

Consultation on Revised School Premises Regulations

Consultation Response Form

The closing date is: 26 January 2012

Your comments must reach us by that date.

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Please tick if you want us to keep your response confidential.

Reason for confidentiality:

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If your enquiry is related to the policy content of the consultation you can contact the Department on telephone 0370 000 2288 or e-mail: PremisesRegulations.CONSULTATION@education.gsi.gov.uk

If you have a query relating to the consultation process you can contact the Consultation Unit on 0370 000 2288 or email consultation.unit@education.gsi.gov.uk

Please mark an X in one box below that best describes you as a respondent.

<input type="checkbox"/> Head Teacher/Teacher	<input type="checkbox"/> Maintained School	<input type="checkbox"/> Independent School
<input type="checkbox"/> Governor	<input type="checkbox"/> Local Authority	<input type="checkbox"/> Disability Organisation
<input type="checkbox"/> Union	<input type="checkbox"/> Parent or Pupil	<input checked="" type="checkbox"/> Technical Professional
<input type="checkbox"/> Other		

The Chartered Institution of Building Services Engineers (CIBSE) is the learned and professional body for building services engineers, with a global membership of almost 20,000. The Institution exists to 'support the Science, Art and Practice of building services engineering, by providing our members and the public with first class information and education services and promoting the spirit of fellowship which guides our work.'

CIBSE set standards for building services engineering in the UK, publishing the CIBSE Guide, Commissioning Codes and other guidance material which are recognised internationally as authoritative, and sets criteria for best practice in the provision of energy using systems in buildings.

Our members are predominantly Building Services Engineers, who create a better built environment by managing building design to deliver the client's functional requirements and a building that is comfortable and fit for purpose.

From inception we consider the impact of orientation, glazing and all of the design decisions upon the occupied space, in terms of comfort, visual impact and occupant well being. Building Services Engineers are critically involved in engineering the mechanical services such as heating, ventilation, cooling, domestic water, waste water disposal. They engineer the electrical services such as lighting, power, fire alarms, ICT, security systems to respond to current usage and the impact of global warming and diminishing resources.

Ensuring that the building is more than just an umbrella to protect the occupants from the weather by using the systems and data gathered is offered to the staff and pupils as real hard time data of climate, weather and how the built environment responds to an ever changing climate weather and variable usage and occupation patterns.

General comments on the proposals.

These comments apply across many of the specific proposals, and need to be considered at a more strategic level when analysing the responses

The proposals appear to adopt the phrase "suitable" as an undefined minimum standard. The Building Regulations use the term reasonable. Where undefined levels of performance are being described CIBSE would strongly recommend that the term reasonable provision should be used. We would also argue that such undefined requirements should only be used where it is absolutely essential, and that wherever possible criteria should be set out which address the key characteristics for any properties.

The Regulations should have regard to the more litigious nature of society and construction contracts and establish a clear definition and criteria for achieving suitable acoustic performance. In this case it would seem prudent to caveat “suitable” by reference to guidance and recommendations, whether issued by the Department or some recognised body e.g. in this case the Institute of Acoustics, Royal Institute of British Architects and Chartered Institution of Building Services Engineers.

The challenge for each recognised authority issuing considered guidance is to develop mutually consistent and complementary guidance and not to develop conflicting requirements which might confound the potential positive aspects in other elements. In the past Building Bulletins, however imperfect, have attempted this balance and an expert panel similarly constituted and mandated as NICE in the medical world, would be a very powerful vehicle to collect and disseminate best practice and guidance around a framework as vague and challenging as this.

If this approach is adopted without some guidance and limitations then professional designers will be reduced to designing built environments, which are inappropriate for their intended use through the adoption of a suitable low standard to achieve a budget rather than the standard that maximises the efficacy of the built space as a learning space. This will in turn deliver inappropriate learning environments and poor value for taxpayers money spent on educational provision.

It is not clear how this consultation interacts with the work being undertaken by the Efficiency and Reform Unit within the Cabinet Office who are looking at the introduction of Building Information Modelling across the public sector. Any changes to the Schools Premises Regulations should be co-ordinated with that work.

Acoustics (ISSs & SPRs)

Proposed regulation - Acoustics

The acoustic conditions and sound insulation of the teaching accommodation must be suitable, having regard to the nature of the activities which normally take place therein.

Q1) Do you agree that this adequately covers the requirements for acoustics? If not, why not

Yes

No

Not Sure

General comments

“Suitable” needs to be defined using objective measurable criteria, unless it is the intention to let the Courts decide upon a definition of suitable. This would create a minefield of precedent and establish a similar protocol and concern that is associated with “reasonable” and reasonableness in Courts.

The objective of specifying that schools must have acoustic properties appropriate to the proposed activities within a space is sound, but clear criteria are needed.

Acoustic design addresses a wide range of issues and it is important to allow designers the scope to address the needs of a Project and deliver space that is optimised as a learning space. The intelligibility of speech within a space relates to reverberation time and the absorption spectrum of the space, clear consonant and vowel sounds without too large a dwell in the reverberation makes speech easiest to comprehend. Impact noise between floors, and rooms, needs to be covered as well as the limitation of the level of audible sound that is transmitted across these elements. The impact of larger spaces and different learning models needs to be factored in as a slightly longer reverberation time in a large space may be acceptable in such a space but wholly inappropriate for a 50m² to 60m² classrooms today.

Why is the requirement limited to teaching spaces and how are these defined. If part of an educational establishment's mandate is to ensure that young people have a more robust social compass as they move into Society and Work then the dining area should be viewed as a learning space. Do pupils and staff not deserve acoustic privacy in toilets to preserve dignity?

Imposition of acoustic criteria in some spaces but not in others can also dramatically impact the options left in those other areas. When designing ventilation background noise needs to be considered when determining the potential approaches for ventilation. Where the background noise will have an adverse impact on learning then it should be taken into account, whilst minor disturbances should not be allowed to impose unreasonable capital and revenue costs by requiring mechanical solutions. For example a school at the end of the flight path noise envelope on a route only used when non-prevailing winds require could end up with a mechanical ventilation system and cooling for a noise nuisance that is only perceived on paper rather than affecting learning outcomes.

Defining activities as normal is also challenging as it tends to reflect flexibility, in a sports hall the normal activity is sport, however it is also one of the large spaces in a school and often used as an exam hall. The acoustics for its use as an exam hall will directly conflict with its use as a sports space. Custom is that the hall is designed for sport and that the more occasional use as an exam hall is managed rather than designed. This is possible relatively easily in thermal terms but difficult/impossible in acoustic terms.

Conclusions

A more considered proposition would be to relate suitable to guidance provided by a statutory body of professional design significance rather than allowing the Courts to determine how to frame suitable. This would ensure that learning was prioritised in the measurement of suitability rather than budget or some other no-educational criteria. Creation of a professional panel enables "suitability" to be moved along in terms of current understanding and best practice and allows money and learning criteria to

be balanced without leaving this to the strongest partner in the procurement of a new learning space. Such a panel could be a joint endeavour of the Department and the appropriate professional bodies.

Water supplies (ISSs & SPRs)

Proposed regulation -

Water supplies

- 1) *Suitable drinking water facilities must be provided.*
- 2) *The facilities provided under paragraph (1) will not be suitable unless -*
 - (a) *they are readily accessible at all times when pupils are on the premises;*
 - (b) *they are separate from the toilet facilities; and*
 - (c) *the water is wholesome.*
- 3) *Toilets and urinals must have an adequate supply of cold water and washing facilities must have an adequate supply of hot and cold water.*
- 4) *Cold water supplies that are not suitable for drinking must be clearly marked as such.*
- 5) *The temperature of hot water at the point of use must not pose a scalding risk to users.*

Q2) Do you agree that this adequately covers the requirements for water supplies? If not, why not?

Yes

No

Not Sure

General comments

“Suitable” needs to be defined using objective measurable criteria, unless it is the intention to let the Courts decide upon a definition of suitable. This would create a minefield of precedent and establish a similar protocol and concern that is associated with “reasonable” and reasonableness in Courts.

If this approach is adopted without some guidance and limitations then professional designers will be reduced to designing built environments, which are inappropriate for their intended use through the adoption of a suitable low standard to achieve a budget rather than the standard that maximises the efficacy of the built space as a learning space.

Specifics

The provision of water could under the requirement in 1 above be provided as bottled water in a vending machine. The water is available at all times and with correct location could meet all of the other criteria. This is obviously not the intent and the requirements phrasing needs to be developed further. The requirements should be aligned with Part G of the Building Regulations. The need for labelling should also be aligned with the Water Regulations. All water should be wholesome and suitable for drinking at basins and sinks. Is this proposed labelling referring to grey water outlets for irrigation?

The NHS guidance and research into water temperatures and scalding is well understood, and, therefore, as a minimum safeguard, the regulation should stipulate this temperature. Possible wording:

“The temperature of hot water supplies to basins, sinks in teaching spaces, baths and showers shall not exceed 43°C”

Note: In places, hot water is needed in schools where it could pose a scalding risk (for example in kitchens and cleaners’ sinks where it is managed).

Conclusions

A more considered proposition would be to relate suitable to guidance provided by a statutory body of professional design significance rather than allowing the Courts to determine how to frame suitable. This would ensure that learning was prioritised in the measurement of suitability rather than budget or some other non-educational criteria. The adoption of a professional panel enables suitability to be moved along in terms of current understanding and best practice and allows money and learning criteria to be balanced without leaving this to the strongest partner in the procurement of a new learning space.

Boarding accommodation (ISSs & SPRs)

These regulations cover sleeping and living accommodation, washrooms, sick rooms and staff accommodation. Currently the ISSs refer to the National Minimum Standards for Boarding Schools (NMS), while the NMS (2011) refer to the SPRs for detailed requirements. Since requirements are not set out

elsewhere, regulations and supporting information on boarding accommodation should be retained in some detail until the NMS are revised.

Q3) Do you agree that in future we should seek to bring the premises standards for boarding schools into the NMS? If not, why not?

Yes

No

Not Sure

Comments

The adoption of minimum standards is important but the standards need to be framed in a manner that allows them to be upgraded progressively as lessons are learned and best practice and operational needs understood, developed and changed to reflect new or different practice.

It is also important to realise that the minimum standard will de facto be the standard adopted in buildings as funding will not generally allow incorporation of elements that exceed the minimum. This will be bound by contract and the financial constraints of a Project. Operating cost, energy and carbon, wholesomeness of the built environment and the support of learning all need to be balanced in the equation.

Proposed regulations -

Standards for boarding schools

Sleeping accommodation

- 1) *Suitable sleeping accommodation must be provided for boarding pupils.*
- 2) *Where pupils are aged 8 years or over, sleeping accommodation for boys must be separate from sleeping accommodation for girls.*

4 a) Do you agree that these regulations adequately cover the requirements for boarding schools relating to sleeping accommodation? If not, why not?

Yes

No

Not Sure

General comment

“Suitable” needs to be defined using objective measurable criteria, unless it is the intention to let the Courts decide upon a definition of suitable. This would create a minefield of precedent and establish a similar protocol and concern that is associated with “reasonable” and reasonableness in Courts.

If this approach is adopted without some guidance and limitations then professional designers will be reduced to designing built environments, which are inappropriate for their intended use through the adoption of a suitable low

standard to achieve a budget rather than the standard that maximises the efficacy of the built space as a learning space.

Specifics

Suitable in terms of sleeping accommodation has such a wide range of interpretations and the potential for this to be misinterpreted is grave. The scope for accommodation in HM Prison Service, the Armed Services and tourist accommodation (i.e. Hotels, Bed and Breakfast, etc) are all defined with greater detail. Suitability may be measured in simple terms i.e. the space for a single bed may be deemed sufficient, but there needs to be a requirement for suitability for social interaction, relaxation, study, privacy and dignity to be considered.

Separation of sexes post age 8 is inconsistent with the ages of school with primary schools taking Pupils from 6 to 7 this means that you could have mixed sex lower primary moving into single sex accommodation after a year or two.

In senior schools some consideration needs to be given to the need or desirability for single room or small numbers in sleeping accommodation.

There is no reference to the requirements for people with special needs, is the intention to allow Building Regulations or the requirements of the Disability Discrimination Act (or both) to cover the requirements?

Suitable in this context needs to cover the requirements for ventilation, heating, lighting, acoustic requirements, physical, spatial and all of the other requirements and it is doubtful that this will prove sufficient.

Conclusions

A more considered proposition would be to relate suitable to guidance provided by a statutory body of professional design significance rather than allowing the Courts to determine how to frame suitable. This would ensure that learning was prioritised in the measurement of suitability rather than budget or some other non-educational criteria. The adoption of a professional panel enables suitability to be moved along in terms of current understanding and best practice and allows money and learning criteria to be balanced without leaving this to the strongest partner in the procurement of a new learning space.

Toilet and washing facilities

1) *Suitable toilet and washing facilities must be provided for boarding pupils, which must be adjacent to or reasonably accessible from the sleeping accommodation.*

2) *Separate toilet facilities must be provided for boys and girls, except where they are provided for use by one pupil at a time.*

4 b) Do you agree that these regulations adequately cover the requirements for boarding schools relating to toilet and washing facilities? If not, why not?

Yes

No

Not Sure

General comments

“Suitable” needs to be defined using objective measurable criteria, unless it is the intention to let the Courts decide upon a definition of suitable. This would create a minefield of precedent and establish a similar protocol and concern that is associated with “reasonable” and reasonableness in Courts.

Specifics

The provision of sanitary accommodation needs to be defined in the round, in this form the scope does not give indication as to the requirement for baths -v- showers, what is the ratio of ablutions to individuals, what ratio to cover different sex numbers, etc.

There is no reference to the requirements for people with special needs, is the intention to allow Building Regulations or the requirements of the Disability Discrimination Act (or both) to cover the requirements?

“Suitable” (or reasonable provision) in this context needs to cover the requirements for ventilation, heating, lighting, acoustic requirements, physical, spatial and all of the other requirements and it is doubtful that this will prove sufficient.

Conclusions

A more considered proposition would be to relate suitable to guidance provided by a statutory body of professional design significance rather than allowing the Courts to determine how to frame suitable. This would ensure that learning was prioritised in the measurement of suitability rather than budget or some other non-educational criteria. The adoption of a professional panel enables suitability to be moved along in terms of current understanding and best practice and allows money and learning criteria to be balanced without leaving this to the strongest partner in the procurement of a new learning space.

Living accommodation

1) *Suitable living accommodation must be provided for boarding pupils for the purposes of private study outside school hours and for social purposes.*

4 c) Do you agree that these regulations adequately cover the requirements for boarding schools relating to living accommodation? If not, why not?

Yes No Not Sure**General comment**

“Suitable” needs to be defined using objective measurable criteria, unless it is the intention to let the Courts decide upon a definition of suitable. This would create a minefield of precedent and establish a similar protocol and concern that is associated with “reasonable” and reasonableness in Courts.

Specifics

Suitable has such a wide range of potential interpretations, ranging from a desk in the pupils dormitory, to a library desk or a communal common room. In the right circumstances quiet space in corridors could form studies, however, minimum conveys none of these requirements in any sense. Leaving aside the requirements for the space the requirements for daylighting, heating, ventilation and acoustics all of which need to be developed in the sense of the living and learning requirements of the space.

There is no reference to the requirements for people with special needs, is the intention to allow Building Regulations or the requirements of the Disability Discrimination Act (or both) to cover the requirements?

Suitable in this context needs to cover the requirements for ventilation, heating, lighting, acoustic requirements, physical, spatial and all of the other requirements and it is doubtful that this will prove sufficient.

Conclusions

A more considered proposition would be to relate suitable to guidance provided by a statutory body of professional design significance rather than allowing the Courts to determine how to frame suitable. This would ensure that learning was prioritised in the measurement of suitability rather than budget or some other non-educational criteria. The adoption of a professional panel enables suitability to be moved along in terms of current understanding and best practice and allows money and learning criteria to be balanced without leaving this to the strongest partner in the procurement of a new learning space.

Accommodation for the preparation and consumption of meals

1) *Suitable accommodation must be provided for the preparation and consumption of meals by boarding pupils.*

2) *Accommodation provided under paragraph (1) may be situated in the main school provided it is adjacent to or reasonably accessible from the boarding accommodation.*

4 d) Do you agree that these regulations adequately cover the requirements for boarding schools relating to accommodation for the preparation and consumption of meals? If not, why not?

Yes No Not Sure**General comment**

“Suitable” needs to be defined using objective measurable criteria, unless it is the intention to let the Courts decide upon a definition of suitable. This would create a minefield of precedent and establish a similar protocol and concern that is associated with “reasonable” and reasonableness in Courts.

Specifics

There will be a number of different levels of provision, ranging from a full kitchen to coffee and a microwave. So what is the minimum standard?

Is the standard to be an upgraded domestic kitchen or is it to be a moderate commercial standard of kitchen. Part of the response will be the Secretary of State’s view on the duty of care around Hazard Analysis and Critical Control Point (HACCP) in these catering facilities that are used by unqualified and unsupervised minors. Obviously the need to maintain hygienic conditions in the kitchen will require careful consideration in the design and minimum standards are not an efficacious approach to achieving this reliably.

The position of these facilities relative to dormitories, social and study space is not really a question of engineering but it does seem implausible that there can be a situation where it should be normal for pupils to leave the security and comfort of the dormitory to go to another building to obtain sustenance. Looking at the issue from an engineering position having to maintain two buildings at thermal and lit comfort levels is very likely to increase the carbon footprint and revenue cost of the facility and the allowance of separation should therefore be an exception requiring derogation.

There is no reference to the requirements for people with special needs, is the intention to allow Building Regulations or the requirements of the Disability Discrimination Act (or both) to cover the requirements?

Suitable in this context needs to cover the requirements for ventilation, heating, lighting, acoustic requirements, physical, spatial and all of the other requirements and it is doubtful that this will prove sufficient.

Conclusions

A more considered proposition would be to relate suitable to guidance provided by a statutory body of professional design significance rather than allowing the Courts to determine how to frame suitable. This would ensure that learning was prioritised in the measurement of suitability rather than budget or some other non-educational criteria. The adoption of a professional panel enables suitability to be moved along in terms of current understanding and best practice and allows money and learning criteria to be balanced without leaving this to the strongest partner in the procurement of a new learning space.

Sick rooms

1) *Suitable accommodation (including toilet facilities) must be provided in order to cater for the needs of boarding pupils who are sick or injured.*

4 e) **Do you agree that these regulations adequately cover the requirements for boarding schools relating to sick rooms? If not, why not?**

Yes

No

Not Sure

General comment

“Suitable” needs to be defined using objective measurable criteria, unless it is the intention to let the Courts decide upon a definition of suitable. This would create a minefield of precedent and establish a similar protocol and concern that is associated with “reasonable” and reasonableness in Courts.

Specifics

The question of accommodation for pupils with illness needs considerable attention. Areas that need to be considered are the degree of isolation, separation of pupils when more than one requires attention, separation of sexes, sanitary accommodation to match, separation or adjoining the normal dormitory. Considerable attention also needs to be given to the standard of care to be provided, are boarding staff to cover out of hours, or is special accommodation required for medical staff. If the illness is severe or mobility limited how will the pupils sustenance requirements be met? What consideration of Hazard Analysis and Critical Control Point (HACCP) for the food service, particularly in terms of reducing the risk of spread of any vectors.

The difficulty with this provision is that in essence and practical terms the space is “dead” space, it is hopefully seldom used and used for short durations. However the requirement needs to be sufficient to allow for incidents that are encountered and risk management processes put in place to deal with any excess numbers that may be encountered in an episode.

The ratio of medical support space required to the bed count needs to be considered and stated as a standard to be achieved.

There is no reference to the requirements for people with special needs, is the intention to allow Building Regulations or the requirements of the Disability Discrimination Act (or both) to cover the requirements?

Suitable in this context needs to cover the requirements for ventilation, heating, lighting, acoustic requirements, physical, spatial and all of the other requirements and it is doubtful that this will prove sufficient.

Conclusions

A more considered proposition would be to relate suitable to guidance provided by a statutory body of professional design significance rather than

allowing the Courts to determine how to frame suitable. This would ensure that learning was prioritised in the measurement of suitability rather than budget or some other non-educational criteria. The adoption of a professional panel enables suitability to be moved along in terms of current understanding and best practice and allows money and learning criteria to be balanced without leaving this to the strongest partner in the procurement of a new learning space.

Staff accommodation

1) *Suitable accommodation (consisting of accommodation in which meals may be taken, living accommodation and sleeping accommodation) and suitable toilet and washing facilities must be provided for residential staff, which must be separate from the accommodation and facilities provided for boarding pupils.*

4 f) Do you agree that these regulations adequately cover the requirements for boarding schools relating to staff accommodation? If not, why not?

Yes

No

Not Sure

General comment

“Suitable” needs to be defined using objective measurable criteria, unless it is the intention to let the Courts decide upon a definition of suitable. This would create a minefield of precedent and establish a similar protocol and concern that is associated with “reasonable” and reasonableness in Courts.

Specifics

The provision of accommodation for staff is presumably intended to provide a range of benefits including, for example, security, supervision, and pastoral support. This is a difficult mix to balance with the need to maintain staff and pupil separation to avoid potential for misadventure, however, complete separation would appear to be both a primary inhibitor and a signal that is counter to the support function of the boarding staff.

Residential accommodation needs to be provided in line with normal planning and building regulation standards. It is suggested that a common room which bridges the private space of the staff with the communal areas of the pupil. This would it is suggested take the form of an office with a door into the boarding staffs accommodation and a separate door from the pupils communal space allowing meetings in public privacy to be undertaken.

There is no reference to the requirements for people with special needs, is the intention to allow Building Regulations or the requirements of the Disability Discrimination Act (or both) to cover the requirements?

Suitable in this context needs to cover the requirements for ventilation, heating, lighting, acoustic requirements, physical, spatial and all of the other requirements and it is doubtful that this will prove sufficient.

Conclusions

A more considered proposition would be to relate suitable to guidance provided by a statutory body of professional design significance rather than allowing the Courts to determine how to frame suitable. This would ensure that learning was prioritised in the measurement of suitability rather than budget or some other non-educational criteria. The adoption of a professional panel enables suitability to be moved along in terms of current understanding and best practice and allows money and learning criteria to be balanced without leaving this to the strongest partner in the procurement of a new learning space.

Washrooms (ISSs & SPRs)

Proposed simplified regulation -

Toilet and washing facilities

- 1) *Subject to paragraph (3), suitable toilet and washing facilities must be provided for the sole use of pupils.*
- 2) *Separate toilet facilities must be provided for boys and girls aged 8 years or over, except where they are provided for use by one pupil at a time*
- 3) *Where separate facilities are provided under paragraph (1) for pupils who are disabled, they may also be used by staff and visitors who are disabled.*
- 4) *Suitable changing accommodation and showers must be provided for pupils aged 11 years or over who receive physical education.*

Q5) Do you agree that this adequately covers the requirements for toilet and washing facilities? If not, why not?

Yes

No

Not Sure

General comment

“Suitable” needs to be defined using objective measurable criteria, unless it is the intention to let the Courts decide upon a definition of suitable. This would create a minefield of precedent and establish a similar protocol and concern that is associated with “reasonable” and reasonableness in Courts.

Specifics

The requirement for separate Pupil toilet and ablution facilities is understood, however, adequate provision for visitors and staff need to be provided.

It is fair to note that currently the majority of boarding accommodation is provided for pupils above the age of 11 there is a range of age ranges and the Regulations should cover all ranges equitably. At least one school takes pupils from 3 and these amendments suggest that provision of communal toilets would be acceptable.

The amendment suggests that no provision for sport in terms of changing rooms showers etc. for Pupils under the age of 11. It is clear from the Secretary of State’s public statements that the intent is to increase the depth and diversity of sport participation at all ages in and out of school and as such appropriate facilities need to be provided for all ranges.

The redrafted minimum standards appear to fail in all of these areas.

There is no reference to the requirements for people with special needs, is the intention to allow Building Regulations or the requirements of the Disability Discrimination Act (or both) to cover the requirements?

Suitable in this context needs to cover the requirements for ventilation, heating, lighting, acoustic requirements, physical, spatial and all of the other requirements and it is doubtful that this will prove sufficient.

Conclusions

A more considered proposition would be to relate suitable to guidance provided by a statutory body of professional design significance rather than allowing the Courts to determine how to frame suitable. This would ensure that learning was prioritised in the measurement of suitability rather than budget or some other non-educational criteria. The adoption of a professional panel enables suitability to be moved along in terms of current understanding and best practice and allows money and learning criteria to be balanced without leaving this to the strongest partner in the procurement of a new learning space.

Medical facilities (ISSs & SPRs)

Proposed simplified regulation -

Medical accommodation

- 1) Suitable accommodation must be provided in order to cater for the medical and therapy *needs of the pupils, including accommodation for-*
- a. *the medical and dental examination and treatment of pupils; and*
 - b. *the short term care of sick and injured pupils, which includes or is adjacent to a toilet facility.*
- 2) *The accommodation provided under paragraph (1) may be used for other purposes (apart from teaching) provided it is always readily available to be used for its primary purpose.*
- 3) *Where a school caters for pupils with complex needs additional medical accommodation must be provided which caters for those needs.*

Q6) Do you agree that this adequately covers the requirements for medical facilities? If not, why not?

Yes

No

Not Sure

Comments

The requirements for Sick rooms above overlap and contradict the requirements here.

Why are facilities being provided for dental and medical examination that is generally provided within the scope of the communities' provision by the NHS. If temporary accommodation is required should then comply with the appropriate NHS specifications and bulletins for the type of procedures anticipated.

Health, Safety and Welfare (ISSs & SPRs)

Proposed simplified regulation -

Health, safety and welfare

- 1) *School premises and the accommodation and facilities provided therein must be maintained to a standard such that, as far as reasonably practicable, the health, safety and welfare of the pupils is ensured.*

Q7) Do you agree that this adequately covers the requirements for health, safety and welfare? If not, why not?

Yes

No

Not Sure

Comments:

This standard is the minimum that one would expect. The phrasing of reasonable and incorporating pupils, i.e. individuals who are children, needs to be carefully considered to avoid conflict or imposing additional duties on Schools over and above the general duties imposed by current health and safety legislation.

Lighting (ISSs & SPRs)**Lighting**

- 1) *The lighting in each room or other internal space must be suitable, having regard to the nature of the activities which normally take place therein.*
- 2) *External lighting must be provided in order to ensure safe entry to and exit from the school for pedestrians before and after daylight hours.*

Q8) Do you agree that this adequately covers the requirements for lighting? If not, why not?

 Yes No Not Sure**Comments:**

Ignoring the issues with suitability as a basis of definition the broad scope here is not unusual for lighting.

Detailed issues need to be considered here some of which are covered in the general requirements of the Building Regulations e.g. emergency lighting. Many others are covered in the Society of Light an Lighting Code for Lighting, which is the professional lighting design standard for buildings, and should generally be followed. Consideration should be given to requirements for transit routes between bedrooms and toilets and washrooms to be provided with split level lighting (higher during “occupied” hours with a reduced night set back level and/or motion detectors to allow safe transit during night hours).

Given the importance of lighting to learning and teaching (and this is recognised in DfE consultation document on SPR), it is essential to safeguard against the effects of poor lighting by retaining minimum lux levels on a working plane and a minimum glare index as per SPR 1999 No.2. Failure to specify minimum measurable outcomes, could lead to unnecessary costly legal disputes to establish/define ‘suitable’ and, more importantly, provide an inappropriate environment for teaching and learning.

The extent of external lighting needs to be considered carefully in the light of the age of the Schools population. It is likely that older pupils will travel further at irregular hours and therefore the need for a broader area of the school to be illuminated. There is also further consideration needed in terms of security of staff and pupils.

External space (ISSs & SPRs)

Proposed simplified regulation -

Outdoor space

- 1) *Suitable outdoor space must be provided in order to enable-*
 - a) *physical education to be provided to pupils in accordance with the school curriculum; and*
 - b) *pupils to play outside safely.*

Q9) Do you agree that this adequately covers the requirements for external space? If not, why not?

Yes

No

Not Sure

General comment

“Suitable” needs to be defined using objective measurable criteria, unless it is the intention to let the Courts decide upon a definition of suitable. This would create a minefield of precedent and establish a similar protocol and concern that is associated with “reasonable” and reasonableness in Courts.

Some consideration needs to be given to the requirements for watering and lighting these types of areas.

We propose removing the following regulations

Regulations set out in both ISSs and SPRs

- 1) ***Ancillary facilities - food preparation and service***
- 2) ***Load bearing structures***
- 3) ***Weather protection***
- 4) ***Fire safety and emergency evacuations***
- 5) ***Heating***
- 6) ***Ventilation***

7) Drainage

Further details of these regulations can be found in Chapter 5 of the consultation document.

Q10) Do you agree that these regulations, which are common to both the ISSs and SPRs, can be removed? If not, why not

Yes

No

Not Sure

Comments:

The importance of appropriate environmental conditions is well documented with respect to learning and general well being. Stuffiness, overheating, etc. are not uncommon complaints from school staff and the lack of any clear design criteria will only exacerbate this situation. There is a real concern that removing the current requirements will undermine standards of schools design and lead to less effective schools. Pupils learn better in well lit properly ventilated places, and the standards used for schools construction should reflect that.

Importantly the current SPR's ensures that the stipulated temperatures and ventilation rates for teaching spaces satisfy minimum acceptable levels which are reasonable. They provide a safety net for the client and the occupants of schools. The Workplace Regulations refer to a minimum acceptable temperature of 16°C and fail to specify suitable ventilation rates for teaching spaces.

While Building Regulations cover some of the requirements these do not reflect any of the special requirements that dormitory and educational facilities have. Removal of statutory guidance may not cause any issue, however, it would be prudent for an approach which disseminated best practice and understanding of requirements to be incorporated as an appropriate standard in developing a design.

Regulations contained in the ISSs only

- 1) *Security***
- 2) *Shared premises***
- 3) *Access***
- 4) *Cleanliness***
- 5) *Standard of decoration***
- 6) *Furniture and fittings***
- 7) *Flooring***
- 8) *Size of classrooms***

Further details of these regulations can be found in Chapter 5 of the consultation document.

**Q11) Do you agree that these regulations in the ISSs can be removed?
If not, why not?**

Yes

No

Not Sure

Security, Access

These are requirements that need to be integrated into the planning of the school and the management if it is to be effective and unobtrusive.

Security, Cleanliness, Standard of decoration

These are areas that are governed properly by the management of the school, however, proper allocation in the revenue account needs to be made if these issues are not to impact ultimately upon the capital requirements for a school.

Furniture and fittings, Flooring

These are largely architectural issues and could in general be left to best practice and budget constraints, however, consideration of specialist areas such as labs, technology spaces need to be considered.

Shared premises, Size of classrooms

These are areas that have potential to impact learning outcomes and as such it is necessary for the Regulations to establish standards and/or a framework that incorporates contemporary and best practice.

Regulations contained in the SPRs only

- 1) **Staff accommodation**
- 2) **Ancillary facilities - storage and circulation**

**Q12) Do you agree that these regulations in the SPRs can be removed?
If not, why not?**

Yes

No

Not Sure

Comments

Staff Accommodation comments above should be read here.

The current regulations and guidance framework have failed to make adequate provision of circulation and storage in schools. Removal of them from the standards will only exacerbate this situation. Circulation and Storage are currently sacrificed in order to maximise the available square area for teaching, to remove the requirement, is to encourage this.

Supplementary information

As with the current SPRs, the new premises regulations will be supported by guidance that describes the minimum standards, and advises on how they can be satisfied. A draft of this guidance is set out in **Annex C**.

Q13) Do you agree that the information set out in support of the proposed regulations is accessible and adequate? If not, why not?

Yes

No

Not Sure

Comments

Guidance will only have significance if the Regulations give the guidance force. It is a current problem in the existing process that very few of the current guidance documents have enforceable requirements. This leads to a difficult contractual contortion whereby guidance is incorporated into the contract through the traditional design process where a Client side Design Team works to the requirements and scoping developed iteratively in the design of the school which is tendered. Under the design and build process the translation of guidance into enforceable clauses requires the options to be included and conflicts removed which can be challenging.

The other challenge in guidance is maintain its contemporary status and allowing it to evolve with revised knowledge, change of needs, special/specific requirements and best practice. Doing this and avoiding designing a school for the incumbent Head Teacher or Lead Architect for example and incorporating the best concepts that these individuals bring to the table needs some form of guidance and checks and balances other than capital budget if the Educational Estate is to achieve excellence in supporting learning and be affordable in capital, carbon and revenue terms.

Protection of playing fields

To ensure that existing school playing fields are protected to provide for the future needs of schools and their communities, new draft guidance has been produced (see Annex D). This describes the main circumstances in which local authorities, governing bodies, foundation bodies and trustees need to seek the consent of the Secretary of State for Education to dispose, or change the use, of playing field land used by schools. It also describes how the Secretary of State will assess applications for consent to dispose, or change the use, of such land

Q14) Do you agree that the information set out in this guidance is accessible and adequate? If not, why not?

Yes

No

Not Sure

Comments

Playing Field requirements are not within our knowledge base.

Currently there are around 5,500 pages of departmental guidance on the design and management of school premises available in hard copy and/or on-line. Some of this is out of date, or has been superseded by later documents, while other material could be much more concise.

The guidance is categorised as -

- **Regulatory guidance** - in addition to the guidance supporting the SPRs there is also material in three building bulletins setting out requirements for compliance with parts of the Building Regulations, and how compliance can be achieved.
- **Building Bulletins** - design guidance covering whole school, or elements of schools, and/or technical guidance, best practice and case studies.
- **Other design guidance** - not in the building bulletins series.
- **Exemplar designs** - schools for the future and similar case studies.
- **Managing School Facilities Guides** - advice mainly to existing schools.
- **Standard Specification, Layouts and Dimensions** - covering a number of building elements.
- **Asset Management Plans** - guidance on assessing the condition, suitability and sufficiency of buildings.

Our objective is to reduce significantly the amount of guidance available. To do this we will withdraw all documents that are of limited value and streamline the rest (see **Annex E**). The streamlining will involve restructuring how the guidance is presented (see **Annex F** for a possible restructuring).

Q15) Which of the current guidance documents do you particularly value and why?

Comments:

The Building Bulletins provide useful guidance for clients, designers and constructors. Their content is generally understood by professionals and provides a sound foundation as part of an employer's requirement. Like most guidance, they have developed over the years, based on continuous learning and improvement. In short, they ensure key mistakes are not repeated. Their removal will result in unnecessary work for LA's who will need to draft their own individual technical guidance (because of the vacuum) which, on a national scale, is both wasteful and inefficient. In the current economic climate of austerity this is also totally unrealistic.

Where there is no intelligent client resource, those end users and sponsors will be totally reliant on the competence of the persons they employ and their knowledge of good school design. It is important not to mistake good design with expensive design. Poor design can be very expensive. Moreover, designers and constructors will need to spend considerably more time reviewing and interpreting tenders to ensure that they have understood the brief before committing to a price. This will inevitably lead to more disputes, litigation, wasted cost and disappointed clients and end users.

The current suite of documents is valuable as a pool of core knowledge and experience but the challenge is that over time heritage practices have become embedded into the documents. A process of consolidating the documents into a core of best practice that established the minimum acceptable provision and maintains this in the light of evolving educational trends and best practice needs to be embedded into the system.

It would be imprudent to maintain the current documents and equally it would be a travesty if the experience recorded in these was not incorporated into an estate planning tool for the Education Estate in the 21st century.

The amalgamation and development of the support documentation is best suited to a multidisciplinary body with education architectural, engineering, community and pupil input to achieve best practice and evolving contemporary practice are incorporated.

The Institution would be willing to participate in further discussions about how guidance on the provision of building services for use in schools could be managed by such a multidisciplinary scheme.

Q16) Do you agree that the proposed streamlining of guidance is appropriate? If not, why not?

Yes

No

Not Sure

Comments

In principle streamlining is a part of continuous review and improvement, which is good management practice. But there is a need to undertake that review carefully, with clear objectives and without preconceived outcomes, and in collaboration with those who have professional knowledge and expertise to contribute to the exercise.

The issue of streamlining guidance needs to be considered in the light of the probable use of the documents and in many respects this reduces down to establishing a contractual basis for acceptable design. Detailing acceptable minima without firm guidance will leave the judgement to either the capital budget and/or the Courts to determine. Neither can be good outcomes for the learning potential of the Educational Estate.

The Building Bulletins need to be reviewed and updated to ensure their usefulness and value. Greater clarity and the removal of out dated information would be welcome but this needs to be implemented in a measured and professional way. The proposed 'streamlining' risks throwing the baby out with the bath water. It would be a retrograde step not to have national guidance (see response Q15).

What is required is an approach that offers flexibility and maintains high levels of learning related requirements in the estate and one which moves towards exemplar performance of the built environment in terms of learning outcomes, value for money (capital and revenue), sustainably and with best practice at its core.

Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

Please acknowledge this reply

Here at the Department for Education we carry out our research on many different topics and consultations. As your views are valuable to us, would it be alright if we were to contact you again from time to time either for research or to send through consultation documents?



Yes



No

All DfE public consultations are required to conform to the following criteria within the Government Code of Practice on Consultation:

Criterion 1: Formal consultation should take place at a stage when there is scope to influence the policy outcome.

Criterion 2: Consultations should normally last for at least 12 weeks with

consideration given to longer timescales where feasible and sensible.

Criterion 3: Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.

Criterion 4: Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.

Criterion 5: Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.

Criterion 6: Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.

Criterion 7: Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

If you have any comments on how DfE consultations are conducted, please contact Carole Edge, DfE Consultation Co-ordinator, tel: 01928 738060 / email: carole.edge@education.gsi.gov.uk

Thank you for taking time to respond to this consultation.

Completed questionnaires and other responses should be sent to the address shown below by 26 January 2012

Send by post to:

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