

Report of Asset Management Planning Manager

Report to Director of Children & Families

Date: 28th February 2020

**Subject: Design & Cost Report for Health & Safety Programme
Asbestos Removal, Electrical Testing, Condition Surveys
and Reactive Works 2020/21**



Capital Scheme Number: 33286/000/000

Are specific electoral wards affected? If yes, name(s) of ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has consultation been carried out?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will the decision be open 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

1. Main issues

1.1 Design Proposals and Full Scheme Description.

1.1.1 This report seeks approval to proceed with the programme of essential works which fall into four categories – the removal of asbestos, electrical testing, 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 works in the event of failure to major building elements / services.

2. Best Council Plan Implications (click [here](#) for the latest version of the Best Council Plan)

- These works will contribute towards ensuring good quality safe, warm and watertight learning environments for the children of Leeds. This supports the 2019/20 – 2020/21 Best Council Plan Outcomes for everyone in Leeds to ‘Do well at all levels of learning and have the skills they need for life’, ‘Be safe and feel safe’ and ‘Enjoy happy, healthy, active lives’. It also supports the vision in the Children

and Young People's Plan 2018 - 2023 to build a child-friendly city on ensuring all children and young people are safe from harm; do well at all levels of learning and have the skills for life; enjoy healthy lifestyles; have fun growing up; are active citizens who feel they have a voice and influence. In addition, the works will ensure that the Council is complying with its legal responsibilities with regards to health & safety legislation and maintaining occupant safety.

3. Resource Implications

3.1 Updated spend profiles are to be reported to the Children & Families Service Programme, Risk and Control Group on a quarterly basis and approval sought in relation to proposed actions, in order to mitigate any financial risks.

Recommendations

The Director of Children & Families is asked to:

- a) Approve the proposal to carry out asbestos, electrical testing and condition survey works and unknown urgent reactive works at Leeds Schools as noted in Section 3 below of this report.
- b) Authorise expenditure in the sum of £1,000,000 from capital scheme number 33286/000/000.

1. Purpose of this report

1.1 The purpose of this report is to seek approval to procure and commence the necessary Health & Safety works for the period 2020-21, which includes the following elements of work:

- a) Removal of asbestos in schools. This is to ensure we safeguard the Council's liability.
- b) Undertake electrical testing and condition surveying across schools to comply with the requirement to survey every five years.
- c) Deliver reactive/emergency works in order to ensure schools are able to deliver the day to day operation.

2 Background information

2.1 The Health and Safety budget is funded through LCC Borrowing, and the capital allocation is used to support the on-going legal and statutory requirements of the Council as corporate landlord for Community 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 Children and Families 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 Removal of asbestos in schools.

2.4.1 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.

2.4.2 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.

2.4.3 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.

2.5 Electrical Testing / Condition surveying programme.

2.5.1 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.

2.5.2 In relation to condition surveys, it is suggested by the ESFA that all Local Authorities continue with a programme of condition surveys to support local policies and strategies in maintaining the schools estate 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.

2.6 Reactive / Emergency Works

2.6.1 This category involves undertaking emergency 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.

3 Main issues

3.1 Design Proposals and Full Scheme Description.

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

- a)** Removal of asbestos and remedial works as identified in the asbestos management plans / surveys.
- b)** To complete a full fixed wire electrical testing report and condition survey report for all schools as part of a rolling programme.

- c) 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.
- 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.
- 3.2.3 Funding will be allocated across the four budget headings in accordance with prioritised programmes of work. Regular progress reports will be submitted for review by Programme, Risk & Control Group, and approval sought to reallocate funds across budget headings if and when necessary to reflect changes in circumstances and priorities that arise throughout the year.

4 Corporate considerations

4.1 Consultation and Engagement

- 4.1.1 The proposed Health & Safety 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 The Executive Member for Learning, Skills and Employment 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 1 to this report.

4.3 Council policies and the Best Council Plan

4.3.1 City Priorities

- a) These works will contribute towards the modernisation of school buildings within the city, creating good quality, safe, warm and watertight learning environments for the citizens of Leeds. This contributes to the 2019/20 – 2020/21 Best Council Plan outcomes for everyone in Leeds to ‘Do well at all levels of learning and have the skills they need for life’; ‘Be safe and feel safe’ and ‘Enjoy happy, healthy, active lives’. It also supports the vision in the

Children and Young People's Plan 2018 - 2023 to build a child-friendly city on ensuring all children and young people are safe from harm; do well at all levels of learning and have the skills for life; enjoy healthy lifestyles; have fun growing up; are active citizens who feel they have a voice and influence. In addition, the works will ensure that the Council is complying with its legal responsibilities with regards to health & safety legislation and maintaining occupant safety.

- b) 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, to carry out surveys and design works as required. Construction works will be undertaken through a number of providers including the Internal Service Provider, Civic Enterprise Leeds, which supports their vision of growth and expansion and is in compliance with CPR 3.1.4 (ISP ability to undertake works).

4.3.2 Climate Emergency

- a) Contractors are encouraged to recycle all redundant materials and construction waste that are removed from site wherever possible.
- b) Where the Internal Service Provider is unable to resource the works, consideration is given to the contractor's locality during the selection process, in order to reduce the impact due to excessive travel distances.
- c) Officers within the Built Environment team will consult with the sustainable energy unit in order to maximise, wherever possible, the opportunities for incorporating carbon reduction technologies.

4.4 Resources, procurement and value for money

4.4.1 To ensure value for money and to procure the works within the agreed timescales, a variety of procurement methods will be employed. Children & Families Service will commission the necessary works utilising the internal service provider, where possible. Where this is not possible works will be commissioned in accordance with CPR's in order to agree the identified procurement routes.

4.4.2 Updated spend profiles are to be reported to the Children & Families Service Programme, Risk and Control Group on a quarterly basis and approval sought in relation to proposed actions, in order to mitigate any financial risks

4.4.3

to Spend on this scheme	£000's	2020 £000's	2020/21 £000's	2021/22 £000's	2022/23 £000's	2023/24 £000's	2024 on £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 £000's	TO MARCH 2020 £000's	FORECAST				
			2020/21 £000's	2021/22 £000's	2022/23 £000's	2023/24 £000's	2024 on £000's
LAND (1)	0.0						
CONSTRUCTION (3)	900.0		900.0				
FURN & EQPT (5)	0.0						
DESIGN FEES (6)	100.0		100.0				
OTHER COSTS (7)	0.0						
TOTALS	1000.0	0.0	1000.0	0.0	0.0	0.0	0.0
Total overall Funding (As per latest Capital Programme)	TOTAL £000's	TO MARCH 2020 £000's	FORECAST				
			2020/21 £000's	2021/22 £000's	2022/23 £000's	2023/24 £000's	2024 on £000's
LCC Supported Borrowing	1000.0		1000.0	0.0			
Total Funding	1000.0	0.0	1000.0	0.0	0.0	0.0	0.0
Balance / Shortfall =	0.0	0.0	0.0	0.0	0.0	0.0	0.0

4.5 Legal implications, access to information, and call-in

4.5.1 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 & Families has delegated authority to approve this expenditure.

4.5.2 Procurement of works within the programme will be carried out in line with CPR's, by utilising the Internal Service Provider, Exclusive Supplier arrangements and competitive tendering through existing frameworks.

4.6 Risk management

4.6.1 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 & Families.

4.6.2 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. This will be monitored by the internal Service Provider 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

- 4.6.3** Particular concerns with regard to asbestos will be managed by the Internal Service Provider and monitored closely by the client. Removal and or repair 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 where applicable.
- 4.6.4** Updated spend profiles are to be reported to the Children & Families Service 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 four 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 & Families Service is allocated annual funding in order to support the ongoing 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, 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, where there is outstanding urgent category asbestos to be managed within school buildings.
- 5.3** The work-streams 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 work-streams within the programme.

6 Recommendations

- 6.1** The Director of Children & Families is asked to:
- a)** Approve the proposal to carry out 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 capital scheme number 33286/000/000.

7 Background documents¹

- 7.1** None

¹ 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.