Essex County Council

School’s Property Handbook

March 2021

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# **Health & Safety**

# **Health and Safety Responsibilities**

1. The primary health and safety responsibilities rest with the employer, i.e. the County Council in the case of County Council premises, community schools and voluntary controlled schools. Headteachers are designated as ‘Duty Holders’ for these schools.
2. In the case of Academies, Foundation and Voluntary Aided schools, the governing body is the employer. The employer must consider the risks from legionella that may affect their staff or members of the public and take suitable precautions.
3. An employer or a person in control of the premises must:
* Identify and assess sources of risk (carry out a risk assessment)
* Prepare a ‘Written Control Scheme’ (or sometimes known as a ‘Management Plan’) for preventing or controlling the risk where required, ensuring it is kept up to date
* Implement and manage the scheme, appointing a person to be managerially responsible, (referred to as the’ Responsible person’)
* Keep records and check that what has been done is effective; and if appropriate notify the Local Authority of the presence of any cooling tower(s) on site.
1. Employees also have a duty for the protection of their own Health and Safety and to co-operate with the County Council in the implementation of arrangements to satisfy its statutory Health and Safety duties.

# **Premises Health and Safety**

1. Health and Safety covers such a vast array of issues and this handbook can most usefully refer the reader to the Essex Schools Infolink –

<https://schools-secure.essex.gov.uk/Pages/EssexSchoolsInfolink.aspx>

1. (Note: A password is required to access the health and safety secure areas of the Infolink. This is available to all Community and Voluntary Controlled schools, as well as schools currently purchasing a health and safety service from Essex County Council Corporate Health and Safety).
2. Sections cover:
* Accident Reporting
* Curriculum, Education and Learning
* Health and Safety Management
* Outdoor Learning, School Events and Keeping Animals
* Pupil Related Issues
* School Facilities, Premises Management and Contents
* Staff Related Issues
1. Within these sections are a wealth of information in the form of policies, forms, guidance, risk assessments and templates. They cover a range of curriculum activities including:
* Art and Crafts
* Design and Technology
* Drama and Theatre
* Food Technology and Textiles
* Metal Work
* Physical Education
* Science
* Woodworking
1. Also available on the secure area of the Essex Schools Infolink in relation to managing property are topics such as:
* Caretaking Activities
* Construction
* Control of Substances Hazardous to Health (COSHH)
* Fire
* Hazard Reporting
* Kitchen Safety
* Portable Electrical Appliance testing
* Storage
1. Further information on health and safety in schools is available from the ECC Corporate Health and Safety team by contacting: Email: HS@essex.gov.uk Tel: 03330 139818

# **Managing Asbestos**

1. The legal duty: You have a legal duty to manage asbestos is contained in regulation 4 of the Control of Asbestos Regulations 2012. The following action must be taken by schools if built (or any part built) before 1999.
2. A person at the school should be appointed to:
* manage asbestos in the premises
* carry out risk assessments
* monitor asbestos containing materials in accordance with the risk assessment
* keep the asbestos register up to date
* produce (and review) the asbestos management plan
1. All schools should have an asbestos register. Schools must assess the risk from asbestos-containing materials (this is called the material assessment) and assess the risk of someone disturbing the materials containing asbestos (called the priority assessment).
2. With this information schools must decide how they are going to manage the risk. For example, it may be necessary to label, seal, protect or remove the material.
3. Schools must ensure that the asbestos register is available to anyone who is liable to work on or disturb materials containing asbestos. There must be a system in place to control maintenance or building work.
4. Schools must understand that the asbestos register is not the result of an intrusive survey and that more asbestos may be present in the building. No demolition or intrusive work must therefore be carried out without investigating the possibility of further asbestos being present (commission a 'Refurbishment & Demolition' R&D survey for the proposed works).
5. Every school built before 1999 must produce an asbestos management plan whether asbestos has been identified in the asbestos register.
6. Schools should appoint a qualified property consultant to advise them on an issue relating to asbestos.
7. Essex County Council has produced a policy, HSP 9.17 'Managing Asbestos' which gives guidance on how to comply with the legal duty to manage asbestos. It applies to Essex County Council buildings and other buildings used by Council staff. Although Headteachers are responsible for implementing this policy they may delegate the task of managing asbestos to another member of staff provided that person has the authority and competence to implement the policy effectively, particularly in respect of controlling building and maintenance work on the premises. The Headteacher will still retain overall responsibility.
8. The ECC policy, together with the associated documentation are available on the secure area of the Essex Schools Infolink

# **Asbestos Training**

1. Regulation 10 of the Control of Asbestos Regulations 2012 places requirements on employers to ensure that employees are given adequate information, instruction, and training with regards to asbestos.
2. It is ECC policy that: No ECC employee is permitted to work on asbestos containing material; Any person employed in a role where they carry out maintenance to the building i.e. Caretaker, must be trained in asbestos; as well as their line manager, and, there is a person who has attended Asbestos Management within the previous 3 years (this is normally the site supervisor and/or a member of the senior management team. See ECC policy 'HSP9.17 Managing Asbestos' for further information.

# **Asbestos Management Plans**

1. The regulations require each site to produce a written asbestos management plan, which sets out how the risks are to be managed, particularly in respect of managing building work. The Health and Safety Executive states that the plan should be written to reflect the size and complexity of the premises and the maintenance arrangements in place. The Council has produced an asbestos management plan template HSF 126. Use of this template is not compulsory and might be inappropriate for larger sites where the maintenance arrangements are more complex, however most schools should find this sufficient.
2. It is important to note that an Asbestos Management plan is not confirmation that an area is free from Asbestos. Please do not assume or take the word of someone who claims an area is safe unless an intrusive R&D has been undertaken. A sample from an R&D survey will be tested in a laboratory and confirmed to be either clear or contaminated.

# **Asbestos Registers**

1. In 1999 the Council started a comprehensive programme of asbestos surveys of all its buildings which included all Community and Voluntary Controlled schools being surveyed and supplied with an asbestos register. Foundation and Voluntary Aided schools arranged for their own asbestos surveys to be carried out which were grant-aided by the Council.
2. An asbestos register is a record of the location and condition of all known or presumed asbestos-containing materials found during the survey. The survey was restricted to reasonably accessible parts of the building and no intrusion was made into the structure of the building or into ducts. It is important to read the guidance notes at the beginning of the register to understand how the information is presented and the limitations of the register.

# **Asbestos in buildings**

1. Asbestos is most likely to be present if the building was constructed or refurbished between 1950 and 1980, particularly if it has a steel frame. The most likely place for asbestos to be found is the boiler room where asbestos was extensively used for thermal insulation of boilers. Asbestos was finally banned in the U.K. in 1999 and so any building constructed after that can be assumed to contain no asbestos. Some asbestos-containing materials are more vulnerable to damage and more likely to give off fibres than others. See ECC policy 'HSP9.17 Managing Asbestos' for further information.
2. Throughout the policy reference is made to the need to obtain advice from a property consultant. A consultant should, for example, be employed to assist with carrying out the assessments and producing the action plan. An appropriate consultant would be the firm of surveyors employed to manage the maintenance of the school buildings. If schools do not currently use consultants for this purpose, they are strongly advised to do so to have access to professional advice on asbestos issues.
3. Throughout the policy reference is made to the need to obtain advice from a property consultant. A consultant should, for example, be employed to assist with carrying out the assessments and producing the action plan. An appropriate consultant would be the firm of surveyors employed to manage the maintenance of the school buildings. If schools do not currently use consultants for this purpose, they are strongly advised to do so to have access to professional advice on asbestos issues.
4. Further information can be obtained from:
* Your own school property consultant
* the ECC policy HSP 9.17 'Managing Asbestos'
* the HSE Approved Code of Practice L143 'Managing and working with asbestos' and associated documents
* Local specialist consultants/contractors
1. When using an Asbestos consultant, the client or representative of the client must provide locations for sampling where works are to be undertaken. For example, if a wall is tested it should be undertaken in the exact location where works are to be carried out, there is every possibility that a wall might have had a doorway in the past, a change of direction, insulation or extended. The age of a material can gives false results, this is an issue where new materials join old. This is especially true where ceilings are re-Artexed or over boarded. In this instance multiple samples should be taken and well as a full depth core sample to ensure new and old layers are captured. This scenario is true for walls floors roofs and other areas where overlaying is undertaken. It is better to assume Asbestos is present and be proven wrong by an R&D survey.
2. The highest risk materials are likely but not limited to the following areas:
* Asbestos pipe lagging & sprayed insulation
* Asbestos insulation board (AIB) wall linings, ceiling tiles & door panels
* The lowest risk materials are:
* Asbestos cement sheets
* Floor tiles
* Toilet cisterns

# **Disturbing Asbestos**

1. Remember, although asbestos is a hazardous material, it can only pose a risk to health if the asbestos fibres become airborne and then inhaled. Asbestos-containing materials only release fibres into the air when they are disturbed. Most Council premises built before 1985 will contain some asbestos but if the material is in good condition and is unlikely to be disturbed or damaged, it is much safer to leave it in place and monitor it. This is true even in parts of the building where people work regularly. It is important, therefore, not to exaggerate the risks of asbestos, particularly when communicating with staff. Asbestos should be respected but not feared.

# **Managing Legionella**

1. Health and Safety legislation requires employers and those in control of premises to manage the risks from the presence of legionella bacteria in water systems. This section summarises these responsibilities to assist schools to exercise their responsibilities effectively in relation to the management of legionella.
2. An approved code of practice ‘Legionnaires Disease: The control of legionella bacteria in water systems (L8)’ has been published by the Health and Safety Executive. In addition, Essex County Council has published a code of practice, HSP 9.38 ‘Legionella’ which sets out the Council’s arrangements with regard to managing legionella and details the action required for the correct operation and maintenance of water systems to control the risks from legionella bacteria.
3. The code of practice is aimed at all people who have the responsibility and legal duty for the safe operation and design of the County’s buildings and their water services. If contractors or consultants are appointed by or on behalf of an employer, there is a duty to ensure that all their works comply with “The Control of Legionella Bacteria in Water Systems (L8)” and, for the County’s buildings, the ECC code of practice.
4. Historically as part of its duty as an employer, the County Council implemented a programme to undertake legionella risk assessment surveys in all County premises, including Community and Voluntary Controlled schools where the County Council is the employer. Specialist contractors were employed to carry this out. In addition, these surveys have been offered to Voluntary Aided and Foundation schools to provide information that may assist the governing bodies of these schools to exercise their responsibilities as employers in relation to the control of legionella. These surveys will now be out of date and the school needs to ensure that an up-to-date survey is available.

# **School Responsibility**

1. It is a school responsibility to ensure that an up-to-date risk assessment is in place and that this is managed appropriately. Details of these requirements can be found in the ECC code of practice HSP 9.38 ‘Legionella’. Briefly, these requirements include:
* ensuring there is a risk assessment, and it is kept up to date
* monitoring of water temperatures and flushing regimes
* regular maintenance of the water systems and associated equipment.
* the need to rectify or put in place a risk based prioritised programme for the remedial works.
* review of the assessment.
* the provision of training and record keeping
1. Monitoring or temperature checking is to be carried out to make sure that the hot and cold-water systems are operating at the correct temperature and safely. This is separate from the laboratory type testing or sampling for the Legionella bacteria. This monitoring is intended to be exclusively for the prevention of legionnaire’s disease and excludes any other monitoring that may be required by other legislation, Codes of Practice, or guidance documents.
2. Further information can be obtained from:
* The school’s property consultant
* The ECC code of practice HSP 9.38 'Legionella’
* The HSE Approved Code of Practice L8 ‘Legionnaires’ disease. The control of legionella bacteria in water systems and associated documents
* Specialist consultants/contractors

# **Fire Risk Assessment**

1. The Regulatory Reform (Fire Safety) Order, introduced from October 2006, repealed all previous fire safety legislation including the Fire Precautions Act 1971. Fire certificates no longer have legal status and fire risk assessments must now be carried out for all non-domestic premises. Schools have never been legally required to hold a fire certificate and so these will unfortunately not be available to assist with the assessment. A simple line drawing of the premises should therefore be prepared showing the fire safety arrangements (fire extinguishers, fire alarm call points etc.) This will be very useful as a starting point for the assessment and will help you in regular checks of your fire precautions. Although most schools are likely to have reasonable measures in place already it is almost inevitable that the assessment will reveal that further action is required.

# **How to carry out a fire risk assessment**

1. Analysis must be made of the risks, the likelihood of the event occurring and its potential severity. Consideration should be given to the effectiveness of existing control measures and who may be affected before deciding if further action is needed. For large sites it may be appropriate to carry out a separate assessment of each block. A fire risk assessment involves the following: • identify fire hazards (sources of ignition, fuel, and oxygen) and the people at risk • evaluate the risk of a fire starting and the risk to people from a fire • remove or reduce fire hazards and the risks to people from a fire • protect people by providing fire precautions • prepare an emergency plan • inform building users and train staff • record your findings and action required • review the fire risk assessment. A fire risk assessment form has been designed by Essex County Council to cover the above. The form can be used for a fire risk assessment in Essex schools. It is also available via the Essex Schools InfoLink.
2. The headteacher, premises manager or their nominated delegate should carry out the assessment. Any deficiencies identified should be resolved with the aid of professional advice from your property consultant or a competent fire risk assessor. If a solution cannot be found, your consultant will seek an opinion from the Fire and Rescue service, which is the enforcement authority for the new legislation. For schools, an appropriate property consultant would be the firm of surveyors employed to manage the maintenance of the school buildings. If schools do not currently use consultants for this purpose they are strongly advised to do so.
3. The completed fire risk assessment should be kept on site, available for inspection, together with the emergency plan and the fire register. The fire register is a record of fire drills, fire alarm testing etc.
4. Premises managers and their consultants are advised to obtain copies of the appropriate fire safety guides published by HM Government. There are eleven guides available some of which are likely to be of relevance to schools. These are Educational Premises, Small and Medium Places of Assembly, Sleeping Accommodation (residential schools) and Means of Escape for the Disabled. The guides are available from The Stationery Office  or can be downloaded free of charge from the internet (<https://www.gov.uk/workplace-fire-safety-your-responsibilities/fire-safety-advice-documents>).
5. Further information on fire risk assessment is available from the ECC Corporate Health and Safety Team (telephone 03330 139818 or e-mail hs@essex.gov.uk).

# **Premises Security**

1. There is no model solution to problems with the security of school premises. Every school is different, and its needs should be assessed accordingly. Type and condition of buildings, location and site layout are relevant, but the human factor is paramount.

# **The Risks**

1. If there is no evidence or history in your school of a threat to the children, staff, or valuables, you may conclude that security measures need not be extreme. Do not be tempted to create a fortress if the circumstances suggest that this is unnecessary. However, certain standards should be regarded as minimum for every school.
2. It is wise to identify the problems relevant to your school before deciding on any new or additional measures. Advice and support on this task are available without charge from a range of sources including the Insurance Team, local police crime prevention officers and documents on the **Insurance Pages** of the Essex Schools InfoLink. Specialist security companies shouldn’t be used initially as some may attempt to sell their products and services even though they may not be the most appropriate to the school’s needs or resources.

# **Mitigation**

1. Measures to combat security threats depend very much on specific circumstances. The risks should be identified and, if schools need assistance, the Insurance Team can provide guidance on the best options. It does not necessarily involve extravagant or expensive solutions.
2. The documents on the [insurance pages](https://schools-secure.essex.gov.uk/admin/Insurance/Pages/Insurance.aspx) of the Essex Schools InfoLink that can assist schools with security include:
* Security guidance during school holidays
* Guidance to prevent theft of lead
* Guidance to prevent computer theft

# **Insurance**

1. One feature of educational building stock is that for over 66% of their life they are unoccupied, thereby presenting an easy target for unauthorised use or theft. Essex County Council offer a comprehensive package of insurance which is monitored by a professional in-house team.

# **The ECC Insurance Team**

1. The Insurance Team deals with all aspects of insurance, including but not limited to property, liability, pupil off sites visits, hirers’ liability and volunteers. Please contact the Insurance Team, to discuss these insurance services.
2. In addition to insurance, an operational risk management service is also provided – at no additional cost. This service is undertaken by the in-house staff, in conjunction with the Authority’s Insurers, who will carry out a comprehensive survey of your site. This takes the form of a site visit based around issues which may have been identified by your own risk assessments, where you have concerns regarding the security of your pupils, staff or property and where your claims history shows a worrying trend. This is followed up with a comprehensive report enabling schools to develop a business plan to address issues identified. It also provides practical advice on how to address such matters.

# **For more information, please contact the Insurance Team:**

General Enquiries Telephone          0333 013 9819

Email                    insurance@essex.gov.uk

# **Before You Start - General Advice**

# **Professional Property Consultancy**

1. Schools are strongly advised to employ the services of a professional property consultant for all building or maintenance projects other than minor works. A property consultant is a professionally qualified surveyor, architect, or engineer, depending on the nature of the project
2. Not using a property consultant might appear to save money but it is a false economy. Construction projects can easily result in breaches of health and safety or other legislation, or there might be problems with the contractor. Any of these can involve the school in expensive litigation. At the very least, a property consultant will provide the school with the peace of mind that the contractor is competent, and all statutory approvals have been obtained.
3. Employment of a consultant will also relieve school staff of the time-consuming responsibility for day-to-day management of the project and, furthermore, any risks of error, commission or omission lie with the consultant and not with the school
4. It is not necessary to employ a consultant for minor work such as the day-to-day repair jobs carried out by a caretaker as part of his or her normal duties. It is also not usually necessary to employ a consultant for minor maintenance work carried out by a contractor. However, minor work does need the advice of a consultant if there are health and safety implications (e.g. working at height, work affecting the means of escape, or work that disturbs the existing structure such as drilling holes in walls which could disturb asbestos). Some minor work may even require statutory approval or notification, such as Building Regulations or the Water Supply (Water Fittings) Regulations. Also, when commissioning any building work, a school has specific legal duties as a ‘client’ under the Construction (Design and Management)
5. Regulations 2015 (CDM2015) for all projects no matter the size (see the chapter on ‘Managing a Project’ in this handbook). For example, a client must ensure that contractors are competent (i.e., they have sufficient skills and knowledge) to do the job safely. The degree of competence required will depend on the complexity of the work to be done. There is also a legal requirement to provide pre-construction information as soon as is practical to every designer and contractor appointed, or being considered for appointment, to the project. Employing a consultant on a regular contract for maintenance will enable you to obtain professional advice on all these issues whenever it is needed.

# **Selecting A Property Consultant**

1. A list of property consultants can be found at https://www.constructionline.co.uk. Constructionline manage the prequalification on behalf of buyers (school etc) validating all members against various criteria and beyond. All accreditations are easily visible and searchable on the platform, so you can quickly and confidentially select a supplier that meet your needs. Constructionline services are free to use.
2. Essex County Council recommends the Appointed Property Consultant is a professional body such as the Royal Institution of Chartered Surveyors (RICS), the Royal Institute of British Architects (RIBA) the Chartered Institute of Building (CIOB) or the Chartered Institute of Building Services Engineers (CIBSE). A professional membership is confirmation that they have received adequate training and have kept up to date with new developments in their field.
3. Essex County Council recommends you check their Competence, for example, Will the member of staff who will be providing the service have the knowledge required to give the right advice? This is particularly important if the project is in any way specialist such as asbestos removal or work to engineering services. As a minimum all consultants working for schools should have knowledge of the DCSF (formerly the DfES) Building Bulletins and other technical standards applicable to schools.
4. Essex County Council recommends you check their Staffing availability, for example Is there sufficient staff to provide the service required during holidays etc.? How do they deal with out-of-hours emergencies? Is it easy to get hold of your contact?
5. Essex County Council recommends you check their Health and Safety, for example, are they familiar with the health and safety legislation relating to the project? The legislation that requires health and safety to be considered during all stages of a building project is the Construction (Design and Management) Regulations (CDM).
6. Essex County Council recommends you check their Insurance, for example, Does the Consultant carry adequate Professional Indemnity (PI) insurance? It is essential that consultants carry sufficient PI insurance. The amount of cover will depend on the nature and size of the project. It should be discussed with your insurer what information they require to cover the works under a ‘Work in progress’ policy, if insured with ECC please see further information on the insurance specific page within this handbook.
7. Essex County Council recommends you check their References, for example, which other similar school projects have they worked on? Can they provide suitable references?

# **Selecting A Contractor or Contractors**

1. If the school needs to engage a contractor, it should also strongly consider engaging a property consultant to procure and manage the contractor. Contractors should be vetted by the property consultant, taking the following into account.
* Health and safety policy
* Health and safety awareness
* Financial stability
* Membership of trade bodies•
* Public Liability Insurance (seek further advise from your buildings and contents insurer for Guidance on Insurance required to cover the Works)
* Technical competence (certification/registration)
* DBS approval
* Asbestos awareness trained
1. Contractors should be provided with the correct level of information from the client who under CDM regulations would automatically be assuming the role of Principle Designer and Contractor, unless delegated to a property consultant. It is important to understand the context of these positions and the responsibility that they hold. If uncertain delegation must be passed over to a consultant who can take on these responsibilities on behalf of the client/school.

# **Lettings, Licenses and Leases**

# **Land use**

1. Changes in the use of land or buildings may not always require physical works but may require planning permission and/or landlord consent for change of use, e.g., changing a caretaker’s house into teaching or storage space. Advice on any proposed changes that might require planning permission and/or landlord consent for change of use should be referred in the first instance to ECC Infrastructure Delivery. (Telephone 03330 131865)
2. Do not permit any third party into occupation of school premises without a legal agreement being in place. Schools must act early in the process to advise the County of their plans as it may take many months to agree terms and complete the necessary legal documents.
3. All schools should derive maximum benefit from third party use of school premises. Clearly such benefit might not always be entirely monetary, but it is important in all cases to set charges at realistic rates. Market valuations can be obtained from the County Council’s professional estates consultants Lambert Smith Hampton, at school cost can provide contact details for this advice, which can be very cost effective.

# **Lettings**

1. All schools will have their own agreed procedures and pricing structure for casual hiring and periodic casual letting of their buildings and playing fields.
2. Schools must ensure they do not enter into any agreements for the use of their premises that might lead to the loss of possession. Unless there are very exceptional circumstances, it is unlikely that any agreement for a period longer than five years would be agreed. The circumstances under which possession can be lost are many and schools should always seek appropriate professional advice. The areas that need to be considered include:
* Extent of the property to be let and the period of the agreement
* Letting charge and periodic reviews
* Other costs - heat, light, water, telephone, etc.
* Security, access, and car parking
* Responsibility for repairs, maintenance, cleaning, and caretaking
* The third-party insurance arrangements
* Restricting the use of the property being occupied
* Prohibition of subletting
* How and when possession can be regained

# **Leases and licences**

1. Foundation Schools and Academies manage their own leases and licences as part of the Foundation and academy status and consequently this section does not generally apply. However, such schools may if they wish contact Essex Enquires for advice and guidance, (telephone 033301 32285 or EssexEnquiries@lsh.co.uk. They may also instruct Lambert Smith Hampton and / or ECC Legal Services to act on their behalf and fees will be quoted upon request.
2. Broadly, a lease is required when a third party gains exclusive possession to a part of the school site for an agreed period or periods of time. A licence is required to enable a third-party non-exclusive possession to a part of the school site. An example of a lease is an arrangement for a nursery to operate out of a classbase at a school for the whole school day. A licence arrangement might be for a breakfast or after school club to use a classbase for two or three hours a day.
3. When schools are considering a lease or licence of property owned by the county council, it is very important that they do so in liaison with Lambert Smith Hampton (telephone 033301 32285 or EssexEnquiries@lsh.co.uk who  will provide advice and appropriate documentation to enable the school to provide information so the proposal may be evaluated.
4. Once the school has provided the required information relating to the proposal, Mitie / Lambert Smith Hampton will undertake a site analysis and in conjunction with ECC client groups will evaluate whether the proposed lease or licence is feasible and identify which, if any, statutory consents are required from the DfE.  Whether a proposal is viable will be dependent on sufficient site area when measured against current DfE Area Guidelines being available and factors including but not limited to planned capital projects, basic need expansion or proposed relocation of a school. An organisation or person exclusively occupying accommodation or land on an Essex County Council school site for a period may gain security of tenure. To protect the school and Essex County Council from this happening, a lease or licence must be drawn up and completed by the parties concerned prior to occupation. In the first instance, the school should contact EssexEnquiries@lsh.co.uk.
5. Once the required information has been returned to EssexEnquiries@lsh.co.uk. who will check the proposals are in line with ECC policies and standards and liaise with Planning and Admissions advisors, Infrastructure Delivery officers and other officer's familiar with the school and its relation to any strategic or developmental issues in the area. Should the proposal be viable from a DfE and ECC perspective, the project will be formally commissioned to enable Mitie/Lambert Smith Hampton to apply for the required statutory consents from the DfE and if consent is granted, progress lease terms.  In the case of community schools, Essex Legal Services will sign and complete the lease on behalf of the school.  Please note that if the DfE is not minded granting statutory consent, then it will not be possible to progress the proposal further.
6. The lease/licence will be signed by Essex County Council, but the school will be responsible for managing the arrangements of the lease/licence.

# **Regulation and Standards**

# **Regulations and Standards**

1. There are regulations that apply to building work to extend, remodel, and maintain property. To ensure that these regulations are complied with, schools should employ a property consultant. This will protect the school and the Authority from the consequences of noncompliance.

# **Building Regulations**

1. Since 2001, schools have been required to comply with Building Regulations when extending or remodeling their buildings. The Building Regulations apply to the construction, extension, and alteration of premises. There are specific requirements in the Regulations concerning the conservation of fuel and power (Refer to Approved Document L2B) that must be met before replacing boilers or lighting. Work to other elements of the building fabric, known as ‘controlled fittings’, such as the replacement of windows, doors, rooflights etc. is also covered by these regulations.
2. Building Regulations comprise the following ‘Approved Documents’ sections which are available for download from your local Authority Planning Portal.
* A [Structural safety](https://eur02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.planningportal.gov.uk%2Fbuildingregulations%2Fapproveddocuments%2Fparta%2F&data=04%7C01%7C%7C8d7283938c7a49285fa008d89d31776b%7Ca8b4324f155c4215a0f17ed8cc9a992f%7C0%7C0%7C637432183075544485%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=W8I3qSnCCCKPXBwF3UpUTpYORF3krVof2M9b6CYqfmI%3D&reserved=0)
* B [Fire safety](https://eur02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.planningportal.gov.uk%2Fbuildingregulations%2Fapproveddocuments%2Fpartb%2F&data=04%7C01%7C%7C8d7283938c7a49285fa008d89d31776b%7Ca8b4324f155c4215a0f17ed8cc9a992f%7C0%7C0%7C637432183075554479%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=Wj6CP16%2FBw14nR9QtsbSNSIdTv6d90gHwwXuQrpPc9w%3D&reserved=0)
* C [Resistance to contaminants and moisture](https://eur02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.planningportal.gov.uk%2Fbuildingregulations%2Fapproveddocuments%2Fpartc%2F&data=04%7C01%7C%7C8d7283938c7a49285fa008d89d31776b%7Ca8b4324f155c4215a0f17ed8cc9a992f%7C0%7C0%7C637432183075554479%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=sgBPmdXEwTejQKnLCQIkbpPv9V3wbTjXhyH1js2uw%2BQ%3D&reserved=0)
* D [Toxic substances](https://eur02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.planningportal.gov.uk%2Fbuildingregulations%2Fapproveddocuments%2Fpartd%2F&data=04%7C01%7C%7C8d7283938c7a49285fa008d89d31776b%7Ca8b4324f155c4215a0f17ed8cc9a992f%7C0%7C0%7C637432183075564474%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=OsVh7aCGDvwe0Yc9g3%2BksTo9x45OxibPmxMj4RSoLX0%3D&reserved=0)
* E [Resistance to sound](https://eur02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.planningportal.gov.uk%2Fbuildingregulations%2Fapproveddocuments%2Fparte%2F&data=04%7C01%7C%7C8d7283938c7a49285fa008d89d31776b%7Ca8b4324f155c4215a0f17ed8cc9a992f%7C0%7C0%7C637432183075564474%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=%2Bs9jd6ywzToIBI3yrGqcg4%2FJFwZ08E9EaBmlfImwhlU%3D&reserved=0)
* F [Ventilation](https://eur02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.planningportal.gov.uk%2Fbuildingregulations%2Fapproveddocuments%2Fpartf%2F&data=04%7C01%7C%7C8d7283938c7a49285fa008d89d31776b%7Ca8b4324f155c4215a0f17ed8cc9a992f%7C0%7C0%7C637432183075574469%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=shp6ZnF948dGNbvJ%2B07Q5Mw5g0fLj4zAtFw1LpKqzfk%3D&reserved=0)
* G [Sanitation, hot water safety and water efficiency](https://eur02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.planningportal.gov.uk%2Fbuildingregulations%2Fapproveddocuments%2Fpartg%2F&data=04%7C01%7C%7C8d7283938c7a49285fa008d89d31776b%7Ca8b4324f155c4215a0f17ed8cc9a992f%7C0%7C0%7C637432183075574469%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=yS0Y59RBJtv0Yhf7DWrPiBV%2BKQsiUkO%2F6%2FrTUNL5OPY%3D&reserved=0)
* H [Drainage and waste disposal](https://eur02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.planningportal.gov.uk%2Fbuildingregulations%2Fapproveddocuments%2Fparth%2F&data=04%7C01%7C%7C8d7283938c7a49285fa008d89d31776b%7Ca8b4324f155c4215a0f17ed8cc9a992f%7C0%7C0%7C637432183075584462%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=VHvNCXcB4muDWVIxsU6VwcTxsoocaEb5nY9HNVlZItk%3D&reserved=0)
* J [Heat producing appliances](https://eur02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.planningportal.gov.uk%2Fbuildingregulations%2Fapproveddocuments%2Fpartj%2F&data=04%7C01%7C%7C8d7283938c7a49285fa008d89d31776b%7Ca8b4324f155c4215a0f17ed8cc9a992f%7C0%7C0%7C637432183075584462%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=SSUT4oVZPonsyu9qmPyGywaxirwngT9ZR6lWdmKwBU8%3D&reserved=0)
* K [Protection from falling](https://eur02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.planningportal.gov.uk%2Fbuildingregulations%2Fapproveddocuments%2Fpartk%2F&data=04%7C01%7C%7C8d7283938c7a49285fa008d89d31776b%7Ca8b4324f155c4215a0f17ed8cc9a992f%7C0%7C0%7C637432183075594457%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=cRku0fo1c3O0tTcDlr6dvoJxPXiQPO6yNK7KJ9bV%2BM8%3D&reserved=0)
* L [Conservation of fuel and power](https://eur02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.planningportal.gov.uk%2Fbuildingregulations%2Fapproveddocuments%2Fpartl%2F&data=04%7C01%7C%7C8d7283938c7a49285fa008d89d31776b%7Ca8b4324f155c4215a0f17ed8cc9a992f%7C0%7C0%7C637432183075604449%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=e0bflFsbCfHG2De6EkccjAF9Die3719k5rQQyBYig%2B8%3D&reserved=0)
* M [Access to and use of buildings](https://eur02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.planningportal.gov.uk%2Fbuildingregulations%2Fapproveddocuments%2Fpartm%2F&data=04%7C01%7C%7C8d7283938c7a49285fa008d89d31776b%7Ca8b4324f155c4215a0f17ed8cc9a992f%7C0%7C0%7C637432183075604449%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=ylWUY186R98kPbSKmhPs2u3RLQRPYDJRNBw%2Bm6Oanjw%3D&reserved=0)
* N [Glazing safety (only relevant in Wales but included for information)](https://eur02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.planningportal.gov.uk%2Fbuildingregulations%2Fapproveddocuments%2Fpartn%2F&data=04%7C01%7C%7C8d7283938c7a49285fa008d89d31776b%7Ca8b4324f155c4215a0f17ed8cc9a992f%7C0%7C0%7C637432183075614444%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=qJuTEOyFKcV1Q1UAf2KM%2BAKz87TAhXD9XCxAqzjD0Fw%3D&reserved=0)
* P [Electrical Safety](https://eur02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.planningportal.gov.uk%2Fbuildingregulations%2Fapproveddocuments%2Fpartp%2F&data=04%7C01%7C%7C8d7283938c7a49285fa008d89d31776b%7Ca8b4324f155c4215a0f17ed8cc9a992f%7C0%7C0%7C637432183075614444%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=OHUWmSD5vM7Q1WgjKecpXYyV47oVz1ekQK9v%2B32wk4A%3D&reserved=0)
* Q [Security: dwellings](https://eur02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.planningportal.gov.uk%2Fbuildingregulations%2Fapproveddocuments%2Fpartq%2F&data=04%7C01%7C%7C8d7283938c7a49285fa008d89d31776b%7Ca8b4324f155c4215a0f17ed8cc9a992f%7C0%7C0%7C637432183075624441%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=shV8NHutazuUS6I2K44IF9qBth4dyFxNmj5h7Nkxsq4%3D&reserved=0)
* R [Electronic Communications](https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fassets.publishing.service.gov.uk%2Fgovernment%2Fuploads%2Fsystem%2Fuploads%2Fattachment_data%2Ffile%2F517789%2FBR__PDF_AD__R__2016.pdf&data=04%7C01%7C%7C8d7283938c7a49285fa008d89d31776b%7Ca8b4324f155c4215a0f17ed8cc9a992f%7C0%7C0%7C637432183075624441%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=aMMSnvozZMj9Yx9Vk4XHJQMLzNKFi0wWaBQ8n7Hcv8Q%3D&reserved=0)
* 7 [Workmanship and materials](https://eur02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.planningportal.gov.uk%2Fbuildingregulations%2Fapproveddocuments%2Fpart7%2F&data=04%7C01%7C%7C8d7283938c7a49285fa008d89d31776b%7Ca8b4324f155c4215a0f17ed8cc9a992f%7C0%7C0%7C637432183075634434%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=Z%2BUwC8WDxBHM4exBBm7inVRmZVzmb5WojLCWJGa7asM%3D&reserved=0)

# **Education (School Premises) Regulations**

1. All educational buildings are subject to School Premises Regulations 2012, which came into force on 31 October 2012.  These set out the standards for all new or existing schools.
2. The Education (School Premises) Regulations set out standards for school facilities in relation to the items listed below, however, further information and guidance for schools/tenants can be accessed via the Standards for school premises section on the [www.gov.uk](http://www.gov.uk) website.
* Medical accommodation
* Health, safety, and welfare
* Acoustics
* Lighting
* Water supplies
* Outdoor space
* Other legislation on school premises

# **Construction standards for school buildings**

1. Much of the requirements for school buildings are included Building Regulations Approved Documents, However. additional requirements for the design are covered in the Building Bulletins (BB). The key ones are listed below.

# **Building Bulletins**

* [BB93: Acoustic Design of Schools](https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fassets.publishing.service.gov.uk%2Fgovernment%2Fuploads%2Fsystem%2Fuploads%2Fattachment_data%2Ffile%2F400784%2FBB93_February_2015.pdf&data=04%7C01%7C%7C8d7283938c7a49285fa008d89d31776b%7Ca8b4324f155c4215a0f17ed8cc9a992f%7C0%7C0%7C637432183075644427%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=mjhuCiv35s08gAeRneNrHnk5BnVF8E2JIRFytoQYENg%3D&reserved=0)
* [BB100 Design for fire safety in schools](https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.gov.uk%2Fgovernment%2Fpublications%2Fbuilding-bulletin-100-design-for-fire-safety-in-schools&data=04%7C01%7C%7C8d7283938c7a49285fa008d89d31776b%7Ca8b4324f155c4215a0f17ed8cc9a992f%7C0%7C0%7C637432183075654421%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=Xvo8aJl%2FS%2Bi9b0KYMlL46te%2BrdTcGqlAokl9jvo5q%2BI%3D&reserved=0)
* [BB101 Ventilation of school buildings](https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.google.co.uk%2Furl%3Fsa%3Dt%26rct%3Dj%26q%3D%26esrc%3Ds%26frm%3D1%26source%3Dweb%26cd%3D1%26ved%3D0CCAQFjAAahUKEwjIvMCfhI3IAhWBvxoKHSZ9A5E%26url%3Dhttps%3A%2F%2Fwww.gov.uk%2Fgovernment%2Fuploads%2Fsystem%2Fuploads%2Fattachment_data%2Ffile%2F276711%2FBuilding_Bulletin_101_ventilation_of_school_buildings.doc%26usg%3DAFQjCNEqYsoW_dzPmjWdfCraU5867mwq0A%26bvm%3Dbv.103388427%252cd.d2s&data=04%7C01%7C%7C8d7283938c7a49285fa008d89d31776b%7Ca8b4324f155c4215a0f17ed8cc9a992f%7C0%7C0%7C637432183075654421%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=6JHpTHTmr%2F%2BgoAyJO%2FGW0orBaXNoShZbFwRuZi3Q7fg%3D&reserved=0)
* [BB103: Area Guidelines for Mainstream Schools](https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.gov.uk%2Fgovernment%2Fpublications%2Farea-guidelines-and-net-capacity%2Fnotes-on-area-guidelines-for-mainstream-schools-bb103&data=04%7C01%7C%7C8d7283938c7a49285fa008d89d31776b%7Ca8b4324f155c4215a0f17ed8cc9a992f%7C0%7C0%7C637432183075664415%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=hwfzGp6vGoQYS1xbbdd9BGz2lEa0U%2BIiRLbZORJHwis%3D&reserved=0)
* [BB104: Area guidelines for SEND and alternative provision](https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fassets.publishing.service.gov.uk%2Fgovernment%2Fuploads%2Fsystem%2Fuploads%2Fattachment_data%2Ffile%2F905693%2FBB104.pdf&data=04%7C01%7C%7C8d7283938c7a49285fa008d89d31776b%7Ca8b4324f155c4215a0f17ed8cc9a992f%7C0%7C0%7C637432183075674411%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=4NsOngRWwkoYHOFexhu6T%2FKwepbLFOQmMqS0gVHrSDI%3D&reserved=0)

# **The Construction (Design and Management) Reg 2015**

1. The Construction (Design and Management) Regulations 2015 (known as the CDM Regulations) apply to all construction and maintenance projects and aim to improve health and safety standards during construction work.
2. CDM Regulations were revised in April 2015 so it is important that schools ensure that they and their consultants/contractors comply with the latest version of the regulations. For more information see the chapter on ‘Managing a Project’ in this handbook.

# **Water supply regulations**

1. If you are making any changes to water services, the local water company must be notified under the Water Supply (Water Fittings) Regulations. The water company has the authority to inspect existing services and if defects are found that result in contamination or waste of water, they will insist that repairs are carried out. Installation work is to be undertaken by those who are members of an Approved Plumber scheme or post inspection by the water supply authority. Further information can be found at: [www.wras.co.uk](http://www.wras.co.uk)

# **Public entertainment licensing**

1. If any part of the building is licensed for public entertainment, approval from the District Council’s Licensing Officer may be required even for minor alteration work.

# **Other building and engineering standards**

1. Depending on the project being delivered, additional, specific requirements and standards may apply. It is not practical to list all standards and guidance that apply to schools but property consultants and design engineers specialising in school buildings have full knowledge of these. They would typically include:
* H[SE Legal Reference](https://eur02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.hse.gov.uk%2Fpubns%2Fbooks%2Findex-legal-ref.htm&data=04%7C01%7C%7C8d7283938c7a49285fa008d89d31776b%7Ca8b4324f155c4215a0f17ed8cc9a992f%7C0%7C0%7C637432183075684405%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=aT7cL5luAblUW0bA6UGM9TftxUP1%2BV2kcTzkeVyQjc0%3D&reserved=0)
* [L5: Control of substances hazardous to health](https://eur02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.hse.gov.uk%2Fcoshh%2F&data=04%7C01%7C%7C8d7283938c7a49285fa008d89d31776b%7Ca8b4324f155c4215a0f17ed8cc9a992f%7C0%7C0%7C637432183075684405%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=rxMpCZAkGOsSBtZyfA%2F7KbDO88HJPxrF8iAThwb75is%3D&reserved=0)
* [L8: Legionnaires' disease](https://eur02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.hse.gov.uk%2Fpubns%2Fpriced%2Fl8.pdf&data=04%7C01%7C%7C8d7283938c7a49285fa008d89d31776b%7Ca8b4324f155c4215a0f17ed8cc9a992f%7C0%7C0%7C637432183075694398%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=D901yWUQUC7oC1AicpXfePpBs0NZEfOBKPaXx7BxRVQ%3D&reserved=0)
* [L21: Management of health and safety at work](https://eur02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.hse.gov.uk%2Fpubns%2Fbooks%2Fl21.htm&data=04%7C01%7C%7C8d7283938c7a49285fa008d89d31776b%7Ca8b4324f155c4215a0f17ed8cc9a992f%7C0%7C0%7C637432183075694398%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=KgxIg%2FgjLnq1ivJKEnGvlqw5MmsG1h1MfLl5Mg%2Fjqhg%3D&reserved=0)
* [L24: Workplace health, safety, and welfare](https://eur02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.hse.gov.uk%2Flegislation%2Fhswa.htm&data=04%7C01%7C%7C8d7283938c7a49285fa008d89d31776b%7Ca8b4324f155c4215a0f17ed8cc9a992f%7C0%7C0%7C637432183075704393%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=oFpz8I8y63nx5vWo5eLvvtCa4diC2YFYs7axE7AAZUQ%3D&reserved=0)
* [L143: Control of Asbestos Regulations 2012](https://eur02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.hse.gov.uk%2Fpubns%2Fpriced%2Fl143.pdf&data=04%7C01%7C%7C8d7283938c7a49285fa008d89d31776b%7Ca8b4324f155c4215a0f17ed8cc9a992f%7C0%7C0%7C637432183075704393%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=rbCRYY03aL1YJPXgczqq2R53HlZJABG5iR9llxhtnh4%3D&reserved=0)
* [Environment Agency Guidance](https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.gov.uk%2Fgovernment%2Forganisations%2Fenvironment-agency&data=04%7C01%7C%7C8d7283938c7a49285fa008d89d31776b%7Ca8b4324f155c4215a0f17ed8cc9a992f%7C0%7C0%7C637432183075714387%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=V2KLhKdoRc9VAnFkVNPfL2vj8Kjfo8HcqTi6iWqFCVM%3D&reserved=0)
* [CIBSE (Chartered Institute of Building Services Engineers) Design Guides](https://eur02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.cibse.org%2Fknowledge%2Fcibse-publications%2Fcibse-guides&data=04%7C01%7C%7C8d7283938c7a49285fa008d89d31776b%7Ca8b4324f155c4215a0f17ed8cc9a992f%7C0%7C0%7C637432183075714387%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=zVXLwFh%2BLKAB1gpUpyLjJMn%2BVN6bqgYqLomi%2Fv6ON3c%3D&reserved=0)
* [BRE (Building Research Establishment) publications](https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.bre.co.uk%2Fpage.jsp%3Fid%3D904&data=04%7C01%7C%7C8d7283938c7a49285fa008d89d31776b%7Ca8b4324f155c4215a0f17ed8cc9a992f%7C0%7C0%7C637432183075724382%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=uv8uQdFC%2BnYZBTuFAKtQQvu0c2n5U1Qc5GR5FmJCOe0%3D&reserved=0)
* Requirements of Gas, Electricity, Water, Waste and Communication providers
* [DfE Output Specification: generic design brief and technical annexes](https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.gov.uk%2Fgovernment%2Fpublications%2Foutput-specification-generic-design-brief-and-technical-annexes&data=04%7C01%7C%7C8d7283938c7a49285fa008d89d31776b%7Ca8b4324f155c4215a0f17ed8cc9a992f%7C0%7C0%7C637432183075734376%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=fz6%2BJ5CvuD1XEpxHpkCTz2WOycfIo6Ne2qY3WBRTTxE%3D&reserved=0)
* British Standards
1. The following are some specific standards that may only apply to particular schemes or are a requirement of Essex County Council. Most documents give references to further guidance that will equally apply.

# **Essex County Council Policies and Standards**

1. Policies and standards on building issues can be found on the secure area of the Essex Schools Infolink, under the Health and Safety pages.  This will include guidance on such issues as the updated CDM Regulations, management of contractors on site and management of asbestos/COSHH etc.
2. Essex County Council has adopted the DfE standards for new build-construction and extension projects, contained within the ‘Output Specification: generic design brief and technical annexes’, referred to above.

# **Publications by The Department for Education (DfE)**

1. Information and Guidance can be reviewed at <https://www.gov.uk/government/publications>

# **Landscape issues**

1. Schools should check whether any proposed building work will affect trees or hedges in any way.  If the trees are covered by a Tree Preservation Order or are in a conservation area, consent for the work will be required from the planning authority.  Some hedges are covered by the [Hedgerow Regulations 1997](http://www.planningportal.gov.uk/uploads/pins/hedgerow__guide_part_1.pdf).
2. For more details please contact the Council’s Ecology Team at Place Services (email enquiries@placeservices.co.uk) who can provide further guidance and, where appropriate, arrange surveys and any necessary mitigation measures.

# **Planning Requirements**

1. Schools must consider the need to make a planning application in respect of the work.  Some minor development could be ‘permitted development’ which may not require an application for planning permission. Your property consultant should advise on whether planning permission is required.
2. Planning requirements can be complex and can depend on a number of issues such as whether the building is ‘listed’ or if the building is in a conservation area.
3. Pre-application discussions with the Planning Authority are encouraged to discuss the particular planning considerations and requirements specific to your school.
4. If you have any questions relating to the creation and submission of a planning application, or the application process in general, refer to your local district or borough council’s planning website:
* [www.Basildon.gov.uk](http://www.Basildon.gov.uk)
* [www.Braintree.gov.uk](http://www.Braintree.gov.uk)
* [www.Brentwood.gov.uk](http://www.Brentwood.gov.uk)
* [www.Castlepoint.gov.uk](http://www.Castlepoint.gov.uk)
* [www.Chelmsford.gov.uk](http://www.Chelmsford.gov.uk)
* [www.Colchester.gov.uk](http://www.Colchester.gov.uk)]
* [www.Eppingforest.gov.uk](http://www.Eppingforest.gov.uk)
* [www.Harlow.gov.uk](http://www.Harlow.gov.uk)
* [www.Maldon.gov.uk](http://www.Maldon.gov.uk)
* [www.Rochford.gov.uk](http://www.Rochford.gov.uk)
* [www.Tenderingdc.gov.uk](http://www.Tenderingdc.gov.uk)

# **Roles and Responsibilities**

# **Role of the Local Authority (LA) Maintained Schools**

1. Strategically plan the supply of sufficient school places in Essex
2. Commission and deliver new build projects to provide the requisite number of school places
3. Commission and deliver school capital building maintenance programmes
4. Rapidly coordinate emergency maintenance work to minimize periods of school closure
5. Advise schools on maintenance, health & safety and other property-related matters
6. Advise schools on the management of building projects
7. Manage the Landlord Consent process for school managed building projects
8. Ensure schools understand these roles and responsibilities

# **Role of Headteachers and Governors**

1. Headteachers have responsibility for premises management. Other staff will contribute, either by their defined duties or through personal responsibility for health and safety awareness in specific areas.
2. Headteachers are ‘the responsible person’ for the school premises. Together with the governing body, Headteachers need to:
3. Ensure that the site(s) and building(s) are managed in an appropriate manner
4. Ensure that staff/users operate buildings and facilities in a healthy and safe environment
5. Identify, monitor, and manage required maintenance, planned preventative maintenance and potential improvement projects in the school development plan
6. Ensure identified projects are prioritized, cost-estimated and set against a realistic timeline
7. Plan, budget for and manage those works and projects for which they have responsibility
8. Manage property budgets for which they are responsible such as devolved formula capital
9. Prepare and regularly review policies for security, fire safety and health and safety
10. Ensure risk assessments are prepared and that action is taken to minimize risk
11. Produce a School Accessibility Plan and Disability Equality Scheme
12. Where appropriate, make the building and facilities available for community use.
13. Please address all enquiries to ecc.helpdesk@mitie.com.​

# **School Building Records and Manuals**

1. School building manuals and records are important documents that should always be kept on the premises so that they can be referred to whenever needed. The user manuals should contain all the details relating to the current materials and equipment in the school and how to use and maintain them safely.
2. Building information should include:
* Up to date drawings showing positions of equipment and materials.
* Plans of electrical circuits, water supply, heating, and gas pipework, etc.
* Plans of fire equipment and escape routes, etc.
* Up to date test certificates, maintenance records.
* Asbestos register
* Health and safety manual and records
* Any other pertinent information including photo
1. Any work completed at a school, which in any way affects the building, must be reflected by revising and updating manuals and records. Failure to do this could cause serious risk if contractors are given out of date information and could result in legal action being taken against a school.
2. Up-to-date records can save time and money when preparing to have further work completed. Instead of having to pay to have surveys completed to determine e.g. potential foundation depths, pipework runs or asbestos risk, previous record drawings may show all the information required. The project manager should ensure that documentation is completed by the property consultant working with the contractors, to enable records to be updated.
3. When Essex County Council funds capital maintenance or an expansion project at a school, the assigned project manager should work with the school to update the school's building information and provide Operation and Maintenance (O&M) Manuals. Please contact Stephen.Clarke2@mitie.com if this information is not provided to the school within 2 months of the practical completion of a project.
4. If obtaining, maintaining and updating building information is difficult for a school to manage, then it is recommended that the school employ a specialist company to do this for them (it might be more financially beneficial for several schools to agree to jointly employ a specialist to deal with all of their schools' construction records and manuals).
5. Some property records are available from ECC's partner Lambert Smith Hampton and these can be requested by a school by emailing ecc.helpdesk@mitie.com and requesting all school property drawings to be sent to the school.​

# **School Managed Projects - Avoiding Pitfalls**

1. When schools manage their own construction projects, risks should be managed by using appropriate qualified and experienced professionals to help manage and oversee the design, tender and construction process of their projects. In general, you will only get out of a project what you put in, that is to say that if cheap, unprofessional people are employed or worse still, no consultant is employed at all, to manage the tendering and building phases of a project, then there is a far greater risk that costly problems could ensue at a later date. Please do not rely on your Asbestos register, this is a rough guide and does not identify all of the Asbestos within your building. An R&D survey will do this and will be relevant to most projects. CDM must be adhered to as a legal requirement and roles and responsibilities must be understood through the life of the project from Design through to use. Be warned that CDM applies to ALL construction projects and you might be liable for any damage or accidents if you do not follow the correct guidance, or delegate responsibility to an appropriate agent.
2. The following are recent examples of work carried out in schools where problems have occurred because of a failure to have the project professionally managed. These examples demonstrate that when corners and costs are cut, risks increase. To minimise risk of costly and potentially disruptive issues arising during, or after, construction projects, help should be sought from appropriately qualified professionals. It is also important to seek landlord consent from ECC if the school is community or voluntary controlled. See the Landlord Consent page for more information. ECC undertake many expansion schemes, these schemes are forecasted several years in advance and therefore any additions to the school or its grounds can hinder such schemes:
* In a recent court case, an Academy Trust was fined £26,000 and ordered to pay costs of £20,000, for failure to control the potentially lethal risk of asbestos exposure by not identifying the type, location and condition of any asbestos containing materials within the fabric of the school, and in failing to implement suitable precautions to prevent its disturbance.
* An independent Essex school were recently fined £40,000 after they pleaded guilty to breaching health and safety regulations. A worker fell from a roof and it was concluded that there were no supervisory arrangements, and that the work was not carried out in a safe manner, in accordance with Construction Design and Management (CDM) legislation.
* A school installed an all-weather sports area believing it was suitable for playing games. It transpired after installation that it was unsuitable (incorrect specification supplied by the installing company, who then claimed not to have been properly informed of the intended use for the play area). To correct the problem, the existing surface will now need to be pulled up, removed, and replaced with more expensive product, at the cost of the school.
* A school used a contractor to fill in a disused outdoor swimming pool, and although the job was completed cheaply, it has now been discovered that the material used was hard-core contaminated with asbestos. To correct the position by safely removing the material and using appropriate material to fill the pool in will cost more than £30,000.
* ECC has recently become aware of a project, which is apparently in construction, without landlord's consent having been obtained from ECC, and where the school has proceeded without using property consultants or having a proper project specification drawn up or following a proper tendering process
* A £40,000 self-managed school project to convert open-plan class areas to separate classrooms was not managed by a property consultant. It has transpired the project has left areas of the school unheated which will now require correction at the school's additional expense.

# **Building Maintenance**

# **School Building Condition Reports**

1. The most recent Condition reports of school buildings were carried out by the Education and Skills Funding Agency (ESFA) between 2017 and 2019.  This was a national data collection programme, not just local to Essex, and the ESFA engaged a few professional consultants/companies to visit schools across the country to gather condition data about the school estate. The ESFA describe these surveys as “presenting data collected following a visual, non-intrusive, 'light touch' data collection exercise", so the data is relatively high level. More information about the data collection exercise can be found here [Condition\_Data\_Collection\_\_CDC\_\_Guide\_for\_Schools.pdf](http://cms-schools.essex.gov.uk/admin/InfrastructureDelivery/Documents/Condition_Data_Collection__CDC__Guide_for_Schools.pdf)
2. The resulting reports are now available to schools, and local authorities and responsible bodies (e.g. Diocesan authorities and multi-academy trusts), with the latter having access to all the schools for which they are responsible.  The reports have been loaded on to the on-line Condition Data Collection portal on a system called Kycloud. The link to the system is here  <https://cdcportal.kykloud.com/login>
3. Schools will have been issued with a login and password to access the system by DfE.  To access your school's condition report, please follow the guidance provided by the DfE in the attached Annexes (Annex 1-Generating your report and Annex 2-Reading your report) Link to:  [DfE CDC Annexes 1 and 2.pdf](http://cms-schools.essex.gov.uk/admin/InfrastructureDelivery/Documents/DfE%20CDC%20Annexes%201%20and%202.pdf)

# **Conditional Data Collection (CDC) reports include:**

1. School Condition Reports include Summary and condition information about each block.
2. School Photo Pack Includes All photographs, including condition photographs, in a downloadable report.
3. School Site Plan A site plan marked up with site boundary lines and block references used by the ESFA for the CDC.
4. The report for each school will be divided into blocks and each block will have a separate reference.  The report then details all of the building elements within each block, giving them a condition rating.  The rating covers two factors: Condition and Priority, with a score for each as in the table below:
5. Following the CDC surveys ECC are undertaking their own condition reports for each building. This will be a based on a five-year rolling plan, those buildings identified in the CDC reports as having the highest number of D rated issues will be prioritised.

# **Condition Data reports**

1. The assessment criteria used for each element of the building are set out below:

**Condition**

* A Good: performing as intended
* B Satisfactory: performing as intended but exhibiting some minor deterioration
* C Poor: exhibiting major defects and/or not operating as intended
* D Bad: life expired and/or serious risk of imminent failure
* X Supplementary grading assigned in addition to above, to indicate that repair is impossible and complete replacement is required

**Priority grade**

* 4 More than 5 years before remedial action needed (default for Condition A)
* 3 Remedial action required within 3-5 years
* 2 Remedial action required within 1-2 years
* 1 Immediate remedial action or replacement required (default for Condition D)
1. The scores attributed to these values combine to form the Prioritisation Rating for an element of work. The Priority grade is combined with the Condition grade to form a two-character priority rating, ranging from 1D (being most urgent) to 4A (least urgent).
2. Please note that for capitalised maintenance for which ECC is responsible for:
* Sufficient resources will not be available to fully meet needs in any one year of a five-year programme. The condition report expresses 'needs' without reference to 'means' and there should therefore be no assumption that, for example, all priority 2 work can be attended to within 2-3years of assessment.
* A few factors can affect prioritisation, for example imminence of other building work affecting programming of required repairs, such as planned extension/ remodelling of accommodation for Basic Need purposes. Also, any urgent work that is identified that has a potential impact on H&S, for example unexpected discovery of asbestos either during building works or through other routes
* ECC's Forward Maintenance Plan uses the prioritisation system explained above, but sets the work identified within assumed resourcing levels. Budgetary uncertainties can affect the implementation of the Plan, as will sudden unexpected failures of elements requiring emergency work. There is a sum earmarked within each year's programme for emergency works and for unexpected deterioration of a particular element. However, it is intended that the prioritisation of work should remain largely as in the Plan even if the programme cannot be delivered within the original planned timescale. ​

# **Planned Preventative Maintenance by Schools**

# **What is Planned Preventative Maintenance?**

1. Planned Preventative Maintenance is maintenance carried out to a programme and in such a way as to postpone the need for more expensive major maintenance or replacement at a future date. Maintenance of some equipment can be a statutory requirement under Health and Safety Legislation.
2. Since the establishment of Fair Funding in the late 1990s schools have responsibility for arranging such programmes of work. Failure to undertake works that increase health and safety risk may lead to prosecution by the Health & Safety Executive. Schools are strongly advised to employ a property consultant and contractor to advise and carry out planned preventative maintenance.
3. Parts of the school that need to be considered for servicing and ongoing maintenance are given below. These lists are not exhaustive.

# **The Importance of basic maintenance**

1. Each school building is unique with a varied history build type and additions; however, all buildings require basic a level of basic maintenance. Sometimes such maintenance is overlooked or ignored. The odd leaking gutter or downpipe, missing roofing tile, electrical system trips occasionally or boiler cuts out sporadically. These are potential warning signs that need further investigation or appropriate repair. For example, the electrical system trips regularly but can be easily rest, this might be a sign that the system is overloaded or unbalanced potentially causing damage, Gutters and down pipes leaking can soften the ground in the local area, if this continues for long enough the ground can no longer support the building and the walls can crack from subsidence.
2. If basic preventive maintenance items are ignored it causes disruption to the building users and wastes valuable taxpayers’ contributions.

# **Buildings and structure**

1. Roof finishes, rainwater goods, fenestration, doors and external walls, drainage systems, relocatable buildings, pest control, paving, road surfaces, playground surfaces, car park surfaces, kerbing and grounds should be inspected every six months and minor repairs made as required.
2. Redecoration is always the responsibility of the school both internally and externally. This should be undertaken in cyclical periods determined by local conditions. Typical cycles of redecoration would be every 3,4,5 or 6 years.

# **Engineering Installations**

1. Water supply systems, heating installations, air conditioning and ventilation systems, oil and gas fired boilers, sewage pumps and chambers, oil supply pipes and tanks, kitchen equipment, swimming pools, fire-fighting equipment, fume cupboards, lift installations (including powered chair lifts), pressure systems, electrical systems, fire alarms and security systems, emergency lighting, lightning protection and portable appliances.

# **Water Hygiene**

1. The measures that must be undertaken to control Legionella bacteria in water systems can be found in the ECC document ‘The Control of Legionella: Guide to Monitoring and Temperature Checks’ which is available on the Essex Schools InfoLink. Service intervals for some schools’ plant and equipment Please note that this is not a comprehensive list.

# **Servicing, testing and inspection**

1. In order to ensure that equipment and services remain safe, comply with statutory obligations, and continue working satisfactorily, regular servicing and maintenance must be carried out and records kept. Such work would normally be arranged, with advice from the school’s property consultant, by setting up suitable service contracts with appropriate contractors.
2. In addition to the testing and servicing carried out by contractors, there are obligations on school staff to undertake inspections and testing; for example, testing the fire alarm and emergency lighting, visually inspecting the boiler plant, checking water temperatures, and flushing little-used water outlets etc. These checks need to be regularly undertaken and logged. Your property consultant should work with you to agree the actions that must be taken.

# **Recommended Minimum Service Intervals**

|  |  |
| --- | --- |
| **Plant / Equipment** | **Recommended Service Intervals** |
| Fire alarm systems | See ECC fire risk assessment checklist and fire register for advice on these service intervals |
| Emergency lighting  | See ECC fire risk assessment checklist and fire register for advice on these service intervals |
| Emergency gas or oil cut-off valves  | See ECC fire risk assessment checklist and fire register for advice on these service intervals |
| Sprinkler systems  | See ECC fire risk assessment checklist and fire register for advice on these service intervals |
| Kitchen extract ductwork  | See ECC fire risk assessment checklist and fire register for advice on these service intervals |
| Fire extinguishers  | See ECC fire risk assessment checklist and fire register for advice on these service intervals |
| Boilers – Gas | Every 12 months  |
| Boilers – Oil | Every 6 months |
| Oil line pipework (above/below ground) | 5 yearly pressure tests |
| Oil tanks and associated pipework | Weekly visual inspection  |
| Gas appliances safety check and gas soundness testing  | Every 12 months (for production of the landlord’s gas safety certificate)  |
| Catering equipment  | Every 12 months |
| Hot water blending valves Safety check | Every 6 months and service every 12 months  |
| Pressure vessels  | Annual insurance inspection (depending on equipment and results of assessment) |
| Swimming pools (microbiological water testing) | Subject to assessment (monthly testing for hydrotherapy and special school pools)  |
| Fixed electrical installations | Every 5 years (swimming pools annually)  |
| Portable electrical appliance testing (PAT testing) | By risk assessment   |
| Passenger lifts and stair lifts  | Every 6 months (plus monthly check) |
| Goods lifts and hoists  | Every 12 months |
| Lightning conductors  | Every 12 months |
| Local exhaust ventilation (e.g. fume cupboards and wood dust extraction)  | Every 12 months |
| Gutter and downpipe clearance  | Every 12 months  |
| Underground drain inspection  | Every 36 months  |
| Cladding inspection | Every 12 months  |
| Powered pedestrian doors, | Every 12 months plus safety checks by school at intervals depending on frequency of use. |
|  |  |

# **Statutory Inspections by the ECC Insurance company**

1. The Council’s insurance section has a policy agreement with Allianz Insurance to undertake both statutory and duty of care inspections on certain items of plant and equipment. Allianz Insurance will send their report direct to the school for the attention of the headteacher. The headteacher must ensure that items reported as needing repair or attention are followed up. Equipment inspections are undertaken at no cost to the schools.

# **Prioritising Work**

1. In general, community, voluntary controlled and foundation schools are responsible for repair and maintenance work up to £10,000 in value, and the local authority for capital maintenance projects above £10,000.
2. Voluntary Aided schools are responsible for revenue maintenance in the same way, but governors will apply to the relevant Diocese for capital funding via the Locally Coordinated Voluntary Aided Programme (LCVAP) that the two Dioceses manage.
3. The prioritisation system for capital maintenance is common to all types of school and is based on the DfE's Asset Management Plan (AMP) Condition survey grading system.
4. Community and Foundation schools are expected to contribute towards local authority funded capital works, using a formula of £40 per pupil endorsed by the Schools Forum.  VA schools are required by the DfE/EFA to make a 10% contribution from governors' funds towards any project funded from LCVAP, and the two Dioceses usually also expect a contribution from schools' Devolved Formula Capital Grant towards the cost of work.

# **Technical Advice**

# **Energy**

1. Schools are increasingly being pushed to make the most of their resources, while providing a solid education for students. Energy costs are often the second highest expenditure in schools (behind the annual wage bill). On average, schools spend £6 on energy and water for each square metre of floor space. Energy costs per pupil range from £26.28 to £64.75 in secondary schools and between £16.46 and £51.87 in primary schools. Considering anticipated future increases in energy costs, the ongoing energy expenditure will further increase the already significant financial burden of on schools. Being energy efficient saves money, so it’s an excellent way to release funds for curricular resources or other much needed school facilities. Therefore, it is important to identify opportunities for more efficient energy usage by initiating and implementing energy efficient schemes. This will result in reducing current energy costs, protect schools from future energy price increases, provide an excellent aide-mémoire to pupils on the benefits of low carbon energy to the environment and achieving more efficiencies in energy consumption.
2. In addition to economic benefits, there are social, educational, and environmental advantages to reducing energy consumption. This is increasingly important to the reputation of schools, as students, teachers and parents become increasingly aware of climate change. Public and political awareness of the impact of climate change has taken hold on the back of the October 2018 UN Inter-Governmental Panel on Climate Change (IPCC) special report on the state of global warming. It stated that within 12 years the target of 1.5°C warming of global heating would be out of reach and warned of the rapid and far-reaching consequences of warming more than this target. In May 2019 the Committee on Climate Change recommended a new emissions target for the UK of net-zero greenhouse gases by 2050 stating this was “necessary, feasible and cost-effective”. It forecast significant benefits to public health and savings to the public purse from better air quality and less noise pollution, as well as improved biodiversity.
3. In line with the Government’s target for the UK to be Carbon neutral by 2050, Essex County Council is committed to help move the county of Essex towards achieving this aim. If you would like to know more about the funding available, please contact us at lowcarbon@essex.gov.uk.
4. We are currently embarking on a number of initiatives and partnerships, these are
* **Ashden Less CO2** - Essex County Council, in partnership with Ashden, would like to extend the opportunity for Essex schools to participate in the “LESS CO2” sustainable school’s programme. This is a free energy efficiency programme available to any school in Essex. This is implemented through a series of half day workshops spread through the year, peer mentoring, expert advice, and resource availability. The expected outputs are staff empowered and equipped to make changes and improvements to their school to reduce their energy usage, save money on bills and lower their CO2 emissions. This is a unique opportunity to enable schools to work together and learn from each other, in clusters of 15 schools in a suitable geographical area, led by experts and award-winning sustainable schools. These workshops aim to teach individual school’s representatives about energy saving in their buildings, how to engage with their fellow staff and students about energy and teaching them about the link between sustainability and energy use and efficiency. More information can be accessed on [www.lessco2.org.uk](https://eur02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.lessco2.org.uk&data=04%7C01%7C%7C38222f6c1899456bee9c08d8d3f2c75f%7Ca8b4324f155c4215a0f17ed8cc9a992f%7C0%7C0%7C637492386962481937%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=fziotCoUuQJbGlUK%2BPARzrIYTW6VMhIkygXVq0ZnqNw%3D&reserved=0).
* **Invest to Save -** To implement the objectives of delivering low carbon technology projects in Essex schools, we would need to introduce and embed a shift in paradigm. This will entail a change from implementing projects solely derived from the school’s forward plan to a greater allowance for invest to save projects. Developing a project pipeline derived from an ‘invest to save’ approach ensures only financially viable projects are prioritised for delivery thereby achieving the greatest payback on any capital investment.
* **Salix Financing -** Essex County Council can also provide advice on how to access interest free loans for energy-efficiency projects with a payback of eight years or less. The loan is repaid from the energy savings and will cover the cost of the equipment and any related installation fees. Projects which may qualify are low energy or LED lighting replacement, intelligent lighting controls, insulation, draughtproofing, upgrading boiler controls and Solar PV technology. Essex County Council can also provide project development and management assistance for the initiation, funding application and delivery of the technologies. This funding is available to both locally paid and centrally paid schools. However, academies would have to access the funding through a separate route. Local authority maintained schools can find out more about Salix by accessing [https://www.salixfinance.co.uk/loans/maintained-schools-and-sixth-form-colleges](https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.salixfinance.co.uk%2Floans%2Fmaintained-schools-and-sixth-form-colleges&data=04%7C01%7C%7C38222f6c1899456bee9c08d8d3f2c75f%7Ca8b4324f155c4215a0f17ed8cc9a992f%7C0%7C0%7C637492386962481937%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=wh4vJ82v1mCkPWngmveYaOn8WTm0izBapmlbbNl0%2Bho%3D&reserved=0) Academies can find out more about Salix by accessing [https://www.salixfinance.co.uk/loans/academies](https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.salixfinance.co.uk%2Floans%2Facademies&data=04%7C01%7C%7C38222f6c1899456bee9c08d8d3f2c75f%7Ca8b4324f155c4215a0f17ed8cc9a992f%7C0%7C0%7C637492386962491931%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=fdkldMseUq5DgdwCupv9CumRQtFyHpDdP%2B7yOM0t9bk%3D&reserved=0)

# **Lath and Plaster Ceilings**

1. Lath and plaster’ were a typical finish to timber stud walls and timber joisted ceilings, prior to the introduction of plasterboard in the 1950s
2. Thin strips of wood, known as ‘timber laths’, were nailed to the vertical wall studs or horizontal ceiling joists, with spaces between them, so when first coat of plaster was applied, it was forced between them, and hooking over, it formed a strong key as it dried. Typically, three coats of plaster would be applied, the surface of the base coat being ‘scratched’ to formTec a key to receive the levelling coat, which would in turn be ‘keyed’ before the final application of the topcoat. This last coat would usually be of a finer lime/sand mix, finished off smooth and level. Older plaster mixes typically used lime and sand, often incorporating an animal hair reinforcement for strength, and to reduce cracking. Other mixes using cement or gypsum plaster have also been used, following similar principles.
3. If in good condition, this construction can offer a degree of fire resistance, and resist the passage of sound, however, as the construction ages and deteriorates, particularly when exposed to water ingress, or excessive vibration, the plaster coats can become detached from the lath backing, and from each other. Nails used for fixing the laths can also rust through, allowing the laths to become detached from the timber structure. These problems can manifest themselves in cracking of the plaster, and ‘sagging’ or bulging, leading not only to a loss of performance, but also to the risk of potentially heavy sections collapsing, which obviously can become a significant health and safety risk.
4. It should also be noted that original lath and plaster is significant to an old building as part of its historic fabric. If the building is of historic interest, and has a listing, i.e. grade II, grade II\* or grade I, it will have statutory protection, and repairs must be undertaken in an appropriate manner.
5. If any signs of a potential failure are detected, you should contact Mitie Helpdesk promptly (tel. 0333 013 2288), to discuss the issue, so appropriate steps can be taken to assess the extent and urgency of any repair that might be necessary.
6. The link below has a series of very helpful tools that have been produced by the DfE, to assist schools in their efficient property management. <https://www.gov.uk/guidance/good-estate-management-for-schools/good-estate-management-for-schools-gems-what-s-new>

# **Finance**

# **Capital Maintenance Programmes**

1. ECC is only responsible for funding school capital maintenance. This is maintenance that, as a rule, would cost more than £10,000. ECC Infrastructure Delivery is in a partnership with Mitie to run annual capital maintenance programmes. Schools are able to report capital maintenance issues directly to Mitie by calling 01245 435517 or emailing: ecc.helpdesk@mitie.com. Schools are responsible for revenue maintenance which, as a rule, is defined as that costing less than £10,000.
2. Schools are required to make school contribution if a capital maintenance project is planned at the school.

# **Capital Funding**

1. The Local Authority (LA) receives most of its capital funding in the form of annual formulaic allocations direct from the Department for Education (DfE), mainly in the form of grant but sometimes as borrowing approval. This funding is used to cover all payments on current capital schemes and fees to design and develop projects planned for subsequent financial years. Occasionally the LA also receives specific 'targeted' capital allocations which as the name suggests are targeted at ensuring delivery of key programmes or policies.

# **Basic Need**

1. This funding is allocated to enable to LA to deliver projects to provide sufficient school places, either by new build schools or extension/remodelling projects to existing schools, in areas of growth and new housing developments. The Infrastructure Delivery Team works closely with colleagues in the School Organisation team to determine, through a comparison of forecast pupil numbers against available school(s) capacity, where additional places are required.
2. Extensions to existing schools will be considered where there is sufficient site capacity. New build schools are now required to be Academies or Free Schools.

# **Capital Maintenance**

1. This funding stream provides the resources for the LA's School Building Capital Maintenance programme, which addresses major building condition issues. Condition surveys and reports provide the means of determining the capital investment priorities using consistent and equitable criteria.  Funding is earmarked each to cover urgent needs where elements of buildings have deteriorated faster than expected, or there is a sudden unexpected failure.
2. Capital Maintenance is defined as costing more than £10,000 including professional fees. Revenue Maintenance is defined as costing less than £10,000 and remains the responsibility of the school to fund. Typical capital maintenance projects include:
* Major re-roofing
* Replacement of boilers and associated pipework/controls
* Replacement of windows and window walling
* Major resurfacing work to playgrounds and/or car parks
* Major electrical works such as re-wiring, replacement of lighting
1. This programme is managed by the LA through a partnership arrangement with Mitie and is used to deliver maintenance projects with a 'capital' cost, i.e. greater than £10,000 (including consultants fees) in value. Work is identified and prioritised using Condition reports carried out at each school, and any other surveys commissioned by ECC.
2. Capital maintenance work at Community and Voluntary Controlled Schools is delivered via the partnership above. In the case of Foundation Schools, where the LA does not own the premises, the school will be offered the opportunity to manage and deliver any specific agreed project. In this instance, the school will manage the appointment of a consultant, who is responsible for delivering the project to budget, to programme, to the full specification, and meeting all appropriate standards and regulations. Voluntary Aided schools will manage their projects in a similar fashion, but for these schools funding is awarded under the Locally Co-ordinated Voluntary Aided Programme (LCVAP) for capital funding (see below)

# **Devolved Formula Capital (DFC)**

1. Allocations are notified to schools annually by the Infrastructure Delivery team and Grant can be rolled forward by up to three years. The DfE guidance available for this grant states that:

“DFC provides schools with capital funding to address their own priorities.  DFC funding can be used for improvements to buildings and other facilities, including ICT, or capital repairs/ refurbishment and minor works.  If you have doubts about what constitutes capital expenditure for a particular item, you should seek local advice."

1. ECC operates a de minimis spend of £2,000 for DFC.

# **Funding for Maintenance**

1. Maintenance budgets for school buildings fall into two areas - Revenue and Capital. The following sections demonstrate the difference between them and provide guidance on their management.

# **Revenue Maintenance**

1. This budget is delegated to schools and is used for day-to-day repairs and servicing. Schools are advised to ensure that they have a formal agreement in place with a contractor or contractors to deal with day-to-day repairs and emergency call outs, as well as for servicing equipment and planned preventative maintenance. Contracts should be drawn up with advice from your property consultant.  Schools should carefully consider the contents/clauses of any contract to ensure that their key requirements are met.  This could for instance include:
* Round the clock (24 hour) 365day breakdown and emergency call-out service
* Requirement that repairs and renewals must be affected using equal or manufacturer's approved materials wherever practical.
* Required response time for emergency call-out (could be prioritized into bands depending on urgency)
* Any other requirements that the school feels are essential
1. Schools should ensure that all building elements are effectively maintained and kept in good working order using their revenue budget. Where an element has failed or come to the end of its working life, replacement or renewal through the Capital Maintenance programme will be considered, but only where the cost will be above the capital de minimis of £10,000.

# **LCVAP programme (Voluntary Aided (VA) schools only)**

1. All capital maintenance and improvement work at VA schools are the responsibility of the school Governors (except for playing fields), and VA schools therefore need to apply for LCVAP funding for this purpose via the relevant Diocese.  Priority will normally be given to major maintenance projects that address Condition issues, using the same prioritisation criteria as for the LA programme. There will usually be an annual bidding round for LCVAP funding, which from April 2020 will be managed solely by the Dioceses, and the two Dioceses will write to schools inviting bids, usually in the Autumn for funding in the following financial year. For more information and advice, schools should contact their relevant Diocesan representative. ​

# **Emergency Bids**

1. It is recognised that failure of an element of a building can happen unexpectedly, despite good stewardship and maintenance regimes carried out by a school. If such a failure occurs, and the cost to rectify is expected to be greater than £10,000 (including professional fees), there is an emergency bidding procedure for schools, via the Mitie Helpdesk (ecc.helpdesk@MITIE.com / 03330 132288). In the case of Community, Foundation and Voluntary Controlled Schools, this may result in a Reactive Maintenance Assessment (RMA) being carried out if it is suspected that a major failure has occurred, and if this is the case, remedial works will be funded through funds earmarked for this purpose in the Capitalised.

# **Landlord Consent**

1. In the case of community schools, the landlord is the County Council. Effectively, the County also acts as landlord for Voluntary Controlled schools. In the case of Voluntary Aided or Voluntary Controlled schools, the County Council generally owns the playing fields and the diocese (or trustees) the school buildings, although there are exceptions. V/A and V/C schools are all aware of their local arrangements.
2. In each case, Community, Voluntary Controlled, or Voluntary Aided, the school’s governing body acts as the “designated landlord”. The designated landlord acts as the ‘on-site’ landlord and is therefore the first point of contact for the tenant, speaking with the voice of ECC (or of their diocese) in a designated capacity. ECC or the diocese remains the actual landlord, and larger issues or matters of dispute would be referred as appropriate.
3. Any part of the ECC playing field affected by a building project, becoming building footprint or hard paved, at a V/A or V/C school should be notified to Essex Property, so that a statutory transfer to the diocese or trustees can be made on completion of the works.  This should not affect the day-to-day management of the combined site and should be completed as part of the overall project
4. When a Community, Voluntary Controlled, or Voluntary Aided school converts to academy status, the school’s ECC owned land (whether it is just playing field or playing field and buildings) is leased to the academy on a standard 125-year lease. ECC is then the formal landlord, and larger issues or matters of dispute would be referred as appropriate; in addition, all projects of any size or structural effect will need to apply for Landlord’s Consent as below.  Also, ECC promotes, funds and manages a project on the academy site (e.g., extension for basic need places) ECC (through our agents, Lambert Smith Hampton) will need to seek a licence to enter with the academy for the duration of the works.
5. If a project requires a statutory transfer at a V/A or V/C academy, then the academy lease will need to be varied to suit the new situation.
6. The governing body of a Foundation school (including a foundation school belonging to a Schools’ Trust) acts as the freeholder of the school’s estate. Although Foundation schools are therefore not required to submit formal landlord consent applications, if their proposed projects are likely to have an effect on their net capacity, they should contact Robert Greenwold in the Infrastructure Delivery Team, who will liaise with School Organisation and Planning colleagues to check that there are no strategic issues arising from the proposed changes.
7. When a foundation school converts to academy status, the school’s land becomes the freehold of the Academy Trust.  If ECC promotes, funds, and manages a project on the academy site (e.g., extension for basic need places) ECC (through our agents, Lambert Smith Hampton) will need to seek licence to enter from the academy for the project works.
8. The County Council has a variety of strategic property objectives, amongst which is the drive to consider the wider delivery of community services on school sites wherever this is appropriate. In this context, schools are expected to liaise with the local authority to achieve optimum use of the public estate. Use of land or accommodation by third parties is covered under ‘Land use, lettings and leases’ below.

# **Consents for change of use and/or physical change to premises**

1. All significant changes in use of land or buildings, and all significant construction work, must have landlord consent. (This will be ECC, the Diocese, the Governing Body or the Trustees depending on the type of school.) Note that in addition such changes may also require Planning Consent,
2. Building Regulations consents may also be required, please consult your property consultant.
3. In the majority of cases, projects for which landlord consent is required will be linked to particular funding initiatives – for example, Devolved Formula Capital Grant or projects funded from balances accumulated in their own revenue budget– and there is specific approval form for that initiative
4. Electronic versions of these forms are posted on the Essex Schools infolink, together with guidance on completing and submitting them. Where a proposed project is not linked to a funding initiative (for example, where the scheme will be funded from the school’s revenue budget) schools Please contact Infrastructure.Delivery@essex.gov.uk for further advice

# **Statutory Consents granted by the Secretary of State (DfE consents)**

1. If significant changes in use of land or buildings, or significant construction works, result in any loss of school site area that is not playing fields, i.e., buildings or access areas, DfE consent will be required under Schedule 1of the Academies Act.
2. If significant changes in use of land or buildings, or significant construction work, results in any loss of school playing field land, DfE consent will probably be required for Change of Use. The protection of school playing fields legislation defines playing field land (aka net site area) as:
* Playing fields / soft PE / pitches suitable for playing team games.
* Games courts / hard PE
* Informal and social soft play areas.
* Habitat (ponds, gardens, orchards, allotments, wooded areas etc.)
1. Therefore, this consent is needed if there is any extension of buildings or access onto any part of the site used by pupils over the previous 10 years this will usually be the whole site inside any safeguarding / security fencing.
2. All school projects should be notified to Essex Property, so that the relevant DfE consents can be commissioned.  (If it is a project managed by infrastructure Delivery, then separate notification by the school should not be needed.)  This information may be added to the Landlord’s consent form, preferably with a site plan(s) showing the effects on the whole site.

END