

MIDDLESBROUGH COUNCIL	
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Report of:	Director of Education and Partnerships
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Relevant Executive Member:	Deputy Mayor and Executive Member for Education and Culture
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Submitted to:	Executive
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Date:	10 April 2024
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Title:	Schools Capital Programme 2024/2025
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Report for:	Decision
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Status:	Public
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Strategic priority:	Children and young people
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Key decision:	Yes
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Why:	Decision(s) will incur expenditure or savings above £250,000
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Subject to call in?:	Yes
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Why:	Non-urgent report
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Proposed decision(s)
<p>That the Executive:</p> <ul style="list-style-type: none"> • Approves the new schemes included in Appendix 1; • The reallocation of £0.599 grant funding sitting within the capital programme, approved by Council on 8 March 2024, from the Block Budget School Condition Allocation to Schemes in Maintained Primary Schools and Schemes in Special Schools as detailed within the report; • An additional £0.106m of external school funding to be added to the capital programme in order to fully fund £0.705m of anticipated costs for condition works to schools.

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 condition priorities financed from Department for Education (DfE) capital grants.

On 8 March 2024, Council approved the capital programme for 2024/25 to 2026/27, of which £12.040m expenditure was approved in 2024/25 within Education & Partnerships. This report seeks approval to transfer £0.599m of the 2024/25 approved funds within the block budget for Schools Condition Allocation to Schemes In Maintained Primary Schools and Schemes In Special Schools to fund schemes detailed within this report.

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

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, and Health and Safety risks.

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.

1. Purpose

- 1.1 To seek approval for capital schemes to be added to the schools capital programme for delivery to start in 2024/25.

2. Recommendations

2.1 That the Executive

- Approves the new schemes included in Appendix 1;
- The reallocation of £0.599 grant funding sitting within the capital programme, approved by Council on 8 March 2024, from the Block Budget School Condition Allocation to Schemes in Maintained Primary Schools and Schemes in Special Schools as detailed within the report;
- An additional £0.106m of external school funding to be added to the capital programme in order to fully fund £0.705m of anticipated costs for condition works to schools.

3 Rationale for the recommended decision(s)

- 3.1 This is a key decision involving expenditure of over £0.250m, about the allocation of capital funding on school schemes from within existing budgets, and is therefore reserved for the Executive.
- 3.2 To ensure that the grant funding available is spent in a timely manner on improving teaching and learning environments and outcomes for young people.

- 3.3 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.
- 3.4 The schools capital programme has not been examined by the Overview and Scrutiny Board or by a Scrutiny Panel.

4 Background and relevant information

- 4.1 Middlesbrough Council shares responsibility with governing bodies for the maintenance of nine community and foundation school buildings across the town:
 - 4.1 Responsibility for general maintenance, repairs and minor capital works is devolved to schools;
 - 4.2 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.
- 4.2 The Council is also responsible for ensuring there are sufficient school places across the town to be able to meet demand, including for pupils with Special Education Needs and Disabilities (SEND) or those requiring Alternative Provision. Investment can be in both locally maintained schools and Academies.
- 4.3 The schools capital programme, maintained and delivered by the Assets Team within Property and Commercial Services, 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.
- 4.4 The report sets out new schemes proposed to be added to the programme. Schemes are selected to address condition, 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.
- 4.5 The costs of the schemes identified in the report are estimates, until such a time as full feasibility studies can be undertaken, and are subject to change until they have returned from tender. The schemes 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.
- 4.6 Where there is a significant deviation from the estimated cost to the Council of individual scheme these will be revisited and appropriate action taken. This could include reducing the scope of works, re-tendering, or postponing 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.
- 4.7 In addition to the schemes below, 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.
- 4.8 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.

Condition Improvement Schemes

4.9 Appendix 1 sets out new schemes proposed to be added to the programme for delivery during the 2024/25 financial year and beyond. It includes schemes aimed at improving the condition of schools - roof works, improvements to heating systems, drainage works and asbestos encapsulation:

- **Berwick Hills Primary School** – £0.285m to replace existing air source heat pumps and associated equipment. This is a proactive approach to replacing the school plant, which has already required investment, to avoid future issues and the risk of school closure should the heating fail during the colder months.
- **Newport, Park End and Whinney Banks primary schools** - £0.135m to address issues with foul water drainage systems which are resulting in poor system performance and, if unaddressed, could result in internal flooding and damage. The works will focus on removing blockages such as tree roots, repairing misaligned joints and replacing broken sections
- **Acklam Whin, Park End and Holmwood schools** - £0.215m to undertake roof repairs and replacements and replace defective equipment which is currently preventing schools from being watertight.
- **Park End Primary School** – £0.070m to encapsulate asbestos containing materials in the school. The areas to be addressed have been identified in the school's asbestos management survey as requiring more proactive management due to the materials degrading over time

4.10 The total amount required to undertake the works on all the schemes is estimated at £0.705m, which will be funded using £0.599m of Department for Education (DfE) School Condition Allocation with a 15% contribution, totalling £0.106m, from the schools. The funding has been included in the Council Capital Programme and Capital Investment Strategy seeking budgetary approval from Council.

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

- 5.1 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 and Health and Safety risks.
- 5.2 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.

6 Impact(s) of the recommended decision(s)

6.1 *Financial (including procurement and Social Value)*

School Condition Allocation (SCA)

- 6.1.1 As previously stated, all of the grant funding that the Council is required to expend is already secured and is contained within the Council Capital Programme that was approved by Council on 8 March 2024.
- 6.1.2 Additional external funding of £0.106m provided from the various schools will be added to the Capital Programme to fund the total cost of the schemes.
- 6.1.3 The table below shows the relevant elements of the capital programme and the proposed changes:

2024/25 Capital Programme Approved By Council 8.3.24				
Scheme Title	Current Programme £m	Proposed Virements £m	Additional External Funding £m	Revised Programme £m
Block Budget (Grant) School Condition Allocation	0.773	-0.599	-	0.174
Schemes In Maintained Primary Schools	0.075	0.579	0.103	0.757
Schemes In Special Schools	6.071	0.020	0.003	6.094
Total	6.919	-	0.106	7.025

- 6.1.4 The DfE have not yet announced local authority SCA allocations for the 2024/25 financial year. The funding above is pre-existing grant accrued from previous years allocations. When this funding is approved it will be allocated and reported via Executive within the appropriate quarterly Revenue and Capital Outturn Projection report.
- 6.1.5 All capital maintenance schemes will be managed by Corporate Property within existing staffing resources. The indicative costs of each scheme includes fees, including the direct cost of Design Services in designing, procuring and monitoring the works. These works will be procured in compliance with the Contract procedure rules and are included within the tender pipeline for 2024/25.
- 6.1.6 There are no associated life-cycle or revenue costs for the Council. It is anticipated that the additional investment in the schools' buildings will reduce the long-term maintenance costs for the schools, and therefore the pressure on schools' budgets. School budgets are funded entirely from the Schools Block or High Needs Block of the Dedicated Schools Grant and do not impact upon the Council's budget.
- 6.1.7 Appendix 1 includes a breakdown of estimated costs for each scheme, identifying the funding sources and including school contributions towards those schemes delivered by the Council.

6.2 Legal

- 6.2.1 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.
- 6.2.2 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.

6.2.3 As an Academy, any significant changes deemed to be taking place as result of the relocation of places and services at River Tees Hospital School fall outside of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 and are fully the responsibility of the Academy Trust.

6.3 Risk

6.3.1 The recommended decision will ensure that all pupils can access provision appropriate to their educational needs and provide a safe and welcoming environment in which they can learn and achieve, improving outcomes for children and young people.

6.3.2 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.
O7-026	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.

6.4 Human Rights, Public Sector Equality Duty and Community Cohesion

6.4.1 A Level 1 (Initial Screening) Impact Assessment (IA) accompanies this report at Appendix 2.

6.4.2 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.

6.4.3 The decision being sought aims to positively affect educational outcomes for young people aged 3-16 including those with Special Educational Needs and Disabilities or requiring alternative education, 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.

6.5 Climate Change / Environmental

6.5.1 As part of the Council's drive to achieve net carbon and in-line with One Planet Living, all work will comply with energy efficiency measures in line with building

regulations, and schemes will endeavour to reuse and source local materials and labour to reduce transportation impacts.

6.6 Children and Young People Cared for by the Authority and Care Leavers

6.6.1 There is no differential impact on children and young people cared for by the Local Authority

6.7 Data Protection / GDPR

6.7.1 The proposed decision does not involve the collation or use of any personal data.

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 2024
The Council Capital Programme and Capital Investment Strategy will be adjusted to include the new schemes identified in the report.	Gary Maddison	5 April 2024

Appendices

1	Appendix 1 –Schools Capital Programme – New Schemes 2024/25
2	Appendix 2 – Equality Impact Assessment

Background papers

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

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