



**REPORT TO THE NATIONAL ASSEMBLY FOR WALES AUDIT COMMITTEE
BY THE NATIONAL COUNCIL FOR EDUCATION AND TRAINING FOR
WALES**

MANAGEMENT OF THE FURTHER EDUCATION ESTATE IN WALES

**PROGRESS MADE BY FURTHER EDUCATION INSTITUTIONS IN
ADDRESSING THE REQUIREMENTS OF THE DISABILITY DISCRIMINATION
ACT 1995**

FEBRUARY 2006

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Report to the National Assembly for Wales Audit Committee on progress in addressing the requirements of the Disability Discrimination Act 1995

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INTRODUCTION

1. This paper reports on progress made by institutions, in the further education (FE) sector in Wales, in addressing the requirements of the Disability Discrimination Act (DDA) 1995 (as amended in 2001 by the Special Educational Needs and Disability Act).
2. Following submission of a progress report in January 2004 this paper responds to a recommendation that ELWa provides a further report to the National Assembly for Wales Audit Committee on this matter.

BACKGROUND

3. In February 2003, the Auditor General for Wales (AGW) presented to the Assembly Government his report 'The Management of the Further Education Estate in Wales'. The National Assembly Audit Committee considered the report and presented its recommendations to the Assembly Government in August 2003. The Committee was concerned at the scale of work required to make the FE estate compliant with the DDA. It was recommended that ELWa report back to the Committee by December 2003 on the progress being made in addressing the requirements of the DDA. ELWa's progress report was considered by the Committee in February 2004. In November 2004, the Committee requested a further update from ELWa by the end of 2005.
4. In 2001 ELWa carried out a sector wide Disability Access Audit which identified an estimated cost of £20m (excluding VAT & professional fees) for the FE sector to become DDA compliant. Following the Access Audit, ELWa then published Action and Implementation Plan guidance to assist institutions in the programming of their DDA works within the financial resources available to them.
5. As reported to the Assembly Government in January 2004, no specific funding had been made available, to FE institutions (FEIs) to assist in the completion of DDA compliance works. A survey of FEIs progress was carried out in 2003 which identified an estimated cost of £17m (excluding VAT and professional fees) for the FE sector to become DDA compliant. Whilst the survey in 2003 did not account for any inflationary increases from 2001, or any work omitted from the original survey, the survey did indicate that FEIs were not making significant progress with respect to completing DDA compliance works from the financial resources available to them at that time.

FEI CAPITAL FUNDING 2004-2006

6. To enable FEIs to make a 'step change' to the status of their compliance with DDA requirements, in the summer of 2004, with the Welsh Assembly Government's approval, £6.5m was made available to the FEIs. Annex A details the allocations made to the FEIs from the total £6.5m fund.
7. The main aim relating to the additional funding for DDA was to address all the backlog of DDA compliance issues within the high priority categories (i.e. categories A and B) as identified by the Access Audit. From the total £20m identified by the Access Audit in 2001 Categories A & B represented approximately 50% of the DDA works in terms of financial cost.
8. In addition to the earmarked £6.5m, the table below summarises all capital funding, some of which was available to be used to fund DDA compliance works.

Fund	Date	Amount
DDA Capital Funding	2004-05	£6.5m
General Capital Allocation	2004/05	£10.98m
Backlog Maintenance Fund	2004/05	£7.4m
General Capital Allocation	2005/06	£6.218m

DDA COMPLIANCE - PROGRESS MADE BY FEIs

9. Analysis of the monitoring returns from the FEIs identifies that 58% of work, across all four categories, has now been implemented. This percentage of 58% is comprised of works, that have either been physically completed or deemed as no longer necessary. The latter can be attributed to either institutions finding alternative methods of compliance to those originally recommended in the Access Audit or the application of sound estate management (e.g. works not necessary due to rationalisation of floor space and subsequent closure of buildings earmarked for future demolition). Those institutions that have an element of work outstanding in Categories A & B do so, because on a value for money basis, they chose to deploy a proportion of their funding on works in categories C & D. In these instances works would have therefore been integrated either with category A & B works and/or planned maintenance programmes of work.
10. ELWa's monitoring required FEI's to detail all DDA works, across categories A, B, C & D that would remain outstanding, as of 1st April 2006. Analysis has identified that the remaining 42% of DDA works outstanding, based upon estimates of costs of work provided in the Access Audit, requires £8.1m of further expenditure, this includes an additional £0.8m of DDA works that were not identified in the original Access Audit. However, the Access Audit which is now five years out of date, costs contained within that survey are therefore historic, and excluded the cost of VAT and professional fees. Based upon the data returns from the institutions and taking into account inflationary pressure, cost of professional fees and VAT, it is **estimated** that the **total gross cost to now complete all DDA works stands at £12.7m**. Annex B details costs of works outstanding, for all four categories of work, at each institution based on net costs of the Access Audit and estimated gross costs as at April 2006.

KEY ISSUES

11. With regards to completion of work by September 2005, FEIs have faced a number of problems with respect to contractors' ability to complete DDA compliance works. For example, the number of firms able to complete lift installations by the compliance date has been severely restricted, as it is not only the FE sector currently striving for DDA compliance. The FE sector has also advised that in these circumstance prices have been inflated above normal market rates.

CONCLUSION

12. ELWa will continue to ensure that regard to the completion of DDA works is made when future funding is deployed. The outstanding DDA bill of £12.7m will be targeted via implementation of a new strategic capital investment scheme commencing from April 2006. Strategic capital investment will be deployed through the following strands:
 - Capital Maintenance Fund;
 - Capital Equipment Fund; and
 - Capital Project Fund.
13. All three funds will facilitate targeted investment, for example, the Capital Equipment Fund can be used to support investment in equipment and auxiliary aids to help post-16 providers meet the requirements of the DDA. In its first year of operation the majority of capital investment will be channelled through the Capital Project Fund which will provide grant support to FEIs for the construction of new buildings and/or large scale refurbishment projects. Demonstration of DDA compliance will be a major consideration in the deployment of this fund.

Annex A

Allocation of £6.5M DDA Capital Funding 2004-05

Allocation of DDA Capital Funds 2004-2005				
Institution	Category A	Category B	Total A&B	2004-2005 Allocation
Barry	185,775	126,825	312,600	197,531
Bridgend	226,735	295,250	521,985	329,841
Coleg Sir Gar	209,290	334,950	544,240	343,904
Ceredigion	47,775	149,050	196,825	124,373
Deeside	144,650	145,900	290,550	183,598
Glan Hafren	130,880	308,675	439,555	277,754
Gorseinon	101,590	356,100	457,690	289,213
Gwent	562,800	758,825	1,321,625	835,131
Harlech / WEA (N)	76,000	284,850	360,850	228,020
Llandrillo	156,990	199,775	356,765	225,439
Llysfasi	122,175	107,400	229,575	145,068
Meirion - Dwyfor	277,665	399,175	676,840	427,693
Menai	328,640	610,235	938,875	593,272
Merthyr	72,220	229,800	302,020	190,846
Neath PT	208,085	296,000	504,085	318,530
Pembrokeshire	84,450	27,700	112,150	70,867
Coleg Morgannwg	195,205	311,950	507,155	320,470
Powys	238,545	311,975	550,520	347,872
St David's	30,250	79,700	109,950	69,477
Swansea	144,590	284,325	428,915	271,030
WCoH	160,050	45,350	205,400	129,792
WAE (S)	10,900	131,750	142,650	90,140
Yale	167,375	63,785	231,160	146,069
Ystrad Mynach	102,680	441,825	544,505	344,071
Total	3,985,315	6,301,170	10,286,485	6,500,000

Annex B

Estimated Value of Outstanding Work (Categories A, B, C & D)

Institution	2001	2006
	Net Capita Cost*	Estimated Gross Cost**
Barry College	£517,935.00	£811,329.17
Bridgend College	£702,700.00	£1,100,757.83
Ceredigion	£144,700.00	£226,668.08
Deeside	£371,850.00	£582,491.53
Glan Hafren	£202,370.00	£317,006.35
Gorseinon	£212,005.00	£332,099.28
Gwent	£194,263.00	£304,306.99
Harlech / WEA (N)	£546,160.00	£855,542.76
Llandrillo	£444,125.00	£695,708.09
Llysfasi	£184,300.00	£288,700.25
Meirion Dwyfor	£943,024.00	£1,477,217.95
Menai	£636,520.00	£997,088.91
Merthyr	£36,030.00	£56,439.88
Morgannwg	£594,695.00	£931,571.34
Neath Port Talbot	£779,340.00	£1,220,812.02
Pembrokeshire	£215,480.00	£337,542.76
Powys	£190,250.00	£298,020.74
Sir Gar	£205,870.00	£322,488.99
St David's	£3,000.00	£4,699.41
Swansea	£567,096.00	£888,338.36
WCoH	£21,050.00	£32,974.17
Yale	£391,808.00	£613,755.12
WEA (S)	£0.00	£0.00
Ystrad Mynach	£6,640.00	£10,401.35
Totals £	£8,111,211.00	£12,705,961.34

* Above figure relates to total Net value of outstanding DDA works based on original estimated figures contained within the 2001 Capita Access Survey Report.

** Above figure is the estimated Gross value of outstanding DDA work as of April 2006. 3% p.a. inflationary increase, 15% professional fees and 17.5% vat have been added to the Net figure in order to arrive at this estimation.