

London Borough of Enfield**Cabinet****Meeting Date: 9 March 2022**

Subject: Updated School Condition and Fire Safety Programme 2022/23 to 2023/24 (Schools Capital Programme)**Cabinet Member: Cabinet Member for Children's Services**
Executive Director: Executive Director of People**Key Decision: KD5383****Purpose of Report**

1. The report outlines the People Schools Capital Programme for inclusion in the Council's Capital Programme.
2. The report also outlines the Council's landlord responsibilities undertaking major capital projects at school buildings to ensure the safety and wellbeing of school pupils and staff, whilst also maintaining the Council's assets. The report's restricted Appendix A outlines the planned high priority school building works for 2022/23 to 2023/24.

Proposal(s)

That Cabinet:

3. Grant the approval to spend the 2022/23 and 2023/24 Capital Budget of £21.098m and £6.520m as set out in section 37.
4. Agree the proposed programme of works including professional and technical expenses detailed in the restricted Appendix A of this report and allowance for emergency schemes proceeding up to the total two-year indicative Programme total value of £42 Million (which includes previously approved schools programme KD5210, Cabinet 3rd March 2021) and become part of the Council's future capital programme.
5. As previously agreed by Cabinet approval (Condition and Fire Safety Programme 2021/22 to 2023/24) to continue to delegate authority to the Executive Director of People to:
 - (i) approve tenders for individual projects or schemes of aggregated value up to a maximum of £500,000 including professional and technical expenses;
 - (ii) manage the Programme's individual project budgets so the overall budget remains within approved resources. This is to take account of variations between estimates and tender return costs and the potential need to substitute schemes having a greater technical priority if the need arises; and

(iii) allocate any contingency provision (up to a maximum of £350,000 including professional and technical expenses) to emergency projects and/or to schemes identified as priority but not yet programmed.

That Cabinet notes:

6. Procurement and award of the works contracts including entering into the contracts for each will conform to the Council's Contract Procedure Rules and standing orders.
7. Contract award for professional services and works above £500,000 will also conform to the Council's standing orders with approval sought at the appropriate authority level, following the key decision process as required.

Reason for Proposal(s)

8. Under the Scheme for Financing Schools, the Council retains responsibility for major items of repair in schools. A programme of projects has been collated to rectify and repair items of a high technical or strategic priority for consideration in 2022/23 to 2023/24.
9. The Council as Corporate Landlord has responsibility for major works at schools and seeks to employ the latest technology and energy saving improvements to contribute towards the Climate Change Agenda where it is practical and feasible to do so.

Relevance to the Council Plan

10. Sustain strong and healthy communities

The Borough needs to ensure appropriate social infrastructure is in place for Enfield's population. The proposed projects will contribute the procurement of construction related activity within the borough and its associated employment and economic benefits.

Background

11. The Council as Corporate Landlord is responsible for major works to address the condition of community and foundation schools. Such works mainly relate to building structure, roof replacement and electrical and mechanical services. When renewing building elements and services the designs take account of the latest technology and energy saving improvements to contribute towards the Climate Change Agenda by replacing life expired building elements with new more efficient equipment and materials.
12. Previously approved projects have been progressing well with some having been completed and some currently in progress.

Those completed include

- Fire safety works across 4 schools
- Window replacements to 4 schools
- Roofing works to 6 schools

- Heating/ hot water improvements to 9 schools
 - Electrical upgrades to 4 schools
 - Other major works such as drainage, security, structural repairs, toilet refurbishments, access improvements etc have been undertaken over a number of schools.
13. In addition to the condition related works mentioned above, other major projects have been progressing to provide the much needed additional SEND places including some in the mainstream schools as set out below:
- An extension and external works at West Lea Special School (Haselbury Campus) providing additional specialist accommodation to support previously extended provision of complex learning needs.
 - Remodelling of Durants Lower School to provide five classrooms providing forty additional places for pupils with complex needs
 - Refurbishment of modular unit for Waverley School located at Honilands Primary School providing thirteen additional places for pupils with complex needs
 - Creation of an ASD Satellite unit for Russet House School At Suffolk Primary School providing fourteen additional places.
 - Continuing to progress the construction of the new Fern House School that will provide additional twenty-two places for SEMH pupils in early 2023.
 - Completing the design for the new sixth form block with additional SEN unit at Winchmore Secondary School planned for completion in summer 2023. This will provide twenty places for pupils complex learning needs as well as one hundred fifty Post-16 places for existing mainstream pupils currently provided at Broomfield School.
 - Installation of a modular building at Oaktree Special School to provide nine additional places for pupils with complex learning needs. Plans are being progressed to for further extend provision by forty places phased over 2022/3 and 2023/4.
14. The Education Strategic Resourcing & Partnerships Team (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) funding can be utilised 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. Future building condition surveys will be consider decarbonisation/energy saving opportunities to ensure that opportunities to access PSDS funding opportunities as they arise with predetermined schemes. Recent examples of such schemes are;
- a. Capel Manor School - following the failure of two gas fired water heaters the Schools Capital Programme supported the first phase of works to urgently replace one water heater on a like for like basis to ensure the school could continue to operate and remain open. The second water

heater is to be replaced with a low carbon electric solution . This hybrid solution ensures the hot water demand can be delivered in advance of any major decarbonisation plans for this school.

- b. Swan Annexe - Gas boilers had failed at the site being used by West Lea School. Original proposals were to replace this with a new gas boilers. Works are now being undertaken to connect the building to the Energetik Heat Network which will provide a low carbon heat. The Schools Capital Programme will support the hire of a temporary boiler plant and replacement of the internal heating pipework and radiators to facilitate efficient connectivity to the heat network.
 - c. Swan Annexe – Consideration is being given to upgrading rooflights to reduce heat loss to create greater energy efficiency .
15. The School Capital Programme is developed considering the previous approved de-delegated funding for schools to undertake small scale capital works. 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 these allocated resources.
 16. Projects have been prioritised for inclusion in the Programme based on technical information from condition surveys commissioned by CMFM and school estate strategies, such as increasing the availability of SEND school places. Further condition surveys will be commissioned on the basis of a three-year rolling programme to inform the prioritisation of projects in future Schools capital programmes. Going forward these surveys will consider opportunities for decarbonisation and energy efficiency work in line with the Council's Climate Action Plan.
 17. To maximise resources available to school condition projects and school development projects all available funding has been aggregated to provide a single capital programme. This is achieved by pooling central Government Grants and developer contributions into a single People's Capital Programme for Schools.
 18. A proposed programme for 2022/23 and 2023/24 has been formulated to address the highest priority condition items. Projects have been selected as far as possible according to the extent of urgency using the Department for Education definitions.
 19. The previously approved high priority strategy of expanding the Special School estate is also factored into the developed capital programme.
 20. The Schools' capital programme is currently entirely funded from Central Government Grants and Section 106 Developer contributions. When available further funding will be sought from the PSDS to ensure Enfield School contribute to the Council's decarbonisation targets.
 21. The current and future projects providing additional school places are:

SCHOOL	PROJECT	ADDITIONAL SEND PLACES
Fern House	Rebuild. and expansion of special school.	Additional 24 places
Winchmore	Sixth Form and Autistic Unit	150 existing Mainstream places and an additional SEN 20 places
Oaktree ITS	Whole school expansion	Additional 41 places

22. Following a successful bid to the Department of Education (DfE) an additional seventy Social Emotional and Mental Health (SEMH) places at a new secondary special free school, to open in 2022/23. The new school will be managed by the Edmonton Academy Trust.
23. Special school expansion initiatives have been developed in consultation with Special Schools, Special Education Needs Team and internal technical advice from CMFM.
24. A Corporate initiative to investigate options for new Special School(s) is underway and viability studies of a number of potential school sites are being evaluated.

Main Considerations for the Council

25. The Council as Corporate Landlord is responsible for major works to address the condition of community and foundation schools. Such works mainly relate to building structure, roof replacement and electrical and mechanical services.
26. The increase of special school places supports the invest to save in the special school sector by reducing the number of high costs out of borough placements for children with special education needs.

Safeguarding Implications

27. The proposed capital works will ensure the schools remain a safe environment. The works concerned will be undertaken in full accordance with Health and Safety and CDM Regulations.

Public Health Implications

28. Good quality accommodation and external learning environment to create spaces for continued and sustained learning development, social integration and well-being

Equalities Impact of the Proposal

29. An Equality Impact Assessment has been carried out. A strategy has been developed to ensure that there are sufficient pupil places across the Borough to meet demand, that these places are not discriminatory and to ensure that all children have access to quality education.

Environmental and Climate Change Considerations

30. 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 activity. 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 SUDS.
31. The Schools Capital Programme is a significant opportunity to deliver high value improvements so when making investments carbon reductions will be a key consideration:
 - a. Proposed capital works programme will be developed to align with the Council's Climate Action Plan and 2030 Carbon Neutrality target from Scope 1 & 2 emissions from the Council's corporate operations, include maintained school estates.
 - b. The capital works programmes will be coordinated to respond to and utilise future funding and financing opportunities (e.g. Salix grants and loans) to support the decarbonisation of school estates, including energy efficiency and heat decarbonisation works.
 - c. The ongoing and future capital works programme will also be aligned with the corporate retrofit programme to decarbonise the council's estate, with a focus on energy efficiency upgrades along with heat decarbonisation through heat pumps and connection to the heat network, ensuring a holistic approach is taken.
 - d. When renewing building fabric elements, opportunities to increase the thermal efficiency will be considered, such as improved insulation or glazing performance. Building fabric improvements will ensure improved health and wellbeing of occupants with a consideration for improved climate resilience, with designs taking into account opportunities to improve thermal comfort, natural ventilation and provide resilience to future effects of climate change
 - e. When replacing or upgrading heating systems, an options appraisal of low carbon technology will be undertaken to consider feasibility of ground source heat pumps, air source heat pumps and heat network connections as the preferred approach. Heating system technologies will be assessed against carbon, capital cost and cost to end user. Where possible heating replacement projects will be aligned with retrofit programmes and external funding opportunities.

- f. Works to building heating systems and distribution will be designed with a long-term view to enable heat decarbonisation, for example providing suitable connections and controls for compatibility with alternative technologies such as heat pumps and connection to the heat network.
 - g. Works to building electrical systems will be designed with a consideration for energy saving opportunities, through replacements with lower-energy fixtures, improved controls and ensuring future capacity is considered for additional loads such as EV charging and renewable energy generation technology, such as Solar PV.
32. In practical terms, a feasibility study has been undertaken on a large-scale school boiler replacement to provide a comparison between conventional gas fired boiler replacement and the use of Heat Pump technologies. The initial finding is that the Heat Pump option is more expensive in the first instance but the installations whole life costing is a consideration for the Council going forward. Officers are pursuing this area of emerging improved technology and actively researching support towards the initial installation cost. Other options explored include schools connecting to the district heating system.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

33. Unless the Council is able to continue a comprehensive condition programme, there will be a serious risk of building closures due to failure of structure, electrical services or heating plant. Health and safety issues will also arise without a significant investment in for example fire safety improvements.
34. The Council will not realise savings from the investment made in the Special school estate.
35. Procurement of both professional service and construction contracts will be undertaken through the Council's Contract Procedure Rules.
36. Risk register(s) will be maintained at both the Capital Programme and individual project levels. Mitigating action will be implement as necessary.

Financial Implications

37. This report is seeking approval of the budgets for 2022/23 and 2023/24 which totals £21.098m and £6.520m respectively (the approved programme). There is also an indicative amount of £8m in the 2022/23 and £1.480m in the ten-year capital programme, which will require separate approval (Requested Additions) prior to being available to spend. The table below analyses the approved and Requested Addition budgets(which are subject to approval)

Capital Programme (£000s)	2022/23	2023/24*	2024/25*	2025/26*	2026/27*	2027/28 – 2031/32*	Total	Funding Sources
Strategic Schools Places Programme	11,110	1,600	0	0	0	0	12,710	Education and Skills Funding Agency (ESFA)
Schools Maintenance	9,988	4,920	0	0	0	0	14,908	ESFA
Total Approved Programme	21,098	6,520	0	0	0	0	27,618	
Schools' Future Programme (Requested Addition)	8,000	1,480	8,000	8,000	8,000	40,000	73,480	ESFA
Total Education Capital Programme	29,098	8,000	8,000	8,000	8,000	40,000	101,098	

**assumed funding – funding not yet allocated*

38. This report seeks approval for Capital Spend for 2022/23 and 2023/24 (£21.098m and £6.520m respectively; funding for additional years has yet to be allocated by ESFA and are assumed at current levels).
39. The Schools' capital programme is entirely funded from Central Government Grants. In addition, further contributions from Section 106 Developer contributions may be used to finance 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.
40. The proposed works detailed in restricted Appendix A are an amalgamation of previously approved schemes, which are carrying over from previous years programmes and new priority schemes starting in 2022/23 to 2023/24.
41. The schools' capital programme is entirely funded via external sources. Funding is provided annually by the Education and Schools Funding Agency through its LA Basic Needs and Maintenance grants to support the Council's schools' capital programme.
42. Revenue implications from these projects will be contained within existing school budgets.
43. The updated programme will be reviewed and updated as part of the quarterly capital monitoring reporting processes.

Legal Implications

44. Section 14 of the Education Act 1996 (as amended) requires a local education authority to ensure that sufficient school places are available within the borough for children of compulsory school age. Case law upon this statutory duty confirms that compliance with the duty requires an education authority to

actively plan to remedy any shortfall. Further, section 27 of the Children and Families Act 2014 requires local authorities to consider the extent of provision in their area and whether it is sufficient to meet children and young people's educational needs, training needs and social care needs. 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.

45. 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 so as 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 closely monitor the Building Safety Bill and further fire safety secondary legislation to ensure that, when enacted, any legal requirements on the Council are implemented.
46. 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.
47. 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 statutory guidance 'Making significant changes ('prescribed alterations') to maintained schools' October 2018 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.
48. 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.

49. The proposals represent a Key Decision as they are over £500,000 in value. The Council must therefore comply with its governance process in respect of Key Decisions.
50. When procuring and awarding contracts pursuant to this Report, the Council must comply with its Contract Procedure Rules, the Public Contracts Regulations 2015, 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 must be after due diligence on the framework by the Procurement and Commissioning Hub.
51. All contracts should be in a form approved by Legal Services on behalf of the Director of Law and Governance.

Workforce Implications

None foreseen

Property Implications

52. 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

53. None noted

Options Considered

54. Projects have been prioritised for inclusion in the Programme based on technical information in condition surveys commissioned by CMFM through external consultants.

Conclusions

That Cabinet agree:

55. Grant the approval to spend the 2022/23 and 2023/24 Capital Budget of £21.098m and £6.520m.
56. Agree the proposed programme of works including professional and technical expenses detailed in the restricted Appendix A of this report and allowance for emergency schemes proceeding up to the total two-year indicative Programme total value of £42 Million (which includes previously approved schools programme KD5210, Cabinet 3rd March 2021). and become part of the Council's future capital programme.

57. As previously agreed by Cabinet approval (Condition and Fire Safety Programme 2021/22 to 2023/24) to continue to delegate authority to the Executive Director of People to:

(i) approve tenders for individual schemes or schemes of aggregated value up to a maximum of £500,000 including professional and technical expenses;

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That Cabinet notes:

58. Procurement and award of the works contracts including entering into the contracts for each will conform to the Council's Contract Procedure Rules and standing orders.

59. Contract award for professional services and works above £500,000 will also conform to the Council's standing orders with approval sought at the appropriate authority level, following the key decision process as required.

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Date of report 14 December 2021

Appendices

Restricted Appendix A

Background Papers

Nil