

# Policy for the Use of Vacant Premises Managers' & Caretaker Houses

## 1. Purpose of Policy

- 1.1 This report sets out the policies of the council with respect to vacant Premises Managers houses (schoolhouses) at Community schools and other council owned vacant caretaker houses. It identifies the options for these houses, including alternative use and selective disposal by the Council.
- 1.2 The policy sets out the principles to be applied in agreeing the future of these properties as they become available for alternative use.
- 1.3 The policy seeks to:
- set out a clear and consistent procedure going forward to allow decisions regarding houses to be made quickly and benefits realised
  - ensure that all schools with vacant schoolhouses are treated consistently and fairly
  - ensure that land and buildings within the education estate are used to provide benefit to the Children's Services, Educational Services and to schools directly
  - provide additional residential properties where possible to meet pressures for housing within council services
  - provide additional funding to the Council and/or school by way of either revenue receipts through leasing arrangements or capital receipts to invest in the school and the wider school's capital investment programme or in the council's corporate capital programme as applicable.
- 1.4 The policy is important given the expected increase in vacant schoolhouses as the School Reorganisation Programme reconfigures the education estate to reflect the shift in pupil numbers across the borough.

## 2. Background

- 2.1 The Council has a stock of 11 premise managers dwellings associated with community schools across the borough with no premises manager in residence. Some of these houses are vacant or used solely for storage, others are in use by the schools for educational purposes. Empty houses are un-used Council assets and while vacant can run the risk of squatting and/or damage to the property. The properties vary in age and construction, and two of these houses are integrated within the wider school grounds. Up to 6 of these houses could be available in the short-term for alternative use.

- 2.2 In addition, it is estimated that a further circa 10 properties at community schools could become vacant over the next decade as premises managers resign or retire.
- 2.3 There are also a small number of council owned caretaker houses that are not located at schools and relevant sections of this policy also applies to these houses.
- 2.4 The day-to-day maintenance costs of schoolhouses is met by each school and standards of maintenance, decoration and repair varies across the estate due to local decisions and budget pressures. The Council is responsible for capital investment in the houses.
- 2.5 Many of the schoolhouses were built at the same date as the school and are now over 100 years old. Some are, by modern standards, small with limited living accommodation and are not compliant with all modern statutory design standards. Some however are larger 3-to-4-bedroom, street fronting, properties.
- 2.6 Establishing a strategic approach and policy to the future of such vacant houses will lead to a more formal consideration of options available in the long-term and ensure these properties are not left vacant and unused.

### **3. Policy Statement**

#### **Declaring a Schoolhouse Surplus to Education Requirements**

- 3.1 Previously school caretakers were offered the provision of on-site or close by residential accommodation linked to the performance of their duties. The terms of their occupancy is usually covered by a Service Occupancy Agreement. Traditionally, on-site accommodation was provided to allow the caretaker easy access to the school and to provide a full-time site presence. These on-site requirements have diminished with improvements in hard security measures such as CCTV, monitored alarm systems and secured access controls.
- 3.2 Many premises managers now fulfil their duties without on-site residency and find their own accommodation independently. These schools are not in a disadvantaged position and the school properties continue to be managed successfully.
- 3.3 Given this the Council no longer supports on-site residential accommodation for premises managers. New premises managers should be offered a non-resident contract of employment.
- 3.4 Where a schoolhouse is vacant or will shortly be, and where the house is surplus to the school's education requirements, the school should report this to the Corporate Director of Children's Services. The house may no longer be required due to retirement of live in caretakers, change of the way caretaking service is provided, decreasing roll numbers, and increased surplus space within the school buildings. It may be too expensive to continue investment in the house property over the main school buildings and grounds.
- 3.5 Children's Services should then liaise with the Director of New Homes and Corporate Landlord Service to agree the best future use of the schoolhouse, in consultation with the school leadership and school governors.

3.6 There is no set council timescale to repurpose the vacant schoolhouses, and each house will be treated as it becomes surplus to school requirements. The timing of repurpose or disposal could depend on the premises manager's retirement date or the decision to end employment which lies with the individual and/or the school. Staff currently residing in these properties will not be affected by this policy unless they leave the Council's employment, at which time they would be obliged to vacate the property regardless of future use of the property.

### Agreeing Future Use of a Vacant House

3.7 Factors to be considered in determining the future of a vacant house will include:

- Whether a schoolhouse is surplus to the school's education requirements or can remain under school stewardship
- Access and egress routes to and from the property
- Utilities infrastructure and metering arrangements
- Safeguarding implications
- School or service operational implications if the house were to be separated off
- Potential implications for the existing site and/or potential future site redevelopments
- Planning restrictions/conditions
- Corporate input from HR, Legal, Finance and Property.

3.8 Where a vacant property is inside the curtilage of a school site, and it is not possible to segregate the house practically and sensibly from the school land then the house will remain part of the school estate. The house could be adapted for educational use, for co-location of an education related service or for letting/licencing to a suitable commercial organisation, charity or community group. If alternate uses cannot be found, then a further option to consider would be the demolition of the house and re-provision of the cleared site as part of the school grounds.

3.8.1 The school must consult with the Council in relation to plans for the house.

3.8.2 The Governing Body remains responsible for maintenance and repairs at the property. The school should advise the Council of any required major repair or renewal capital works that fall within the Council's responsibilities.

3.8.3 The school should ensure that the house is suitable for its intended future use, which may require changes to services and/or fire precautions since the standards are different for educational and commercial use.

3.8.4 Where a house is let/leased out by the school then the Governing Body remain responsible for :

- ensuring there is an appropriate lease or licence or occupancy arrangements in place
- complying with the responsibilities of the school and council within the lease/licence and ensuring the tenant complies with their responsibilities

- ensuring all statutory maintenance, inspections and servicing required of a landlord are undertaken
- Ensuring any non-compliance identified by such tests inspections or servicing is urgently remedied and ensure recommendations are given due regard in the school's priority and budget setting processes.

3.9 When a vacant house is declared surplus to education requirements by a school and can be or is separated from the school site, the Council's Corporate Landlord Service and Children's Services will consider and determine the usage of the house that delivers best value for the council. The asset will then be reviewed by the Corporate Landlord Service and Children's Services to ascertain the building's condition, to determine the appropriateness for repurpose and to identify potential further educational use or alternate Council operational purposes.

Houses will be considered strictly in line with the following principles and decisions on how to proceed will be subject to the preparation of a business case. The following decision making principles apply as applicable to vacant schoolhouses and to other vacant caretaker houses owned by the Council.

- 3.9.1 In all circumstance the Council will first seek to identify whether the house is suitable for repurposing or re-use by an alternative council service to address strategic and statutory priorities. Given the difficulties in obtaining suitable housing in central London these houses present an opportunity for an innovative approach to service delivery as well as financial savings due to, for example, reduced out of borough placements. Homes for fostering families and exploring housing for care leavers are known examples of current need.
- 3.9.2 The council will then consider whether and how the house could be made available for keyworker housing in the borough; for example for teachers or teaching assistants. It will not be possible to permit residential lettings that offer secure tenancies with a right to buy.
- 3.9.3 The Council will also consider whether a house could be returned to the Council's housing stock and made available to address the shortage of family homes across the borough.
- 3.9.4 Only if there is no identified alternative council use, then the house could potentially be let privately on the market via a letting agent arrangement. This would necessitate the council agreeing to this private rental arrangement but would result in the asset remaining within the council's corporate estate.
- 3.9.5 Where alternative council uses are identified for schoolhouses then the school would benefit by receiving an agreed revenue income from the arrangements in place for the house.
- 3.9.6 If alternate use is not considered feasible or practical, either due to the location, size or condition of the house or if the costs to refurbish would be prohibitively high then sale of the house would be considered. Depending on the specific title arrangements of the house and surrounding lands this would either be sale of freehold or a leasehold arrangement.

3.9.7 The Corporate Landlord Service would survey the building and obtain a valuation of the property.

3.9.8 When a schoolhouse is sold, which would only be after all other options have been fully considered and discounted, the Secretary of State for education requires that any capital receipt is to be reinvested for school capital projects. The net receipt for sold vacant houses will be split with 30% available for capital works at the school, such works to be agreed with the council, and the remaining 70% is to be invested across other school capital projects.

The 30% of capital works would be targeted at school priority projects including high priority works identified in the school's stock condition survey. The investment of the 70% across schools and premises manager's houses will be determined based on priority works identified in school stock condition surveys and also as match funding for priority decarbonisation projects at school sites.

3.9.9 In all scenarios when separating a schoolhouse from the school grounds safeguarding will be considered and mitigations introduced where required.

3.9.10 Where alternative use is identified, the ambition of capital works undertaken to improve the facilities will, where possible, include for improved insulation, window double glazing and if required boiler replacement or a connection to a low carbon heat network to support the decarbonisation of the property.

## Secretary of State Consent

4.1 The vacant schoolhouses at community schools are owned freehold by the Council and held for education purposes. The disposal of school land held by a local authority requires the Secretary of State's prior consent under paragraph 4 of Part 1 of Schedule 1 to the Academies Act 2010. The appropriation (repurposing) of school land held by a local authority also requires the Secretary of State's consent under paragraph 6 of Part 1 of Schedule 1 to the 2010 Act. This applies to all land which has been used wholly or mainly by a school in the last eight years, whether still open or now closed. Pursuant to paragraph 22(1) of Schedule 1 to the Academies Act 2010, school caretaker houses are treated as school land.

4.2 The Secretary of State (SoS) has the discretion to direct how any sums from the disposal of land are to be used, including that all proceeds are paid to the SoS, unless pursuant to a General Consent Order or otherwise agreed beforehand. The SoS will expect that the first priority will be reinvestment into educational facilities.

4.3 The Secretary of State has issued a General Consent under Schedule 1 of the 2010 Act that permits the disposal of a freehold or leasehold interest in a caretaker's house subject to the following conditions:

- a. that the local authority adheres to any relevant guidance published from time to time by the Secretary of State and notifies the Secretary of State in advance of various specified matters including, where a disposal is at an operating school, the views of the headteacher and governing body;
- b. the proposal does not include the disposal of playing fields;
- c. any lease granted must be for a term not exceeding 30 years;

- d. any lease granted must be a lease excluded from the business security provisions of the Landlord and Tenant Act 1954;
- e. any income is reinvested in the school's revenue budget and any capital receipt is reinvested in school capital projects; and
- f. the school supports the proposal.

4.4 The Corporate Landlord Service will apply for a General Consent Order where required in relation to the disposal of a vacant schoolhouse. For the Council to obtain approval to dispose or reuse from the SoS, the school has to declare that the accommodation is surplus to teaching and learning requirements and support the application.

4.5 Once Secretary of State approval has been granted the property will be designated as a Council corporate asset.