

Appendices B and C of this report contain information of the type defined in paragraph 3 of Part 1 of Schedule 12A Local Government Act 1972 (as amended).

NORTH YORKSHIRE COUNTY COUNCIL

EXECUTIVE REPORT

31 May 2022

SCHOOLS CONDITION CAPITAL PROGRAMME – 2022/23

Report of the Corporate Director – Children and Young People’s Service

1.0 PURPOSE OF THE REPORT

To seek Executive approval for the Schools Condition Capital Programme for 2022/23

2.0 EXECUTIVE SUMMARY

- 2.1 In announcements made in March 2022 the DfE allocated Schools Condition funding of £7.337m to North Yorkshire County Council for 2022/23.
- 2.2 A new allocation methodology was introduced by the DfE in 2021/22, using their own condition data for schools. The 2022/23 allocation amount included £968k transitional funding, ensuring NYCC received no less than 75% of the amount allocated for 2020/21. The DfE have confirmed that they intend to reduce the level of transitional protection by 25% per annum until 2025-26, when no protection will remain.
- 2.3 This is a further single year allocation. A one-year programme for 2021/22 was approved by the Executive in June 2021 and is currently being delivered. The Programme is monitored through the quarterly capital report.
- 2.4 Funding is provided separately for the provision of additional school places (through the Basic Need Grant). A £29m programme (including developer contributions) for 2022-25 was approved by the Executive in March 2022 and is currently being delivered.
- 2.5 The amount of funding allocated to the LA to meet the condition needs of maintained school buildings is expected to continue to reduce as schools convert to academy status.
- 2.6 This report proposes a one-year programme of investments to address the condition and suitability needs of school buildings in 2022/23.
- 2.7 A draft of this report (excluding the private appendices) was presented to the Schools Forum on 19 May 2022.

3.0 GOVERNMENT ALLOCATION ANNOUNCEMENTS

- 3.1 The Schools Condition Allocation for 2022/23 was announced on 29 March 2022.
- 3.2 The Schools Condition Grant is part of the single capital pot and may be used for all local priorities, although they are intended specifically for investment in schools. Schools Condition funding does not have to be used strictly for maintenance; it is the only capital funding stream available to support other capital improvement works e.g. compliance, suitability, invest to save projects or investment required to address strategic service priorities.
- 3.3 Academies receive their funding for condition related investment and devolved capital direct from the Education and Skills Funding Agency (ESFA) so are not included in these figures. The amount usually deducted (in years where transitional protection did not apply) from Schools Condition Allocation for each year is based on open academies at the beginning of November and those expected to open on or before 31 March prior to the relevant allocation year. This means that no projects have been included in the proposed 2022/23 programme for any schools that were expected to convert by 31 March 2022 (including those where conversion has been delayed). It is again proposed that where projects have been included in the programme but schools later become an academy, a judgement will be made about whether the scheme should proceed or not. This will take account of the nature and value of the project, the stage of design development reached and the extent to which the project will extend beyond the date of conversion. This reflects the policy that schools convert to academy status in their existing condition.
- 3.4 Academies either receive a direct School Condition Allocation or can bid for capital funding to the Academies Condition Improvement Fund (CIF), with the determining factor of the required process being the overall size of their multi academy trust. School buildings will continue to be maintained safely for as long as they remain maintained by the local authority. If essential work is needed in summer 2022 then this will continue to completion.
- 3.5 The allocation is once again 100% grant funded (no borrowing approvals or PFI). There is no time-limit on expenditure so can be carried forward if unspent at the end of the financial year without risk of claw back. The following table compares the allocations over the past three years:

Capital Funding Allocation – LA Schools (Community, Voluntary Controlled and Foundation)

	2020/21	2021/22	2022/23
LA School Condition Allocation	£9,783,429 Plus £4,543,607 one-off allocation	£9,783,429 including £3,413,928 transitional award	£7,337,571 including £968,126 transitional award
Devolved Formula Capital (LA Schools)	£1,404,029	£1,360,086	£1,313,187

- 3.6 The allocation announcement for 2021/22 signalled the introduction of a new methodology to reflect the results of the DfE programme named Condition Data Collection, which completed in 2019. Transitional protection funding has been applied for 2022/23 so that no responsible body receive less than 75% of the allocation amount for 2020/21. However, the DfE have confirmed they intend to reduce the level of transitional protection by 25% per annum until 2025-26, when no protection will remain. This indicates the expected financial impact through implementation of the new methodology. The next DfE programme of condition data collection is not expected to complete until potentially 2026, so the baseline data currently in use may well will remain in place for some years.
- 3.7 Annual allocations are usually reduced to reflect the number of academy conversions and therefore the reducing pupil numbers in the maintained sector. It is difficult to estimate the scale and speed of academy conversions and therefore the potential level of reduction year on year. The future pipeline of voluntary conversions is uncertain, particularly in light of the policy direction contained in Chapter 4 of the March 2022 Government White Paper on a 'stronger and fairer school system'.

	Voluntary conversions	Sponsored conversions (directed cases)
2017/18	27	2
2018/19	13	5
2019/20	12	5
2020/21	12	3
2021/22	3	5
2022/23 Projected	10	4

- 3.8 As at 1 May 2022 there remained 230 maintained schools in North Yorkshire; 3 Nursery, 201 Primary, 15 Secondary, 7 Special schools and 4 Pupil Referral Units. This represents 63% of all 363 schools in North Yorkshire.
- 3.9 The County Council is the responsible body for asset management purposes for 207 of the 230 maintained schools. The remaining 23 are voluntary aided schools who receive their school condition allocations via separate arrangements.
- 3.10 The DfE used pupil census data as part of their allocation methodology for this latest allocation and will do so in future. The following table shows the cumulative pupil numbers for the relevant categories of schools based on the January 2022 census:

	Maintained C, VC & Foundation	Maintained VA	Academies, free schools and UTC	Total Pupils
Primary	22762	2374	16879	42015
Secondary	9988	840	26262	37090
Special & PRU	790		349	1139
Total Pupils	33540	3214	43490	80244

4.0 IMPACT OF EDUCATION REFORM

- 4.1 In March 2016 a White Paper entitled 'Educational Excellence Everywhere' was published indicating the intention that all schools should become academies by 2020 or have a plan that would see them convert no later than 2022.
- 4.2 The White Paper signalled the creation of a new duty on local authorities to facilitate conversion, with existing duties on asset management to continue until such point as all schools have converted.
- 4.3 The March 2022 White Paper, and specifically chapter 4 on 'a stronger and fairer school system', has reiterated the Government policy direction for a fully trust led system. Their aim is that 'by 2030, all children will benefit from being taught in a family of schools, with their school in a strong multi academy trust or with plans to join or form one.'
- 4.4 As schools convert to academy status the local authority's Schools Condition Allocation is expected to continue to reduce. Year on year this will have an impact on flexibility within the programme to address strategic investment needs.

5.0 CAPITAL PLAN 2021/22

- 5.1 The programme historically includes an amount of general contingency which helps to address high tenders and to respond to emerging condition issues. The general contingency in the 2021/22 programme has been partially utilised to address some in year top ups and overspends for the 2021/22 programme and programmes in previous years. Carry forwards from individual programme budgets are shown in Appendix A including £957k of general contingency.

6.0 PRIORITIES FOR INVESTMENT

- 6.1 On 19 April 2022 the NYCC Executive approved the School Estate Strategy following consultation with Councillors and North Yorkshire Schools. The strategy documents are aligned to the DfE recommended approach known as Good Estate Management for Schools (GEMS) [Good estate management for schools - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/good-estate-management-for-schools). The approved strategy replaces earlier Council statements on priorities that pre-dated the GEMS guidance.
- 6.2 The 2022/23 capital programme will be based on the priorities contained within the 2022 School Estate Management strategy document which are:
 - Maintain school place sufficiency – provide additional school places as the need arises
 - Ensure the safety and security of all school estate users – supporting schools with their delegated responsibility for health and safety
 - Maintain the school estate - invest in capital maintenance to ensure that facilities remain fit-for-purpose
 - Modernise and improve school estate facilities - help young people achieve by ensuring their accommodation is to modern standards
 - Improve SEND provision - addressing the needs identified in the SEND Strategic Plan

- Sustain and improve schools through re-organisation of provision where appropriate
- Improve Accessibility where appropriate – support investment in facilities to enable access by children with medical or mobility needs
- Contribute to the Council’s target of achieving net carbon neutrality by 2030, or as near to that date as possible.

7.0 CARBON REDUCTION

- 7.1 The size of the school estate means that it is an important factor in the Council’s overall carbon reduction plan. In developing and delivering schemes every opportunity will be explored to provide a solution that assists with carbon reduction. However, given the current size of the maintenance backlog at c. £23.6m, and the limited funding available it is unlikely that schemes will be prioritised for inclusion in future programmes solely on the basis of carbon reduction. A Climate Change Impact Assessment has been developed in support of a Schools Condition Capital Programme, and this is attached as Appendix D.
- 7.2 All works undertaken are done so in accordance with Building Regulations, and with regard to the November 2021 DfE School Output Specification on sustainability, which provide for high standards in respect of energy efficiency. As a result, much of the work via the planned maintenance programme (e.g. roof, window and boiler replacements) will have a positive impact upon carbon emissions, in addition to addressing essential backlog maintenance.
- 7.3 In addition to the above, work is being undertaken via the corporate programme Beyond Carbon to investigate the cost and other implications associated with the decarbonisation of heat, including within schools and corporate properties, and this will be utilised to inform the planning of future work programmes.

8.0 PROPOSED SCHOOLS CONDITION CAPITAL PROGRAMME 2022/23

- 8.1 Appendix A provides a proposed Capital Programme for 2022/23. The following sections of the report provide the rationale for each element of the programme. Appendix B (not for publication) indicates the proposed investments in 2022/23. For reasons of commercial sensitivity individual project budgets are not published.

General Compliance issues

- 8.2 The County Council continues to help schools with issues emerging from Ofsted inspections around the health, safety and welfare of pupils, including boundary and internal security issues that may have a bearing on judgements around the safeguarding of children. Schools often have insufficient funding to address these issues themselves and look to the local authority for support. The costs of such adaptations can be significant. A number of such schemes have been successfully undertaken over recent years. It is once again proposed that any further urgent schemes should be supported in-year from compliance sums.

- 8.3 It is proposed that £125.5k of unallocated compliance funding from 2021/22 plus an additional allocation of £174.5k should form the £300k budget for compliance in 2022/23.

Capital Planned Maintenance

- 8.4 The total maintenance backlog in schools across the County continues to be significant despite the ongoing programme of planned capital work. It is therefore important that investment continues to be made in maintaining and preventing further deterioration in the fabric of school buildings. The total backlog is c. £23.6m and is split as follows: £0.49m D1 and D2, £5.97m C1 and £17.15m C2. The backlog work is categorised based on DfE methodology. The condition grading of 'D' represents life expired and 'C' represent major defects/not operating as intended. Priority 1 is 'urgent' and Priority '2' is essential. These four categories represent the 'backlog'.
- 8.5 The continued low value of annually allocated Devolved Formula Capital (DFC) impacts on the level of funding available from schools to contribute towards the Capital Planned Maintenance Programme which addresses structural issues such as roof and window replacements, mechanical and electrical upgrades etc. With the previous agreement of the Schools Forum projects are now only be included in the Programme on the understanding that schools will contribute all of their available DFC in that financial year. In some cases this means that schools will be asked to fully fund maintenance projects that have been identified through condition surveys as a high priority rather than other projects they might have hoped to progress. On this basis, an assumption has been made that £150k will be contributed by schools to the Capital Planned Maintenance budget in 2022/23.
- 8.6 A Capital Planned Maintenance budget of £4.25m (including fees and contingency) is proposed for schools in 2022/23. This is made up of new allocation from the 22/23 funding of £4.1m plus £150k anticipated DFC contributions.
- 8.7 The funding for 22/23 includes a £200k contribution as a top-up to the Public Sector Decarbonisation Grant received in 2021/22. Projects at 22 schools were granted c. £1.3m funding with the majority delivered over summer 2021. This contribution covers higher than expected costs on some of those projects.
- 8.8 The one-year programme has been developed taking account of the highest priority condition items, as identified through the annual condition survey and discussions with schools, with the remainder as a contingency for urgent unplanned work which emerges mid-year.
- 8.9 The DfE require all responsible bodies to undertake survey works to establish if Reinforced Autoclave Aerated Concrete (RAAC), has been used in any school building between mid-60's to mid-80's. An initial desktop exercise is to be undertaken by NYCC consultants. Further visual inspection and investigation work may follow and further funding consideration may need to be given in a future programme to any mitigation works. An allocation of £50,000 is proposed. Any immediate work needing to be undertaken over and above the £50,000 allocation will be met from the Planned Maintenance contingency for 22/23 in the first instance.

- 8.10 Priority compliance and emergency works that arise during the year will be met by either the General Compliance or contingency funding, this may include items such as priority legionella works, boiler replacements and fire alarm replacements. Work to increase electrical capacity which emerges as a significant additional cost will need to be accommodated within project costs or prioritised from contingencies if necessary.
- 8.11 Appendix C (not for Publication) provides a list of the proposed schemes for inclusion in the 2022/23 Programme. Advance planning has been undertaken once again this year to ensure that this Programme can be commissioned and delivered in a timely fashion.

Condition and Asbestos Surveys

- 8.12 In previous years the County Council paid an annual fee to Jacobs and later Mouchel for undertaking condition and asbestos surveys, in line with the contract. These surveys help to inform investment priorities and are not replaced by the national Condition Data Collection which looks at higher level condition in order to inform central government capital allocations. The costs of this work were uplifted annually in line with inflation.
- 8.13 This work was brought back in-house in 2016. It has been agreed that in 2022/23 CYPS will continue to be recharged on the basis of a proportionate contribution to internal costs for Building Surveyors in the Property Service undertaking the survey work. The financial provision in 2022/23 will be £270k, which represents a £15k reduction on the previous year in recognition of Academy conversions.

Asbestos Management

- 8.14 A large number of the County Council's school buildings contain asbestos which is managed in situ. Following 2018 guidance on the management of asbestos in schools it was proposed to undertake some risk based assessment of asbestos to ensure school asbestos management plans are available. The costs of any further investigations required in 2022/23 will be met through the contingency element of the Capital Planned Maintenance Programme.

Lath and Plaster Ceilings

- 8.15 Lath and plaster ceilings are inspected and reviewed by Maintenance Surveyors as part of the annual condition data inspection, with condition being recorded on the survey. Further inspection and investigations are undertaken if condition causes concern. There is one scheme to address the condition of a lath and plaster ceiling included in the proposed programme for 2022/23. We also continue to address failing ceilings from contingencies in the planned maintenance programme, in accordance with the agreed approach.

Accessibility Related Works

- 8.16 Schools Access Initiative funding was withdrawn in 2011/12. It is necessary to continue to make provision for some accessibility work in the programme to address the needs of individual children and for any significant access related

work that emerges from other developments. It is proposed to set aside a sum of £150k from the 2022/23 allocation for such projects.

Specialist Provision Capital Investment

- 8.17 In June 2020 Executive approved the creation of a Specialist Provision Targeted Capital Programme (SPTCP) to support the ambitions contained in the SEND Strategic Plan. The background to this initiative was that North Yorkshire specialist provisions have become stretched in terms of meeting all needs in all localities. Significant growth in the number of Education Health and Care Plans (EHCPs) have accentuated the pressure and led to the authority having to deploy a significant number of placements in the independent sector placing additional pressure on the High Needs budget.
- 8.18 It was particularly the pressure on our high needs budget that led to the creation of the Specialist Provision Targeted Capital Programme as it is considered that significant investment in both extending the range and remit of specialist and targeted provisions, and enhancing the suitability and quality of learning environment in our existing facilities, could both improve the learning outcomes and experience for a wider cohort of young people and reduce the dependency on out-of-county placements.
- 8.19 The approved 2021/22 Programme included a £2.7m allocation to the SPTCP in addition to the £1.6m committed in the previous year. The carry forward figure into 2022/23 is £3.04m. The largest funding commitment to date has been for the successful project to establish satellite provision in Ripon for Mowbray School. Smaller projects to establish Targeted Mainstream Provision are also funded from SPTCP with further completions expected in 2022. The project specific commitments against the SPTCP allocations of £4.3m are, as yet, relatively small. This was expected, as a principle of the SPTCP is that a fund would build up over time to address the strategic priorities.
- 8.20 In April 2021 the Government announced the newly titled High Needs Provision Capital Allocations (formerly Specialist Provision Capital Fund) and NYCC has been allocated £716k for 2021/22, £3.9m for 2022/23 and £4.5m for 2023/24. Although this would now appear to be annual funding stream for Local Authorities, there is no certainty of the future funding levels. This allocation is the only funding we could reasonably use should we wish to collaborate with academy schools to deliver some of the SEND strategic priorities such as phase 2 and 3 of the Targeted Mainstream Provision initiative.
- 8.21 The proposed Schools Capital Programme 2022/23 does not yet include an allocation of new funds for SPTCP purposes. This is under review by officers, and further recommendations are likely to follow in a subsequent report to Executive during 2022. This may include, in light of the continuing increased demand for specialist provision places, a proposal to change the governance arrangements for SPTCP which currently restrict the maximum amount of annual contributions.

Proposed Capital Investment – Strategic Priorities:

- 8.22 A number of strategic priorities are proposed as described in the following sections. Further detail is included in Appendix B (not for publication). It will not be possible to include all of the projects which schools have asked the

local authority to support. Remaining bids will be reconsidered in future years subject to the levels of funding received from the DfE.

School Modernisation

- 8.23 It is proposed to undertake a further programme of strategic priorities to bring accommodation at a number of schools up to modern standards. The 22/23 programme will prioritise seven projects with an overall budget allocation of £1.06m. These projects align with the key priorities described at 6.2 of this report. The schemes identified for inclusion have had advance feasibility work undertaken to provide better cost certainty. All seven projects are benefitting from an early funding commitment made after Q3 in 2021/22 so that the projects, or at least their initial stages, can progress to construction in summer 2022.
- 8.24 It has not yet been possible to commit funding to a further number of 'pipeline' modernisation / suitability projects that have already had advanced feasibility work completed. The new funding currently proposed for this type of scheme in 22/23 is lower than previous years, reflecting the 25% reduction in overall funding levels. This is under review by officers, and further recommendations are likely to follow in a subsequent report to Executive during 2022.

Replacement of Prefabricated Classroom Units

- 8.25 A rolling review of the condition of Prefabricated /Portable Classroom Units is maintained to determine whether there are any that are beyond economic repair or at risk of becoming unsafe. Where the school has no further use for them in the long term they are removed to reduce the school's maintenance liabilities. The local authority will continue to support this wherever possible. However as the numbers of poor condition units is reducing, and in the context of less capital availability in 22/23, it is proposed not to make a specific block sum allocation in future programmes. Alternatively individual cases will be considered alongside modernisation schemes in traditional school buildings to determine the relative priority.
- 8.26 Where new or replacement teaching accommodation is required this will be with permanent buildings wherever viable, although in some cases it will be necessary to consider portable or modular solutions for cost or technical reasons. Portable solutions will also be provided where accommodation is genuinely temporary. These would be to a specification which is energy efficient, meets all current building regulations and provides a pleasant environment for teaching and learning. Schools are providing positive feedback about the quality of more recent portable and modular teaching spaces.

Development of Future Programme – Advanced Feasibility

- 8.27 It is proposed to make a modest provision of £15k in 2022/23 for advance feasibility work required as part of the early development of newly emerging projects for the Capital Programme in 2023/24. This is a much reduced figure given the anticipated capital reductions and the fact that it has not been possible to fund several 'pipeline' schemes in 2022/23. As in previous years, if appropriate, capital allocations for a project(s) may be made against the general contingency or other uncommitted elements of the 22/23 Capital

Programme. Should this be required, any additional commitments would be reported through the quarterly capital monitoring report.

Strategic Support for Capital Delivery

- 8.28 The Capital Programme and individual projects within it are commissioned and sponsored by CYPS Strategic Planning staff but following restructuring of the property function they are now delivered by staff working within the Corporate Property Service. It is proposed to continue funding one Band N post, now within the Capital Programme Team. This post provides support for the delivery of the CYPS Planned Maintenance Programme and other parts of the CYPS Capital Programme. Monitoring arrangements will be in place by the Property Service to record the work undertaken in respect of individual schemes.

General Contingency

- 8.29 It is necessary to retain an element of general contingency within the Programme. This is to ensure that funding is available where unforeseen additional costs arise as schemes develop through feasibility and into detailed design and procurement. There is an element of contingency included within the proposed Capital Planned Maintenance Programme to meet unforeseen emergency work which emerges during the year relating to asbestos or other urgent and unplanned infrastructure requirements. The general programme contingency will address any additional costs associated with 2021/22 schemes yet to be completed, as well as those in the proposed 2022/23 Programme.
- 8.30 The current value of the proposed contingency for 2022/23 is £2.95m. It is considered prudent at this stage to retain this level of contingency given the apparent construction cost inflation, and in light of the anticipated reduction in future allocations. Officers are reviewing the options for deployment of the unallocated 2022/23 contingency that, for example, include further SPTCP commitments or the funding of additional school modernisation projects. It is likely that a further report will be presented to NYCC Executive during 2022 to consider an addendum to the School Condition Capital Programme 2022/23.

9.0 DELIVERY OF PROGRAMME

- 9.1 CYPS will commission the Programme via the Property Service's Capital Programme Team in line with established corporate arrangements. The Property Service is responsible for directly delivering and/or procuring, via the North Yorkshire consultancy 'Align Property Partners', the required technical and professional advice. The Property Service is also responsible for procuring contractors for schemes, which is via the YORbuild framework and the County Council's responsive framework contractors.

10.0 RECOMMENDATIONS

It is recommended that Executive:

- 10.1 Approve the proposed Schools Capital Programme for 2022/23 as summarised in Appendix A
- 10.2 Approve the list of strategic priority / modernisation schemes for 2022/23 as

set out in Appendix B

- 10.3 Approve the Planned Capital Maintenance Programme for 2022/23 as set out in Appendix C
- 10.4 Agree the continuation of the approach for dealing with any schools that convert to Academy status following the approval of the Programme as laid out in paragraph 3.3
- 10.5 Note that officers are reviewing the options for deployment of the unallocated general contingency sum, and may present a subsequent addendum report during 2022

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9 May 2022

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Appendix A – Schools Capital Programme 2022/23
Appendix B – Strategic priority / modernisation schemes 2022/23 - Private
Appendix C – Planned Capital Maintenance Programme 2022/23 - Private
Appendix D – Climate Change Impact Assessment

Background documents:

Executive report 21/22 Programme – 8 June 2021
Executive report School Estate Management – 19 April 2022
North Yorkshire County Council SEND Strategic Plan