

# Implementation of the 2010-11 Review of Education Capital (The James Review)

## Consultation Response Form

The closing date for this consultation is: 11 October  
2011

Your comments must reach us by that date.

**THIS FORM IS NOT INTERACTIVE. If you wish to respond electronically please use the online or offline response facility available on the Department for Education e-consultation website (<http://www.education.gov.uk/consultations>).**

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes, primarily the Freedom of Information Act 2000 and the Data Protection Act 1998.

If you want all, or any part, of your response to be treated as confidential, please explain why you consider it to be confidential.

If a request for disclosure of the information you have provided is received, your explanation about why you consider it to be confidential will be taken into account, but no assurance can be given that confidentiality can be maintained. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data (name and address and any other identifying material) in accordance with the Data Protection Act 1998, and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

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

Reason for confidentiality:

Name CIBSE Schools Design Group

Organisation (if applicable) CIBSE

Address:

If your enquiry is related to the policy content of the consultation you can contact Jane Power on:

Telephone: 01928 438037

e-mail: [CapitalReview.CONULTATION@education.gsi.gov.uk](mailto:CapitalReview.CONULTATION@education.gsi.gov.uk)

If you have a query relating to the consultation process you can contact the Consultation Unit on:

Telephone: 0370 000 2288

e-mail: [consultation.unit@education.gsi.gov.uk](mailto:consultation.unit@education.gsi.gov.uk)

Please tick one category that best describes you as a respondent.

<input type="checkbox"/> Local Authority Children's Services	<input type="checkbox"/> LA Building Officer	<input type="checkbox"/> Cabinet Member
<input type="checkbox"/> Academy	<input type="checkbox"/> School Applying for Academy Status	<input type="checkbox"/> Voluntary Aided School
<input type="checkbox"/> School Forum	<input type="checkbox"/> Private Sector (construction)	<input type="checkbox"/> Maintained School
<input type="checkbox"/> Campaign Group	<input type="checkbox"/> Governor's Association	<input type="checkbox"/> Other Children's Services Provider
<input type="checkbox"/> Other		

Please Specify:

Professional Institution

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 is the standard setter and authority on building services engineering in the UK. It publishes the CIBSE Guide, Codes and other guidance material which are internationally recognised as authoritative, and sets the criteria for best practice in the profession.

Buildings account for almost 50% of carbon emissions. Whilst building services systems which heat, cool, ventilate and power everything within the building are responsible for the bulk of these emissions, innovative services design and operation can dramatically improve their energy efficiency. Our members continue to design and create the most environmentally friendly systems in many major projects across the globe.

Whilst many building services engineers design energy using systems for buildings, other CIBSE Members have a professional interest in the operation of building services. Facilities managers are responsible for day to day running of buildings, and seek ways to improve their energy performance and reduce waste. Many CIBSE members are also accredited energy assessors, and a number have contributed to the preparation of this response. In addition, a number of other CIBSE members have contributed to the preparation of the following comments on the consultation paper.

## Use of Basic Need and Condition Data to Determine Local Budget Allocations

### **Recommendations 'Review of Education Capital: Sebastian James, April 2011'**

*Rec 1: Capital Investment and apportionment should be based on objective facts and use clear, consistently applied criteria. Allocation should focus on the need for high-quality school places and the condition of facilities.*

*Rec 8: That the Department:*

- gathers all local condition data that currently exists, and implements a central condition database to manage this information; and*
- carries out independent building condition surveys on a rolling 20% sample of the estate each year to provide a credible picture of investment needs, repeating this to develop a full picture of the estate's condition in five years and thereafter.*

**1 What data on the condition of the local estate should be used alongside pupil and student numbers data, as the basis of a fair allocation to address need across the range of children's and young people's institutions and facilities?**

Comments:

Most often condition surveys in Local Authorities are outdated and in many cases too generic and implicit. This accounts for substantial risk in using such data as a baseline for decisions on allocation of funding. Under such conditions buildings that are past their lifecycle but could still be used with minor maintenance allocations do not necessarily attract substantial funding for improvements. For instance a 1970 clasp building with poor insulation, excessive amounts of asbestos and substantial issues with overheating might not qualify if the M&E is functional and structure still reasonably sound. But such a building would still be immensely energy intensive additionally causing thermal discomfort.

All schools over 1,000 m<sup>2</sup> are required by the Energy Performance of Buildings Regulations to have a Display Energy Certificate in a prominent place accessible to the public. This provides energy consumption data based on actual energy use, and should be used alongside condition data. Using DEC's in this way can help to avoid making investment decisions which could be very costly in operational terms.

What is needed is a standard set of Key Performance Indicators (KPIs) that

could be a combination of condition data and standard comparisons to national energy and health & safety benchmarks. This would allow all schools to be compared on a standard baseline identifying the worst schools. The key indicators should relate to the ability of the school building to provide a suitable learning and working environment. The internal environment should meet appropriate standards of thermal comfort in winter and summer, indoor air quality, acoustic and daylight. It should do so at a reasonable impact on the environment through energy use and carbon emissions.

In practical terms the KPI should be based on issues such as structure, life cycle of the building, asbestos survey, M&E survey and building performance relating to energy use and indoor environmental quality indicators as a minimum.

Where schools fail to provide this the capital programme should work to remedy these matters. It is critical to include energy efficiency, comfort, acoustic and air quality in standards for school buildings for schools to be fit for purpose. Further, schools that are in extremely poor condition provide poor learning environments and have substantial running costs that prove to be a burden on their allocated budgets.

A summary all KPIs should be listed and graded A-G for each building plus likely remedial costs to reach an agreed building standard. The standard needs to be simple, understood and consistently applied.

CIBSE has much needed expertise which could be engaged to contribute to or to lead the development of a holistic but simple KPI framework for school buildings.

**2 Access to, and quality of, condition data can be variable. Do you have robust and complete data available, or have you proposals on how it can be gathered and managed most effectively, but at the same time with minimal cost? Please outline.**

X Yes

No

Not Sure

Comments:

Condition Data is critical to identifying the right buildings in need for capital investment. There should be a standard format for all Local Authorities to respond to and this should clearly outline the quality of data needed. These should be based around structural surveys, detailed asbestos surveys, M&E and indoor environmental quality surveys and evaluation of the building energy performance.

All schools over 1,000 m<sup>2</sup> are required to have a Display Energy Certificate, and this provides data based on actual energy use in addition to condition data.

The main intellectual challenge is to develop a simple easy to understand approach which would grade each element (and/or system which needs to be refurbished) of building while being in line with DEC data. In addition this would be accompanied by likely remedial costs to reach an agreed building standard. This approach needs to be simple, understood and consistently applied based on asset management approach (where condition data represents a key element).

A pilot study carried out at UCL Bartlett School of Graduate Studies showed that artificial neural networks 'trained' by using publically available data on energy use and building characteristics can be used to identify more accurately, at school building stock level, the main parameters affecting building energy use on which emphasis should be placed during the design and associated energy benchmarking of HEI buildings. This complex but cost effective desktop based methodology could be used to develop a simple grading approach for capital investment allocation described in a previous paragraph. CIBSE is sponsoring a complementary study at UCL which could feed to the development of school database framework which could be used for sustainable capital investment allocation.

### **Flexible capital budget with local decision-making**

#### ***Recommendations 'Review of Education Capital: Sebastian James, April 2011'***

*Rec 2: Demand-led programmes, such as Free Schools, are most sensibly funded from the centre and a centrally retained budget should be set aside for them.*

*Rec 3: The Department should avoid multiple funding streams for investment that can and should be planned locally, and instead apportion the available capital as a single, flexible budget for each local area, with a mandate to include ministerial priorities in determining allocations.*

*Rec 4: Notional budgets should be apportioned to Local Authority areas, empowering them fully to decide how best to reconcile national and local policy priorities in their own local contexts. A specific local process, involving all Responsible Bodies, and hosted by the Local Authority, should then prioritise how this notional budget should be used.*

*Rec 5: The local prioritisation decisions should be captured in a short local investment plan. There should be light-touch central appraisal of all local plans before an allocated plan of work is developed so that themes can be identified on a national level and scale-benefits achieved. This must also allow for representations where parties believe the process has not assigned priorities fairly.*

*Rec 6: Individual institutions should be allocated an amount of capital to support delivery of small capital works and ICT provision. Wherever possible, this should be aggregated up to Responsible Bodies according to the number of individual institutions they represent, for the Responsible Body then to use for appropriate maintenance across its estate, working in partnership with the institutions.*

**3 Do you think that the Department should move to a system for capital investment that apportiones the available capital as a single, flexible budget for each local area, and that investment should then be determined through a specific local process, involving all Responsible Bodies and ultimately hosted by the Local Authority?**

X Yes

No

Not Sure

Comments:

This is essentially a political, and not a technical decision. However, it should support a strategic approach to the requirements for investment in each Local Authority Area. It does seem to be potentially illogical if funding is allocated on the basis of one metric, and is then allocated or prioritised locally on the basis of alternative metrics. The proposed pooling of condition data does not provide an asset management approach to maintaining a portfolio of school buildings that support the on-going development of the learning environment with fit for purpose buildings that are tailored to meet a modern approach to learning:

- a) It is not clear how the capital allocation would support the range of projects required to build new capacity, and to renew and remodel existing capacity. If only a central single source is available it must cater for the diversity of investment required to support the local education sectors.
- b) It also does not allow local prioritisation of investment across the different more wide ranging set of needs in each sector.
- c) If a condition only based approach is used this would provide a perverse

incentive to poor maintenance to ensure the local condition of properties merits access to the central investment.

Local authorities are aware of the critical need areas and the most deprived schools. It seems reasonable to use them as routes to investment, supplemented by well defined national guidance on criteria for selection and involvement from responsible Bodies. However, the success of this approach will depend on robustness of the methods used to define criteria for selection. A well defined and simple regulatory framework at national level implemented through specific local processes is a key to success.

**4 a) What do you consider to be the benefits or risks in establishing a single capital funding model of this nature?**

Comments:

- An objective, transparent Capital allocation would be less susceptible to local political flexibility (benefit). However, government is keen to devolve decisions to local political leaders. Objective allocation criteria will be important to ensure that funding is allocated to those schools in greatest need, assuming that the criteria are reasonable.
- This process will leave LA's with less influence on the value of allocated Capital and prioritisation of education needs. It could lead to holding back of the more proactive and innovative LA's as priority is given to those who have not supported education as effectively (risk)
- it is critical that DfE maintain a larger perspective of the most vulnerable regions and at the same time find a way to incentivise through awards and funding the LA that are being proactive and exemplar in delivering efficiency (benefit)

**4 b) How would you address the risks you have identified?**

Comments:

National KPI data framework development (see previous comments)

**4 c) Specifically, how could the local area decision-making arrangements be established to ensure that the process represents the range of Responsible Bodies, takes account of all needs, leads to fair prioritisation of investment within the available resource, and is not unduly bureaucratic?**

Comments:

No comment

**5 Would you prefer to see the current funding model used for the 2011-12 allocations retained until at least 2015 or for the foreseeable future? What are the risks and benefits of this approach?**

Yes

No

Not Sure

Comments:  
No comment

**6 Should some of the ring-fenced programmes currently managed centrally, for example maintenance of Academies and Sixth Form Colleges, become ring-fenced programmes managed locally? What would be the risks and benefits?**

X Yes

No

Not Sure

Comments:  
No taxation without representation principle applies. Consideration must be given to the ownership of CRC Tax. Currently LAs have no control over the running and maintenance of these buildings but still pay for their carbon tax. Ideally if Academies and Sixth Form College are being allocated independent budgets, then the CRC should also be devolved to them.

**7 a) Would you support a model that includes a fair proportion of maintenance capital being directly allocated to Responsible Bodies that have assets in several local authority areas, so that they can make their own decisions on how best to deploy that maintenance funding across their estate? What are the benefits and risks of this approach?**

Yes

No

Not Sure

Comments:

As long as the LA are paying for the CRC, it is critical that they have an influence on the spending. However, having the responsible bodies manage the budget quickens the process. But the link to the CRC may introduce perverse incentives driven by financial considerations and not educational needs.

As we understand most primary schools struggle to employ appropriate people for building maintenance and management, they are most often dependent on technical support from LA. In the absence of a LA involvement there is a risk of losing the building performance focus to investment or wrong prioritization of solutions.

**7 b) How would such Responsible Bodies be identified?**

Comments:

No comment

**8 Do you agree with the principle that there should be a Local Investment Plan to support local and national transparency and better procurement? If so, what should be included in a Local Investment Plan?**

Agree

Disagree

Not sure

Comments:  
No comment

**9 Do you agree that each local authority area should provide the department with an initial Local Investment Plan in spring 2012, drawing from the respective plans that all Responsible Bodies make for their own allocations?**

Agree

Disagree

Not sure

Comments:  
No comment

**10 Do you believe there are other models which incentivise the creative and efficient use of capital at school level?**

Yes

No

Not Sure

Comments:  
No comment

### **National Contracting and Procurement**

#### ***Recommendations 'Review of Education Capital: Sebastian James, April 2011'***

Rec 13: That the Central Body should put in place a small number of new national procurement contracts that will drive quality and value from the programme of building projects ahead.

Rec 14: That the Department uses the coming spending review period to establish a central delivery body and procurement model, whereby the pipeline of major projects - to a scale determined by the Department - is procured and managed centrally with funding retained centrally for that purpose.

Rec 15: That the Department quickly takes steps to maximise the value for money delivered through maintenance and small projects and puts in place a simple and clear national contract to make this happen.

**11 Do you agree that there are benefits and efficiencies to be gained in building and capital maintenance from using national expertise, national procurement frameworks, a standard contract with suppliers and national**

**project management? What do you consider to be the potential advantages and disadvantages?**

Agree

Disagree

X Not sure

Comments:

- National contracts could have benefits of standardisation and scale to reduce the delivery of certain types of projects (eg. new build)
- National Contracts should meet the local needs identified in the local individual investment plans and with some opportunity for local options, local project involvement and local accountability.
- National contracts will favour large corporate organisations and will undermine the local construction capability.
- However if contracts ensured that a local skills legacy was required this may have the benefit of national standardisation, a general improvement in standards and local skills improvement.

**12 Do you have evidence to show that local or regional procurement arrangements offer better value for money for certain types of projects or within certain values? If so, please describe.**

Yes

No

Not Sure

Comments:

No comment

**13 Are there limits - contract value or type of project - where you think the case can best be made for local or regional contract procurement? Please specify below.**

Yes

No

Not Sure

Comments:

**14 What criteria do you suggest for projects to be potentially exempt from project management by the central body?**

Comments:

**15 Where local or regional procurement or project management is used, how can its benefits and learning be shared so as to achieve the same gains in all procurement?**

Comments:

**Other recommendations not covered specifically by this consultation that are set out in the Review**

**Review of Education Capital: Sebastian James, April 2011**

Rec 7: The Department ensures there is access to clear guidance on legal responsibilities in relation to maintenance of buildings, and on how revenue funding can be used for facility maintenance.

Rec 9: That the Department revises its school premises regulations and guidance to remove unnecessary burdens and ensure that a single, clear set of regulations apply to all schools. The Department should also seek to further reduce the bureaucracy and prescription surrounding BREEAM assessments.

Rec 10: There should be a clear, consistent Departmental position on what fit-for-purpose facilities entail. A suite of drawings and specifications should be developed that can easily be applied across a wide range of educational facilities. These should be coordinated centrally to deliver best value.

Rec 11: The standardised drawings and specifications must be continuously improved through learning from projects captured and coordinated centrally. Post occupancy evaluation will be a critical tool to capture this learning.

Rec 12: As many projects as possible currently in the BSF and Academy pipeline should be able to benefit from the Review's findings to ensure more efficient procurement of high quality buildings. This should be an early priority to identify where this could be done.

Rec 16: That the Department revisit its 2004 Cap Gemini report and implement proposals where they are appropriate.

**16 Do you have any immediate further comments you wish us to consider on other parts of the Recommendations from the Review?**

Comments:

Revising Regulations and reducing bureaucratic burden should proceed with care. Some Regulations are in place for good reasons and should be retained, or even in some cases strengthened. Clarity of regulatory requirements could be improved. This would be a reasonable approach to defining 'fit-for-purpose'.

On the whole the sector understands the need for the Regulations to change and wishes to sea level playing field. The biggest burden occurs immediately before and after regulatory change. The challenge is to ensure that the change delivers improvement.

There is an implied view that regulations are burdensome, and that reducing regulations is always a good thing. However, building schools that function effectively and support learning outcomes and provide value for money requires effective communication of the performance requirements, so that standard solutions can deliver the required outcomes. There is a need to engage a range of appropriately qualified and experienced practitioners to undertake a careful review of the current school building requirements, and the CIBSE Schools Design Group could contribute to that process.

The procurement route and design briefs should not over emphasise the regulatory requirements in order to prevent a 'tick-box' approach to design.

The development of standardised drawings should be mindful of potential pitfalls that may lead to poor performance of school buildings. Many aspects of the internal environment are a function of site conditions such as orientation and local sound-scape. Designs need to be allowed to respond to such issues.

Post occupancy evaluations are essential if the designs are to be proved successful or developed as appropriate.

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 X**

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?

XYes

 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 438060 / email: [carole.edge@education.gsi.gov.uk](mailto: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 11 October 2011

Send by post to:

Jane Power  
Department for Education  
Castle View House  
Ground Floor Area C  
East Lane  
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