

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 Adrian James
Organisation (if applicable) The Association of Noise Consultants
Address: The Old Pump House, 1A Stonecross,
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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 type="checkbox"/> Union	<input type="checkbox"/> Parent or Pupil	<input checked="" type="checkbox"/> Technical Professional
<input type="checkbox"/> Other		

Please Specify:

The Association of Noise consultants is the professional body representing acoustics consultants in the UK with 116 member companies including the country's largest acoustics consultancies . Our members undertake the majority of professional acoustic design, consultancy and commissioning for schools in England and Wales. We have disseminated the consultation within the ANC and this response represents the collated responses.

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:

The wording of the regulation seems vague and open to various interpretations, particularly in so far as what is meant by "suitable". For example this could mean anything from "it is possible to teach in this space without obvious risk to health" to "this is an excellent teaching environment".

Our extensive experience with the current regulations is that there is no point in having detailed technical standards or guidance if the regulations themselves do not specifically require these standards to be met.

We suggest a specific reference to the document "Acoustic Design of Schools" stating that this will contain the standards or the definition of what constitutes "suitable acoustic conditions", in the same way as Part E of the building regulations specifically states that in the Secretary of State's opinion, the normal way of satisfying Building Regulation E4 is to meet the standards set out in Section 1 of BB93.

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

X Not Sure

Comments

This is not within our area of expertise but we note that the proposed wording is far more detailed and more specific than that proposed for acoustics.

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

X Not Sure

Comments

If one of the aims is to simplify the regulations and standards applying to schools, it would appear logical and desirable that the relevant minimum standards should be in a single document and that these should apply to all boarding schools irrespective of maintained or independent status.

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:

While we do not claim any special expertise in this area, 1) appears to be a statement of the obvious without providing any useful information or guidance. Again, the word “suitable” has to be defined for this wording to be helpful or meaningful.

For sleeping accommodation we would expect “suitable” ambient noise levels to be consistent with those set out in BS 8233 and “suitable” sound insulation between bedrooms to be consistent with those in Building Regulations Approved Document E for Rooms for Residential Purposes. This could be included in the supplementary guidance.

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:

Again, we do not claim any special expertise in this area, but again the term “suitable” has to be defined for this wording to be helpful or meaningful.

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:

Again, we do not claim any special expertise in this area, but again the term “suitable” has to be defined for this wording to be helpful or meaningful.

Without going to the lengths of defining the required floor area, furnishings and finishing of each space it must be possible to provide some indication as to what is meant by “Suitable living accommodation”. We would for example expect the guidance on acoustics to identify internal ambient noise levels which would allow provide study without undue distraction.

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:

Again, we do not claim any special expertise in this area, but again the term “suitable” has to be defined for this wording to be helpful or meaningful.

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:

Again, we do not claim any special expertise in this area, but again the term “suitable” has to be defined for this wording to be helpful or meaningful. In this case this has to identify the quantity of provision – how many sick beds should be provided per 100 pupils ? If this is defined elsewhere the regulations should include direction to those definitions.

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:

Again, we do not claim any special expertise in this area, but again the term “suitable” has to be defined for this wording to be anything more helpful than a statement of the obvious.

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

X Not Sure

Comments:

Again, we do not claim any special expertise in this area, but again the term “suitable” has to be defined..

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

X Not Sure

Comments:

Again, we do not claim any special expertise in this area, but again the term "suitable" has to be defined.

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:

This wording suggests that there may be circumstances in which it is not practicable to maintain premises to a standard which ensures pupils' health, safety and welfare. This is surely not the intention and we would suggest removing the words "as far as reasonably practicable".

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

Comments:

The situation here seems very similar to that for acoustics. "Suitable" must be defined and we would expect this definition to point to technical standards which make use of the knowledge developed and documented in this field over recent years.

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:

Again, we do not claim any special expertise in this area, but again the term “suitable” has to be defined for this wording to be helpful or meaningful, with some requirement or guidance for the dimensions and environmental conditions. BB93 currently includes acoustic criteria for external noise levels in outdoor space used for teaching, sport and play..

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:

These are not our areas of expertise, but it would appear sensible that there should be a single document setting out the standards for these subjects and that these should be equally applicable to all types of school.

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:

These are not our areas of expertise, but it would appear sensible that there should be a single document setting out the standards for these subjects and that these should be equally applicable to all types of school.

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:

These are not our areas of expertise, but it would appear sensible that there should be a single document setting out the standards for these subjects and that these should be equally applicable to all types of school.

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:

Our comments relate to acoustics only.

The proposed wording in Annex C is vague, qualitative and does not help to clarify or set any standards. It does not add anything to the wording in the proposed revised “Acoustic Design of Schools” and there seems to be no point in trying to summarise these in supplementary guidance. Neither does it, however, specifically require compliance with the standards or guidance in “Acoustic Design of Schools” – merely that “Regard should be had” to that document. That is not specific enough.

We propose the following wording, which reflects that in the current Building Regulations and BB93 and which has been found satisfactory :

“In the Secretary of State’s view the normal way of satisfying the SPR on acoustics would be to meet the acoustic criteria which are given in “Acoustic Design of Schools”.

(Note – it has been suggested that “Acoustic design of Schools” will be split into two documents, one short document “owned” by DfE setting out the acoustic standards and a further document “owned” by the representative bodies of the acoustics profession providing guidance on acoustic design to comply with the standards. We would whole-heartedly support this approach.

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

X Not Sure

Comments:

This is not within our expertise

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:

Our members consider Building Bulletin 93 “Acoustic Design of Schools” particularly valuable and indeed essential in the provision of schools which are acoustically fit for purpose. This is because it sets out clearly and unambiguously a set of quantitative, measureable criteria for acoustics in schools, and provides useful guidance on how to achieve these standards and on how to demonstrate compliance by measurement.

This is essential in a technical subject like acoustics which deals in quantities which can be calculated, predicted and measured. We would consider it likely that the same would apply to other technical subjects such as lighting and ventilation.

By comparison, some other Building Bulletins appear vague and unhelpful. For example Building Bulletin 102 “Designing for disabled children and children with special educational needs” merely states that children with hearing impairment may require better acoustics – which is obvious – but does not provide any specific information on what those better acoustic standards should be. This does not help in either the design or the assessment of these spaces.

Our members rarely refer to the information in Standard Specification, Layouts and Dimensions, Exemplar Designs or other documents referred to above. In fact the acoustic information in the SSLD in some respects incorrect and contradicts that in BB93. It has been a consistent problem that these and some other guidance have been commissioned and published without consultation and without due consideration of whether they are necessary and consistent with the other published guidance. They have tended to confuse rather than assist the design process and we would welcome the withdrawal of many of these documents.

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

X Yes

No

Not Sure

Comments:

The current guidance is overwhelming in its quantity. It is extremely difficult even for professional designers to identify the documents which are relevant, useful and technically correct. As a result much of the genuinely useful guidance is ignored.

The danger is however that in the streamlining process, some useful and indeed essential documents may be lost. We hope that this consultation will assist in identifying and retaining all or parts of the genuinely useful guidance which have been developed in recent years.

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?

X 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

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