

Consultation on Revised School Premises Regulations

Consultation Response Form

The closing date is: 26 January 2012
Your comments must reach us by that date.

THIS FORM IS NOT INTERACTIVE. If you wish to respond electronically please respond online on the Department for Education e-consultation website (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.

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

Reason for confidentiality:

Name c/o Susan Murray and Rosalind Godson
Organisation (if applicable) Unite the Union
Address: 128 Theobalds Road
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WC1X 8TN

Unite is Britain's largest trade union with about 1.5 million members working in most sectors of the economy. This includes members working as school support staff, school nurses and maintenance staff.

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.CONULTATION@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 checked="" type="checkbox"/> Union | <input type="checkbox"/> Parent or Pupil | <input type="checkbox"/> Technical Professional |
| <input type="checkbox"/> Other | | |

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

This is sufficient. Acoustic regulations must continue to extend to "other spaces in the school", examples being school halls.

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

We generally support the proposed regulation in particular the new requirements for drinking water facilities 'to be readily accessible at all times when pupils are on the premises' and 'cold water supplies that are not suitable for drinking must be clearly marked as such'.

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

We have no objection to this proposal provided that boarding schools continue to be inspected against the Standards in order to ensure that these schools comply with the legal obligation to safeguard and promote the welfare of boarding pupils.

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

X No

Not Sure

We object to this proposal. The current minimum requirements as set out in the Education (School Premises) Regulations 1999 should be retained for space and window requirements for dormitories and single cubicles/bedrooms. The word "suitable" is not appropriate in this context.

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

X No

Not Sure

We object to this proposal as it does not provide suitable protection for pupils. The word 'suitable' is not appropriate because it is difficult to define. The current provisions set out in the Education (School Premises) Regulations 1999 in relation to numbers of toilets, washbasins and showers should be retained. We also believe it is essential to provide for a minimum number of baths, in addition to showers. This is because in some situations boarders may only be able to use a bath, for example if they have an arm in plaster and

need to keep it dry or for other health reasons.

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

This does not provide adequate protection for pupils.
The minimum space requirements (2.3M² for each pupil) should continue to apply.

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

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

This regulation is inadequate. The accommodation must include washbasins as well as toilet facilities. It also needs to be specified that for pupils aged 8 or over, **separate** accommodation should be provided for boys and girls. We urge the retention of the requirement for at least one isolation room where a school has more than 40 boarding pupils, on public health grounds, for example to help contain an outbreak of contagious diseases.

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

The revised regulation should be specific (to avoid doubt) and stipulate that washing facilities include separate baths and showers for staff.

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

The use of the term 'suitable' is not appropriate. A number of factors must be taken into account including age, sex, the numbers of pupils and in particular any special requirements. We urge that the current 'basic numbers' principle (see Regulation 3 of the Education (School Premises) Regulations) is retained.

We strongly disagree with the proposal at 2). Single cubicles of this nature should not be unisex for pupils aged over 8 years. Girls would not be willing to use them during menstruation (and some children start their periods as young as 9 years).

We strongly oppose the suggestion that disabled facilities may be shared by adults and pupils. The regulations should require the provision of separate disabled facilities for adults and pupils with no exceptions.

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

We strongly object to aspects of this.

Regulation 1)b should require the provision of a washbasin as well as a toilet (as is the case now). We have strong concerns about cross infection. It is not sufficient simply to require an adjacent toilet facility.

We are strongly opposed to the proposed Regulation 2. Medical rooms should be used exclusively as medical rooms. If they are used for any other purpose then there will be a risk of infection, and other hazards may arise for example placing a photocopier in a medical room which is both a fire hazard for a sick child and is noisy.

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

x No

Not Sure

This regulation should also include reference to the health, safety and welfare of employees and others who visit the premises such as contractors.

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

X No

Not Sure

We support the new requirement for the provision of external lighting, which will help from a safety and security in schools.

“Suitable” is not an appropriate standard for lighting. We urge that specific lighting requirements are retained (see Reg 19 of the Education (School Premises) Regulations 1999).

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

We do not agree with any reduction in requirements on outdoor space provision

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

We do not agree with this proposal as we believe this will reduce protection of pupils and staff.

Whilst many of the issues covered by these regulations are covered elsewhere, there are inconsistencies, for example with regard to temperature. We are opposed to the removal of the regulation which sets a minimum temperature of 18°C in areas of a school where there is a normal level of activity. It is not true to say that heating requirements are adequately dealt with in the Workplace (Health, Safety and Welfare) Regulations 1992.

What is required is robust enforcement of health and safety regulation in schools including the Control of Asbestos Regulations.

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?**

X Yes

No

Not Sure

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

It is essential that all schools include a head teacher's room and accommodation for use by teachers for work and social purposes.

Teachers need an area separate from where pupils have access

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:

It is clearly set out, though we would wish some of the content to be revised in line with comments we have made on the proposed and existing regulations.

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

No comment

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?

We would be opposed in principle to the withdrawal of guidance.

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

| | | |
|------------------------------|--|-----------------------------------|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | <input type="checkbox"/> Not Sure |
|------------------------------|--|-----------------------------------|

Comments:

We are not opposed to 'streamlining' per se, if that process makes it easier for guidance on particular areas to be located. However, until we are in a position to view the revised guidance, we cannot comment further. Certainly we would not wish to see guidance being stripped back to the minimum as has happened in other areas.

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?

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 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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Great Smith Street
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Send by e-mail to:

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