



London Borough of Enfield

Report Title	Schools Capital Programme Strategic Delivery Plan 2024/25 - 2025/26
Report to:	CABINET
Date of Meeting:	12 June 2024
Cabinet Member:	Cabinet Member for Children's Services
Directors:	Tony Theodoulou- Executive Director, People Peter Nathan- Director of Education
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Ward(s) affected:	All
Key Decision Number	KD5706
Implementation date, if not called in:	21 June 2023
Classification:	Part I Public & Part II Private
Reason for exemption	Restricted Appendix 'A'. Not for publication due to commercial sensitivity

Purpose of Report

1. This report sets out the detailed and strategic delivery plan for the continuation of the annual Peoples Directorate Schools Capital

Programme 2024/25- 2025/26, for inclusion in the Council's 10-year Capital Programme.

2. The Schools Capital Programme addresses the Council's corporate landlord responsibilities to support and facilitate capital works to ensure the safety and wellbeing of pupils and staff. This includes works and services to maintain and improve the school's estate, meet the demand for additional Special Education Needs (SEN) Pupil Places and works that contribute to the decarbonisation of the school's estate in line with the Council's Climate Action Plan.
3. The report also outlines additional opportunities for further capital investment outside of capital grant income to deliver the strategic objectives within this report.

Recommendations

That Cabinet:

- I. Provides 'approval to spend' for the £19.74m revised schools' 2024/25 capital budget as detailed in restricted Appendix A (subject to Council approval of revised capital budget KD 5744 elsewhere on this meeting agenda)
- II. Approves the strategic objectives as set out in this report.
- III. Gives approval to commence the delivery of projects detailed in restricted appendix 'A' to allow tenders to be pursued in compliance with the Council's Contract Procedure Rules
- IV. Notes that the £19.74m revised schools' capital budget includes a £0.5m contingency budget for urgent works and / or new schemes not yet identified as priority works.
- V. Notes that the 2024/25 capital programme is funded from DfE capital grant, assumed education s106 contributions and ringfenced capital receipts.
- VI. Delegates authority to the Lead Member for Children's Services to
 - a. Approve the procurement and award of works and services contracts for the SEN projects which are over £0.5m including professional and technical expenses as detailed in restricted appendix 'A' given their strategic importance for delivering SEN places to address the increasing demand.
 - b. Approve the award of works contracts over £5m for all condition related projects, decarbonisation projects and works resulting from the sale of Caretaker Houses.
- VII. Delegates authority to Executive Director of People to:
 - a. Approve the award of works contracts up £5m for all condition

related projects, decarbonisation projects and works resulting from the sale of Caretaker Houses.

- b. Approve the award of works contracts up to £0.5m for any SEN projects.
- c. Add urgent projects to the programme funded from the approved contingency (total £0.5m).

- VIII. Delegates authority to Executive Director of Resources or the Executive Director of People to accept any future funding rounds from the Public Sector Decarbonisation Scheme (PSDS) or Low Carbon Skills Fund (LCSF) and to add this to the Schools Capital Programme.
- IX. Notes and authorises applications to the Department for Education (DfE) for Secretary of State consent in respect of any disposal or repurposing of the vacant caretakers / site managers properties.
- X. Notes Cabinet's previous approval (KD 5373) of the approach in relation to the disposal or repurposing of the vacant caretaker properties, allocating income generated to support the delivery of SEN provision as a strategic priority as well as undertaking works at each individual school.

Background and Options

- 4. The Schools Capital Programme addresses the Council's corporate landlord responsibilities to support and facilitate capital works to ensure safety and wellbeing of pupils and staff. This includes works and services to maintain and improve the school's estate, meet the demand for additional Special Education Needs (SEN) Pupil Places and works that contribute to the decarbonisation of the school's estate in line with the Council's Climate Action Plan.
- 5. KD 5677 was approved by Cabinet on 7 February 2024. That detailed report provided a progress update on each of the strategic objectives agreed by Cabinet in April 2023 and approved additional funding to be added to the programme by applying unallocated capital grant funding.
- 6. This report reaffirms the previously agreed Strategic Objectives and forward plan for delivery of the programme for 2024/25- 2025/26.

STRATEGIC OBJECTIVE 1: Condition Related Works

- 7. The Council as Corporate Landlord is responsible for works to address the condition of community and foundation schools in accordance with the Asset Management Plan. In general, the School Capital Programme is developed considering the previously approved de-delegated funding

whereby schools are expected to undertake work which fall below the de minimis limits of £15,000 for primary and special schools and £25,000 for secondary schools from their devolved budgets. These limits will be reviewed considering the schools and future available grant.

8. Condition surveys undertaken for the majority of community and foundation schools for which the Council as Corporate Landlord has a responsibility to maintain have indicated capital investment of circa £100m for works over the next 10 years. With Schools Allocation Grant (SCA) estimated to be around £4m pa based on current grant allocation, the funding gap will continue to increase.
9. The programme typically covers works that are required to the building structure, fabric and building services which are in excess of the de minimis levels which the schools cannot be expected to cover from their devolved funding. Projects are prioritised following consideration of condition surveys which assess the state of the building and the elements within it in accordance with the Department for Education definitions.
10. Officers from the Education Capital Delivery Team have visited schools to further review the school estate against the condition surveys and set out plans for future works. Through this collaborative process, a number of schools have made requests for additional works to those detailed in the surveys. A number of these requests have been assessed against the condition surveys and other evidence provided and are being brought forward into the proposed capital programme.
11. Previously approved projects have been progressing well and detailed updates were provided in a report KD 5677 which was approved by Cabinet on 7 February 2024.
12. Works practically completed in 2023/24 includes;
 - Window replacements (3 schools)
 - Roofing works (2 schools)
 - Fire alarms replacements (2 schools)
 - Boilers and pipework replacements (3 schools)
 - Ventilation works (1 school)
 - New kitchen extension (1 school)
 - New passenger lift (1 school)
 - New toilet block (1 school)
 - Other major works such as fencing, structural repairs, post completion remedial works etc have been undertaken to several schools.
13. Those that are in progress of delivery include;
 - Electrical works (1 school)
 - Roofing works (3 schools)
 - Window replacements (3 schools)
 - Ventilation works (1 school)
 - RAAC remedial with refurbishment works (1 school)
 - Fire precautions programme across several schools
 - Structural repairs (1 school)

- Boiler replacement (1 school)
 - Classroom reorganisation/ remodelling and refurbishment (1 school)
14. Restricted Appendix A sets out committed and ongoing maintenance projects that will continue through delivery as well as proposed new projects that will be delivered through 2024/25 and 2025/26.
15. This includes projects such as
- Boilers/ heating improvements
 - Window replacements
 - Roofing works
 - New passenger lift
 - Toilet refurbishments
 - Replacement fire alarms
 - Replacement of light fittings and emergency lighting
 - Electrical works
 - Fire precaution works
 - Improvements to SEN facilities
 - Delivery of ARPS & Units
16. The Council was successful in its bid to the DfE for the Schools Rebuilding Programme (SRP) in 2022, for Chase Community School. The DfE have agreed to fund and manage the rebuilding of the whole school except for the arts/ dining block that was built in 2011. A funding contribution was agreed by Cabinet in February 2024 to fund offsite works (abnormals) that were excluded from the SRP. The rebuilding project has progressed to detailed design and a planning application was submitted in February. Construction of the new school will commence in Autumn 2024 with the new school being built on the current playing field site (allowing the school to remain fully operational). The project is scheduled for completion in early 2026 allowing staff and pupils to decant into the new building(s). Thereafter the original school building(s) will be demolished, and new external play areas created by late 2026.
17. In addition, Enfield Grammar School, Fleecefield Primary School, St Anne's Catholic High School for Girls and St Ignatius College were also successful in their bids to the Schools Rebuilding Programme. Whilst this programme is wholly funded and delivered by the DfE, the Council is a named stakeholder and will through this role monitor the delivery of the projects and act as the superior landlord where the Council has freehold title.
18. Highlands Secondary School is currently managed through a PFI (Private Finance Initiative) contract which comes to an end on 31st August 2025. From this point, the Council will be responsible for any maintenance and capital works required. Any works identified through a condition survey will be included in the capital programme from 2025/26 onwards.

STRATEGIC OBJECTIVE 2: Special Educational Needs Pupil Places

19. There is continued demand for SEN provision due to the increasing number of Educational Health Care Plans (EHCPs) required for Enfield pupils. This ongoing rise requires an approach that addresses the current demand impact, in particular the costs of placements in the independent sector and related transport costs.
20. Provision for children within the borough is varied and the number of pupils is subject to constant change as children being identified with special educational needs currently within mainstream settings may change throughout the academic year. In the 2022/23 academic year, 562 children were educated through out of borough provision. Of these, 205 are in independent provision at a cost of circa £9m per annum. In addition to the capacity and cost related aspect of the current position there is significant impact on parents and children who are required to travel to independent sector provision.
21. In addition, average transport costs are more than twice as expensive for out of borough pupils is circa £15,180 versus £7,400 in-borough. Therefore, the saving for every in-borough place created on average will be circa £21,700 per annum (rates at July 2022).
22. The 2024/25 capital programme seeks to continue with the delivery of the previously approved projects as follows;
 - a) Winchmore Secondary School - Completing the construction of the new sixth form block with additional SEN unit planned for completion by October 2024. This will provide 20 places for pupils with complex learning needs as well as 150 post-16 places for mainstream pupils (currently provided at Laurel Park School).
 - b) West Lea School Horizon Campus (formerly Swan Annexe) - Completing the construction works for the remodelling of the building in Ponders End to provide 100 places for pupils with complex learning needs for the start of the new academic year in September 2024.
 - c) Oaktree School – Completing the detailed design for the remodelling and extensions to provide an additional 33 places for SEMH pupils. Works are planned to be delivered in three phases starting in January 2025 and completing in January 2027.
 - d) West Lea at Laurel Park School- Completing the detailed design and undertaking construction works over summer and autumn 2024 that will provide improved and accessible SEN facilities through an extension as well as remodelling works.
 - e) Portcullis Lodge- In February 2024 Cabinet agreed funding for pre-preparatory and offsite works (abnormals). Subsequently, Heads of Terms for leasehold acquisition are being negotiated with DfE to facilitate their delivery of a new free school that will provide a 96-place provision for primary pupils with autism and complex needs. Design work will progress through 2024/25 with the school planned to open in

2027. The DfE has now selected Search Academy Trust to run the new Free School which is proposed to be called Orchard School.

- f) Addison House -With initial funding agreed by Cabinet in February 2024, a detailed feasibility study has yet to be commissioned to redevelop this site as a satellite school provision to provide circa 48 secondary places (11-17 year olds) for pupils with autism and complex needs. A detailed business case will be developed on completion of the feasibility study which if agreed will unlock the approved pipeline funding allowing the project to progress to detailed design and delivery. The timeline for this project will be agreed at a later stage.

Following the drafting of this report an application was made to the DfE for SEN Wave 4 programme for new secondary provision as described above. This has initially been approved by DfE but will be subject to further reviews of the available site before the project is confirmed. Until such time, the Councils own proposed project remains in the programme.

- g) Eldon STC- With initial funding agreed by Cabinet in February 2024, a detailed feasibility study has been commissioned to investigate potential options for this site. This study will consider the option to dispose of the site if deemed unsuitable for large scale SEN provision.

- 23. The Education Strategic Resourcing & Partnerships Service (ESRP) have been continuing to support the SEN Service to establish new Additional Resourced Provision (ARPS) and Designated Units to increase the number of SEN places for children and young people whose parents would like them to attend a mainstream setting utilising available spaces where school rolls have declined. The number of additional places available through these provisions has increased to 261 this academic year which was achieved without capital investment from the programme.
- 24. The emerging Pupil Place Strategy will further assess the availability of spaces in all schools and will seek to strengthen education provision in the Borough. This should identify future opportunities to optimise the use of school sites for education provision and wider community uses.
- 25. To assist the future development of this type of provision, Cabinet in February 2024 approved a capital grant fund which is wholly funded from the income generated from the sale of vacant caretaker properties. This fund will be managed by ESRP and will be available to any academic institutions wishing to establish ARPs and Units that are able to accommodate Enfield learners. Applications will be assessed on a case-by-case basis considering the demand for the suggested cohort and number of places to be provided. ESRP will manage the application process with a final authorisation by the Director of Education. This process will be aligned with the SEN services assessment of the schools ability to run the provision.

STRATEGIC OBJECTIVE 3: Decarbonisation and Energy Projects

- 26. ESRP are continuing to work collaboratively with the Construction, Maintenance and Facilities Management Team (CMFM) and the Climate

Action & Sustainability Team to look at how Public Sector Decarbonisation Scheme (PSDS) and Low Carbon Skills Fund (LCSF) can be accessed to support the delivery of condition/maintenance projects, where life expired elements can be replaced with low carbon options to help reduce the carbon emissions from our schools.

27. The condition surveys have identified several schools where the fabric is in poor condition and opportunities to make improvements to increase the thermal efficiency. Delivering these projects is the first step to introducing decarbonisation initiatives whilst improving the teaching environments, reducing heat loss and heat gain.
28. Following improvement to the building fabric, the next priority will be to replace gas boilers that are coming to the end of their life expectancy with alternative 'greener' options where viable. Works may also be required to replace the secondary heating systems such as new radiators and pipework, to allow them to operate at a lower temperature as is required for Air Source Heat Pumps (ASHP)/ Ground Source Heat Pumps (GSHP) and future Energetik connections.
29. When considering options for replacing gas boilers with Energetik connections or greener options, detailed feasibility studies and options appraisals will be undertaken to ascertain the preferred solution. These will consider the amount of capital investment required, technical requirements and revenue implications on schools' devolved budgets. In some cases, it may be financially or technically unviable to move away from gas boilers due to the significant amount of capital investment needed for consequential works to the existing heating systems, electrical supply capacity and the heat loss through the fabric. Maintenance costs for new plant can also increase the revenue costs for the school and be financially prohibitive. In these cases, it can be that gas boilers that are at end of life are replaced with more efficient gas boilers and greener options are considered in future years when costs are more affordable.
30. As stated in paragraphs 10 and 11 above, works undertaken across our schools in 2023/24 has focussed on improving the insulation. Works have included;
 - Window replacements with double glazed units
 - Cladding replacements with insulation upgrades to improve energy efficiency
 - Flat roofing replacements with insulation upgrade to improve energy efficiency
 - New highly efficient gas boilers reducing the energy usage and carbon emissions.
 - Installing electric heating and appliances in new buildings
31. ESRP have also identified schools using fluorescent lighting in some settings. The government implemented a phased ban on certain types of compact fluorescent lighting in September 2023 and sourcing light bulbs has already become increasingly difficult. A number of schemes proposed in this programme will address this condition issue and in doing so, will significantly reduce the energy use and running costs.

STRATEGIC OBJECTIVE 4: Caretaker Houses Disposal

32. In October 2021, Cabinet approved the KD 5373 Strategy for disposal and re-use of vacant site managers residential dwellings at community schools. It was agreed that the capital receipts generated would be invested in the education estate and in the provision of Special Education Needs (SEN) places.
33. As reported to Cabinet in February 2024 under KD 5677, 3 vacant caretaker houses were successfully disposed of in 2023/24.
34. In 2024/25, a further 5 disposals are planned with the income received being reinvested in the programme.
35. The remaining vacant Caretaker Houses and those that are vacated will be disposed of in future years.

FUNDING

36. The Schools Capital Programme 2024/25 to 2025/26 is to be primarily funded from the Schools Capital Allocation grant as well as High Needs Capital Grant, S106 contributions and capital receipts from the disposal of Caretaker Houses. Furthermore, it will be supplemented by funding from the Public Sector Decarbonisation Scheme and other funding opportunities that may present themselves during the life of the programme. There will be no call from the Councils General Fund.
37. The Schools Allocation Grant (SCA) is a grant that the council receives annually from the DfE calculated on the number of Local Authority (LA) maintained schools within the Borough, excluding all Voluntary Aided, Academies and Free Schools. Therefore, all proposed projects identified in this programme will be delivered at LA maintained schools only (unless agreed that a wider benefit to the borough is achieved by alternative site investment). The 2024/25 funding amount has been confirmed at £4,022,341. This is less than the 2023/24 funding allocation as there have been some academy transfers.
38. The PFI contract at Highlands Secondary School will conclude at the end of the 2024/25 academic year. It is expected that the SCA funding allowance for 2025/26 will increase to cover this addition to the maintained schools portfolio.
39. The Council has also received an additional £2,466,314 of High Needs Capital Allocation from the DfE in March 2024 for 2024/25. This grant is provided to the Council to invest in delivering new SEN provision and support SEN learning in both mainstream and special provision.

40. Basic Need Grant of £6.91m for up to 2025/26 has previously been reported to Cabinet and no further grant is expected to be received in 2024/25.
41. Section 106 developer contributions (S106) will be used to support in-year capital expenditure, but the level of contribution will not be confirmed until the end of the financial year when the capital programme is financed. In such circumstances the capital grant will be carried forward and the equivalent S106 funding will be applied to finance the in-year capital spend. In addition, large scale housing schemes such as Meridian Water may include the provision of new schools to serve these new neighbourhoods.
42. In 2023/24, £1.3m of S106 funding was successfully secured for the project to construct a new 6th form building at Winchmore School. This allowed allocated grant funding to be recycled into the programme.
43. Salix Finance administers the Governments Public Sector Decarbonisation Scheme (PSDS) and Low Carbon Skills Fund (LCSF). These projects provide grant funding to public sector organisations for heat decarbonisation and energy efficiency projects to reduce greenhouse gas emissions from public sector buildings. Six Heat to Decarbonisation Plans were prepared from LCSF funding and are being used alongside the condition surveys to develop detailed project plans.
44. Applications will be made to Salix for further funding when the funding rounds are announced. Any funding secured, will supplement the funding approved in this report and enable the Council to deliver the energy saving projects.
45. Should any other funding opportunities be made available that could supplement the Schools Capital Programme, applications will be made, and any funding approved will be added to the programme.

Preferred Option and Reasons For Preferred Option

46. The Council as Corporate Landlord retains the statutory responsibility to keep the school estate in good order and must utilise the School Capital Allocation (SCA) Grant Funding received from the DfE to deliver projects that aim to rectify and repair items of high technical or strategic priority. This programme will prioritise the projects based on the condition survey information which informs the Asset Management Plan (AMP).
47. In addition, the Council has the legal duty to provide sufficient school places including the provision of the SEN places. The creation of additional SEN place supports the invest to save approach by reducing the need for expensive independent school places. This programme is part funded by the High Needs Grant that supports this priority.

48. The strategic approach presented in the report is in response to the financial challenges in delivering the capital programme in recent years and the opportunities to supplement the programme with external funding.

Relevance to Council Plans and Strategies

49. This programme will enhance biodiversity for appropriate projects and seek to reduce carbon emissions from our buildings.
50. The provision of good quality schools will help all children to have the best start in life and improve educational outcomes.
51. The programme aims to deliver more in borough SEN places to support local children with special educational needs and disabilities.
52. This programme will assist in the procurement of construction related activity within the borough and its associated employment and economic benefits. The Borough needs to ensure appropriate infrastructure is in place to allow for the growth of the population.

Financial Implications

Capital budget and financing

53. Council has been asked to approve a revised 2024/25 capital budget of £19.74m for schools (KD 5744). In line with financial regulations, this report seeks Cabinet' approval to spend' for this revised capital budget.
54. A full listing of capital projects the Council intends to deliver in 2024/25 is provided in restricted Appendix A. There will likely be changes to this planned programme of works during the year as cost estimates fluctuate, works contracts are tendered and awarded and new priority works emerge. These will be managed from within the £19.74m approved capital budget envelope.
55. The planned programme is funded from external capital grants and contributions, ringfenced capital receipts from the disposal of former caretakers' houses on school premises and education related s106 contributions.
56. The Council will continue to explore additional funding streams including public sector decarbonisation grant funding and s106 carbon offset contributions for eligible works.
57. Restricted Appendix A includes provisional budget estimates for 2025/26 and 2026/27. These are indicative estimates that will be revised and approved at the start of each year as part of the Council's annual budget setting cycle. Budget estimates for 2025/26 and 2026/27 include £12.9m of grant funded projects provisionally moved from the Council's pipeline

programme. This spend is planned in later years of the 3-year programme and require full business cases to be prepared prior to being included in the main capital programme for those respective years.

58. The Council retains around £44.6m of unspent ringfenced DfE education capital grant and £0.6m of unspent ringfenced capital receipts (from the disposal of former caretakers' houses) at 1 April 2024 in its balance sheet. A further £1.0m of education s106 contributions have been identified as potential funding for 2024/25 (total capital funding envelope £46.2m). Restricted Appendix A provides a clear 3-year plan of investment to utilise this funding.
59. Additionally funding allocations (2024/25 to 2025/26) of £4.0m school condition grant, £2.5m High Needs Grant and £6.9m Basic Need Grant have been announced by DfE. This funding will be allocated to future strategic priorities from 2025/26 onwards.

Financial risks

60. DfE capital grants are ringfenced and grant conditions complied with (e.g. Basic Need grant can only be used for the supply of new school places). The 3-year capital programme (restricted Appendix A) will be reviewed to ensure that there is sufficient ringfenced grant for each strategic objective.
61. The 2024/25 programme assumes the use of £1.0m education related s106 contributions. These are based on projections of s106 available but will need to be formally applied for by the Service and approved by Strategic Planning Board.
62. The programme includes comparatively high value projects for schools. The delivery of these projects will be managed in accordance with the Council's updated capital programme governance requirements and project milestone-based monitoring, which require spend to be released by schools related project boards when agreed project milestones are met.

Value for Money

63. The capital programme will ensure that public funds are used to best effect. This means targeting grant funding towards priority works and approved strategic objectives.
64. The capital programme will also seek to ensure that, wherever possible Education related revenue pressures (particularly around SEND provision) are mitigated by sustainable strategic capital investment.

VAT implications

65. The report seeks Council's approval to spend £19.74m on the schools' 2024/25 capital budget.

66. This includes works and services to maintain and improve the Council's schools, for which LBE as Corporate Landlord is legally responsible, meet the demand for additional Special Education Needs (SEN) Pupil Places and works that contribute to the decarbonisation of the school's estate in line with the Council's Climate Action Plan.
67. The funding for the Schools Capital Programme comes from the DfE's (Department for Education) School Capital Allocation (SCA) Grant, High Needs Capital Grant, and Education S106 developer contributions which are all non-business for VAT purposes.
68. There are partial exemption implications to the Council arising from these capital works with 1% of the VAT on these school capital projects being added to LBE's Partial Exemption calculation using the HMRC approved simplification method.
69. Since no works will be carried out at VA (Voluntary-Aided) schools as part of this Schools Capital Programme, there will be no adverse VAT implications to the Council arising from this proposal.
70. Should the projects not be undertaken in the way described in the report, the VAT implications will need to be reassessed.

Legal Implications

71. Section 13 of the Education Act 1996 ("the 1996 Act") places a general duty on local authorities to contribute (so far as the Council's powers enable them to do so) towards the spiritual, moral, mental and physical development of the community by securing that efficient primary education, secondary education and further education are available to meet the needs of the population of their area.
72. Section 14 of the 1996 Act says that local authorities shall secure that sufficient schools are available in its area for providing primary and secondary education. 'Available' means schools which are sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education.
73. In addition, section 27 of the Children and Families Act 2014 says that local authorities must keep under review the educational provision, training provision and social care provision made in its area for children and young people who have special educational needs or a disability. The authority must consider the extent to which the provision referred to above is sufficient to meet the educational needs, training needs and social care needs of the children and young people concerned. In exercising its functions with respect to section 27, the Authority must consult children, young people, parents and schools, amongst others.
74. Section 111 of the Local Government Act 1972 gives a local authority power to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights)

which is calculated to facilitate, or is conducive or incidental to the discharge of its functions.

75. Under the Regulatory Reform (Fire Safety) Order 2005 and the Fire Safety Act 2021, the Council as landlord must ensure that its buildings are safe from fire, that it carries out regular and periodical risk assessments and ensure that tenants, operatives, employees, visitors to the buildings and members of the public will always have access to an unrestricted escape route. As landlord, the Council must ensure that fire doors are correctly installed, that a safe escape route is provided and that fire, smoke and fume resistant emergency lighting capable of resisting these effects to allow safe evacuation of the building is installed. Accordingly, the Council is required to carry out fire safety works detailed in this Report. The Council must consider the provisions of the Building Safety Act 2022 and whether obligations on building owners in the Act apply to any of the buildings which are the subject of this report.
76. Under the Health and Safety at Work etc Act 1974 the Council as an employer has a duty to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees.
77. Under the Occupiers' Liability Act 1957, the Council has a duty as landlord to take reasonable care to ensure the safety of persons who are invited or have permission to enter its property when using it for the purpose for which they are invited or permitted to be there.
78. In addition, the Council has a general power of competence under section 1(1) of the Localism Act 2011 to do anything that individuals generally may generally do provided it is not prohibited by legislation. There is no express prohibition, restriction or limitation contained in a statute against use of the power in this way.
79. The increase of school places will be subject to the statutory consultation prescribed by Section 19 of the Education and Inspections Act 2006, and the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (Prescribed Alterations Regulations). The Council should further comply with the current statutory guidance about making organisation changes to local-authority-maintained schools when exercising functions under the Prescribed Alterations Regulations for each school expansion. The proposals must be published and then the statutory consultation process followed. This consultation process needs to follow general consultation principles.
80. Where Planning Permission is required pursuant to section 57 of the Town and Country Planning Act 1990 ("the 1990 Act") in respect of any school site expansion that proceeds beyond feasibility considerations and initial consultation with schools, such will be accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. This will require statutory and public consultation. Pursuant to section 316 of the 1990 Act, regulation 3 of the Town and Country Planning General Regulations 1992 and the Council's constitution, the decision as to whether to grant planning consents will be a matter for the

Council's Planning Committee. Works should not commence until such time as approval is given and any pre-commencement conditions (if required) by the planning permissions are discharged.

81. Council officers must be mindful of, and comply with, any conditions attached to the grant funding which may be used when delivering the proposals within this Report.
82. When procuring and awarding contracts pursuant to this Report, the Council must comply with its Contract Procedure Rules, the Public Contracts Regulations 2015 or the Procurement Act 2023 once in force, and its obligations with regard to obtaining best value under the Local Government Act 1999. Any use of frameworks must comply with the framework terms and there must first be due diligence on the framework undertaken by Procurement Services.
83. Legal implications provided for (KD 5373) in respect of potential disposal of Site Manager's houses equally apply to this report considering the recommendations
 1. S123 of the Local Government Act 1972 requires the Council to dispose of the property for the best consideration reasonably obtainable.
 2. The disposal of school land held by a local authority requires the Secretary of State's prior consent under paragraph 4 of Part 1 of Schedule 1 to the Academies Act 2010. This applies to all land which has been used wholly or mainly by a school in the last eight years, whether still open or now closed.
 3. If a Site Manager's house forms part of the Council's title to the school land and has been used "wholly or mainly" for the purposes of a school at some time in the past eight years consent from the Secretary of State for Education (SoS) will have to be obtained before the Council can dispose of the house.
 4. There is a benefit to the Council in that having such consent as it will allay the fear of a purchaser that the Secretary of State might exercise a power to compulsorily purchase the site for the purposes of any academy that might be established in the future. It is therefore important that individual former site manager properties are investigated individually to determine whether there is a need for any specific consent to disposal.
 5. All disposals of land need to be in accordance with the Council's Property Procedure Rules
84. All contracts should be in a form approved by Legal Services on behalf of the Director of Law and Governance.

Equalities Implications

85. An Equalities Impact Assessment has been conducted. The Council approach to meeting its statutory duty to ensure that there are sufficient pupil places across the Borough to meet demand ensures that these

places are not discriminatory and ensure that all children have access to quality education.

86. The Council has had due regard to its Equalities Duties and in particular with respect to its duties arising pursuant to the Equality Act 2010. It is considered that the delivery of condition related projects and decarbonisation projects will have no adverse impacts in respect of protected characteristics. As such, the Council considers that there is no need for an Equalities Impact Assessment to be carried out for each of these projects and that in approving this proposal the Council will be acting in compliance with its equalities duties.
87. With regards to the projects to deliver additional SEND places as set out in Appendix A, Equality Impact Assessments will be undertaken as part of the Delegated Approval process to award the works as these are likely to impact on the protected characteristics.

Environmental and Climate Change Implications

88. Enfield Maintained Schools make up a significant proportion (approximately 30%) of the Council's direct carbon emissions. Supporting maintained schools to reduce these emissions is a focus of the Council's Climate Action Plan. As well as supporting behavioural change, there will need to be improvements to school buildings and sites, which deliver improved thermal efficiency, decarbonise heat sources, increase the generation of renewable energy and increase offsetting and resilience, for example through tree planting and Sustainable Drainage Systems (SUDS).
89. Strategic Objective 3 for Decarbonisation and Energy Projects has been developed to align with the Council's Climate Action Plan.
90. A grant application was made for the Department of Transport's SuDS in Schools funding earlier this year, but the bid was unfortunately not successful. If further rounds of funding are announced, bids will be made to support the Council's Climate Action Plan to implement and improve Sustainable Drainage Systems across the school's estate.

Public Health Implications

91. Good quality accommodation and external learning environments creates spaces for continued and sustained learning development, social integration and well-being.

Property Implications

92. The property implications for the programme of works within this report are intrinsic within it. As individual projects come forward, the property

implications of these will be identified and addressed at the appropriate time.

Other Implications- Risks

93. The amount of funding available is not sufficient to cover all priorities so some projects will not be progressed and ongoing reactive and planned preventative maintenance will require funds to keep the buildings safe and operational. In the event of failure, the unplanned projects may have to be brought forward and funded from the contingency sum included in the programme.
94. Due to the high volatility of the construction market, the tenders received for the works may be significantly more than the estimated budget based on the condition surveys. Projects will be delivered through a staged approach with cost checks being made at all stages to allow the scope to be varied to fit within the available budgets where feasible to do so. In some cases, it may be necessary to use the approved contingency sum to supplement the approved budget to complete a project.
95. As and when schools convert to Academies, the agreed programme may need to be varied in year where planned works that had not yet been committed. Where these are removed from the programme, alternative priority projects will be added through the delegated powers given to the Executive Director of People.
96. The works to decarbonise buildings may result in higher revenue running costs for schools. The benefit of decarbonisation versus the revenue impact will have to be assessed on an individual project basis as part of developing the business case.
97. The Council may not realise savings from the investment made in the Special Needs places within the lifetime of this programme. Where large scale provision is proposed a Strategic Business Case will be produced to clarify the period for a return on investment.
98. Risk register(s) will be maintained at both the Capital Programme and individual project levels. Mitigating actions will be implemented, as necessary.

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Appendices

Restricted Appendix A

Background Papers

KD 5677 Schools Capital Programme Strategic Delivery Plan 2023/24 - 2024/25-
Update on progress

KD 5373 Strategy for the use of vacant site managers residential dwellings at
community schools

[Enfield Climate Action Plan 2020](#)