



Report of Built Environment Programme Manager

Report to Director of Children’s Services

Date: 6th May 2016

Subject: Design & Cost Report for General Refurbishment Programme
– Fire Safety, Asbestos Removal, Electrical Testing and
Condition Survey Programmes 2016/17

Capital Scheme Numbers: 32483/FIR/000, 32483/ASB/000,
32483/ELE/000, 32483/CON/000 and
32483/REA/000.



Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Various	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

This report seeks approval to proceed with the programme of essential works which fall into five categories – fire safety improvement works, the removal of asbestos, electrical testing and condition surveying and reactive works. The works identified are required to ensure compliance with legislative requirements and discharge the Council’s legal and statutory obligations as landlord for school premises. Also to give approval to carry out, on a responsive basis, unknown urgent reactive repair / refurbishment works in the event of failure to major building elements / services.

Recommendations

The Director of Children's Services is asked to:

- a) Approve the proposal to carry out fire safety, asbestos, electrical testing and condition survey works and unknown urgent reactive repair / refurbishment works at Leeds Schools as noted in Section 3 of this report.
- b) Authorise expenditure in the sum of £1,000,000 from within the approved Capital Programme 2016-17 utilising the General Refurbishment Budget for capital scheme numbers 32483/FIR/000, 32483/ASB/000, 32483/ELE/000, 32483/CON/000 and 32483/REA/000.
- c) Note that the officer responsible for implementation is the Built Environment Programme Manager by September 2016.

1 Purpose of this report

- 1.1 This report seeks approval to approve the General Refurbishment programme 2016-17, which includes the following elements of work:
- a) Continue the programme of addressing the high priority fire improvement works delivered in 2015-16. These works are required to resolve occupant safety and risk management concerns.
 - b) Removal of asbestos in various schools, including Trust schools, to safeguard the Council's liability.
 - c) Undertake electrical testing and condition surveying across schools to comply with the requirement to survey every five years.
 - d) Set aside a contingency within the programme to deliver reactive/emergency works.

2 Background information

- 2.1 The Health and Safety budget is funded through LCC Departmental Funding (sub 01) and the capital allocation is used to support the on-going legal and statutory requirements of the Council as corporate landlord for maintained and voluntary controlled school sites.
- 2.2 To achieve a more effective and efficient management whilst still achieving full transparency and accountability for all aspects of the programme, it is proposed that initial allocations will be set for each category based on current priorities. Any subsequent changes are to be reported to the Programme, Risk and Control Group and authority sought by group members in relation to proposed actions.
- 2.3 In order to maintain and improve health, safety and security in Leeds schools, a programme of works had been identified covering the following four main areas of work.

2.4 Fire Safety Programme.

- 2.4.1 The Council as Employer is defined by the Regulatory Reform Order (Fire Safety) 2005 as the "responsible person" and is accountable for the management of fire safety in all community and Voluntary Controlled schools. This legal duty remains the responsibility of the Council as the site owner and hence capital funding is required to undertake any significant building improvement work required to ensure occupant safety.
- 2.4.2 The programme also ensures compliance with existing protocol arrangements agreed with the Council's Insurers, Zurich Municipal and the West Yorkshire Fire and Rescue Service. The work involves meeting agreed priorities for improvement works arising from discussion with these key groups and undertaking work in those school buildings which are known to be of particularly vulnerable construction types. There are currently over 40 sites which require significant improvement work and

await a place in a future fire improvement programme. The funding allocation will address the highest priority schemes, taking into account other proposed work on site, e.g. Basic Need, and seek to coordinate these programmes to ensure the works provide best value and also minimise disruption to schools.

2.5 Removal of asbestos in schools.

- 2.5.1 The Council as employer is defined by the Health & Safety Executive as the “duty holder” and is accountable for the management of asbestos in all maintained and Voluntary Controlled schools.
- 2.5.2 This report seeks to safeguard the Council’s liability by continuing with a programme for the removal and encapsulation of identified works following asbestos management plan surveys.
- 2.5.3 In addition to the current identified priorities, the annual asbestos management re-inspections may also generate the need to undertake urgent reactive works. Due to the risks to building occupants from asbestos, in such instances immediate action is required.

2.6 Electrical Testing / Condition surveying programme.

- 2.6.1 Under the Health & Safety at Work Act there is a requirement to undertake periodic testing and maintenance of a building’s electrical infrastructure to ensure occupant safety. As landlord to the school estate the Council has a duty of care to ensure valid testing documentation is available in all its buildings and the required maintenance is completed at intervals determined by the current regulations. Any remedial works therefore identified as requiring immediate attention have to be undertaken at that point of time to ensure the safety of the building occupants.
- 2.6.2 In relation to condition surveys, all Local Education Authorities are required by Central Government to establish and update an Asset Management Plan. As a consequence, failure to carry out a review could have a negative impact upon future grant funding allocations.

2.7 Reactive Refurbishment Works

- 2.7.1 This category involves undertaking emergency repair / refurbishment works which are required to be carried out on a responsive basis during the year, but which cannot be quantified when the programme is initially developed.
- 2.7.2 Also included are works required as a result of the ongoing fire audits and operational risk visits to Leeds schools which are conducted by the West Yorkshire Fire Service and identify works required to meet the Regulatory Reform Order (Fire Safety) 2005. Again, the level and scope cannot be quantified at this stage.
- 2.7.3 A recent survey of school buildings has uncovered a need to carry out remedial works to a number of existing fire alarm systems in order to comply with current legislation and Insurance requirements. It is proposed to fund these works from the reactive allocation as the scope of the works is still being quantified.

3 Main issues

3.1 Design Proposals and Full Scheme Description.

3.1.1 The programme will ensure that urgent health and safety works can be carried out in a timely manner in the event of failure of major building element / services to ensure the Authority can continue to provide safe, warm, watertight teaching and learning accommodation for school pupils and staff.

3.1.2 The programme of works will address the following essential works identified within the Asset Management Plan and / or statutory legislative requirements:

- a) Fire safety; fire stopping works, improvements to fire alarms and addressing remedial works resulting from fire service audits.
- b) Removal of asbestos and remedial works as identified in the asbestos management reports / surveys.
- c) To complete a full fixed wire electrical testing report and condition survey report for all schools as part of a rolling programme. 105 schools currently require their condition surveys updating.
- d) Set aside a contingency within the programme to deliver reactive/emergency works.

3.2 Programmes

3.2.1 Owing to the disruptive nature of the schemes and their impact on Health and Safety maximum use will continue to be made of out of hours working around the school day during term time to minimise disruption to learning where possible. Larger scale projects will be carried out during the 2016 school holiday period due to the extent of works required and the length of tender process. Where this is the case, temporary measures will be put in place to ensure that the schools can continue to operate safely.

3.2.2 Reactive works which occur during the course of the programme year will be scheduled as they arise. This will be in full consultation with all stakeholders.

3.3 Future Impact of Academisation

3.3.1 Whilst it is proposed that initial budgets are allocated to certain aspects of the programme such as condition surveying, following on from the recent publication of the Government's White Paper "Education Excellence Everywhere", where proposals were detailed around the Secretary of State's plans for all schools to become Academies by 2022, decisions will need to be taken around whether the authority should continue to invest funding into these surveys and other workstreams. The cost of updating condition surveys is estimated to be in the region of £195k to complete the current rolling programme cycle.

3.3.2 This is all the more pertinent in view of the proposal within the White Paper to transfer all school land held by the authority to the Secretary of State, which means that the authority would have no ongoing landlord responsibilities for school sites

and therefore no need for condition surveys should the proposals become legislation in the future. The need for surveys should also be considered in view of the way that School Condition Allocations are calculated, whereby funding is based on the condition assessments made within the EFA Property Data Surveys, rather than an LA's more comprehensive condition surveys. It should be noted that the levels of SCA will reduce over time as more schools convert to academy status.

- 3.3.3 It is proposed that further discussions are held as part of the Programme Risk and Control Group, where decisions will be made around allocation of the £1m funding across the five capital schemes detailed in this report and will also be the decision maker around virements of budgets between the schemes to reflect circumstances that arise and changes to priorities throughout the year.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 The proposed refurbishment / repair works generally have no impact on the community requiring engagement or consultation, however where any of the works would have an impact on neighbouring residents, for example where out-of-hours working would be required either during an evening or weekend, residents will be fully consulted and informed in advance of these works being undertaken.
- 4.1.2 Typically the works identified within this programme will not require planning approval; however officers in both Planning and Building Control will be consulted as a matter of course.
- 4.1.3 In respect of Trust/Foundation Schools, a development agreement will be issued to the Chair of the relevant Trust for signature in order to obtain approval to access the site to proceed with the works.
- 4.1.4 The Executive Member for Children and Families and relevant Ward Members will be consulted and informed of any serious H&S issues that arise during the year.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 The recommendation within this report does not have any direct nor specific impact on any of the groups falling under equality legislation and the need to eliminate discrimination and promote equality. A screening document has been prepared and an independent impact assessment is not required for the approvals requested. A copy is included as Appendix 3 to this report.

4.3 Council policies and City Priorities

- 4.3.1 A key objective within the Best Council Plan 2013-2017 is to build a child friendly city. These works will contribute towards the modernisation of school buildings within the city, creating good quality, safe, warm and watertight learning environments for the children of Leeds, contributing towards the achievement of targets within the Children and Young People's plan, such as our obsession 'to improve behaviour, attendance and achievement'. The works will also ensure that

the Council is complying with its legal responsibilities with regards to health & safety legislation and maintaining occupant safety.

4.3.2 CPRs apply to this process and this report confirms that the relevant CPRs have and will be adhered to, utilising our Joint Venture Partner, NPS Leeds, and the Local Education Partnership (LEP) to carry out surveys and design works as required. Construction works will be undertaken by through a number of provider including the Internal Service Provider, Leeds Building Services, which supports their vision of growth and expansion and is in compliance with CPR 3.1.4 (ISP ability to undertake works). Other routes include through the LEP's supply chain, or through competitive tendering in accordance with CPR's where appropriate.

4.4 Resources and value for money

4.4.1 All costs for identified works (such as Fire Safety schemes) have been provided by NPS consultants and Leeds Building Services. Reactive works will be commissioned through either NPS Consultants or Leeds Building Services as deemed appropriate for the nature of the work.

4.4.2 To ensure value for money and to procure the works within the agreed timescales, a variety of procurement methods will be employed. These will include the use of the Internal Service Provider, Leeds Building Services, and competitive tendering methods; Childrens Services will commission these works in accordance with CPR's in order to agree the identified procurement routes.

4.4.3 A full overview of the 2016/17 programme will be submitted as part of next year's DCR, in order to provide transparency and auditability around the works delivered this year. Updated spend profiles are to be reported to the Children's Services Programme, Risk and Control Group on a quarterly basis and approval sought in relation to proposed actions, in order to mitigate any financial risks.

4.4.5 Capital Funding and Cash Flow.

Funding Approval :	Capital Section Reference Number :-						
Previous total Authority to Spend on this scheme	TOTAL	TO MARCH	FORECAST				
		2014	2015/16	2016/17	2017/18	2018/19	2019 on
	£000's	£000's	£000's	£000's	£000's	£000's	£000's
LAND (1)	0.0						
CONSTRUCTION (3)	0.0						
FURN & EQPT (5)	0.0						
DESIGN FEES (6)	0.0						
OTHER COSTS (7)	0.0						
TOTALS	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Authority to Spend required for this Approval	TOTAL	TO MARCH	FORECAST				
		2014	2015/16	2016/17	2017/18	2018/19	2019 on
	£000's	£000's	£000's	£000's	£000's	£000's	£000's
LAND (1)	0.0						
CONSTRUCTION (3)	820.0			820.0			
FURN & EQPT (5)	0.0						
DESIGN FEES (6)	180.0			180.0			
OTHER COSTS (7)	0.0						
TOTALS	1000.0	0.0	0.0	1000.0	0.0	0.0	0.0
Total overall Funding (As per latest Capital Programme)	TOTAL	TO MARCH	FORECAST				
		2014	2015/16	2016/17	2017/18	2018/19	2019 on
	£000's	£000's	£000's	£000's	£000's	£000's	£000's
LCC Supported Borrowing	1000.0			1000.0			
	0.0						
Total Funding	1000.0	0.0	0.0	1000.0	0.0	0.0	0.0
Balance / Shortfall =	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Parent Scheme Number: 32483 000 000

Title: Refurbishment & General Building Works

4.5 Revenue Effects

4.5.1 No revenue effects are anticipated, but any costs arising will be managed within the schools budgets.

4.6 Legal Implications, Access to Information and Call In

4.6.1 This is a key decision and will be subject to Call-In. The proposed works are all classified as 'Category B' and as such, the Director of Children's Services has delegated authority to approve Authority to Spend over £500k.

4.6.2 The procurement is and will continue to be in line with all CPR's and FPR's, by utilising the Internal Service Provider, Exclusive Supplier arrangements and competitive tendering through existing frameworks.

4.6.3 Individual Tender Acceptance Reports will be drafted for approval in line with the normal governance requirements and delegated approval limits.

4.7 Risk Management

- 4.7.1 The programme of works will be carried out in accordance with LCC policies and standards. Risk is to be managed through application of 'best practice' project management tools and techniques via the City Council's 'PM Lite' risk methodology. Experienced Project Management resource has been allocated from within Children's Services.
- 4.7.2 Each activity will be the subject of full risk assessments, project plans and frequent communication with the project team and with each individual school is to be maintained. Operational risk will be addressed through compliance with CDM Regulations, Building Regulations and HSE requirements, along with close supervision of contractors on site and continual liaison with schools identified in the main programme. This will be monitored by NPS, Leeds Building Services and the Client. These procedures will ensure the highest possible standards and control measures in regard to Health & Safety relating to all occupants whilst works are being undertaken
- 4.7.3 Particular concerns with regard to asbestos will be identified by undertaking appropriate surveys prior to work commencing. Removal of asbestos will be undertaken, as required, out of school hours with suitably qualified specialists being appointed to carry out works, and to undertake testing to current legislative standards with full notification to the Health and Safety Executive.
- 4.7.4 Updated spend profiles are to be reported to the Children's Services Programme, Risk and Control Group on a quarterly basis and approval sought in relation to proposed actions, in order to mitigate any financial risks. Decisions around amending budgets between the five capital schemes will also be referred to the group in order to ensure there is the correct governance structure in place.

5 Conclusions

- 5.1 Children's Services is allocated annual funding in order to support the on-going legal and statutory requirements of the Council as corporate landlord for maintained and voluntary controlled school sites.
- 5.2 These requirements and duties include the Council as Employer, under the Regulatory Reform Order (Fire Safety) 2005, being accountable for the management of fire safety in all community and Voluntary Controlled Schools and the Council as Duty Holder, being accountable for the management of asbestos in maintained and Voluntary Controlled Schools. To comply with the Control of Asbestos Regulations (CAR) 2012 and the Council's Performance Standards, this report seeks approval to fund works in several schools, including Trust schools, where there is outstanding urgent category asbestos to be removed and improvements to fire safety within school buildings.
- 5.3 The capital schemes and workstreams proposed within this report will ensure that the legal and statutory requirements are fulfilled, whilst also safeguarding the staff and pupils occupying school sites. The approval of Authority to Spend will ensure that the Council can respond to unforeseen and unquantifiable H&S issues in a timely manner, whilst also taking a measured and planned response to those issues and circumstances that are already known and are currently being managed.

5.4 A range of control measures are in place to manage operational and financial risks associated with the various workstreams within the programme.

6 Recommendations

6.1 The Director of Children's Services is asked to:

- a) Approve the proposal to carry out fire safety, asbestos, electrical testing and condition survey works and unknown urgent reactive repair / refurbishment works at Leeds Schools as noted in Section 3 of this report.
- b) Authorise expenditure in the sum of £1,000,000 from within the approved Capital Programme 2016-17 utilising the General Refurbishment Budget for capital scheme numbers 32483/FIR/000, 32483/ASB/000, 32483/ELE/000, 32483/CON/000 and 32483/REA/000
- c) Note that the officer responsible for implementation is the Built Environment Programme Manager by September 2016.

7 Background documents¹

7.1 None

The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.