

Decision Report - Executive Decision
Forward Plan Reference: FP/24/03/07
Decision Date – 18 June 2024
Key Decision – Yes



2024 – 2025 Schools Condition Programme

Executive Member(s): Cllr Heather Shearer – Lead Member for Children, Families & Education and Cllr Ros Wyke – Cllr Ros Wyke – Lead Member for Economic Development, Planning and Assets

Local Member(s) and Division: All

Lead Officer: Oliver Woodhams Service Director, Strategic Asset Management

Author: Andrew Wilson, Corporate Building Surveyor, Strategic Asset Management

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Summary / Background

1.1 The Council has agreed to fund £2.05m of high priority building condition issues, under the 2024/25 Schools Capital Condition Programme. Approval is now required to enable officers to procure and deliver a programme of works that will address these building condition issues within the allocation of capital funds for 2024/25, as approved by the Council on 20 February 2024.

Recommendations

2.1 That within the allocation of capital funds for 2024/25, as approved by Full Council on 20 February 2024, Cllr Ros Wyke – Lead Member for Economic Development, Planning and Assets and Cllr Heather Shearer – Lead Member for Children, Families & Education, delegates to the Service Director Strategic Asset Management, Corporate Surveyor and Strategic Manager – Estates.

- a. The agreement of projects for inclusion in the Schools Condition Programme based on prioritisation of need.
- b. In consultation with relevant officers from the Procurement function to:
 - i. commission and deliver the agreed projects for the programme and to decide on the most appropriate means of procurement in each case.

- ii. to competitively procure all contracts relating to the capital projects in accordance with the Authority's Contract Procedure Rules and public procurement law
- c. To expend up to a value of £50,000 or 10% of the project value, (whichever is lesser) on each individual project for feasibility and initial design costs and fees;

Reasons for recommendations

3.1 Delivery of the capital investment programme to address high-priority school building condition issues will ensure the continued provision of sufficient school places in safe and well-maintained buildings for children in Somerset to meet the Local Authority's statutory duty (Education Act 1996). Currently the Council's policy is to utilise each year of Department for Education (DfE) allocation, in addition to supplementary capital approvals from the Council's own funds, for planned maintenance, prioritising work in its school condition programme according to a clear rationale. The DfE allocation is sufficient only to undertake some of the highest priority items in the programme. As a result, much of the proposed work is for the replacement of items that are beyond economic repair for the Council.

Other options considered

4.1 For all School Condition projects, the alternative to investing in planned maintenance is to 'patch and mend' in order to try to prolong the life of building components as long as possible. However, in the majority of cases a patch and mend approach becomes impractical / not feasible due to life expired components and / or non-availability of components / equipment which requires replacement. This causes an increased likelihood of breakdown and failure and disruption to service. The longer those components are left to deteriorate, the higher the cost becomes for on-going maintenance and eventual replacement.

Links to Council Plan and Medium-Term Financial Plan

5.1 The recommendations link to the following priority in the published Somerset Council Plan, A Flourishing and Resilient Somerset, which prioritises a thriving education sector and the improvement of education, skills, and vocational training. This decision will contribute to the overall safety and building quality of Somerset Council maintained schools, allowing education to continue effectively.

Financial and Risk Implications

- 6.1 The DfE undertakes its own periodic condition survey of all Schools nationally. It then determines the grant funding which is allocated to each Local Authority or responsible body. Historically the amount received by Somerset has been less than the need that is identified by our own surveyors locally. The round of local surveys in the 2023/24 identified the highest priority building condition issues totalling approximately £2.95m.
- 6.2 As Schools convert to Academies, the responsibility for maintenance transfers to the relevant Academy Trust, meaning that the annual grant allocation from the DfE falls each year in recognition of a reducing obligation.
- 6.3 At the time of setting the budgets, it was assumed for the purpose of the Schools Condition bid that the level of grant awarded for 2023/24 would be approximately £2,050,000, based on previous years allocations. We have now received confirmation of the value of grant awarded for 2024/25 as being £2,481,300. Due to the current financial imperative, it is proposed that the approval value for 2024/25 remains at £2,050,000 as set out in the MTFP budget approvals, with the surplus of grant being applied to re-finance previous year's condition approvals which were funded by borrowing.
- 6.4 Should key components within these school buildings which are beyond economic repair, not be replaced, there is a high risk of disruption to the schools' ability to operate and provide education.
- 6.5 Only those items requiring urgent attention are proposed which, if not addressed could lead to school closure or loss of essential facilities to deliver the curriculum or would present a risk to pupil health and safety if not addressed at the earliest opportunity.
- 6.6 The construction industry continues to experience significant increases in cost and supply of materials, along with the availability of labour. This presents a risk to project cost. Should this risk occur, projects will either be required to reduce the scope of works or attempt to secure additional funding from the Council. Were this eventuality to happen, this would need to be conducted as a request through the appropriate channels and would be the subject of a further decision.

Likelihood	5	Impact	3	Risk Score	15
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- 6.7 The revenue implications of this decision to Somerset Council are limited to the borrowing to provide the funding for the programme, as schools are responsible for funding day-to-day repairs and maintenance and would benefit from any reduction in running costs caused by the improvement to components or building fabric.
- 6.8 The delivery of the programme will be monitored through the Learning Infrastructure Board.

Legal Implications

- 7.1 In procuring the contracts, officers must comply with the Public Contracts Regulations 2015 and the Council's Contract Procedure Rules.

Once suitable contractors have been chosen through a compliant procedure the council will need to enter into contracts that protect it against the risks identified for each project.

- 7.2 Somerset Council has a legal duty to ensure sufficiency of school places for children of compulsory school age.

HR Implications

- 8.1 There are no specific HR implications relating to the School Condition Capital Programme.

Other Implications:

9.1 Equalities Implications

Where replacing ramps or steps, works must comply with the latest standard and consideration is given to improving accessibility wherever possible. Where doors are being replaced, they should be compliant with latest Building Regulations which give due consideration to all potential users.

An Equalities Impact Assessment is appended to this report. While work is being undertaken at each site every effort will be made that this work is completed during school holidays or when the site is not occupied. In some exceptional circumstances this may not be achievable. Where this is the case arrangements to ensure that building will remain accessible will be put in place.

9.2 **Community Safety Implications**

School sites and buildings need to be safe and not pose a risk - not just for pupils but also for the wider community. Deteriorated buildings or sites (such as fencing) could invite out of hours access leading to crime or anti-social behaviour.

9.3 **Sustainability Implications**

Effective maintenance supports the development of an energy efficient property estate, ensuring the efficient operation of systems and equipment (HVAC, controls, lighting etc.) and by minimising heat loss through the building fabric. Effective maintenance also prolongs the useful life of plant and protects /enhances the value of a building and its equipment, which reduces the impact of the building on the environment due to the reduced number of components that need to be removed and disposed of, as well as produced. When replacing life expired building components, new installations must conform to the latest standards and, where relevant, will be more energy efficient than the existing items they are replacing.

Therefore, through the improvement of building components and carbon efficiency of buildings, as well as the prevention of the need for replacement components, this proposal supports Goal 1A of the Climate Emergency Strategy published in November 2020 which states: *“The aim of Goal 1a is to decarbonise the Local Authority estate, assets and operations across Somerset, reducing its overall carbon footprint in the short term.”*

9.4 **Health and Safety Implications**

Condition Surveys have identified a significant amount of priority condition issues across the Councils maintained school estate. If these outstanding condition issues are not addressed through this programme of planned maintenance works (and through schools' own devolved funding), the Health and Safety risks to pupils, school employees, and visitors will remain unmitigated. There are multiple Health and Safety risks to building users through unaddressed condition issues which, if allowed to become failed components, may increase the risk of, for example, ill-health due to damp and cold buildings and injuries from broken items. Additionally, this could cause breaches of Health and Safety legislation leading to prosecution of the Council by the Health and Safety Executive.

All works must be planned to take account of the fact that the schools still need to operate and that pupils may be present. Often this means that works are scheduled wherever possible to take place during holiday periods. If that

is not possible, contractors liaise closely with Schools and are required to have health and safety plans and risk assessments in place before works commence.

9.5 Health and Wellbeing Implications

Properly maintained buildings should not be a detriment to the health and well-being of building occupants and in Schools should ensure that there is no disruption to the learning environment for staff and pupils. Draughty, cold, and poorly maintained buildings can have a negative impact on health and morale. Well-maintained, ventilated, and comfortable buildings are proven to improve the health and well-being of occupants and increase productivity.

9.6 Social Value

The Commercial and Procurement Team have produced a standardised set of questions for the SLOAC (Standing List of Approved Contractors) tendering process which now includes a mandatory question in relation to Social Value which is included as part of the scoring of tender returns. Tenderers are asked to consider the Council's priority areas for providing social value and to comment on how they will promote those values, for example through the development of local labour and trade skills within workforce and recruitment strategies.

Scrutiny comments / recommendations

10.1 This Programme formed part of the Capital Programme that was presented as part of the budget proposals to the Scrutiny Committee - Corporate and Resources on the 1 February 2024.

Background

11.1 The Local Authority is required to ensure that the schools for which it is responsible are safe and functional and that their condition does not detract from teaching and learning. In Somerset, this duty is delegated to schools through Somerset Council's Schools Financial Management Scheme for schools that are academies.

11.2 Condition Funding

Day to day repairs and maintenance are funded by the school's revenue budget although the Local Authority (LA) supplements these delegated funds with capital allocations for critical longer-term improvements. Some condition projects are significant and the DfE provides an annual capital grant to support each Local Authority's School condition programme. Funding is allocated to

each LA based on condition surveys undertaken by the DfE, so that LAs can address the more significant issues. The DfE are currently re-surveying all schools across a rolling programme of several years. The DfE allocation to the Council has reduced as the number of academies has increased, as academies receive their condition funding directly from the Education and Skills Funding Agency. Voluntary Aided (VA) Schools receive their capital funding by way of grants from the ESFA through their respective Diocesan Bodies.

11.3 Prioritising need

Schools may choose to commission the Council to inspect/survey their premises through the purchase of the 'Core Offer' package, or they may choose to undertake these inspections through alternative professionals and then submit the results to Somerset Council. Somerset Council commissions work through in-house delivery teams and strategic partners to prioritise the poor condition issues that need to be addressed at each school and to then undertake the approved programme of works once funding has been secured. Those issues that are assessed as being in the highest priority banding are added to the annual Schools Condition Investment Programme. Effective maintenance and investment in school buildings protects the Council's capital investment in school places, ensures the health and safety of pupils and staff and supports high quality teaching and learning. Periodical improvement of building fabric and services in schools, where condition has deteriorated, also enables the installation of energy efficient technology, which in turn enables schools to reduce their costs or allocate more of their revenue funding for teaching resources.

11.4 Improving the Management of School Condition

Officers in Children, Family and Education Services and Strategic Asset Management are working to engage with schools on how condition issues are managed, in order to give them greater visibility and ownership and greater clarity on roles and responsibilities. Condition Surveys are recorded on the new Asset Management System.

Consultations and co-production

- 12.1 School Commissioners and Strategic Asset Management will be engaging with Schools for the 24/25 programme to seek their views on appropriate prioritisation, to be considered alongside available condition survey information. The highest priority / most urgent works will be considered for the programme first. Lower priority works that can be undertaken during term time will then be considered, enabling work to be undertaken throughout the year

helping to limit capacity and programme issues experienced during the school holidays. The final consideration will be given to lower priority works that can only be undertaken during the school holidays, but where an element of match funding will be required from the school.

Background Papers

Somerset Council Scrutiny - Corporate and Resources 1st February 2024

Medium Term Financial Plan

<https://democracy.somerset.gov.uk/ieListDocuments.aspx?CIId=199&MIId=7084&Ver=4>

Somerset County Council Full Council 20th February 2024

2024/25 Budget, Medium-Term Financial Plan

<https://democracy.somerset.gov.uk/mgCommitteeDetails.aspx?ID=214>

Report Sign-Off

	Officer Name	Date Completed
Legal & Governance Implications	David Clark	06/05/2024
Communications	Peter Elliott	26/04/2024
Finance & Procurement	Nicola Hix	08/05/2024
Workforce	Dawn Bettridge	23/04/2024
Asset Management	Oliver Woodhams	22/04/2024
Executive Director / Senior Manager	Jason Vaughan	01/05/2024
Strategy & Performance	Alyn Jones	23/04/2024
Service Director Education	Amelia Walker	02/05/2024
Executive Lead Member	Cllr Heather Shearer – Lead Member for Children, Families and Education	16/05/2024
Executive Lead Member	Cllr Ros Wyke - Lead Member for Economic Development, Planning and Assets	14/05/2024
Opposition Spokesperson	Cllr Mark Healey for Prosperity, Assets and Development	Sent by email – 08/05/2024

Scrutiny Chair	Cllr Bob Filmer – Scrutiny Committee – Corporate & Resources	15/05/2024
Opposition Spokesperson	Cllr Frances Nicholson – Children, Families and Education	16/05/2024
Scrutiny Chair	Cllr Leigh Redman - Scrutiny for Policies Children, Families and Education Committee	13/05/2024

Somerset Equality Impact Assessment

Before completing this EIA please ensure you have read the EIA guidance notes – available from your Equality Officer

Organisation prepared for	Somerset Council
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Version	1	Date Completed	016/01/2024
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Description of what is being impact assessed

Delivery of the Schools Condition Capital Programme for 2024/25. The Council has agreed to fund £2,050,000 of high-priority building condition issues, under the 24/25 Schools Capital Condition Programme. Every effort will be made for these works to be completed whilst the school is not occupied. On occasion this may not be possible, or works may over run.

Evidence

What data/information have you used to assess how this policy/service might impact on protected groups? Sources such as the [Office of National Statistics](#), [Somerset Intelligence Partnership](#), [Somerset's Joint Strategic Needs Analysis \(JSNA\)](#), Staff and/or [area profiles](#), should be detailed here

Not considered applicable in this instance – this programme is intended to ensure that School buildings and premises are maintained to an adequate standard to ensure that service delivery is not interrupted. Any building works must comply with applicable building control regulations which consider accessibility although this will generally only be applicable where making alterations however building condition works generally replace like with like in order to maintain buildings in their current configuration.

The number of maintained schools in Somerset does reduce as more schools convert to academy status. There are 266 state funded schools (as at 1st January 2024) and of these 140 are academies or free schools which are directly funded by the Education and Skills Funding Agency.

Who have you consulted with to assess possible impact on protected groups? If you have not consulted other people, please explain why?

Not considered applicable in this instance – this programme is intended to ensure that School buildings and premises are maintained to an adequate standard to ensure that service delivery is not interrupted.

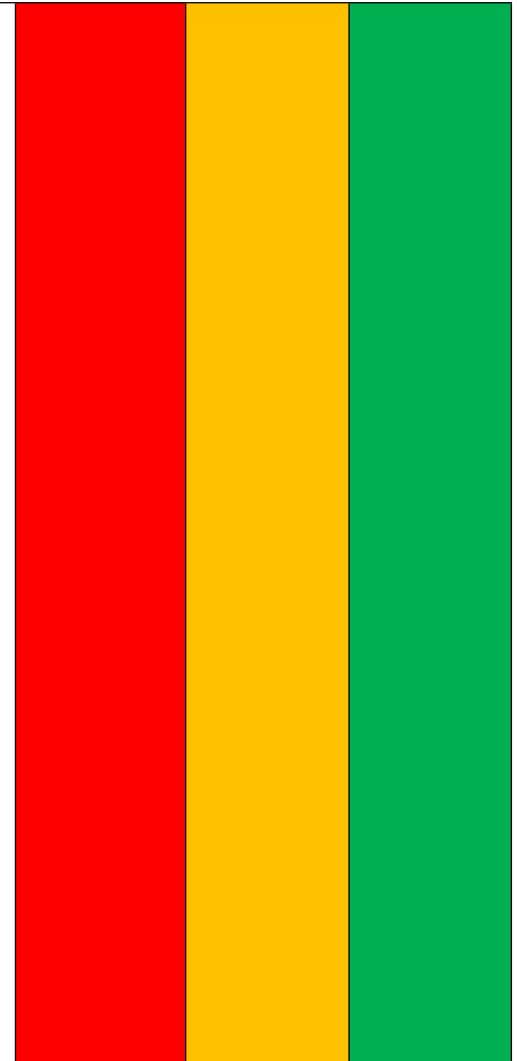
Analysis of impact on protected groups

The Public Sector Equality Duty requires us to eliminate discrimination, advance equality of opportunity and foster good relations with protected groups. Consider how this policy/service will achieve these aims. In the table below, using the evidence outlined above and your own understanding, detail what considerations and potential impacts against each of the three aims of the Public Sector Equality Duty. Based on this information, make an assessment of the likely outcome, before you have implemented any mitigation.

Protected group	Summary of impact	Negative outcome	Neutral outcome	Positive outcome
Age	<ul style="list-style-type: none"> There are no known negative impacts on the protected characteristic 	□	⊗	□
Disability	<ul style="list-style-type: none"> Any premises changes need to be compliant with latest building regulations – in most instances this programme will replace an existing failed component with a newer item to latest standards. Due regards to improving accessibility is considered wherever possible. Works are generally scheduled where possible to take place in school holiday periods but where they fall in term time 	□	⊗	□

or when buildings are in use, arrangements to ensure that building will remain accessible will be put in place.

- All works must be planned to take account of the fact that Schools still need to operate and that pupils may be present. Often this means that works are scheduled wherever possible to take place during holiday periods. If that is not possible, contractors liaise closely with Schools and are required to conduct themselves in accordance of equality legislation and the standards set in relation to equality and diversity. We will expect contractors to work with schools to consider:
 - Potential for scaffolding, equipment and machinery to obstruct accessible routes.
 - Increased noise that could affect pupils with hearing impairments.
 - Increased dust could affect pupils and staff with respiratory conditions.
 - Pupils with neurodiversity conditions been affected by changes to routine or classroom being used.
- The works will be fully accessible with the proper facilities and provisions in place to cater for disabled service users, pursuant to statutory obligations set out in the Equality legislation and brought together under the umbrella provisions of the Equality Act 2010.



Gender reassignment	<ul style="list-style-type: none"> • Clear conduct on what is expected behaviours and professionalism from appointed contractors (working within the confines of the Equality Act) and work is carried out in accordance with the Councils policies and expectations. For example, ensuring no discriminatory language used about Gender Reassignment. The Council will ensure, in agreeance with the Contractor, that there is a clear route of resolution if this were to happen. There will also be inclusion within the contract regarding the above 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marriage and civil partnership	<ul style="list-style-type: none"> • There are no known negative impacts on the protected characteristic 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<ul style="list-style-type: none"> • There are no known negative impacts on the protected characteristic 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race and ethnicity	<ul style="list-style-type: none"> • Clear conduct on what is expected behaviours and professionalism from appointed contractors (working within the confines of the Equality Act) and work is carried out in accordance with the Councils policies and expectations. For example, ensuring no racially discriminatory language is used whilst contractors are on site. The Council will ensure, in agreeance with the Contractor, that there is a clear route of 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	<p>resolution if this were to happen. There will also be inclusion within the contract regarding the above</p>			
Religion or belief	<ul style="list-style-type: none"> There are no known negative impacts on the protected characteristic 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sex	<ul style="list-style-type: none"> Clear conduct on what is expected behaviours and professionalism from appointed contractors (working within the confines of the Equality Act) and work is carried out in accordance with the Councils policies and expectations. For example, ensuring no sexual harassment. The Council will ensure, in agreeance with the Contractor, that there is a clear route of resolution if this were to happen. There will also be inclusion within the contract regarding the above 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<ul style="list-style-type: none"> Clear conduct on what is expected behaviours and professionalism from appointed contractors (working within the confines of the Equality Act) and work is carried out in accordance with the Councils policies and expectations. For example, ensuring no discriminatory language is used connected to sexual orientation. The Council will ensure, in agreeance with the Contractor, that there is a clear route of resolution if this were to happen. There will also be inclusion within the contract regarding the above 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Other, e.g. carers, veterans, homeless, low income, rurality/isolation, etc.	<ul style="list-style-type: none"> There are no known negative impacts on the protected characteristic 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Negative outcomes action plan
 Where you have ascertained that there will potentially be negative outcomes, you are required to mitigate the impact of these. Please detail below the actions that you intend to take.

Action taken/to be taken	Date	Person responsible	How will it be monitored?	Action complete
Where building works must take place or overrun and are delivered when the school is occupied an accessibility audit will be completed to make sure accessibility routes are maintained or clearly signposted.	Select date	Project Manager	Progress meetings as and when required	<input type="checkbox"/>
Include a clause in the contracts for these works around the conduct and language of contractors on site meeting the requirements of the equality act 2010.	Select date	Project Manager	Review at contract award stage	<input type="checkbox"/>
The Council will ensure, in agreeance with the Contractor and school setting, that there is a clear route of resolution if a discrimination allegation is raised.	Select date	Project Manager	Progress meetings as and when required. Escalated under the complaints	<input type="checkbox"/>

			policy as necessary	
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>

If negative impacts remain, please provide an explanation below.

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Completed by:	Wendy Kerslake
Date	16/07/2024
Signed off by:	Darren Puckett
Date	03/06/2024
Equality Lead/Manager sign off date:	Tom Rutland 03/06/2024
To be reviewed by: (officer name)	Wendy Kerslake

Review date:

01/04/2025

