

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.

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 Julie Winn (Chair)
Organisation (if applicable) Joint Union Asbestos Committee
Address: 7 Northumberland Street
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WC2N 5RD
England

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		

Please Specify:

The Joint Union Asbestos Committee (JUAC) is made up of the six main teaching unions (ASCL, ATL, NASUWT, NUT, NAHT, Voice) and the main support staff unions (GMB, UCATT, UNISON, UNITE).

JUAC submits this response on behalf of nearly a million members.

JUAC supports the aim of the Asbestos in Schools Group (AIS).

The aim of the AIS Group is to make United Kingdom schools safe from the dangers of asbestos both for staff and pupils.

This response is limited to responses to those questions which are relevant to the aim of AIS.

See end of response for an executive summary.

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

Comments: N/A

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

Comments: N/A

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:

We do not object to the premises standards for boarding schools being brought into the National Minimum Standards for Boarding Schools, provided that all premises within boarding schools are proactively inspected as workplaces against the Control of Asbestos Regulations 2006 by the Health and Safety Executive and in order to determine whether there is satisfactory compliance with the legal obligations to safeguard staff and 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

No

Not Sure

Comments: N/A

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

Comments: N/A

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

Comments: N/A

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

Comments: N/A

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

Comments: N/A

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

Comments: N/A

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

Comments: N/A

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: N/A

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

Comments:

JUAC wishes to highlight in this response why the regulation and control of asbestos came into force, why schools are special work places and why asbestos management should be at the forefront of regulations relating to schools and other workplaces and to demonstrate and submit in as clear as possible terms that at the very least the Control of Asbestos at Work Regulations (together with its ACOP and guidance) 2006 should be not only retained but also more properly enforced and if at all possible improved.

Government estimates are that more than 75% of school buildings contain asbestos. The result is that occupants of schools are dying from the asbestos cancer Mesothelioma. As the asbestos materials deteriorate the number of school teachers dying from Mesothelioma has increased year on year from 15 in the period 1980 to 1985 to 64 in the period 2001 to 2005 with a total of 241 school teachers dying of Mesothelioma since 1980. School caretakers, cleaners, cooks, secretaries and teaching assistants have also died of this cancer. Although reasonably reliable figures are known as to how many teachers have died, because of the long latency period, it is not known how many school children have subsequently died.

One main area of considerable concern centres on the effective enforcement of Regulation 4 of the Control of Asbestos at Work Regulations 2006. This provides that the duty holder has a duty to manage asbestos in non-domestic premises including schools.

One essential issue in schools is clearly shown by the JUAC Asbestos in Schools Survey (appended at annex 1) which shows that "ownership" of the asbestos problem is far from adequate. Only two thirds of respondees knew who had responsibility for managing asbestos in their schools but even in those who knew where the duty lay in approximately one half of those cases this duty had been delegated or passed on to a site manager or caretaker.

Another clear area of ongoing and very worrying inadequacy centres on the question of asbestos awareness, training and information. Asbestos registers must be kept up to date. Asbestos must be clearly marked (if it is not to be removed), asbestos awareness training must be given.

All that is being asked is that this deadly substance be identified, that those who have to work in the vicinity of it be told its whereabouts, that its condition be closely monitored and that properly funded training be given to head teachers, school managers, teaching staff, support staff, governors and local authorities.

Asbestos regulation was a long time coming. It remains inadequately enforced in many meaningful ways. Thousands upon thousands of needless and agonising deaths have occurred.

There is no case for relaxing controls in the field of asbestos and every possible reason to enforce and tighten the same.

The 2006 Control of Asbestos at Work Regulations follow the "risk assessment model" which is widely understood across the whole European

Union and which JUAC believes has had significant positive impact.

JUAC believes that every person in this country carries out a risk assessment every day in the simplest of tasks whilst for example crossing a road (judging the speed of the traffic perhaps), cooking a meal (how hot is the handle of that pan) and that the concept of risk assessment is an appropriate cornerstone for health and safety regulation.

In the area of asbestos careful and thorough risk assessment is absolutely essential.

JUAC believes that asbestos is such a significant problem that it must have a regulatory regime of its own, titled individually.

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: N/A

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

Comments: N/A

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: N/A

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

Comments: N/A

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: N/A

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: N/A

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: N/A

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:

We value the wide range of guidance available but consider that specific asbestos management guidance for schools which is not presently available is essential in helping to make UK schools safe from the dangers of asbestos for both staff and pupils.

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

Yes

No

Not Sure

Comments:

JUAC believes that this consultation is an ideal opportunity to highlight the need for specific guidance to be issued as a one stop reference for managing asbestos in schools.

It should clearly define areas of responsibility. It should give clear definitions and examples of best practice. It should outline the standards to be achieved in training.

Executive Summary

There is growing concern about the problem of asbestos in schools and how it is not being adequately addressed. The known facts are that asbestos kills, that it is present in around three quarters of all schools and that the occupants of schools are dying of mesothelioma in increasing numbers. Because of the long latency period before the development of asbestos-related disease, it is not known how many school children have died as adults because of exposure at school, nor how many will die in the future.

There is an urgent need for stricter regulatory control and specific school guidance.

JUAC Asbestos in Schools Survey – Analysis March 2011.

Introduction

The Education sector trade unions, under the Umbrella of JUAC (Joint Union Asbestos Campaign), conducted a survey of health & safety representatives in the Autumn of 2010, with the survey finishing on 1st December 2010. The survey was designed to establish the workforce knowledge on asbestos in schools and how it might be managed. This was designed to build on an earlier survey by Voice¹ conducted in spring 2010 which had focused on the asbestos survey, management and training, and the NASUWT “Safe to Teach” survey².

The Response

Over 600 safety representatives responded from a variety of schools, predominantly secondary and primary schools in the community sector. They were asked a series of specific questions on the following-
Asbestos Management Plans – only 51% had ever asked to see their school’s management plan, and of these nearly 90% had received a copy. However one in five were either not confident that the plan was being acted on or just didn’t know.

JUAC Analysis – while it is gratifying that almost 90% of those who asked for the plan received it, it is worrying that nearly 50% didn’t ask for the management plan (and why were 10% not given it?). Considering that these reps took the time out to complete the survey it raises concerns on their knowledge of, and training in asbestos issues.

Asbestos Surveys - The representatives were asked if an asbestos survey had taken place in their schools over the last five years. Two thirds responded positively stating that a survey had been undertaken, but over a quarter did not know.

Three in five said that their school had asbestos, but a quarter of respondents didn’t know if asbestos was present.

JUAC Analysis – For more than one in four responses the lack of knowledge on asbestos is frightening both in terms of the existence of a survey and consequently if asbestos was present in their school.

Responsibility for Managing Asbestos – Asked if they knew who had responsibility for managing asbestos in schools two thirds replied yes, while one third said no. Where the response had been positive only in one third of schools was it the responsibility of the head teacher or other senior management, with responsibility being given to the site manager /caretaker in over 50% of the time. 13% of the schools did have a health & safety manager with this responsibility.

JUAC Analysis – The DfE/HSE plan concentrates on training head teachers on asbestos awareness and their responsibility for managing it. However this response highlights the importance of involving other members of staff in this awareness training, particularly site managers/caretakers.

Consultation – Disappointingly only 30% of respondents had been consulted on the issue of asbestos management, with almost 70% answering no to this question.

JUAC Analysis – While disappointing this is not surprising. It would appear, even though proper consultation is encouraged by the HSE and is part of the

safety representatives rights (under SRSC Regulations) this only happens in a minority of workplaces.

Asbestos Registers – Again nearly one third of representatives did not know if an asbestos register existed. On the positive side only 3.5% of respondents said there was no asbestos register.

Those schools with an asbestos register had an almost two thirds positive response on showing the register to contractors before they commenced work. Those who didn't know were again at almost one third but 5% stated that the register was not shown to contractors.

The awareness of all staff to a register was almost a three way split between those who were aware of it, those who weren't (nearly 40%) and those who didn't know.

JUAC Analysis – Again a relatively high level of lack of knowledge on the existence of a register focuses on the need for comprehensive asbestos awareness training in schools for ALL staff. This is of added importance for those dealing with contractors.

Asbestos Awareness – Only 28% of respondents stated that the presence of asbestos was clearly marked, nearly 40% saying it wasn't and the remainder didn't know. Following up on this revealed that only just over 20% had asbestos awareness training, including preventing exposure to asbestos, with nearly 60% saying that they did not have training in this. The remainder didn't know (which implies that it hasn't taken place).

JUAC Analysis - It is worrying that there is such a large gap in the marking of the presence of asbestos, as the symbol recognisable to many can be placed discreetly on the ACM and therefore reinforces a contractors knowledge on asbestos, particularly if the school staff have changed since the survey and the new staff are unaware of the presence of asbestos.

The awareness training response again shows a distinct lack of pro- active training.

Concerns about Asbestos - over a quarter of representatives had raised concerns about the management of asbestos in their school, but a third of these had not had a satisfactory response.

JUAC Analysis – again concern that such a high proportion did not feel as though they had a response to put them at ease on such a serious subject. This could be down to a lack of knowledge or a lack of concern on the subject by the management team.

Conclusion

The responses give a snapshot of the situation regarding the management of asbestos in schools across the UK. It might be assumed that this sample, as they took the time out to respond, are reasonably well informed compared to those who, as they knew little of the subject didn't feel confident enough to respond. It does highlight that a number of key issues, namely the lack of training which is needed for all staff. Then there is the wrong assumption that the head or another senior manager has responsibility for managing asbestos in reality, the lack of proper consultation for the reps and staff, the high proportion who had not seen a management plan for asbestos, and over a quarter of reps not even being aware if their school had asbestos or not. These findings only serve to reinforce the campaign begun by AiS to raise awareness of asbestos in schools, ensure that there is a management plan, and it is being followed, and to have all staff trained on asbestos awareness to the appropriate level.

Notes 1 Voice survey –can be found at
<http://www.voicetheunion.org.uk/index.cfm/page/sections.contentdetail.cfm/cid/1752/navid/570/parenting>

Summary – 790 questionnaires returned
Only 43% were aware of an asbestos survey in the previous 3 years.

Over 72% did not have information on asbestos management plan

Only 22% had any asbestos awareness training

2 NASUWT – “Safe to Teach” survey (2008)

Summary -1,923 responses

33% of safety reps who raised concerns on asbestos management had not received a satisfactory response.

13% said that the asbestos present was in a bad condition

57% did not know if asbestos was in their school or not.

Only 21% who knew that asbestos was present were aware of plans to remove it.

End.

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?

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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SW1P 3BT

Send by e-mail to:

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