

DERBYSHIRE COUNTY COUNCIL**CABINET MEMBER FOR CHILDREN AND YOUNG PEOPLE****Report of the Director of Legal Services****15 March 2016****REVISED REQUEST FOR FUNDING FROM THE HEAGE
EDUCATIONAL CHARITY**

In considering this report the Cabinet Member will be acting, on behalf of the County Council, as Trustee of the Charity

1. Purpose of the Report

To ask the Cabinet Member to consider a revised request for funding from the Heage Primary School.

2. Information and Analysis**2.1 Background**

The Charity is a charitable trust governed by the provisions of a Charity Commission Scheme dated 20 October 1997. The proceeds of sale of land held on trust (the former sites of Upper Heage Primary School and of Nether Heage (Ridgeway) School) for educational purposes are held as a permanent endowment (of £525,200), with the income of that endowment being applied in accordance with the Scheme.

The income of the Charity is to be applied, in accordance with paragraph 8 of the Scheme:

(1) Subject to payment of the expenses aforesaid the Trustee shall apply the income of the charity in one or more of the following ways:

(a) In or towards providing for the Ambergate Primary School and the Heage Primary School such special benefits not normally provided by the local education authority as may from time to time be agreed between the Trustee and the Governors of the schools; and

(b) In or towards advancing the education (including social and physical training) of pupils and former pupils of the said school who are under the age of 25 years.

(2) If and insofar as the income on the Charity is not required for the purposes aforesaid the Trustee shall apply the same in promoting the education (including social and physical training) of other persons under the age of 25 years who are resident in the Parish of Ripley.

2.2 Previous funding approvals

At a meeting held on 1 July 2014 the Cabinet Member approved two funding requests, from Ambergate and Heage Primary Schools. A grant of £51,000 to the Heage Primary School was approved as a contribution to meet costs of carrying out building work to provide an outdoor laboratory or shelter (Phase 1) at an approximate cost of £28,000, and provision of an outdoor learning classroom (Phase 2) at an approximate cost of £30,000. A grant of £51,000 was agreed by the Cabinet Member.

Phase 1 of the Heage Primary School proposal was carried out and a payment of £26,500 was made to the school in relation to those works. Phase 2 related to the provision of a large outdoor learning classroom that was to be attached across two of the existing classrooms. That proposal has been abandoned as the proposed wooden structure was not acceptable for insurance purposes, and the cost of alternative materials was prohibitive.

2.3 Revised funding proposal

Heage Primary School wish to re-assign the remainder of the previously approved grant to alternative proposals. The School has revised plans for Phase 2, to convert an existing school building to accommodate a drying, changing and kit room to be used by classes and other members of the community to change and store outdoor clothes whilst attending activities on the school site (such as Scout groups, Brownies and playgroups) and using the outdoor learning lab. The estimated cost of this proposal, of £10,000, includes washing machine facilities and blown air heating for drying.

The School is also proposing other building works and the purchase of equipment to further develop the outdoor learning provision, and would want to fund elements of these works with the remaining grant monies.

The School's current proposals are set out in a letter from the Headteacher of the School (appended to this report), and include proposals for which the School is seeking funding from other sources.

2.4 Officer Comments

Officers in the Development Section of Children's Services have been consulted about the proposals. The comments received are that in general they would be happy to approve the proposals subject to the School complying with comments received from the Council's Surveyor. Relevant proposals would need to be subject to project approval in advance of the School undertaking any work to the building or the site. The officers agree that the projects proposed would not usually be funded by the Council as education authority.

The proposals made by the School are at an early stage and there is no guarantee that all necessary approvals will be forthcoming from the relevant authorities. It is evident that the School is keen to develop its capacity for providing facilities for, and equipment and other resources to, support outdoor learning. It is therefore suggested that the re-assignment of the grant should be approved for use of the remaining allocated grant to meet the cost of works or equipment to enhance the provision of outdoor learning.

3 Financial Considerations

The allocated grant funding of £24,500 is held by the Council on behalf of the Charity and may be re-allocated in accordance with the objects of the Charity.

4 Legal Considerations

- 4.1 The advancement of education is a charitable purpose. The Charities Act 2011 requires trustees to demonstrate explicitly that their aims are for the public benefit and to have regard to the Charity Commission's guidance when considering an application for grant funding.
- 4.2 The two key principles of public benefit are:
 - (i) that there must be an identifiable benefit or benefits, and,
 - (ii) that the benefit must be to the public or a section of the public.
- 4.3 Essentially it must be clear to the Trustee what the benefits of a particular activity are, and that this benefit relates to the aims of the charity, and are balanced against any detriment or harm that might be caused. Those benefitting from the activity must be appropriate to the aims, and where the opportunity to benefit is restricted to a section of the public it must not be unreasonably restricted by geographical or other restrictions; people in poverty must not be excluded from the opportunity to benefit, and any private benefits must be incidental.

However the section of the public to benefit from a charity's aims may be limited to those who have the opportunity to be educated at particular educational establishments benefitting from a charity.

- 4.4 Education is given a wide meaning, and in determining whether the activity proposed advances education the Trustee is not restricted to considering education delivered by a teacher in a classroom, playground or sports field, or to the delivery of academic instruction. The Trustee should consider whether the proposed activity has educational merit.
- 4.5 With regard to this Charity the restrictions on the application of income in achieving the objects are set out paragraph 8 of the Scheme, as set out at paragraph 2.1 above. The Trustee must, in determining each request for funding, comply with those restrictions.

5 Other Considerations

In preparing this report the relevance of the following factors has been considered – equality of opportunity, equality and diversity, health, environmental, transport, property and prevention of crime and disorder.

6 Background Papers

The Charity Commission Scheme for Heage Educational Charity and Charity Commission guidance for Trustees. File held by the Director of Legal Services.

7 Key Decision No.

8 Call-In. Is it required that call-in be waived in respect of the decisions proposed in the report? No.

9 Officer's Recommendation That the Cabinet Member approves the re-assignment of the remaining £24,500 of the previously approved grant to meet the costs of works or equipment to enhance the provision of outdoor learning at the Heage Primary School site.

John McElvaney
Director of Legal Services



Heage Primary School

30th November 2015

Attn: Mrs Lisa Edwards
Derbyshire County Council
Legal Services
County Hall
Matlock
Derbyshire
DE4 2AG

Dear Mrs Edwards

Ref: Heage Educational Charity

Further to our email conversation I am writing to inform you of our adapted bid proposal and to provide you with an outline of the projects and the estimated costs involved; we ask that you put our request forward for consideration by the cabinet responsible for the allocation of funds from the charity.

Heage Primary School is fortunate to have extensive outdoor facilities in terms of the open spaces that we have to offer our pupils and for use by the local community. The use of this space by both the school and the community is compromised as we still cannot provide outdoor changing room facilities, and we do not have outside provision for the further storage and the equipment needed to cater for the needs of the community. We would ideally like to provide further access to outdoor learning and help pupils develop a healthy lifestyle.

The school's vision is to extend and engage children's learning to utilise the outdoor space as much as possible; to also advance education with the provision of exceptional wraparound care and extended school provision all year round throughout all the seasons/weather conditions. We have already completed phase 1 which is shown below with use of funding from the Heage Educational Charity. Unfortunately we have been unable to proceed with phase 2 due to not being able to have a wooden structure attached to our school building. We have looked into quotes for buildings made from different materials but the overall cost has been prohibitive. We also had a reduction in the bid amount requested £58,000 and the money allocated £51,000 and unfortunately the school was unable to fund the gap using the school budget. We still have the same outcomes for the new bid but feel we can achieve this by utilising existing buildings. The outdoor learning lab also cost the school £3,000 extra due to adding security shutters and an extra cost of £3,500 that we need to find to give better access to the outdoor building for all including pupils with mobility issues.

Original Bid Phases

Phase 1 – the provision of an Outdoor Lab/ shelter on our school field in the area adjacent to the woodland and at the head of the two sports field areas. See plans from Pentagon Sport. Cost is in the region of £28,000.

Phase 2 – the provision of a large outdoor learning classroom that will be attached across two of our existing Junior classrooms to enable the transition between outdoor and indoor learning. It will enable the school to address concerns around the storage of outdoor learning clothes and footwear as we will have storage and we can ensure all

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our pupils are able to fully utilise the outdoors as a learning resource all year round. This building will be timetabled for use by the school and by the community groups and other local schools and youth groups if they wish. The local nurseries and playgroups would benefit from the use of this space and the school would profit from having these prospective young pupils on site to assist with their transition into primary learning. This building could be isolated from the main building to enable the school to offer use of the area to community groups outside of school opening hours without compromising on site security. See the plans from Pentagon Sport. The cost is in the region of £30,000.

Phase 3 – To provide a trim trail around the school for pupils and community groups (scouts, brownies and the out of school providers) The Parents, Teachers and Friends Association are currently fund raising for this. Should the Charity wish to fund some of this the school would be able to have it sooner than planned.

New Bid Proposal

We propose resubmitting the bid with the following plans. We are also submitting bids to other funding sources to complete the project. The school is planning to raise £40,000 - £50,000 to cover the plans with the following aims:

Aim 1: Helping children in Heage and surrounding area to develop healthy lifestyles by increasing children's access to becoming more active and improve education around healthy eating. The continuous professional development of the staff has been focused on outdoor learning using our new learning lab we now need to provide further resources to enable the school and community groups to be able to provide high quality learning.

Aim 2: Secondly to develop support for our preschool providers to ensure that pupils entering the local schools in Heage and Ambergate with better skills particularly in physical, social and emotional development and communication and literacy. We have already included preschool groups in training around outdoor learning. We want to invite preschool providers to use our outdoor environment and for this we need to develop resources further. Now that we cannot add the wooden structure to the junior building we need to look at converting another space.

New Phase 2

- 1) Convert Studio back store into a drying, changing and kit room to replace wooden structure across junior classrooms to allow classes and other members of the community to change and store outdoor clothes whilst using our school groups and outdoor learning lab. With washing machine facilities and blow air heating for drying.

Estimated cost £10,000

- 2) Improve Studio area with student kitchen with ovens, worktops, induction hobs and extraction fans. Discussions with Heage Windmill already taken place to offer facility as part of making bread facilities. This would also support our work with our disadvantaged children and our INSPIRE project as well as support the food technology curriculum and extra-curricular clubs.

Estimated cost £6,500

- 3) A path to access the new outdoor learning lab is needed to give access for all pupils throughout the year.

Estimated Cost £3,500

- 4) Provide equipment for outdoor learning lab this includes an enclosed fire pit circle and cooking facilities / fire lighting kit and fire safety gear, additional waterproofs for older children to access outdoor facilities,

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telescopes and binoculars to support stargazing evenings and nature spotting. Materials are needed to support outdoor learning. Tents to provide camping on the school grounds. A bank of 8 tablets to support data logging and recording work outdoors and apps for navigation would enhance outdoor learning further.

Discussions have already taken place with Ambergate Primary School to facilitate them using our woods and outdoor building for Forest school type activities. Ripley Nursery also use our grounds to provide Forest school but have to bring equipment every time they come. Heage Playgroup have started to come and use our outdoor building, again more materials are needed to support the children's learning. Ironville and Codnor and Riddings Junior schools joined us for our stargazing evening (we received a grant from the Tim Peake Project) but would like to run this on a regular basis and need to buy equipment to support this.

Estimated cost £6,500

- 5) Outdoor equipment for Reception playground to include a mud kitchen, construction zone, water play zone (£2620) including manmade stream and outdoor water taps, staging, storage facilities, sand play area.

Estimated Cost £6,000

- 6) Gross and motor skills area (wooden climbing structure) and safety flooring (EYFS / KS1 - **Estimated Cost £9,185**) Low level climbing wall and trim trail for KS2 (**Estimated Cost £7,000**)

Estimated Cost £16,185

Total Cost of the project £48,685

We are looking at other funding sources through lottery grants for £20,000 and looking into other funding. This will support developing the cooking area in the studio (2) and the outdoor structures for developing physical needs (6). We were originally awarded £51,000 from the Heage Educational Charity and have received £26,500 for the learning lab. We therefore would like to assign the remaining £24,500 towards the changed project. This would almost cover the conversion of the side room of the studio (1), access path (3), outdoor equipment for the reception area (5) and the outdoor learning equipment (4) **Estimated total cost £26,000.**

As mentioned in the previous bid the schools facilities are currently used by varied groups that are all collectively responsible to the provision of (8 (1b)) advancing the education (including social and physical training) of pupils and former pupils of the Heage and Ambergate primary schools who are under the age of 25 years. All the groups have the sole purpose of providing support, recreational sport/ activities for pupils in the locality. The groups currently making use of the school site are:

- Heage After School Club – every school day providing breakfast and then post school day care from 3.15 – 6pm.
- Heage Out of School Club – holiday care 7.45am – 6pm (not just Heage Primary school pupils)
- Heage Scout group meet 2 evenings per week with beavers, scouts, cubs and explorers. They also use the site for camping weekends; and for Duke of Edinburgh instruction/challenges.
- Heage Brownies – meet weekly.
- Heage Playgroup and other preschool providers – sports and outdoor learning.
- Local schools – Ambergate and Street Lane have limited outdoor provision and would be welcome to use our space and woodland on a regular basis.
- Swanwick Hall Secondary School use our grounds and pupils to coach sports leaders of the future.

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All of these groups would benefit from having the proposed development of buildings and equipment made available for their use, they will all be able to extend their provision and the possibilities they can offer if this development was realised.

The School has this past year made good use of the Sports Premium Funding to improve sport provision at the school both within the curriculum and also as After School Clubs; our vision is to ensure every child takes part in some form of sport/adventurous activity afterschool during each academic year; whilst we wish to generate interest and enthusiasm for all forms of sport it is also our vision to also promote healthy lifestyles for our pupils.

Heage is a semi rural village that lacks a heart to its community, it provides very limited provision for all young person's to engage in activities outside the school/work hours; our vision is that Heage Primary will become the heart to the locality and that the School and its grounds will be fully utilised by all the schools stakeholders and the young person's within it.

To enable this vision to become a reality we ask for the changes to original plans from the Heage Charity Fund. We feel this new proposal is an enhancement on the last one and will provide even more possibilities for the local community.

Yours sincerely

Mr James Yellop
Headteacher

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