

## 18. School Premises and Capital Investment

School land and buildings are important public assets. Governors have a range of legal and other responsibilities, depending on the category of school, for:

- capital investment;
- building projects; and
- maintaining buildings and land.

VA There are particular provisions which apply to investment at voluntary aided schools as a consequence of the Education Act 1944, as subsequently amended. These are discussed separately below.

### Land and Buildings

VA 1. Community school buildings and land are owned by the LA. The land at  
VC foundation schools is owned by the governing body or trustees. In the case of  
F Voluntary Aided schools, the school buildings and land is usually owned by trustees, although the LA will often own the playing field land.

### Capital Funding

2. Within 'One Wales' a commitment has been given by the WAG to deliver schools fit for the 21<sup>st</sup> Century.

3. Capital funding is now in a transitional period as the WAG moves towards a fully fledged strategic programme of investment in education across Wales. This will involve significant changes moving from what is now a formulaic based process to a strategic investment plan that is targeted to need. The approach will be proactive enabling LAs to develop and implement their investment strategies for 21<sup>st</sup> Century schools.

4. LAs have their own general capital fund which is unhypothecated (not ear-marked for specific purposes) which is provided through the Local Government Revenue Settlement. LAs can also use funding from other sources, including capital receipts and prudential borrowing, to maintain and invest in their buildings and assets.

5. All major capital works in relation to maintained school buildings will be determined by the individual LA usually in consultation with their schools. If a governing body of a maintained school has concerns regarding the condition or otherwise of their school, they should contact their LA for advice and guidance.

6. Funding for day to day repair and maintenance issues in community maintained schools is provided through the schools delegated budget.

## **Arrangements for Funding Premises Related Work at Voluntary Aided Schools**

7. The Voluntary Aided (VA) Schools Capital Grant Programme provides financial assistance for the establishment and capital maintenance of such schools in partnership with the school governors and the Local Education Authorities.

8. Responsibility for the provision, repair and maintenance of a VA School is shared between the school governors and the LA. The Governors are responsible for the external fabric of the school. The LA is responsible for the repair and maintenance and for the initial provision of the kitchen, dining hall, medical inspection room, caretaker's house and playing fields. Under paragraph 5 of schedule 3 of the School Standards and Framework Act 1998, the Assembly has the power to grant aid 85% of the costs of the governors approved expenditure, with the governors themselves required to meet the remaining 15%.

### **Proceeds from Sale of Assets: Voluntary Aided Schools**

VA 9. The arrangements for dealing with sale proceeds released as a result of a building project funded by capital grant are set out in the Education (Grants in respect of Voluntary Aided Schools) Regulations 1999.

VA 10. The above Regulations determine the grant paid for certain types of expenditure, and in particular provide for the net proceeds of sale to be taken into account in determining the grant to be paid to a governing body where that is expected to become available to it. This policy applies in all cases where proceeds accrue, or are expected to become available, to the trustees, governing body or promoters.

### **Value Added Tax (VAT)**

VA 11. The WAG cannot give guidance on matters relating to liability for value added tax (VAT) on investment or building projects. In all cases advice should be sought from HM Revenue & Customs.

### **Education (School Premises) Regulations**

VA VC F 12. LAs must ensure that maintained schools in England and Wales comply with the Education (School Premises) Regulations 1999. The current regulations, which came into force on 1 February 1999, set minimum standards for the premises of all existing and new schools maintained by an LA in England and Wales that is, to community, community special, foundation, foundation special and voluntary schools.

13. Minimum areas of team game playing fields must be provided in schools with pupils over the age of eight years. This applies to all maintained schools, including special schools, with pupils over the age of eight years but does not apply to pupil referral units. It should be borne in mind that the minimum requirements for the provision of team game playing fields are just

that – the minimum requirement. They are not a target to which existing team game playing fields should be reduced.

14. Team game playing fields are defined as “playing fields which, having regard to their configuration, are suitable for the playing of team games and which are laid out for that purpose”. They may include hard games courts, tennis courts, grass and all-weather artificial pitches. Playgrounds may also be considered to be team game playing fields, provided that they are set out for team games, that is:

- netball;
- basketball;
- tennis;
- five-a-side soccer;
- hockey;
- volleyball;
- rounders; or
- other team games normally played on marked out pitches or courts.

15. Playgrounds or other play areas that include play equipment do not count as team game playing fields. Team game playing fields need not be grass. However, the grassed part of any team game playing fields must be capable of sustaining the playing of team games by pupils at each school for seven hours per week per school during term time. Rotation to allow grass to recover may mean that the markings of team game pitches require adjustment from time to time.

16. The responsibility for ensuring that a school complies with the minimum statutory team game requirement rests with the school’s maintaining LA. In cases where the minimum standards cannot be met, the maintaining LA will need to make an application to the Welsh Ministers to relax the statutory requirement.

### **Planning to Increase Access to Schools for Disabled Pupils**

17. Part IV of the Disability Discrimination Act (DDA) 1995 (as amended by the Special Educational Needs and Disability Act 2001 and the Equality Act 2006) contains a duty on LAs and schools to plan to increase progressively the accessibility of schools to disabled pupils (the planning duty).

18. This duty came into force in October 2003 in Wales and LAs’ accessibility strategies and schools’ accessibility plans should have been in place by 1 April 2004 and are to be reviewed every 3 years.

19. Guidance to LAs and schools on their responsibilities has been issued - Circular No. 15/2004 entitled Planning to Increase Access to Schools for Disabled Pupils.

20. Improving the accessibility of schools is not just about removing barriers, it is about increasing access in the widest sense. The planning duty embraces three strands:

- increasing the extent to which disabled pupils can participate in the school curriculum;
- improving the physical environment of schools and;
- improving the delivery to disabled pupils of information which is provided in writing to pupils who are not disabled.

21. The planning duty will help LAs and schools improve access for disabled pupils in a planned and strategic way and in so doing enable disabled pupils to develop their full potential.

22. LAs and schools also need to fulfil their legal responsibilities under Parts II and III of the DDA, which have applied to schools and LAs in stages since 1996. Part III of the Act contains a duty to make reasonable adjustments to physical features that make it unreasonably difficult for disabled people to attend school events open to the public.

## Useful Resources for Further Information

### The Law

The Education Act 2002

The Education and Inspections Act 2006

The School Standards and Framework Act 1998 – Schedules 3, 6, 8 and Schedule 22

The Education (School Premises) Regulations 1999: SI 1999/0002

### Guidance

Capital Funding guidance on WAG website, [currently being progressed]  
Voluntary Aided Schools Capital Grant Programme – A Guide for Governors  
Disability Discrimination Act – Planning to Increase Access to Schools for Disabled Pupils Circular 15/2004

Wales Office Circular 15/99 – The 1999 School Premises Regulations

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