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# NOTICE OF MEETING

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## CABINET MEMBER FOR EDUCATION

WEDNESDAY, 21 MARCH 2018 AT 5.00 PM

THE EXECUTIVE MEETING ROOM - THIRD FLOOR, THE GUILDHALL

Telephone enquiries to Lisa Gallacher 02392 834056  
Email: [lisa.gallacher@portsmouthcc.gov.uk](mailto:lisa.gallacher@portsmouthcc.gov.uk)

If any member of the public wishing to attend the meeting has access requirements, please notify the contact named above.

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## CABINET MEMBER FOR EDUCATION

Councillor Hannah Hockaday (Conservative)

### Group Spokespersons

Councillor Suzy Horton, Liberal Democrat

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(NB This Agenda should be retained for future reference with the minutes of this meeting.)

Please note that the agenda, minutes and non-exempt reports are available to view online on the Portsmouth City Council website: [www.portsmouth.gov.uk](http://www.portsmouth.gov.uk)

**Deputations by members of the public may be made on any item where a decision is going to be taken. The request should be made in writing to the contact officer (above) by 12 noon of the working day before the meeting, and must include the purpose of the deputation (for example, for or against the recommendations). Email requests are accepted.**

## AGENDA

- 1 **Apologies for absence**
- 2 **Declarations of Members' Interests**
- 3 **Change of age range of Penhale Infant School and Nursery - outcome of statutory consultation (Pages 5 - 10)**

### Purpose of report

This report sets out the outcome of the statutory consultation which was undertaken between 13<sup>th</sup> January 2018 and 10<sup>th</sup> February 2018 on the proposal to change the age range of Penhale Infant School and Nursery.

**RECOMMENDED that the Cabinet Member:**

- (1) consider the response to the statutory consultation carried out on the proposal to change the age range of Penhale Infant School and Nursery**
- (2) authorise the Director for Children, Families and Education to implement the proposal so that Penhale Infant School and Nursery becomes a school for pupils aged 2 to 7 years of age from 1st April 2018**

**4 Change of age range for the Willows Centre - outcome of statutory consultation (Pages 11 - 22)**

Purpose of report

This report sets out the outcome of the statutory consultation which was undertaken between 29<sup>th</sup> January 2018 and 26<sup>th</sup> February 2018 on the proposal to change the age range of Willows Centre for Children.

**RECOMMENDED that the Cabinet Member:**

- (1) Consider the response to the statutory consultation carried out on the proposal to change the age range of Willows Centre for Children.**
- (2) Authorise the Director for Children, Families and Education to implement the proposal, so that Willows Centre for Children becomes a school for pupils aged 2 to 7 years of age from 1st September 2018.**

**5 School Condition Modernisation Programme 2018-19 (Pages 23 - 28)**

Purpose of report

To seek approval for the individual condition projects that form part of the £1,100,000 schools condition modernisation programme 2018-19.

**RECOMMENDED that:**

- a) The school modernisation "urgent condition" projects as set out in Section 4 of the report be approved.**
- b) Power be delegated to the Deputy Director of Children, Families and Education, to approve the entering into contracts for the proposed capital works set out in this report.**

**6 Transport for Post-16 Learners with Special Educational Needs and Disabilities (SEND) (report to follow)**

Purpose of report

To seek approval to consult stakeholders on a revised Transport Statement for Post-16 Learners with SEND.

Members of the public are permitted to use both audio visual recording devices and social media during this meeting, on the understanding that it neither disrupts the meeting nor records those stating explicitly that they do not wish to be recorded. Guidance on the use of devices at meetings open to the public is available on the Council's website and posters on the wall of the meeting's venue.

Whilst every effort will be made to webcast this meeting, should technical or other difficulties occur, the meeting will continue without being webcast via the Council's website.

This meeting is webcast (videoed), viewable via the Council's livestream account at <https://livestream.com/accounts/14063785>

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<b>Title of meeting:</b>	Cabinet Member for Education
<b>Date of meeting:</b>	21 <sup>st</sup> March 2018
<b>Subject:</b>	Change of age range at Penhale Infant School and Nursery - outcome of statutory consultation
<b>Report from:</b>	Alison Jeffery, Director of Children, Families and Education
<b>Report by:</b>	Caroline Corcoran, Head of Sufficiency, Participation & Resources, Education Service
<b>Wards affected:</b>	Fratton
<b>Key decision:</b>	No
<b>Full Council decision:</b>	No

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## 1. Purpose of report

- 1.1 This report sets out the outcome of the statutory consultation which was undertaken between 13<sup>th</sup> January 2018 and 10<sup>th</sup> February 2018 on the proposal to change the age range of Penhale Infant School and Nursery.

## 2. Recommendations

### 2.1 It is recommended that the Cabinet Member:

- consider the response to the statutory consultation carried out on the proposal to change the age range of Penhale Infant School and Nursery
- authorise the Director for Children, Families and Education to implement the proposal so that Penhale Infant School and Nursery becomes a school for pupils aged 2 to 7 years of age from 1st April 2018

## 3. Background

- 3.1 The nursery at Penhale Infant School provides free sessional early years education for local families under the Ofsted registration of the school. As the designated age range of the school is 3 to 7 years, children can only be admitted to the nursery from age 3 and so the nursery is unable to meet the needs of local families who are eligible for two year old nursery funding.

3.2 The Governing Body of Penhale Infant School and Nursery requested a change to the age range of the school from 3 to 7 years to 2 to 7 years, to enable the school nursery to offer nursery provision to children from age 2 and to meet the needs of parents seeking an approved childcare provider.

3.3 As Penhale Infant School and Nursery is a community maintained infant school, a change of age range is a prescribed alteration governed by The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013. The Local Authority would be the proposer and the decision maker for this alteration. The prescribed alteration has to follow a statutory process which has the following four stages:

<b>Stage</b>	<b>Description</b>	<b>Timescale</b>	<b>Comments</b>
Stage 1	Publication (statutory proposal / notice)		
Stage 2	Representation (formal consultation)	Must be at least 4 weeks	As prescribed in the 'Prescribed Alteration' regulations.
Stage 3	Decision	LA should decide a proposal within 2 months otherwise it will fall to the Schools Adjudicator.	Any appeal to the adjudicator must be made within 4 weeks of the decision.
Stage 4	Implementation	No prescribed timescale	However it must be as specified in the published statutory notice, subject to any modifications agreed by the decision-maker.

3.4 On 7<sup>th</sup> December 2017 the Cabinet Member for Education authorised the Director of Children, Families and Education to proceed with the publication of the proposal and the representation stage of the process.

3.5 The four week formal representation period started on 13<sup>th</sup> January 2018 with the publication of the required public notice in The News. The formal consultation has been conducted in line with the current statutory guidance and ended on 10<sup>th</sup> February 2018. If the change is approved it would be implemented on 1<sup>st</sup> April 2018.

#### **4. Reasons for recommendations**

4.1 This proposal would increase the number of childcare places in approved childcare provision available for 2 year old children in the City.

4.2 No comments on this proposal have been received.

## **5. Equality impact assessment**

- 5.1 An equality impact assessment is not required as the recommendation does not have a negative impact on any of the protected characteristics as described in the Equality Act 2010. A change in age range for Penhale Infant School and Nursery will affect all parents in the area equally.

## **6. Legal implications**

- 6.1 The Education and Inspections Act 2006, the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 and the DfE statutory guidance "Making Prescribed Alterations to Maintained Schools - statutory guidance for proposers and decision-makers (April 2016)" set out the procedure for changing the age range of a maintained school. The stages of the statutory process are set out in paragraph 3.3 of this report.
- 6.2 The Local Authority will be the decision-maker of this proposal and the decision-maker must have regard to the statutory guidance for decision-makers "Statutory guidance for decision-makers deciding prescribed alteration and establishment and discontinuance proposals" of April 2016. The decision-maker must be satisfied that before a final decision is made, appropriate consultation has been carried out and any representations made are considered carefully.
- 6.3 The decision must be made within a period of two months of the end of the representation period. It is within the Cabinet Member's powers to approve the recommendation.

## **7. Director of Finance's comments**

- 7.1. The School and Early Years Finance (England) regulations set out the Dedicated Schools Grant (DSG) framework for the provision of funding for 2,3 and 4 years old in nursery settings.
- 7.2. The local funding formula for 2 year olds in nursery settings from 1 April 2018 was approved by Cabinet Member and endorsed by Schools Forum in January 2018. The funding provided by the City Council for an eligible 2 year old, taking up the full 15 hour per week entitlement of funded childcare provision over 38 weeks, would amount to £2,867 per annum.
- 7.3. Where there is an increase in the number of 2, 3 or 4 years olds in nursery settings funded through the local funding formula, and they are taking up their entitlement at the time of the census count, then additional funding will be provided by the DfE through the DSG.
- 7.4. For avoidance of doubt no provision has been made under the authority's capital programme for any capital works that may be associated with the change in age

range and it is expected that the pupils will be accommodated within the existing capacity of the school.

- 7.5. The expansion of a nursery provision is not eligible an use of the mainstream growth fund.

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Signed by:

**Appendices:**

None

**Background list of documents: Section 100D of the Local Government Act 1972**

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Stautory Guidance - "Making 'prescribed alterations' to maintained schools"	<a href="https://www.gov.uk/government/publications/school-organisation-maintained-schools">https://www.gov.uk/government/publications/school-organisation-maintained-schools</a>

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by ..... on .....

.....  
Signed by:

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<b>Title of meeting:</b>	Cabinet Member for Education
<b>Date of meeting:</b>	21 <sup>st</sup> March 2018
<b>Subject:</b>	Change of age range at Willows Centre for Children - outcome of statutory consultation
<b>Report from:</b>	Alison Jeffery, Director of Children, Families and Education
<b>Report by:</b>	Caroline Corcoran, Head of Sufficiency, Participation and Resources - Education Service
<b>Wards affected:</b>	All
<b>Key decision:</b>	No
<b>Full Council decision:</b>	No

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## 1. Purpose of report

- 1.1 This report sets out the outcome of the statutory consultation which was undertaken between 29<sup>th</sup> January 2018 and 26<sup>th</sup> February 2018 on the proposal to change the age range of Willows Centre for Children.

## 2. Recommendations

### 2.1 It is recommended that the Cabinet Member:

- consider the response to the statutory consultation carried out on the proposal to change the age range of Willows Centre for Children
- authorise the Director for Children, Families and Education to implement the proposal, so that Willows Centre for Children becomes a school for pupils aged 2 to 7 years of age from 1st September 2018.

## 3. Background

- 3.1 Willows Centre for Children offers integrated education and care for children from 3 months to 5 years. The setting has 42 full time spaces for nursery and reception pupils with Special Educational Needs (SEN) aged 3 to 5 years. In addition, there is privately funded day care provision for children aged 3 months to 4 years from the local community.

3.2 The Council has proposed a change in age range for Willows Centre for Children in order to provide additional specialist Year 1 places in September 2018 to meet increased demand. Demand for Year 1 places in special schools in September 2018 will be greater than the number of places currently available.

3.3 As Willows Centre for Children is a community maintained special school, a change of age range is a prescribed alteration governed by The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013. The Local Authority would be the proposer and the decision maker for this alteration. The prescribed alteration is required to follow a statutory process which has the following four stages:

Stage	Description	Timescale	Comments
Stage 1	Publication (statutory proposal / notice)		
Stage 2	Representation (formal consultation)	Must be at least 4 weeks	As prescribed in the 'Prescribed Alteration' regulations.
Stage 3	Decision	LA should decide a proposal within 2 months otherwise it will fall to the Schools Adjudicator.	Any appeal to the adjudicator must be made within 4 weeks of the decision.
Stage 4	Implementation	No prescribed timescale	However it must be as specified in the published statutory notice, subject to any modifications agreed by the decision-maker.

3.4 On 15<sup>th</sup> January 2018 the Cabinet Member for Education authorised the Director of Children, Families and Education to proceed with the publication of the proposal and the representation stage of the process.

3.5 The four week formal representation period started on 29<sup>th</sup> January 2018 with the publication of the required public notice in The News. The formal consultation has been conducted in line with the current statutory guidance and ended on 26<sup>th</sup> February 2018. If the change is approved it would be implemented on 1<sup>st</sup> September 2018.

#### 4. Reasons for recommendations

4.1 Portsmouth is experiencing an increase in demand for places in infant level specialist provision, particularly for children with more complex needs. If additional places cannot be provided in schools within the City, some pupils may have to be placed in specialist provision outside of the City. However there are very few places available in special schools in neighbouring local authorities,

who are also experiencing an increase in demand. In addition, placement of very young children outside of the city for their education is not desirable if their needs can be met locally. Furthermore these placements could be more costly and the Local Authority (LA) would have to pay to transport pupils to and from school at additional cost.

- 4.2 Changing the age range of Willows Centre for Children to 2 - 7 years would allow the Council to commission Year 1 places at the school for September 2018.
- 4.3 As shown in appendix 2, 87.5% were in favour of the proposal. During the consultation period, on 13<sup>th</sup> February 2018, Full Council approved £400,000 of capital funding for building adaptations at Willows Centre for Children. The building adaptations have been developed closely with school staff to ensure that the pupil age range change is managed effectively. Works will be undertaken and completed before September 2018

## **5. Representations**

- 5.1 The proposal was published in The News on 29<sup>th</sup> January 2018 and the representation period ran for four weeks.
- 5.2 The consultation document, attached as Appendix 1, was sent to the parents / carers of all pupils and staff shortly after the consultation opened. Consultation meetings for staff and parents/ carers were held during the week beginning 19<sup>th</sup> February 2018.
- 5.3 The consultation meetings provided an opportunity to find out more about the proposal and to ask questions or put forward views. Education Officers from the Local Authority attended these meetings.
- 5.4 Details of the responses received by 26<sup>th</sup> February 2018 are set out in Appendix 2. Of the 32 responses received, 28 (87.5%) responses were in favour of the proposal.
- 5.5 Copies of the response forms received are available for reference.

## **5. Equality impact assessment**

- 5.1 An equality impact assessment is not required as the recommendation does not have a negative impact on any of the protected characteristics as described in the Equality Act 2010.

## **6. Legal implications**

- 6.1 Section 14 of the Education Act 1996 places a general duty on Local Authorities to secure that there are sufficient schools for providing primary and secondary school education, sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education and requiring them

in particular to have regard to the need to secure that special educational provision is made for pupils with special educational needs. Section 315 of the Education Act 1996 requires local authorities to keep the arrangements for SEN provision made by them under review. These proposals will assist the Local Authority in meeting these statutory duties.

- 6.2 The Education and Inspections Act 2006, the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 and the DfE statutory guidance "Making Prescribed Alterations to Maintained Schools - statutory guidance for proposers and decision-makers (April 2016)" set out the procedure for changing the age range of a maintained school. The stages of the statutory process are set out in paragraph 3.3 of this report.
- 6.3 The Local Authority will be the decision-maker of this proposal and it must satisfy itself that before the final decision is made, appropriate consultation has been carried out. The Cabinet Member must consider the views of those affected by the proposals or who have an interest in them. Decision makers should not simply take account of the numbers of persons expressing a view but should consider giving the greatest weight to those stakeholders who are most directly affected by the proposals. The cabinet member should review the representations, shown in Appendix 2, and decide whether any significant issues are raised which have not previously been considered or addressed and whether any give good cause not to proceed with the proposals.
- 6.4 The determination of the proposals must be made within the period of 2 months of the end of the representation period. Under Part 2, Section 3, of the City Council's constitution the Cabinet Member for Children & Education has the authority to approve the recommendations set out in this report

## **7. Director of Finance's comments**

- 7.1 The School and Early Years Finance (England) regulations set out the Dedicated Schools Grant (DSG) framework for the provision of funding for pupils' special educational needs and disabilities including those placed in a specialist high needs setting.
- 7.2 The local funding formula for Willows Centre for Children is based on 42 places, with additional "Element 3 Top-up" funding according to the pupils' assessed level of need which is paid from the date the pupil starts the school.
- 7.3 The proposal to increase the age range of the pupils to include year one will provide greater surety of "Element 3 Top-up" funding as the pupils in this age group are more likely to start school at the beginning of the autumn term when compared to pupils in reception and nursery classes who could have staggered admission dates.

- 7.4 The Cabinet programme for 2018-19 agreed at Full Council on 13 February 2018 contained funding for an additional 8 year 1 places from September 2018 and a further 4 places from September 2019, at a total cost of £400,000.
- 7.5 At the Cabinet Member meeting on 15 January 2018 the DSG budget was approved including a commitment to fund 42 places and associated "Element 3 top-up" for Willows centre for Children. Should the total of places increase in line with the Capital proposals the financial impact of the place and Element 3 Top-up funding from the DSG would be £140,600 in 2018-19, the full year effect of the 8 places plus the additional 4 places from September 2019 would be £311,200 in 2019-20.
- 7.6 The expansion of a Specialist provision is not an eligible use of the mainstream growth fund.

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Signed by:

**Appendices:**

- APPENDIX 1: Consultation Document
- APPENDIX 2: Consultation Responses

**Background list of documents: Section 100D of the Local Government Act 1972**

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Stautory Guidance - "Making 'prescribed alterations' to maintained schools"	<a href="https://www.gov.uk/government/publications/school-organisation-maintained-schools">https://www.gov.uk/government/publications/school-organisation-maintained-schools</a>

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by ..... on .....

.....  
Signed by:

## APPENDIX 1

### Consultation on the proposal to change the age range of Willows Centre for Children

#### Proposal

Portsmouth City Council is consulting on a proposal to make a change to the age range of Willows Centre for Children in order to allow the school to provide specialist education to Year 1 pupils in order to meet local demand for specialist education for pupils with Special Educational Needs (SEN).

The formal proposal is that the age range of Willows Centre for Children should be increased by two years so that the school becomes a school for pupils aged 2 to 7 years, as opposed to the current age range of 2 to 5 years.

#### Background

Willows Centre for Children is a fully inclusive setting offering specialist education for pupils aged 2 to 5 years (i.e. nursery and Year R pupils) with SEN and community child care for children aged from 3 months.

The specialist SEN setting offers 42 full time equivalent spaces for children allocated a Local Authority place because of their Special Educational Needs. At the end of Year R many of the pupils will continue their education in special schools in Portsmouth (primarily Cliffdale Primary Academy and Mary Rose Academy).

Portsmouth is experiencing an increase in demand for places in infant level specialist provision, particularly for children with more complex needs. Demand for Year 1 places in special schools will be greater than the number of places currently available by September 2018. If additional places cannot be provided in schools within the city, some pupils may have to be placed in specialist provision outside of the city.

Neighbouring local authorities are also experiencing increased demand for special school places and there are very few places available for Portsmouth pupils. In addition, the placement of very young children outside is not desirable due to the increase in school journey times.

Enabling Willows Centre for Children to deliver Year 1 provision will ease the pressure on specialist places in the city. However, it is recognised this is only a short to medium term solution and a city wide strategy to address the growing need for specialist places in the city is being drawn up and will be informed by the outcome of a SEND Strategic Review which will be completed at the end of March 2018.

Willows Centre for Children is working closely with Solent Academies Trust (who are responsible for Mary Rose, Cliffdale Primary and Redwood Park Academies) to plan the proposed Year 1 provision at Willows.

## Why Change the age range?

Changing the age range of Willows Centre for Children from 2 to 5 years to 2 to 7 years will allow the school to provide specialist education for pupils in Year 1. This will increase the number of specialist places for Year 1 pupils with SEN within the city. The change in age range will also allow Willows Centre for Children to consider a transfer to an Academy Trust, as many other schools in the city have done.

## What happens next?

Portsmouth City Council is obliged to consult on this proposal and wants to hear the views of parents, carers and other stakeholders. The consultation opens on 29th January 2018 and closes on 26<sup>th</sup> February 2018. At the end of the consultation period the Council will review the responses and formally decide whether to change the age range.

If the proposal is agreed the change will be effective from 1<sup>st</sup> September 2018.

## How you can have your say?

If you would like to find out more or discuss this proposal there will be a public drop in meeting at

### 2pm on Wednesday 21<sup>st</sup> February at Willows Centre for Children

Everyone is welcome to attend this meeting. Please come along and ask us any questions you may have about what this means for the schools and the community.

Anyone can comment on this proposal until 26<sup>th</sup> February 2018 by completing the attached comment form and returning it to the Willows Centre for Children.

Or via either

email to: [eandsc@portsmouthcc.gov.uk](mailto:eandsc@portsmouthcc.gov.uk) (please title your email: **Willows Proposal**)

or

by post to: Janet Andrews,  
Education Service  
Portsmouth City Council  
Floor 2 Core 6  
Civic Offices  
Guildhall Square  
Portsmouth  
PO1 2EA

You can get this Portsmouth City Council information in large print, Braille, audio or in another language by calling 023 9284 1717.

## Response Form

### Consultation on the proposal to change to age range Willows Centre for Children

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Postcode: \_\_\_\_\_

Please tick:

Parent  Governor  Staff  Other (please state)  \_\_\_\_\_

### Do you support the proposals to change the age range of the Willows Centre for Children?

YES  NO

Comments (please attach separate sheets of paper if necessary):

Signature: \_\_\_\_\_

Date \_\_\_\_\_

It is important that you sign and date this form.

**Responses must be received by 26<sup>th</sup> February 2018**

**Please return Response Forms either to the School Office,**

**or by post to:** Janet Andrews, Education , Portsmouth City Council, Floor 2, Core 6, Civic Offices, Guildhall Square, Portsmouth, PO1 2EA.

or by email to: [eandsc@portsmouthcc.gov.uk](mailto:eandsc@portsmouthcc.gov.uk) (please title your email Willows Consultation)

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## APPENDIX 2

### Statutory consultation change of age range at Willows Centre for Children

#### CONSULTATION RESULTS

	Parent	Governor	Staff	Other	TOTAL
For	27	0	0	1	28
Against	4	0	0	0	4
<b>TOTAL</b>	<b>31</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>32</b>

#### The Following Comments were received

- There needs to be more school places for SEN children If this is going to create this then that's good. I hope willows keeps its outstanding standards with the expansion and Year R - 2 get opportunity to access swimming as other SEN schools provide.
- With the lack of spaces currently available for children with special educational needs allowing The Willows to have a year 1 class would take the pressure off (slightly although nowhere near what is required) the City, which would benefit and be in the best interest for the children concerned. Many children like my son [REDACTED] need the settings, environments and specialist teaching to learn which schools like the Willows provide. Mainstream schools with additional classroom, support is nowhere near the same.
- My husband and I fully support this proposal
- This is a brilliant idea for the children + willows
- Anything that means that the children in the present year R can have consistency for the next couple of years by staying in place instead of going to another school for year 1 is positive
- I support the proposal. But 1 concern: is there has enough outdoor space to children? If condition permits I hope they can build another playground for year 1 children!
- This is a good idea as the children with additional needs, will get extra time to try get themselves ready for even bigger transition.
- I fully support the proposal for Year 1 provision at Willows. My daughter is currently in Year R and having been at Willows for 3 years already, I believe this to be her best option for September 2018.
- I think this is a very good proposal and I am in complete support of this
- I think the proposal sounds reasonable, however would the facilities accommodate the extra children?

## APPENDIX 2

- Make sure there is enough out door space for the children
- Collection & drop off time is already busy as it is, More children & parents would (I feel) cause more problems with security to the building. I would also worry about the quality of care if there are increased numbers, staff are already stretched. I understand the centre is for special needs as well but I find 7 year olds would make it more a school & not a nursery. I also feel 7 years old is too old to be around 2 year olds.  
Also if plans are to start Sept 2018, how are you going to extend the building to accommodate these children!
- I have just received the letter regarding Willows age range increasing to 2-7 Years. We currently have a son in pre-school, will you be able to confirm that the new Year 1's will be separate to the Pre-school as I am not keen on my 3 year old mixing with for example with a 7 year old for an extended period of time. As they have totally different needs.
- [REDACTED] has been waiting long enough for a placement at Mary Rose. With him turning 5 next week, it is time for him to move on to where he needs to be long term.
- It would be of great relief to know that my child continues to have the same support that he is having now up till year 1. I have only amazing reviews to give for all the staff who work here and show a clear understanding of all children!

# Agenda Item 5



Portsmouth  
CITY COUNCIL

<b>Decision maker</b>	Cabinet Member for Education
<b>Subject:</b>	School Condition Modernisation Programme 2018-19
<b>Date of meeting:</b>	21 March 2018
<b>Report from:</b>	Alison Jeffery, Director of Children, Families and Education
<b>Report by:</b>	Caroline Corcoran, Head of Sufficiency, Participation & Resources, Education Service
<b>Wards affected:</b>	All Wards
<b>Key decision (over £250k):</b>	No

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## 1. Purpose of report

- 1.1 The purpose of this report is to seek approval for the individual condition projects that form part of the £1,100,000 schools condition modernisation programme 2018-19.
- 1.2 Capital funding of £1,000,000 was approved by Full Council on 13<sup>th</sup> February 2018 with a further £100,000 anticipated from school contributions. Any additional funding from schools will be used to increase the value of the overall scheme related to the schools modernisation programme.

## 2. Recommendations

### 2.1 It is recommended that:

- a) The school modernisation "urgent condition" projects as set out in Section 4 of the report be approved.
- b) Power be delegated to the Deputy Director of Children, Families and Education, to approve the entering into contracts for the proposed capital works set out in this report.

## 3. Background

### School modernisation (urgent condition) projects

- 3.1 The urgent condition projects have been identified through Asset Management Plan meetings, condition surveys and recommendations by Education officers concerning the needs of specific pupils. The initial analysis identified a need totalling £1,767,500 based on a range of Priority 1 project works that it was considered needed to be undertaken in 2018/19.

- 3.2 Due to the fact that the final allocation of capital funding is less than the identified need, the urgent condition projects have had to be prioritised based on a risk assessment (likelihood and impact of the event). In light of this, it may be necessary to address urgent or emergency works that arise during the course of the year and a contingency has been retained for this purpose.
- 3.3 The proposed allocation of the capital funding for individual schemes is set out in Section 4. The figures next to individual schemes show the estimated cost of the scheme.
- 3.4 The schools contribution will not be finalised until the year end school balances are known. School contributions will be calculated in May 2018, and may increase the amount available for urgent condition schemes. A summary of the school contribution methodology is given at Appendix A.

#### 4. School modernisation (urgent condition) projects

- 4.1 In summary, ten schemes with an estimated cost of £785,000 are currently identified for progression, with £315,000 being retained as contingency.
- 4.2 The table below shows the proposed projects to be funded from the approved capital scheme "School Condition Project 2018-19".

School	Capital works	Cost
Craneswater Annex	Replace emergency staircase	£ 60,000
Craneswater Annex	Windows, lintels & repointing (east elevation) - Phase 2	£ 75,000
Craneswater Junior	Stonework repairs and window replacements (west & south elevations)	£ 80,000
Cumberland Infant	Replace boilers, heating distribution, emitters & controls - Design only	£ 25,000
Devonshire Infant	Replace boilers, heating distribution, emitters & controls - Phase 1 only	£ 100,000
Medina Primary	Roof valleys & repairs	£ 100,000
Milton Park Primary	Roof repairs	£ 90,000
Portsdown Primary	Replace oil boilers, heating distribution, emitters & controls - Design only	£ 55,000
Wimborne Junior	Roof replacement & repointing - Phase 3	£ 95,000
Southsea Infant	Windows, lintels & repointing	£ 105,000
	<b>Contingency for urgent / emergency works</b>	<b>£315,000</b>
	<b>Total 2018/19 programme</b>	<b>£1,100,000</b>

- 4.3 A contingency of £315,000 has been retained as a prudent measure to allow urgent, emergency works to be undertaken during the year to be approved via the Members Information Service process.
- 4.4 Additionally, the following three schemes may require funding from the contingency and will be considered further once assessment reports have been received:
- Copnor Primary school. Awaiting engineer's report re heating.
  - Craneswater Annex. Awaiting full condition report to assess scope of works required.
  - Craneswater Junior School. Awaiting roof drone survey and investigation report re flooding. Timing of works would be inter-dependent with the current building scheme.

## **5. Equality Impact Assessment (EIA)**

- 5.1 An equality impact assessment is not required as the recommendations do not have a negative impact on any of the protected characteristics as described in the Equality Act 2010. The implementation of the school modernisation programme (urgent condition) will not have a negative impact on any of the equality groups. The programme will improve access to schools for all equality groups, particularly with regard to those pupils who have learning difficulties and / or a disability.

## **6. Legal implications**

- 6.1 The works proposed are within the Council's powers to approve the recommendations as set out above on the basis of the following:
- the Council is required to provide school premises in respect of foundation or voluntary controlled schools under the School Standards and Framework Act 1998, Schedule 3
  - the Council has an obligation to ensure that school premises are maintained to a prescribed standard in accordance with section 542 of the Education Act 1996.
- 6.2 The procurement process for the contracts for the works will need to be undertaken in accordance with the City Council's Contract Procedure Rules, at Part 3A of the constitution.
- 6.3 Under Part 2, Section 3, of the City Council's constitution the Cabinet Member for Education has the authority to approve the recommendations set out in this report.

**7. Finance comments**

- 7.1 Corporate funding of £1m was approved by Council on 13<sup>th</sup> February 2018 for urgent condition works. For condition projects, schools will be expected to use their Devolved Formula Capital (DFC) allocations to support these key priorities, in keeping with government expectations for the use of this funding. The expected contributions from schools' will be based on the contribution methodology; a summary of which is given at Appendix A. An anticipated school contribution of £100,000 is incorporated in the approved capital scheme total of £1,100,000. This may alter depending on the year end balances of the schools for which schemes are progressed.
  
- 7.2 Where capital investment is required to implement proposals, this will need to be identified from within the Education Capital Programme. Any ongoing revenue implications will be met by individual schools through their individual budgets which are funded from the Dedicated Schools Grant (DSG).

.....  
 Signed by:  
 Alison Jeffery  
 Director of Children, Families and Education

**Appendix A: Condition projects - methodology for school contributions**

**Background list of documents: Section 100D of the Local Government Act 1972**

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

<b>Title of document</b>	<b>Location</b>
Asset Management Plan files	Housing Property Services
Condition Survey Reports	Housing Property Services – Concerto database

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by ..... on .....

.....  
 Signed by:

## Appendix A: Condition projects - methodology for school contributions

The bands and contribution levels shown below apply:

### Contribution Calculations

- Scheme Value £1- £50,000 – equivalent of 1 year's Devolved Formula Capital allocation
- Scheme Value £50,001 - £100,000 – equivalent of 2 year's Devolved Formula Capital allocation
- Scheme Value above £100,000 – equivalent of 3 year's Devolved Formula Capital allocation

In order to ensure both the 'affordability' of schools to contribute as well as acknowledging the level of school balances, the following weightings have been applied to the scheme contributions.

Level of balances as at 31 March 2015 (Revenue & Capital)*	Annual DFC Equivalent
Below £25,000	Nil Contribution
£25,000 - £75,000	0.5xDFC
£75,001 - £150,000	1.0xDFC
£150,001 - £300,000	1.25xDFC
£300,001 - £500,000	1.5xDFC
Over £500,000	2.0xDFC

\*Excluding balances held in trust for other bodies (e.g. cluster funds)

Schools will also be expected to contribute financially to any urgent works projects identified during the year. The calculation for the financial contribution will be based on the methodology set out above.

Schools' contributions will be collected at the beginning of each financial year. Should a school convert to academy status during the financial year, their contribution is still payable in full for any schemes underway, with any outstanding or future years' contributions being collected as part of the final surplus/deficit calculations on Academy conversion. Any works, included in the approved capital programme, which have commenced, will still be completed.

The table on page 2 offers examples of the contributions payable by schools, at a range of DFC levels, across each of the bands outlined above, for a scheme costing £150,000. The calculation is for each capital scheme.



Scheme Cost	School DFC	Total Balances (Revenue + Capital)	DFC Multiple	Total Contribution (over 3 years)
£150,000 (3 Years DFC)	£5,000  (x 3 Years = £15,000)	Below £25,000	Nil	Nil
		£25,000 - £75,000	0.5	£ 7,500
		£75,001 - £150,000	1.0	£ 15,000
		£150,001 - £300,000	1.25	£ 18,750
		£300,001 - £500,000	1.5	£ 22,500
		Over £500,000	2.0	£ 30,000
£150,000 (3 Years DFC)	£7,500  (x 3 Years = £22,500)	Below £25,000	Nil	Nil
		£25,000 - £75,000	0.5	£ 11,250
		£75,001 - £150,000	1.0	£ 22,500
		£150,001 - £300,000	1.25	£ 28,125
		£300,001 - £500,000	1.5	£ 33,750
		Over £500,000	2.0	£ 45,000
<b>£150,000</b> (3 Years DFC)  <b>*See Example Below</b>	<b>£10,000</b>  <b>(x 3 Years = £30,000)</b>	Below £25,000	Nil	Nil
		£25,000 - £75,000	0.5	£ 15,000
		£75,001 - £150,000	1.0	£ 30,000
		<b>£150,001 - £300,000</b>	<b>1.25</b>	<b>£ 37,500</b>
		£300,001 - £500,000	1.5	£ 45,000
		Over £500,000	2.0	£ 60,000
£150,000	£15,000  (x 3 Years = £45,000)	Below £25,000	Nil	Nil
		£25,000 - £75,000	0.5	£ 22,500
		£75,001 - £150,000	1.0	£ 45,000
		£150,001 - £300,000	1.25	£ 56,250
		£300,001 - £500,000	1.5	£ 67,500
		Over £500,000	2.0	£ 90,000

*\* Example*

School 'B' Capital Scheme Cost 2015/16	£150,000
Required Contribution	3 Years DFC Equivalent
School 'B' DFC	£10,000
School 'B' Total Balances (Revenue + Capital)	£ 225,000
Multiple to be applied	1.25 x DFC Contribution
Contribution calculation for School 'B'	£10,000 x 3 x 1.25
Total Contribution Payable by School 'B'	<b>£37,500</b>
<i>Annual Instalments</i>	<i>£12,500</i>

For schools where there were multiple schemes, the methodology described above will be applied to each scheme.