

Report of:	Deputy Mayor and Executive Member for Children's Services Director of Education and Partnerships
Submitted to:	Executive
Date:	4 April 2023
Title:	Schools Capital Programme 2023
Report for:	Decision
Status:	Public
Strategic priority:	Children and young people
Key decision:	Yes
Why:	Decision(s) will incur expenditure or savings above £150,000
Urgent:	No
Why:	Not Applicable

Executive summary

The report sets out Middlesbrough Council's responsibilities to maintain school buildings and ensure there are sufficient school places to meet demand. It seeks approval of a programme of capital works to address school maintenance priorities and increase the number of school places, financed from Department for Education capital grants.

The Executive are recommended to approve the programme in order to fulfil these statutory duties and ensure that the grant funding is spent in a timely manner on improving teaching and learning environments

The Executive could choose not to approve the schemes for inclusion in the Schools Capital Programme. This could lead to elements of school buildings failing, resulting in lost teaching time, poor learning environments, Health and Safety risks, and a shortage of school places.

The implications of the recommendation have been considered by the appropriate officers of the Council and are set out in the main body of the report.

Purpose

1. To seek approval of schemes to be added to the schools capital programme for delivery to start in the academic year 2022/23.

Background and relevant information

2. Middlesbrough Council shares responsibility with governing bodies for the maintenance of 12 community and foundation school buildings across the town:
 - Responsibility for general maintenance, repairs and minor capital works is devolved to schools;
 - The Council is responsible for major capital schemes such as the replacement of substantial parts of buildings, the provision of new buildings and other high-value, strategic schemes that would be unaffordable by schools on their own.
3. The Council is also responsible for ensuring there are sufficient school places across the town to be able to meet demand. Investment can be in both locally maintained schools and Academies.
4. The schools capital programme, maintained and delivered by the Assets Team within Corporate Property, sets out all of the centrally funded school capital works being undertaken to discharge these duties. It is a multi-year, rolling programme of capital improvements to school buildings.
5. Schemes are selected to address maintenance, sufficiency and other strategic priorities. Schemes are prioritised to address those elements of schools with the most urgent need or to secure value for money as part of a larger programme of work.
6. Appendix 1 sets out new schemes proposed to be added to the programme for delivery during the 2022/23 academic year and beyond. It includes schemes aimed at improving the condition of schools - roof works, improvements to heating systems, and drainage works:
 - **Park End Primary School** – £324k to replace the 60 year old underfloor heating distribution pipework with new accessible pipework at ceiling level. The scheme is proposed to avoid repeats of a recent major leak, each with the potential to leave the school without heating or hot water
 - **Priory Woods School** – £300k to continue the phased replacement of the heating distribution pipework first reported in 2021. The school's heating system has developed a significant number of leaks which present a continued risk of closure to the school.
 - **Newham Bridge Primary School** - £150k to improve the school's drainage system.
 - **Newport Primary School** - £100k roof improvements.
7. These schemes have already been added to the Capital Investment Strategy seeking budgetary approval from Council.

Strategic Schemes

8. Middlesbrough continues to experience sustained pressure for places in secondary schools. The delivery of the new secondary free school, Outwood Academy Riverside, is delayed and continues to operate out of temporary accommodation. As a result, officers have negotiated additional secondary school places to ensure demand can be met for pupils seeking entry into Year 7 in September.

9. In order to ensure that schools' accommodation is appropriate and sufficient to cater for these additional pupils the following schemes are proposed for inclusion in the programme:

- **Outwood Academy Acklam** - It is proposed to allocate £250k from Basic Need (BN) and the High Needs Provision Capital Allocation (HNPCA) to reconfigure the Special Educational Needs and Disabilities (SEND) base and relocate the behaviour management unit at Outwood Academy Acklam. This reconfiguration of existing space will allow the school to admit an additional 30 Year 7 pupils in September 2023, which would otherwise lead to a projected shortage of places at the school in the academic year 2025/26. In addition, the investment will provide additional accommodation for 10 pupils with SEND.
- **Macmillan Academy** – It is proposed to allocate £206k from Basic Need (BN) to assist the school to increase the provision of pupils' toilet facilities to meet minimum standards. The current facilities are insufficient to cater for the current number of pupils at the school, and therefore provide a barrier to the school admitting more pupils. The investment will secure an additional 10 places for Year 7 places in September 2023.

10. Providing these places will ensure that pupils can continue to receive an education appropriate to their needs in a local school.

11. A modification to a scheme approved by Executive in November 2022 as part of the Council's approach to SEND sufficiency is also proposed:

- **Beverley Park** – an additional £60k to the existing £300k budget is proposed to fund new works, identified as part of the development of the scheme to remodel the Hemlington Initiative Centre and provide an on-site mobile classroom for early years intervention places.

12. In addition to the schemes at Appendix 1, a number of previously approved schemes, with residual works outstanding, will be completed. Emergency works will also be undertaken if/when they occur and other schemes of moderate value where they are time sensitive e.g. preventative schemes to avoid higher costs later on, or schemes that address Health and Safety concerns and ensure compliance.

13. The capital programme covers schools widely distributed across the town. There are no specific ward implications. Ward members will be consulted on individual building schemes where appropriate as part of the normal process of securing planning permission.

What decision(s) are being recommended?

14. That the Executive approves the new schemes included in Appendix 1 and discussed in the report be added to the schools capital programme for delivery to commence in the 2022/23 academic year.

Rationale for the recommended decision(s)

15. To ensure that that the grant funding available is spent in a timely manner on improving teaching and learning environments and outcomes for young people.

16. To deliver the Council's statutory obligation to ensure there are sufficient school places to meet demand, in particular for Year 7 pupils seeking admission into secondary schools in September 2023.

17. There is no obligation for the Council to consult over these schemes. Schools named in the programme have been engaged on a tentative basis to ensure that, where a school contribution to the cost of schemes is required, this can be agreed.
18. The Schools Capital Programme has not been examined by the Overview and Scrutiny Board or by a Scrutiny Panel.

Other potential decision(s) and why these have not been recommended

19. The Executive could choose not to approve the schemes for inclusion in the Schools Capital Programme. In the short term this could lead to elements of the buildings identified failing, resulting in lost teaching and learning time, inappropriate learning environments, Health and Safety risks, and a shortage of school places to meet demand.
20. In the longer-term, such an approach would lead to the gradual decline of the condition of the schools, children being out of school unnecessarily and escalating costs for both the schools and the Council.

Impact(s) of the recommended decision(s)

Legal

21. The decision would assist the Council in meeting its statutory duty, under Section 14 of the Education Act 1996, to ensure there are sufficient school places to meet demand.
22. The decision would assist the Council in meeting its statutory duty under Section 22 of the School Standards and Framework Act 1998 as amended by the Education Act 2002 and the Education and Inspections Act 2006 to maintain schools in its area.

Strategic priorities and risks

23. The recommended decision will ensure that all pupils can access an appropriate school place and provide a safe and welcoming environment in which they can learn and achieve, improving outcomes for children and young people.
24. The relevant risks this decision would influence are below, alongside an explanation about why they are relevant and how each risk is affected.

Register No	Description of risk	Explanation as to why they are relevant and how it would affect each risk
O4-012	If the department fails to meet statutory responsibilities , due to lack of resources or staff knowledge, then this will lead to reduced effectiveness and increased costs.	The Schools Capital Programme will ensure that the Council complies with its statutory duty to supply sufficient school places to meet demand.
O4-026	There may be insufficient year 7 school places available to meet demand over the next 5 years which could result in Middlesbrough children not being able to attend school in the town, leading to a failure to fulfil our statutory obligations, and placing a financial burden for funding additional places. It could also damage our reputation and lead to dissatisfied parents.	The proposed expansion of places for secondary pupils will have a positive impact on mitigating this risk.

07-026	If the Council fails to comply with the Health and Safety at Work Act 1974 , other legislation and good practice, then avoidable deaths and accidents may occur, resulting in charges under the Corporate Manslaughter and Corporate Homicide Act 2007; and HSE prosecutions with corresponding financial and reputational loss.	The Schools Capital Programme prioritises schemes to ensure that the schools are structurally sound and safe for teaching and learning, ensuring the safety of pupils and staff and having a positive impact on the risk.
--------	---	---

Human Rights, Equality and Data Protection

25. A Level 1 (Initial Screening) Impact Assessment (IA) accompanies this report at Appendix 2.
26. The impact assessment identified that the decision would have a positive impact on the local community and would not represent a concern to equal rights, disability discrimination or the impingement of human rights.
27. The decision being sought aims to positively affect educational outcomes for young people aged 3-16 including those with Special Educational Needs and Disabilities, improving their learning environment, access to educational services and removing the need for children to travel to schools outside of the town to access appropriate education.

Financial

School Condition Allocation (SCA)

28. Capital maintenance schemes are funded from the Council's annual Schools Condition Allocation (SCA). This is formulaic capital grant funding received from the Department for Education (DfE) to maintain the buildings of schools for which it has responsibility.
29. New maintenance schemes with a total value of £874k have been identified to be added to the programme. Schools are required to contribute to capital maintenance schemes from Devolved Formula Capital or revenue budget shares, reducing the Council's commitment to £743k.
30. The DfE have not yet announced local authority SCA allocations for the 2023/24 financial year but, on the basis of the DfE's allocation formula, this is estimated to be in-line with the 2022/23 allocation and in excess of £650k. Without the 2023/24 allocation there are sufficient funds in the SCA block budget of £845k to cover the cost of the schemes. These schemes have already been added to the Capital Investment Strategy and budgetary approval granted.

Basic Need (BN) and High Needs Provision Capital Allocation (HNPCA)

31. The strategic schemes in the report to provide mainstream places are being funded from Basic Need capital allocations. This is capital grant received from the Department for Education to provide new mainstream school places, allocated on the basis of demonstrated need.
32. A contribution towards SEND places being provided at Outwood Academy Acklam is also being made from HNPCA funding. High Needs Provision Capital is provided by the DfE to deliver new places and improve existing provision for pupils with SEND or who require alternative provision.

33. The additional £60k budget uplift for the remodelling of the Hemlington Initiative Centre to make it appropriate for foundation stage intervention places is being made from HNPCA.
34. The Capital Investment Strategy will be adjusted at Quarter 4 to reflect the new commitment and approval sought from Council.
35. There is £4,734k Basic Need capital and a commitment of £331k to fund the schemes, leaving a balance of £4,403k.
36. There is £1,139k HNPCA and a commitment of £185k to fund the schemes, leaving a balance of £954k.
37. The costs for schemes identified in the appendix and main body of the report are indicative until such a time as full feasibility studies can be undertaken and are subject to change until schemes have returned from tender. The schemes in Appendix 1 will be treated as a programme of works, with savings in schemes being used to offset increased costs in others and the programme being managed within the overall funding envelope.
38. Where there is a significant deviation from the estimates in individual schemes these will be revisited and appropriate action taken, which could include reducing the scope of works, re-tendering, or postponing of the scheme. Where there is a significant effect on the cost of the programme, which would result in a key decision being required, this would be brought back to Executive for decision.

Actions to be taken to implement the recommended decision(s)

Action	Responsible Officer	Deadline
Officers in Corporate Property's Assets Team will commence the delivery of the schemes to the specified timescales. This includes the detailed design, commissioning and completion of all works.	Teresa Garret/ Sue Corner	31 August 2023
The Capital Investment Strategy will be adjusted at Quarter 4 to include new schemes identified in the report and approval sought from Council.	Gary Maddison	31 March 2023

Appendices

1	Appendix 1 –Schools Capital Programme – New Schemes 2023/24
2	Appendix 2 – Equality Impact Assessment

Background papers

39. No background papers were used in the preparation of this report.

Contact: Gary Maddison, Strategic School Planning Manager
Email: gary_maddison@middlesbrough.gov.uk