's contract procedure rules.

## Community impact

12. Schools are a key part of communities and as such it is important that they are accessible to all, well maintained and fit for purpose. Parents are encouraged to choose a school suitable for their child.
13. 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.
14. Using the resources available to the council to ensure that Herefordshire's school buildings are well maintained and fit for purpose supports the PEOPLE priority in the [Council Plan 2024-2028](#) , which states "We want all children to have the best start in life" and the [Children & Young People's Plan](#) Pledge of helping children and young people succeed – be amazing.
15. The proposed works will improve accessibility at each school therefore benefitting visitor, staff and pupils, including looked after children and care leavers.
16. The impact of the proposed works would mean that there would be more suitable placements for pupils with special needs within their local community. This would also mean that pupils do not have to travel longer distances if placed in school's outside the area or independent schools
17. Potential cost avoidance could be realised by the Council if pupil needs are met within their local schools as opposed to placing pupils in out of area or independent schools which is more costly to the Local Authority.
18. The schemes will 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 great place to live and work.

## Environmental Impact

19. By improving the accessibility of schools, children are able to access their local school, therefore giving more opportunity for using sustainable modes of travel – walking, cycling, and public transport.
20. Herefordshire 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.
21. The environmental impact of this proposal has been considered through the service specification and includes appropriate requirements on the contractor/delivery partner to utilising local suppliers, improving biodiversity where possible and reducing energy usage.

## Equality duty

22. 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.

23. Schools are not subject to the reasonable adjustment duty (Equality Act 2010) to make alterations to physical features, like adding ramps. Instead, they must make the buildings accessible for their disabled pupils as part of their overall planning duties.

24. 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 new building regulations and will support improved accessibility.

25. The proposed accessibility improvements will comply with the commitment statement in our Equality Policy 2024-2027, whereby "we will aim for the highest level of accessibility in all our proposals, and work with user groups as appropriate, to ensure that the design improves access for all".

## Resource implications

26. The funding to support the decision is included in the council approved capital programme, £1.5m was added to spend in 2024/25, however this will now be delivered over two financial years as detailed in the table below.

27. The tables below sets out the financial implications of the projects.

28. There are no revenue cost implications from these works as the school fund any ongoing running costs.

Capital cost of project	2024/25	2025/26	2026/27	Future Years	Total
	£000	£000	£000	£000	£000
Construction & Survey Costs	419	856			1,275
Professional & Internal Fees	25	200			225
<b>TOTAL</b>	<b>444</b>	<b>1,056</b>			<b>1,500</b>

Funding streams	2024/25	2025/26	2026/27	Future Years	Total
	£000	£000	£000	£000	£000
<i>Prudential Borrowing - accessibility</i>	444	1,056			1,500
<b>TOTAL</b>	<b>444</b>	<b>1,056</b>			<b>1,500</b>

## Legal implications

29. All contracts must be procured in accordance with the Council's Contract Procedure Rules. .

## Risk management

30. By not undertaking the accessibility programme, disabled learners do not have the same choices/opportunities as their non-disabled peers, the council does not fulfil their statutory duty to place children with SEN and/or disabilities in schools and learners are placed in out of catchment schools leading to additional schools transport costs. This could lead to reputational risk of the council. This programme will seek to make schools more accessible for learners, staff and visitors of the present and future and fulfil the council's duty.
31. The final scheme costs could be significantly above the forecast. To mitigate this, and to have cost controls, all schemes will be monitored by the school accessibility 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

32. The Cabinet Member for Children & Young People has been consulted and is supportive of the programme of works.
33. The Cabinet member for Community Services & Assets has been consulted and is supportive of the programme of works.
34. An online Political Groups Consultation took place on 16 July 2024. The meeting was recorded and shared with all ward members, who were given 7 days to submit any further comments. Members attended from: The Green Party, Independents for Herefordshire, True Independents and the Liberal Democrats. No objections were raised. Questions were answered relating to parental preference. A question from the Liberal Democrats was raised about making the whole schools estate accessible. It was explained that an audit will be undertaken over the next 12 months to identify accessibility gaps, from which further recommendations can be made. A question was raised by the green party asking if adaptations are specific to the requirements of the children identified or to meet a range of needs. It was explained that where

it is practicable, the adaptations we make at schools will better meet all future needs, including staff and visitors, not just the needs of these specific children.

## Appendices

'None'

## Background papers

'None identified'.

## Report Reviewers Used for appraising this report:

Please note this section must be completed before the report can be published		
Governance	John Coleman	Date 23/05/2024
Finance	Karen Morris	Date 24/05/2024
Legal	Emma-Jane Brewerton	Date 24/05/2024
Communications	Michala Lee	Date 24/05/2024
Equality Duty	Harriet Yellin	Date 23/07/2024
Procurement	Karilyn Secker	Date 22/07/2024
Risk	Chris Tindell-Jones	Date 20/05/2024
Approved by	Tina Russell	Date 01/08/2024

[Note: Please remember to overwrite or delete the guidance highlighted in grey]

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