

## Section 5

### Ch. 4 BUILDINGS IN CATHOLIC VOLUNTARY AIDED SCHOOLS

#### 1. General

The Diocese Trustee is the legal owner of the premises of virtually all the Catholic maintained schools in the Diocese of Northampton. It has, therefore, a direct interest in the buildings. The same applies to those few cases where a religious order is the freeholder: the Diocese Trustee is the leaseholder and is responsible for ensuring that the terms of the lease are kept. **The interests of the foundation governors and those of the Diocese Trustee in respect of premises are the same.**

The governors are responsible for planning and implementing repairs and maintenance to the school premises. **Governors have a legal duty to ensure that no capital works are undertaken without the prior approval of the Diocese.**

Governors have a statutory responsibility to ensure that ALL work, whether internal or external, complies with all current building and fire regulations and that the professionals working on their site are covered by appropriate indemnity insurance.

#### 2. Liabilities and grant aid

##### 2.1 **Governors' liabilities** cover:

- The existing building, internal and external
- Buildings/rooms previously known as 'excepted' buildings: kitchens, dining areas, medical/dental rooms, swimming pools, caretakers' houses
- Perimeter walls and fences, even around the playing fields
- Playgrounds
- Furniture, fixtures and fittings including ICT equipment
- Other capital items (e.g. boiler replacement)

##### 2.2 **Local Authority liabilities** are:

- Playing fields
- Building on those fields and related to their use.

2.3 **Liability and ownership are not always related.** Even if the LA owns any of the 'excepted buildings' listed above, the VA governing body is responsible for any capital work to them. In such cases the LA will need to be notified before any works is undertaken.

2.4 **Revenue work** is any work costing less than the *de minimis* (minimum) threshold (£2,000 in most LAs). This is always a Local Authority liability, but the funding is normally included in the schools' delegated budget.

Where the LA has fixed the *de minimis* threshold at a higher level e.g. £ 10,000, schools can choose to fund building projects below that threshold EITHER from devolved formula capital OR from their budget without the 10% contribution.

- 2.5 **DCSF grant aid** for capital work is provided at a standard rate of 90%. The governors are liable for the remaining 10%.

### 3 **Asset management plans (AMPS)**

Surveys are carried out regularly by LAs in all maintained schools to determine the condition, suitability and sufficiency of buildings. Schools are consulted on the priorities identified before the surveys are published. Some funding streams, such as the LCVAP (see Section 4 below) can only be used to address issues highlighted as TOP priorities in the AMP. It is, therefore, essential for heads to ensure that any item seen as a priority by the school, is given a suitably high priority in the AMP.

### 4 **Funding streams**

- 4.1 **Devolved Formula Capital (DFC):** each year schools receive an allocation based on a lump sum plus a per pupil element. Formula capital is granted to cover 90% of the cost of any scheme. It can be rolled over for a maximum of three years. It can be used in combination with other streams (e.g. LCVAP).  
Devolved Formula Capital is paid by the DCSF to the Diocese who keeps the allocation for each school separate and ready for use when a building project is approved. Schools can obtain details of their allocations from the Diocesan Finance Office or by consulting VASIS.  
Travel plan monies (90% funding) are paid into the same account as DFC and can be accessed in the same way.  
*NB:* Currently formula capital also includes funding for all ICT equipment.
- 4.2 **LCVAP (LA co-ordinated VA programme)** for projects under £ 500,000 is allocated each year by the LA in consultation with the Dioceses concerned. NORES meets with headteachers beforehand to identify needs and agree priorities in each area. LCVAP funding includes condition, suitability and sufficiency funding to address issues identified as urgent in schools' AMPs as well as Access funding.
- 4.3 **Target Capital Bids (TCF)** apply to building work over £ 500,000. Bids are submitted by the Local Authority in consultation with the Diocese. Targeted Capital Bids are no longer a regular exercise and usually have a particular focus (e.g. 14-19 education etc.) Schools will be notified of the next bidding round by the DCSF and the Diocese.
- 4.4 **Building Schools for the Future (BSF)** is a capital programme implemented in several waves to rationalise and improve secondary sector facilities across the country. This is funded at 100%. A similar programme is planned for the primary sector to be funded at 90%.

- 4.5 **Special initiatives** are launched from time to time by the DCSF e.g. funding to improve staff work places in schools, or ‘Seed Challenge’ which is a matched funding scheme administered by local authorities. Please notify NORES and obtain the necessary approval before approaching your LA or the DCSF.
- 4.6 **Emergency capital** is available to help schools become operational again after a major emergency. However, in most cases the DCSF will expect existing grant (e.g. formula capital or LCVAP) not already committed to other projects, to be used as part of the emergency work needed.

Full details can be found in *Funding for premises-related work at voluntary aided (VA) schools in England* (DfES 2006) (the ‘blue book’) and the separate diocesan guidance on *School Building Projects* which gives details of processes and procedures.

## 5 Procedures

- 5.1 **Diocesan approval:** as explained above governors **must** obtain the approval of the diocese as Trustee before any work commences. This is done by means of diocesan Project Request Form which is available with detailed guidance and issued to all schools. The Project Request Form and guidance are also available on the NORES website.
- 5.2 **Consultants:** the Diocese’s approach is that each school has a professional architect/surveyor appointed by the Diocese in consultation with the school, except for schemes under £ 50,000 handled by the school.
- 5.3 **Checks:** before work starts governors must ensure that liabilities have been determined, funding streams identified and all necessary approvals including diocesan approval have been obtained.
- 5.4 **Invoices** are sent directly to the Diocesan Finance Office. 90% of the bill is refundable as grant under the terms of the current legislation and grant claims are processed by the Diocese. The remaining 10% is the statutory liability of governors and will be charged to the appropriate parish fund or school. As this can be a considerable burden on schools and parishes, governors are invited to ask parents for voluntary contributions which can be administered on their behalf by the Diocese. Full details are available from NORES or the Diocesan Finance Office.

## 6 School-run schemes

- 6.1 Schools can choose to organise themselves **any scheme up to £ 50,000** gross. The procedure is as follows.

- a) The school sends a Project Request Form to NORES. If approved this is passed to the Finance Office for approval then returned to the school.
- b) The school will be responsible for organising tenders, applying for DCSF approval and claiming grant.

Governors are legally responsible for any building work carried out at the school. They should employ appropriately qualified consultants who will be responsible for ensuring that projects comply with the current School Premises Regulations, the Department's constructional standards, building regulations and all other relevant legislation. Governors must also ensure that any consultant they employ has professional indemnity insurance cover.

- 6.2 Schools that want to organise themselves a scheme of more than £ 50,000 should in the first instance contact NORES to discuss this possibility.

## **7 Licenses**

Only the Diocese Trustee has the legal power to grant a lease or a license to a third party for use of any part of the school premises. This applies to 'excepted buildings' such as kitchens and caretakers' houses, where the governors will need to obtain a license from the Diocese, for example, if they have a resident caretaker. If you think you may need a licence please contact NORES or the Finance Board as soon as possible.

## **8 Insurance**

The Diocese's Finance Office has issued separate guidance on insurance to headteachers and governors. A copy of this guidance appears at the end of this section and can also be downloaded from the NORES website.

### **FURTHER GUIDANCE**

#### **Publications**

*Funding for premises-related work at voluntary aided (VA) schools in England (DfES 2006) (the 'blue book')*

*School Building Projects: processes and procedures (NORES, September 2007)*

#### **Websites**

[www.teachernet.gov.uk/management/resourcesfinanceandbuilding/](http://www.teachernet.gov.uk/management/resourcesfinanceandbuilding/)

[www.nores.org.uk](http://www.nores.org.uk)