

Report title: 2026/27 Proposed allocation of funding from the Children and Families Directorate, Learning and Early Support Schools Capital Maintenance baseline section of the Capital Plan.

Cabinet date	24th March 2026
Cabinet Member	Finance & Regeneration (Corporate Landlord) - Cllr Graham Turner Children’s Services - Cllr Viv Kendrick Education – Cllr Jane Rylah
Key Decision Eligible for Call In	Yes Yes
Purpose of Report This report will identify potential capital projects, for Member approval, to be funded from the 2026/27 Learning and Early Support Capital Maintenance baseline section of the Capital Plan to address urgent condition and Health and Safety (H&S) related needs in maintained schools. It will ask for delegated powers in line with the Council’s Financial Procedure Rules to enable officers to manage and deliver the large and complicated programme within its budget envelope.	
Recommendations Cabinet is requested to: <ul style="list-style-type: none"> • Agree the business case at Appendix A which outlines the rationale for the schools’ condition and H&S works programme, the availability of funding, the selection process and the main categories of work, thereby enabling the projects concerned to be designed, procured and implemented. • Agree the detailed list of proposed condition and H&S related works in maintained schools for 2026/2027, which is attached at Appendix B. • Agree the delegated powers to the Executive Director for PLACE and/or Service Director – Development as detailed in paragraphs 2.11 - 2.12 of this report in order to aid the management of the schools’ baseline condition and H&S programme. • Agree the delegated powers to the Executive Director – PLACE to procure and award contracts arising from this programme of works and to authorise the Service Director – Legal, Governance and Commissioning to enter into the necessary contracts / legal documents in accordance with the Council’s Contract Procedure Rules. 	
Reasons for Recommendations This vital schools’ condition programme will address urgent Health & Safety related capital condition works across the maintained schools’ portfolio and will help ensure that they remain safe, dry, warm and secure, ensuring positive outcomes for children both now and in the future.	
Resource Implication: The capital works within the programmes identified in this report are funded through government grant.	

Date signed off by <u>Executive Director</u> & name.	David Shepherd (Place) – 09/03/2026
Is it also signed off by the Service Director for Finance?	Kevin Mulvaney – 13/03/2026
Is it also signed off by the Service Director for Governance and Commissioning?	Samantha Lawton – 13/03/2026

Electoral wards affected: All

Ward councillors consulted: No

Public or private: Public

Has GDPR been considered? There are no GDPR implications relating to this report.

1. Executive Summary

- 1.1 This report will identify potential projects to be funded from the Learning and Early Support Capital Maintenance baseline section of the Capital Plan approved by Council on 25th February 2026. This funding is used to address urgent condition and H&S related needs in maintained schools. Academies and Voluntary Aided Schools have access to their own capital funds through their Responsible Bodies.
- 1.2 Members will be asked to agree the Schools Capital Maintenance programme with the proposed named schemes as detailed in **Appendix B** so that they can be delivered in financial year 2026/27 and to agree the proposed delegated powers in line with the Council's Financial Procedure Rules and Contract Procedure Rules to enable officers to manage and delivery this large and complicated programme within its budget envelope.

2.0 Information required to take a decision

(a) Background

- 2.1 In May 2025 the Department for Education (DfE) announced a Schools Condition Capital grant allocation for 2025/26 of £3.576M for Kirklees. This level of grant was also deemed to be indicative of the allocation for the Authority for 2026/27, subject to future confirmation by the Department in spring 2026.
- 2.2 The DfE revised the condition funding system and methodology used for their capital settlements in 2022/23, using new data from their National Condition Data Collection, and more up-to-date pupil numbers from the spring 2020 census. Weighted pupil numbers underpin funding calculations for the School Condition allocations. The numbers are weighted to reflect the different levels of floor area per pupil in different settings. We expect this same methodology to be used for future years' allocations but incorporating more up to date pupil number data.
- 2.3 Grant allocations from the Department are revised annually to reflect new or closing schools and where a school moves to a new responsible body (e.g. from Maintained to Academy status), in which case the pupil-led core condition funding will move with the school(s). Altogether, eleven maintained schools converted to Academy status in 2025/26. When setting the Council's Five-Year Capital plan, it was estimated that our grant

allocation for 2026/27 from the DfE would be £2.9M due to the reduced number of maintained schools remaining under Council control. In anticipation of the grant allocation being potentially of a higher value, priority reserve schemes will be designed at risk in preparation to be added to the programme at short notice using approved delegated authority should more funds become available. This also allows for flexibility should schemes in the main programme have to be delayed or postponed.

2.4 In addition to the original indicative allocation of £2.9M, in year 2025/26 re-profiling of funds totalling £135K was previously completed bringing the total budget approved at Council on 25th February 2026 to £3.035M.

(b) Capital Maintenance for schools – Proposed condition and H&S based projects 2026/27

2.5 It is proposed that the £3.035M budget allocation for 2026/27 will be distributed as follows:

Allocation	2026/27 Capital Plan
Urgent condition needs-based projects and Health & Safety works.	£2.350M
Essential fire safety works.	£0.240M
Essential physical adaptations work to improve accessibility.	£0.200M
Capital Plan preparation, advance surveys, feasibility studies, advance design, and condition surveys in relation to delivery of projects.	£0.150M
Risk pot for emergency additions to the capital plan in year / balance for high tenders and asbestos removal.	£0.095M
TOTAL	£3.035M

2.6 Attached at **Appendix A** is a business case that outlines the process for identifying the condition needs of individual schools, explains how the backlog of repairs is prioritised across all schools and how the 2026/27 schools' condition programme, if approved, will be designed, procured and implemented. In order to maximise spend on works it is proposed to manage asbestos risk via the main risk pot which will be carefully monitored throughout the year.

2.7 Following feasibility work undertaken by the Council's Technical Services; a prioritised list of urgent condition works required to be undertaken in schools during 2026/27 has been identified. This is attached at **Appendix B**. All of the works proposed have scored 28-30 on the matrix scoring system (described in **Appendix A**), indicating that a failure of the element concerned would have a major impact on the individual school from a Health and Safety and/or building closure and/or building damage perspective.

2.8 The proposed programme of works primarily consists of the following categories of work:

- replacement of life expired flat and pitched roofs.
- whole or partial school electrical re-wires (including lighting replacement schemes).
- replacement of obsolete boilers and heating distribution systems.
- urgent health and safety works including fire safety improvements and structural repairs.

2.9 In addition to the new condition and H&S works, the following activities are also proposed to be funded from the available capital grant:

- £150K to cover survey and preparation costs for the 2026/27 programme along with advance feasibility and design costs for the 2027/28 programme.
- £95K for a risk pot for items such as emergency in year additions to the programme, higher than anticipated tenders and unexpected asbestos discovered once works are under way.
- £200K to provide essential physical adaptations to school buildings / sites to enable pupils with disabilities / medical needs to access their local schools.

2.10 Currently, all schools that have a scheme of work within the approved programme are asked to make a funding contribution from their Devolved Formula Capital (DFC), which is a capital grant given to schools to maintain and improve their buildings. In 2025/26, the level of DFC received allowed for over £100K of additional works to be added into the annual programme. However, as with the Capital Maintenance grant, this fund is decreasing year on year due to schools moving to Academy status. The level of DFC contributions for 2026/27 is yet to be determined but will be added to the Capital Maintenance programme throughout the financial year, thereby enabling more projects to be undertaken.

(c) Financial Delegations

2.11 In order to aid the implementation of the baseline schools' condition programme for 2026/27 mentioned in this report, Members are requested to delegate authority in accordance with the Council's Financial Procedure Rule 3.9 dated June 2025 to the Executive Director for PLACE and/or Service Director – Development – PLACE Directorate to manage the implementation of the identified works within the respective agreed total programme budget and to:

- add new urgent projects to the 2026/27 programme without prior Cabinet approval providing that the total cost of the programme remains within the approved capital allocation set by Council and transfer resources to or from any unallocated resources within a programme area without restriction.
- Slip or delete projects in response to operational need and reallocate budget between projects during the course of 2026/27 providing that the total cost of the programme remains within the approved capital allocation to enable the effective management of the programme, especially during the exceptionally busy six-week summer break when the majority of these works will be delivered.

These delegations are additional to the general delegations set out in the Council's Financial Procedure Rules 3.9, dated June 2025, for Service Directors to:

- Transfer resources within a programme area without restrictions.
- Transfer resources between any project or programme area up to a maximum of £2,000,000 in any financial year.
- Transfer resources within programme areas between any year within the approved capital plan.

Subject to compliance with Financial Procedure Rules 3.10 and 3.11 and notification to the relevant Cabinet Member and appropriate Ward Members.

In order to ensure that the programme of works is delivered efficiently and effectively, delegated powers to the Executive Director – PLACE to procure and award contracts

arising from this programme of works and to the Service Director – Legal, Governance and Commissioning to enter into the necessary contracts / legal documents in accordance with the Council’s Contract Procedure Rules will be requested.

- 2.12 Significant amendments to the approved programme under delegated powers will be reported to Cabinet through the Quarterly Financial Monitoring process or through delegated decision notices on the Council’s website.

3. Implications for the Council

3.1 Council Plan

The Schools’ Condition programme will ensure that we are getting the basics right by providing school buildings that are warm, dry, safe and secure within the constraints of a well-managed capital programme of investment. Projects undertaken will ensure that our schools are accessible to all including those vulnerable children and young people with disabilities. Carbon reduction will be central to our investment programme, ensuring that we can live in communities that thrive. Local and regional small and medium sized contractors will be able to tender for projects and provide supplies that will help drive economic growth.

3.2 Financial Implications

The Schools’ Condition programme is funded from DfE capital grant and does not impact on the Council’s Medium Term Financial Plan. Contributions towards the works are sought from each school’s DFC, which is a capital grant provided by the DfE to schools for condition and suitability projects.

3.3 Legal Implications

The Council has statutory duties regarding the condition of maintained schools which are relevant to the allocation of capital maintenance expenditure (as defined in the CIPFA Code of practice for LA accounting). Section 543 of the Education Act 1996 requires the Council to ensure maintained schools are adequate for the purposes of education. The School Premises Regulations 1999 set out minimum standards for schools regarding condition, safety lighting, etc. Failure to comply would be a breach of statutory duty . In addition, Section 22 of the School Standards Framework Act 1998 requires the Council to maintain maintained schools compliant with statutory standards.

The Council must ensure its capital maintenance expenditure decisions are rational and reasonable in discharging these statutory duties having regard to H&S risks, statutory compliance, condition surveys and associated data and that H&S is prioritised. Failure to comply could result in legal challenge and or criticism from the DfE.

The Council has duties under Section 2 of the Health and Safety at Work Act 1974 to provide a safe working environment and therefore respond to H&S related needs in maintained schools.

The Council is required to comply with the Public Contracts Regulations 2015 and the Procurement Act 2023 after 24 February 2025 when procuring goods, works or services over UK thresholds and other procurement related legislation. The Council must also comply with its Contract Procedure Rules.

The Council has the power to enter into contractual arrangements set out in this report relying on Section 1 of the Localism Act 2011 and all other enabling powers.

3.4 **Climate Change and Air Quality**

The condition schemes identified in this report will ensure that we are replacing inefficient roofs, boilers, heating and electrical systems with modern, energy efficient materials and equipment that will contribute to an ever-reducing carbon footprint for the Council. For example, roofs will be repaired and insulated to modern standards, LED lighting and new ceilings will be introduced during rewire projects and heating distribution systems that are 40-50 years old will be replaced with new. These projects demonstrate the Council's commitment to investing in and managing its school estate to ensure that the Council's Carbon Neutral Vision is supported and enhanced.

3.5 **Risk, Integrated Impact Assessment (IIA) or Human Resources**

The Equality Act 2010 (Section 149) requires the Council to have due regard to the need to:

a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.

b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

An Integrated Impact Assessment has been carried out for the Schools Condition programme. The IIA considered that there are no adverse impacts arising from this proposal under the duty and the overall impact will be positive.

4 **Consultation**

4.1 This report has been subject to consultation with the Portfolio Holder for Corporate and the Portfolio Holders for Education and Children's Services. Portfolio Holders were very supportive of the proposals contained within this report and are content to support the recommendations and proposed delegation of powers.

4.2 Following approval by Cabinet, consultation will occur with the individual schools that are due to be part of the programme to discuss the scope of the works, proposed timings and decant options (where applicable) and this will continue throughout the year as the projects are developed, designed and implemented.

4.3 The Children's SEND Assessment and Commissioning team works closely with the Schools Asset Management team to identify pupils with disabilities / medical needs to ensure that their needs are being met where appropriate. This involves close consultation with the individual schools concerned and parents to ascertain and agree the level of "reasonable adjustments" required to the school's buildings and grounds, and to its day-to-day operations and curriculum.

5 **Engagement**

Not applicable.

6 **Options**

6.1 **Options Considered**

Not undertaking this programme of urgent condition works would lead to the potential closure of the schools if the relevant items failed, as well as causing significant damage and/or creating H&S issues within schools. It would also mean that the Council is not

complying with its statutory and regulatory obligations as outlined in Section 3.3 of this report.

6.2 Reasons for recommended Option

Undertaking the proposed programmes of work will help ensure that our maintained schools remain warm, dry, safe and secure, and the Council is meeting its statutory and regulatory obligations.

7 Next steps and timelines

Subject to approval of the proposed projects and final business case, the Council's Corporate Landlord and Capital Service will ensure that the 2026/27 Schools' Condition and H&S programme is updated, and the projects concerned are developed, designed, tendered, procured and implemented.

8 Contact officer

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9 Background Papers and History of Decisions

Cabinet report - 2025/26 Proposed allocation of funding from the Children and Families Directorate, Learning and Early Support Capital Maintenance baseline section of the Capital Plan – 10th June 2025.

10 Appendices

Appendix A: Final Business Case for the Capital Maintenance Schools' Condition programme.

Appendix B: Detailed list of proposed 2026/27 Learning and Early Support Capital Maintenance Schools' condition programme.

11 Service Director responsible

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