

Consultation on the Standards for School Premises

Summary of Consultation Responses

3 November 2011 to 26 January 2012

Introduction

The Review of Education Capital (April 2011) recommended that the Department revise its current premises regulations and guidance to remove unnecessary burdens and ensure that a single set of regulations applied to all schools. The Secretary of State accepted this recommendation in July 2011. This consultation sought views on proposals to streamline and simplify the current regulations and guidance, bringing together the regulations for the independent and maintained sectors in England.

The consultation focused on four areas:

- Regulations which we proposed to retain
- Regulations which we proposed to simplify
- Regulations which we proposed to remove
- Supplementary information and guidance

Alongside the Department's on-line consultation, wider consultation has been conducted through a range of stakeholder meetings to get an in-depth understanding of issues.

This document is an overall summary of the responses to the consultation and reflects statistical trends and comments from the on-line consultation, along with feedback from wider discussions. It sets out an overview of the issues raised and a summary of the responses to the individual consultation questions.

A total of 175 responses were received, a number of which were not submitted in the format issued by the Department, however all comments have been considered as part of the analysis and in shaping our response. The table below provides a breakdown of the respondents:

Other	52	30%
Local authority	49	28%
Technical Professional	32	18%
Headteacher/Teacher	13	7%
Independent School	10	6%
Governor	5	3%
Union	5	3%
Parent or pupil	4	2%
Maintained School	3	2%
Disability Organisation	1	1%
Total:	175	100%

Organisations categorised as 'Other' included, for example dioceses and other religious representative bodies (13), and other national organisations

such as Sport England, Ofsted, and independent schools' associations.

A list of the organisations that responded (not marked as confidential or anonymous) can be found at Annex A.

Overview

This report does not attempt to capture all individual perspectives that emerged from the consultation but to give an overview of the common themes. Whilst not setting out details of all individual responses, the Department has and will be taking account of and considering all contributions to the consultation in moving forward. In summary, on the areas covered by the consultation exercise:

- There was strong support for the Department's proposals to streamline the guidance currently available on design and school premises.
- Generally, schools, teachers and governors were more favourable towards simplifying the regulations than local authorities, technical professionals, dioceses and unions.
- Use of the term 'suitable' in the regulations generated many comments, with respondents concerned that this was not specific enough to ensure high quality educational environments.
- Just under half of respondents agreed with the proposed removal of regulations, with particular concerns focusing on the removal of regulations covering heating, ventilation and classroom size as areas of importance.
- Nearly two-thirds of respondents did not think that the proposed supplementary information was accessible and adequate, calling for more detail and clarity of status.

Summary of Consultation Responses

(Throughout the report, percentages are expressed as a measure of those answering the questions, not as a measure of all respondents.)

Acoustics

1. Do you agree that this adequately covers the requirements for acoustics? If not, why not?

Proposed regulation

(1) 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.

There were 145 responses to this question*		
Options	Responses	
Yes:	70	48%
No:	54	37%
Not Sure:	21	14%

*Does not total 100% due to rounding

9% of respondents specifically mentioned that it is important to retain standards on acoustics.

The majority of those that disagreed with the proposal thought that the regulation should include a specific reference to Acoustic Design of Schools to be published in 2012 as a successor to Building Bulletin 93 *Acoustic Design in Schools* (BB93) so that there would be no doubt as to what is meant by suitable. Many written responses recommended that the regulation or the guidance should refer to the revised BB93 standards as the basis of what is considered suitable.

14% of respondents said that it is necessary to see the replacement guide to BB93, planned for 2012, in order to judge whether the supplementary guidance is sufficient. There was concern expressed that the requirements in this new guidance should not be weakened from what is currently in BB93. A few respondents pointed out that BB93 needs to be revised to include separate standards for new buildings and refurbishments and to also make clear what standards apply to existing buildings where no building work is planned.

There was support from respondents on the exclusion of the speech intelligibility requirements from Building Regulations Part E and the Institute of Acoustics pointed out that as speech intelligibility would in future only be covered by the School Premise Regulations and not the Building Regulations this should be clearly explained in the revised Acoustic Design of Schools.

Four respondents, including most of those representing the Hearing Impaired, thought that the requirements needed to be enforced through mandatory testing after completion of building works.

8% of respondents thought that it was important to mention the standards applicable to specialist spaces, and 8% of respondents thought that the regulation should be widened from teaching accommodation. Some thought the previous scope of the regulation was better as it covered dining areas, staff rooms, interview rooms, assembly halls, libraries, kitchen, toilets, preparation rooms, study spaces and offices.

It was also noted by one respondent that the current BB93 guidance on outside noise levels is used to set planning conditions on where schools should be sited and that the associated guidance should refer to this issue.

Water supplies

2. Do you agree that this adequately covers the requirements for water supplies? If not, why not?

Proposed regulation

- (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 and are separate from the toilet facilities;
 - (b) a sufficient number of suitable drinking vessels are provided or the water is supplied in a jet from which pupils can drink easily; 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.

There were 141 responses to this question		
Options	Responses	
Yes:	76	54%
No:	50	35%
Not Sure:	15	11%

Over half of respondents agreed that the regulation was appropriate. Concerns were raised that as drafted, the Regulations could be met by providing a vending machine to sell water to pupils. It was suggested that this

should be addressed by adding “free of charge to (1).

A number of respondents thought that 2(a) was too limited in referring only to use by pupils as it would not apply to other users outside school hours, eg, governors’ meetings or sports or community use. It was suggested that the clause be reworded to “at all times when the building or grounds are in use.”

Under the current regulations drinking water can be in washrooms. Several respondents noted that it is unclear what is meant by “separate from toilet facilities”. One respondent noted that this regulation contradicts BS6465 which states that drinking water fountains may be installed within toilet areas, but sited as far away as possible from urinals or toilets. Most health professionals including ERIC (Education and Resources for Improving Childhood Continence) and PCF (Paediatric Continence Forum) agree that drinking water should not be in the same room as toilets.

8% of respondents thought that the use of the word wholesome was unhelpful and some thought that this could be covered by reference to legislation.

16% thought that there is no need for labelling water supplies as not for drinking and it is better to label those supplies that are suitable for drinking.

24% of the respondents mentioned the scalding temperature and most of these said that the maximum temperature should be given in regulation. Some suggested providing a reference to where maximum temperatures can be found. It was pointed out that hotter water than 43°C is needed in some managed situations such as in kitchens and some Food Technology rooms.

Several respondents thought that some reference to how many drinking water points is needed. ERIC and PCF suggested including “a sufficient number of points to meet demand so children are not prevented from getting a drink by travel distance or queues at peak times”.

The guidance says that drinking water facilities should be maintained in good working order and kept clean but it was pointed out that this is just as important for toilets and washing.

It was noted that cold water supplies for pupils must be stored and delivered at less than 20°C otherwise legionella problems may arise, and that not mentioning the risk from legionella at water temperatures between 25 and 45°C introduces a significant health and safety risk. It was suggested that specific reference to water temperature regimes to prevent legionella is required in addition to guidance on scalding temperatures.

Boarding schools

3. Do you agree that in future we should seek to bring premises standards for boarding schools into the National Minimum Standards? If not, why not?

There were 93 responses to this question		
Options	Responses	
Yes:	62	67%
Not Sure:	24	26%
No:	17	8%

There was strong support for bringing the premises standards for boarding schools into the National Minimum Standards (NMS). Many respondents felt that it would be clearer to have all the requirements in one place, though others were less concerned about the location as long as the requirements were clearly signposted. The Independent Schools Inspectorate noted that incorporation into the NMS would mean that the premises requirements will be checked more frequently on inspection.

Q4 (a) Do you agree that this regulation adequately covers the requirement for sleeping accommodation in boarding schools? If not, why not?

Proposed regulation

- (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.

There were 89 responses to this question		
Options	Responses	
Yes:	41	46%
No:	23	26%
Not Sure:	25	28%

Of those that answered this question, independent schools and heads/teachers were about 80% in favour of the proposal, while the views of local authorities and the unions were balanced across the three categories. Technical and professional organisations were marginally in favour. Some of those in favour thought it a sensible proposal, while others thought the current regulations should be retained. Several respondents from the independent sector queried why it was here at all, saying that the requirements were

contained in the National Minimum Standards (NMS) for Boarding Schools. However, as Ofsted commented, the NMS refer to the SPRs for detailed requirements and, under these proposals, these will no longer exist.

15% thought the term 'suitable' too vague and said that exact requirements should be given covering space requirements, security, personal storage and, if not elsewhere, state what suitable ambient noise levels and sound insulation between bedrooms should be. One comment was that the removal of minimum distance between beds could lead to overcrowding.

A further 13% considered that if the detailed space requirements currently in the SPRs were not retained in the regulation, then they should be included in guidance. 7% thought that either separate provision for boys and girls should be provided from the age of 6 rather than 8 years, or that all sleeping accommodation should be single sex.

Q4 (b) Do you agree that this regulation adequately covers the requirements for toilet and washing facilities in boarding schools? If not, why not?

Proposed regulation

- (1) Suitable toilet and washing facilities must be provided for boarding pupils, which must be adjacent to or reasonably accessible from the boarding 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.

There were 89 responses to this question		
Options	Responses	
Yes:	47	53%
No:	22	25%
Not Sure:	20	22%

There was general approval for this proposal, except amongst local authorities, technical and professional organisations and unions, where the views were mixed. 'Suitable' was an issue with 18% of respondents, who thought it needed defining using objective measures and that without definition it could lead to a reduction in standards. It was queried what suitable means with regard to privacy. Some thought that 'reasonably accessible' also needed defining and that 'adjacent to' should be omitted. One respondent thought that 'washing facilities' needed defining as the term is in the current SPRs, while others thought that the details in the SPRs should be retained and that a reference to accessible toilets and washing accommodation for disabled pupils should be included.

20% of respondents thought that the ratios of toilets, washbasins, baths and

showers to boarding pupils should be stated, though there were mixed views on whether this should be in the regulation or in supporting guidance. Ofsted was strongly in favour of this, saying that detailed guidance should be included here until such time as it is moved into the NMS. The Independent Schools Inspectorate pointed out that the suggested provision of washbasins in the supporting guidance was higher than in the current SPRs and should be reduced accordingly.

The subject of unisex toilets was raised by 7%, of whom over half were opposed to their provision. The others, many of them dioceses, said that the wording was ambiguous and it should be clarified that the regulation did not apply to cubicles within a shared toilet facility. There were also comments on the current requirement (repeated in the draft guidance) to have a minimum 25% of baths within the baths/showers provision, when showers are very popular with boarders and schools.

Q4 (c) Do you agree that this regulation adequately covers the requirements for living accommodation in boarding schools? If not, why not?

Proposed regulation

(1) Suitable living accommodation must be provided for boarding pupils for the purposes of private study outside school hours and for social purposes.

There were 88 responses to this question		
Options	Responses	
Yes:	44	50%
No:	21	24%
Not Sure:	23	26%

There was general approval for this proposal, except amongst local authorities, technical and professional organisations and unions, where the views were mixed. 'Suitable' was an issue with 17% of respondents, who thought it needed defining using objective measures and that without definition it could lead to a reduction in standards. Some also suggested that the regulation needed to define what is covered by 'social purposes'.

16% of respondents thought that space requirements should be set out, though there were mixed views on whether this should be in the regulation or in supporting guidance. Two of the unions said that they could not see the rationale for removing the current requirement of an aggregate floor area of 2.3m²/pupil and that this should be retained.

Q4 (d) Do you agree that this regulation adequately covers the requirements for accommodation for the preparation and consumption of meals in boarding schools? If not, why not?

Proposed regulation

- (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.

There were 87 responses to this question		
Options	Responses	
Yes:	51	59%
No:	16	18%
Not Sure:	20	23%

There was general approval for this proposal, though Ofsted commented that (2) could be unreasonable for larger boarding schools with big campuses. Others queried what is meant by 'reasonably accessible'. The need to define 'suitable' or include a reference to where recommended space requirements can be found was raised by 13% of respondents.

6% of respondents queried who would be preparing the meals and how much supervision would be needed. On the assumption that it would not be boarding pupils who prepared meals it was suggested that the wording in (1) was changed from 'by boarding pupils' to 'for boarding pupils'.

Q4(e). Do you agree that this regulation adequately covers the requirements for sick rooms in boarding schools? If not, why not?

Proposed regulation

- (1) Suitable accommodation (including toilet facilities) must be provided in order to cater for the needs of boarding pupils who are sick or injured.

There were 86 responses to this question		
Options	Responses	
Yes:	48	56%
No:	19	22%
Not Sure:	19	22%

There was general approval for this proposal, though 13% of respondents thought that 'suitable' was too vague a term. They thought that the requirements for isolation rooms, washbasins and toilets in the current SPRs should be retained and that accessibility and location should be specified. A

few respondents also asked for references to the requirements for disabled pupils and those with complex needs to be included.

6% of respondents considered that clear guidance was needed and that this should include the details currently set out in the SPRs, such as space requirements. However, the Independent Schools Inspectorate said that those detailed requirements should either be retained in the regulation or placed in the NMS.

Q4(f). Do you agree that this regulation adequately covers the requirements for staff accommodation in boarding schools? If not, why not?

Proposed regulation

(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.

There were 83 responses to this question		
Options	Responses	
Yes:	51	61%
No:	16	19%
Not Sure:	16	19%

There was general approval for this proposal and very few comments. The definition of 'suitable' was raised, with one respondent asking whether staff accommodation would be suitable if living, sleeping and taking meals all took place in one space. There was also a call for more guidance, including that on space requirements.

Toilet and washing facilities

Q5. Do you agree that this adequately covers the requirements for toilet and washing facilities? If not, why not?

Proposed regulation

- (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.

There were 140 responses to this question		
Options	Responses	
Yes:	50	36%
No:	71	51%
Not Sure:	19	14%

Local authorities, the dioceses, teachers and governors were considerably more opposed to the proposed regulation than the average. Technical and professional organisations were evenly balanced, while both maintained and independent schools were largely in favour. However, a number of the responses in favour were qualified, saying ‘yes, but only if more detailed information is included in guidance’. Concern was expressed that the simplification of regulations was being used to remove their prescriptive elements and thereby impact on standards.

22% of respondents thought that the term ‘suitable’ was too vague and that minimum requirements should be set covering sufficiency and appropriate standards. A number spelt out what the requirements should be, saying that toilet cubicles should provide privacy (no gaps and with doors that are lockable from the inside), be kept clean and in good repair, and that adequate soap and toilet rolls should be provided. Cleanliness (6%) and privacy (5%) were also raised as specific issues, while a number of examples were given of no or inadequate provision of toilet rolls and soap being found in schools, and also washing facilities that lacked hot water.

Related to suitability, and raised by 35% of respondents, was the need to be prescriptive about the numbers of toilets and wash basins in schools, as in the current standards and in the Workplace Regulations for staff. This was a general theme across local authorities, the dioceses, unions and professional organisations. Ofsted made the point that it is important to give a clear idea of the ratio of toilets to pupils to ensure that there are sufficient numbers available for pupils to use at peak times, such as breaks. Others pointed out that a ratio of one toilet per 10 children is a requirement in early years’ settings, which covers nursery and reception classes in schools. It was suggested that the provision in primary schools could be fewer than currently specified, as toilets tended to be close to classrooms and available for use all day. Accessibility, that is location and availability (being kept open), was an issue raised by 5% of respondents.

6% of respondents thought the regulation was not clear enough about the need for pupils’ toilets to be separate from those for adults, and that more detailed guidance was needed. Some considered that toilets provided for use by disabled pupils should not be shared with disabled adults, particularly where younger pupils are involved. Others could not understand why such facilities could not also be used by pupils, staff and visitors who are not disabled.

Views were mixed on the provision of unisex toilets. 6% welcomed the

change, but considered that the wording should be changed to make clear that this referred to fully independent toilet facilities, not to cubicles within a shared facility. 4% were opposed to such provision.

The provision of changing rooms and showers for pupils aged 11 and over was raised as an issue by 9% of respondents. Concerns were expressed on the impact of this requirement on small schools, many of which timetable PE for the end of the day so that pupils can go home to shower. Concerns were also raised on the impact on primary schools, which will have some pupils aged 11 and over – suggestions were made that key stages could be used rather than ages, or the regulation could say ‘Year 7 and above’. Other suggestions were that it should be specified that separate changing rooms and showers were needed for boys, girls and staff; that they should be readily accessible and that guidance on numbers was needed. Reference should also be made to inclusive changing accommodation for disabled pupils.

Medical facilities

6. Do you agree that this adequately covers the requirements for medical facilities? If not, why not?

Proposed regulation

- (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 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.

There were 140 responses to this question		
Options	Responses	
Yes:	77	55%
No:	39	28%
Not Sure:	24	17%

Generally local authorities and schools/teachers were more in favour than the average, while technical and professional organisations were slightly less so. Other organisations and individuals were marginally against the proposal, as were the unions. One union in favour of the wording commented that it was a “welcome improvement on existing regulations”.

Some 10% of respondents to this question asked for ‘suitability’ to be better

defined, and some expressed frustration at the lack of a more precise definition. 8% also thought that 'therapy' was too broad a term and needed further refining, with some explanation as to what the expectations are on schools in providing accommodation for it. The Independent Schools Council considered that a requirement to cater for the therapy needs of pupils was too great an obligation for schools.

A number of respondents commented that dental examinations were no longer carried out in schools, and certainly that dental treatment did not take place, and that mention of this should be removed from the regulation.

11% of respondents commented on the requirement for the medical accommodation to include a toilet or be adjacent to one. Schools thought that having a toilet reasonably close should be acceptable. A number of dioceses warned that there could be unintended consequences to including a toilet within the medical room, such as that toilet becoming the disabled toilet for the school which might often be unavailable for general use, or that the medical room might be located in an unsuitable toilet space. Ofsted, however, welcomed the provision, saying that independent schools often had sick rooms that didn't contain wash basins, and that an 'adjacent toilet' would overcome this problem. 7% of respondents considered that, irrespective of where the toilet is, the requirement to provide a washbasin in the room should be retained.

Around 5% of respondents commented on the provision that the medical accommodation could be used for other purposes so long as it was readily available when needed (which matches the current regulation). About a half of these thought this flexibility was good, while the others thought this could delay access in times of emergency or that the wording should be changed to 'shall always be available for its primary purpose'.

The provision to provide additional medical accommodation in schools that cater for pupils with complex needs was commented on by 17 respondents (12%) and elicited conflicting views. On one side, is the view that this requirement went far beyond the requirements on schools in relation pupils with disabilities, while on the other side respondents thought that all mainstream schools should provide for pupils with profound disabilities and complex needs, with the addition of a hygiene room being a minimum requirement. Some respondents queried whether this provision was just for special schools and a number asked for much more detailed guidance on what is required.

Health, safety and welfare

Q7. Do you agree that this adequately covers the requirements for health, safety and welfare? If not, why not?

Proposed regulation

(1) School premises and the accommodation and facilities provided therein must be maintained to a standard such that, so far as is reasonably practicable, the health, safety and welfare of the pupils is ensured.

There were 143 responses to this question		
Options	Responses	
Yes:	80	56%
No:	42	29%
Not Sure:	21	15%

Schools, heads/teachers and governors were strongly in favour of the proposed regulations, while local authorities were nearly 2:1 in favour. Technical and professional organisations were evenly balanced for and against it, while 4 out of the 5 unions that responded were against it, with the other one 'not sure'.

There was support for the removal of requirements covered by other legislation, so long as references to the relevant legislation were included in guidance. However, one of the dioceses considered that the term 'occupants' rather than 'pupils' should be used, as in the current SPRs, so that the health, safety and welfare of staff, visitors and other occupants of schools is specifically included in school premises regulations.

A number of the responses in favour were qualified, saying yes, but only if:

- It is made clear that the requirement covers the whole school site (some added 'and any land/premises used by the school') as well as the buildings.
- Schools have regular H&S inspections to ensure compliance.
- More detailed information is given in guidance.

Of those opposed, some commented that the wording was inadequate, while others asked who will judge what a reasonable standard is. Several thought that the need to provide as well as to maintain should be covered by the regulation.

13% of respondents considered the term 'reasonably practicable' too vague. Some thought that its use seemed to imply flexibility in compliance and that it should be defined further. One local authority commented that if it was intended to provide greater flexibility in interpretation by headteachers and governors, then this should be reflected in Ofsted assessment guidelines. Several respondents thought the use of the term was dangerous, that it

provided a get-out clause, and that it should be omitted. One diocese asked whether there were any circumstances where it would fall within the definition of reasonably practicable to not ensure the health, safety and welfare of children.

Detailed guidance, such as that found in the Workplace Regulations, was asked for by 12% of respondents. The Royal Institute of British Architects (RIBA) commented that the regulation does not address the technical impact that a school building has on pupils' welfare (e.g. too hot, too cold), and that guidance should be given on this. It also said that guidance was required on the needs of pupils who are disabled and/or have special educational needs when accommodated in mainstream schools. Several other respondents agreed with this.

8% of respondents, including a number of dioceses and local authorities, thought that the fire safety requirements included in the current SPRs should be retained in the revised regulation. Some described their retention as critical. The point was made that the regulation was needed because it imposes legal requirements on existing schools with regard to surface spread of flame (e.g. restricting wall displays) and compartmentation (e.g. not putting schools at risk through ad hoc alterations). One Fire Authority said that Building Bulletin 100 should be retained as it provides useful guidance, and that aspects of the Department's Managing School Facilities Guide 6, *Fire Safety*, should be retained in some form. One local authority thought that security should be explicitly referenced in the regulation.

Lighting

8. Do you agree that this adequately covers the requirements for lighting? If not, why not?

(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.

There were 133 responses to this question and 85 written comments		
Options	Responses	
Yes:	59	44%
No:	58	44%
Not Sure:	16	12%

About half of respondents suggested that specific standards should be quoted, for example, minimum lux levels and glare indices and that references to more detailed design guidance should be quoted. About 30% of respondents noted that there is a lack of definition of what 'suitable' means.

A number of respondents noted that the regulation could result in school premises having no natural light which is necessary for general wellbeing; as the proposal could be met entirely through artificial means which may not be what is intended, and should be avoided if possible.

RIBA pointed out that views out in general and of the sky and the weather in particular, are accepted as being a necessary minimum provision for workplaces yet there are still too many wholly internal habitable rooms within schools.

The Chartered Institution of Building Services Engineers (CIBSE) noted that the extent of external lighting needs to be considered carefully in the light of the age of the school's population and further consideration is needed of security and emergency lighting.

OFSTED suggested that the regulation should state that external lighting must be provided to ensure safe movement around the school as some schools are on large sites with unlit walkways which are dangerous in winter.

It was pointed out that this regulation is subject to an environmental impact assessment being undertaken to assess the potential levels of light pollution on adjacent properties and that planning permission, where required, is sought. Also external lighting requirements include floodlighting outdoor sports areas and this statement ought to be qualified as this is generally a planning authority decision and therefore not in the power of the education authority to ensure.

With lighting in schools being responsible for at least 20-25% of a schools electricity use, some respondents thought it was important that the guidance mentions the need to consider the energy efficiency of lighting and its controls.

Respondents suggested that there needs to be references to inclusive design of lighting; appropriate colour contrast; and for lighting to be of a sufficient standard for blind and partially sighted pupils, staff and visitors.

Subject Associations called for specific guidance, for example, on lighting in areas with moving machinery and on Drama Studios and/Assembly spaces and those large areas in which examinations are to be held.

External space

9. Do you agree that this adequately covers the requirements for external space? If not, why not?

Proposed regulation

- (1) Suitable outdoor space must be provided in order to enable—
- physical education to be provided to pupils in accordance with the school curriculum; and
 - pupils to play outside safely.

There were 147 responses to this question		
Options	Responses	
Yes:	52	35%
No:	77	52%
Not Sure:	18	12%

Generally independent schools and schools/teachers were more in favour of the proposed regulation than the average, while technical and professional organisations and local authorities were less so.

13% of respondents asked for 'suitability' to be better defined. 13% thought that outdoor provision should be more measurable, with specific space requirements set out for schools, though a couple of respondents felt that it would be unrealistic to 'demand' specific outdoor areas for schools.

11% of respondents, mostly local authorities and dioceses, commented that it would make negotiations under s106 (housing development) agreements more difficult, in that developers would deliver to the minimum standard possible and without specific spaces set out in regulation a valuable lever would be lost.

Some respondents suggested that the regulation should take into account outdoor learning as well as play and sport; it was suggested that word 'physical' be removed from the regulation to encourage this, and that the word 'safely' be removed as it would encourage over-protective attitudes towards risk assessment.

Around 5% of respondents commented that simplification is welcome.

Removal of regulations common to the ISS and SPRs

10. Do you agree that these regulations can be removed? If not, why not?

It is proposed to remove the regulations common to both the ISS and the SPRs which cover: ancillary facilities (food preparation and service); load bearing structures; weather protection; fire safety and emergency evacuations; heating; ventilation; and drainage.

There were 133 responses to this question		
Options	Responses	
Yes:	56	42%
No:	55	41%
Not Sure:	22	17%

Views on this proposal were evenly balanced for and against overall, though views were more varied across groups of respondents. Many of those who agreed said that they did so on the basis that the requirements were covered in other legislation and that such legislation would be clearly signposted, and/or that expectations of what is required would be made clear in guidance. Of those who were opposed, some made the point that while the Workplace Regulations cover employees, the main users of schools are pupils and that the removal of school specific regulations could result in the needs of children being perceived as less important than those of adults.

There was general agreement that the regulations on load bearing structures, weather protection and drainage could be removed. However, many respondents considered the regulations on fire safety, heating and ventilation unique to schools and vulnerable children and that their requirements were not covered adequately elsewhere. To a lesser extent the same view was expressed about food preparation and service, though some agreed that if space requirements were included in the revised area guidelines the regulation could be removed.

Ancillary facilities – food preparation and service

15% of respondents considered that regulation on providing adequate facilities for food storage, preparation, service and consumption should be retained. The School Food Trust was concerned about its removal. It made the point, as did one local authority, that schools are facing many pressures and, without regulation, might decide to close kitchen and dining areas to release space for other uses. Another local authority noted that the Food Hygiene (England) Regulations 2006 are not intended to be a 'design' or 'health and safety' reference document, but cover enforcement regulations on food hygiene.

Fire safety and emergency evacuations

19% of respondents considered that regulation in this area should be retained, including a number of local authorities and dioceses, and several fire and rescue authorities. Some described its retention as critical. The point was made that the regulation was needed because it imposes legal requirements on existing schools with regard to surface spread of flame (e.g. restricting wall displays) and compartmentation (e.g. not putting schools at risk through ad hoc alterations). Zurich, a leading insurer of schools, said that fire safety in schools is a specialist area and should not be considered as a general aspect of health and safety. It pointed out that there are high incidences of arson in schools and that deliberately set fires during daytime are on the increase.

Heating

The proposed removal of regulation on heating raised the most comments, with 32% of respondents saying that it should be retained. This view was widespread among local authorities, the dioceses, the unions and technical/professional organisations such as SCALA, the RIBA and CIBSE. Many made the point that the Workplace Regulations are not appropriate for schools and that they set too low a standard for areas such as classrooms. The RIBA pointed out that requirements for heating (and for ventilation) will be included in output specifications for school building projects anyway, but that it would be best to define them nationally.

Ventilation

There was a similar response and comments on the proposal to remove regulation for ventilation, with 29% arguing for its retention. Generally, as with heating, the view expressed was that the standards set out in the current SPRs should be included in the new regulations. Views were also expressed that a revised version of BB 101, *Ventilation of school buildings*, was needed and that BB 88, *Fume cupboards in schools*, should be retained.

Removal of regulations from the ISS

11. Do you agree that these regulations can be removed? If not, why not?

It is proposed to remove the regulations on security; shared premises; access; cleanliness; standard of decoration; furniture and fittings; flooring; and size of classrooms.

There were 113 responses to this question*		
Options	Responses	
Yes:	56	50%
No:	38	34%
Not Sure:	19	17%

*Does not total 100% due to rounding

50% of respondents agreed with the proposal to remove these regulations,

with some considering that their removal would have little impact on school design. Around a half of those in favour said yes so long as the requirements they cover would be set out in guidance. Of those opposed some, such as the NAHT were against the transfer of the prescriptive elements of legislation into guidance generally, while the ATL considered that the removal of these specific requirements would give a green light for schools to be set up in unsafe and inappropriate premises.

In total 34% of respondents were against the removal of any of the regulations. Others agreed that some could be removed while others should be retained, particularly the regulation on classroom size.

Security

16% of respondents thought that this should be retained, with one local authority saying that while security might be covered by the proposed health, safety and welfare regulation, this was not clear and that a specific steer on requirements is needed. Ofsted stated that security is a regulation that was failed by 5% of independent schools last year and that it should not be removed. This view was echoed by the Independent Schools Inspectorate, which said that having appropriate security arrangements for school premises is an area frequently identified by inspectors as an area needing improvement.

Shared premises

Safeguarding pupils was an issue generally raised here, with 12% of respondents considering that this regulation should be retained. These included Ofsted, the British Standards Institute and a number of the dioceses and local authorities – one of which pointed out that it was not only the safety of pupils that was an issue, but also the ability to deliver education uninterrupted by other users of the premises. A number of the dioceses called for the guidance on the security of school sites and trespassers, formerly found on 'Teachernet', to be reinstated on the DfE website.

Access

10% of respondents said that this regulation should be retained. The RIBA stated that the Equality Act was insufficient in this area as it covers social obligations rather than the technical standards a school building must address. The BRE thought there should be DfE guidance for schools on Part M of the Building Regulations – *Access and Use of Buildings*.

Cleanliness, Standard of decoration, Furniture and fittings, Flooring

8% of respondents considered that the regulations on cleanliness, decoration and flooring should be retained, with 9% supporting the retention of the furniture and fittings regulation. The Design and Technology Association (DATA) and Association for Science Education (ASE) were particularly concerned about standards for furniture and equipment in specialist/practical spaces.

Size of classrooms

The regulation on classroom size was commented on by 27% of respondents. A number of local authorities and the dioceses agreed that it could be removed as long as the requirements for classroom sizes continued to be covered by the area guidelines. However, many of the respondents who commented, including other local authorities, dioceses and the RIBA, thought that it should be retained and extended to cover all schools. One authority considered that the regulation's link to health and safety did not reflect the primary purpose of a classroom, which is to be suitable to deliver the curriculum. Both the Catholic Education Service and the Church of England Diocese considered that it was more important to retain a regulation on classroom size now that the Admissions Regulations have been changed (with their link to the net capacity of schools) so as to prevent overcrowding.

Removal of regulations from the SPRs

12. Do you agree that these regulations can be removed? If not, why not?

It is proposed to remove regulations contained in the SPRs which cover staff accommodation and ancillary facilities (storage and circulation).

There were 118 responses to this question		
Options	Responses	
Yes:	54	46%
No:	44	37%
Not Sure:	20	17%

46% of respondents agreed with the proposal to remove these two regulations, either on the basis that their requirements were covered by other legislation or that they would be set out in guidance. More than half were either against their removal or unsure. Some considered that the argument that independent schools and Academies operate successfully without these regulations really meant a levelling down of standards for maintained schools. Others thought it was premature to reach this conclusion for Academies, most of which would have been subject to the SPRs prior to conversion anyway.

Staff accommodation

26% of respondents specifically mentioned the need to retain this regulation, stressing the need to have an office for the head teacher, in which confidential meetings can be held, and adequate accommodation for other staff away from classrooms (for PPA, networking and social purposes). While this view was supported by all the unions, it was also common among local authorities and the dioceses. A number, such as ASE, said that the regulation shouldn't just cover teachers, as in the current SPRs, but also technicians and support staff.

Storage and circulation

23% of respondents made specific comments on this regulation. Some of the dioceses agreed that it could be removed, but otherwise the view was that it should be retained. The Workplace Regulations do not cover pupils' storage and their requirements for circulation were thought to be inadequate for schools. Circulation was considered to be a particular issue in the organisation and running of a school, e.g. because of the impact of narrow corridors on pupil behaviour and bullying.

The RIBA said that storage is inadequate in many schools and that sufficient provision should be a requirement – a view echoed by organisations such as the Association for Science Education (ASE) and the Design and Technology Association (DATA) over storage in specialist areas. Some considered the lack of storage for pupils' outdoor clothing and belongings to be a health and safety issue as it led to children having to carry heavy bags around schools with consequential risk of damaged backs.

Supplementary information

13. Do you agree that the information set out in support of the proposed regulations is accessible and adequate? If not, why not?

There were 131 responses to this question		
Options	Responses	
Yes:	46	35%
No:	59	45%
Not Sure:	26	20%

Nearly two-thirds of respondents did not think that the proposed supplementary information was accessible and adequate, or were unsure about it. The NAHT said that it does not support the transfer of 'standards' from legislation into guidance, with which there is no statutory requirement to comply. Several respondents said that an Approved Code of Practice was needed, similar to the ACOP that supports the Workplace Regulations. CIBSE commented that guidance will only have significance if the regulations give the guidance force, otherwise 'contractual contortion' follows where guidance is written into contract documents.

Of those who found the supplementary information useful and accessible, a number qualified this by saying that the ambiguity around the use of the terms 'suitable' and 'adequate' should be removed, or that more prescription was needed as the guidance was too open to interpretation.

More detail needed

40% of respondents thought that the supplementary information added little to what the regulations said and that much more detail is needed. That detail

generally means spelling out what is needed to satisfy each regulation. A general point made was that the guidance suggested is not comprehensive and could lead to confusion and uncertainty.

Wider guidance

15% of respondents found it difficult to judge whether the supplementary information was adequate without being able to see more details of how the wider guidance was going to be revised. The view was that it was critical to have supporting guidance to 'fill the gaps' in the new school premises regulations and therefore you needed to be able to look at this as a whole.

Status

A number of respondents thought that the status of the document was unclear. For example, the Independent Schools Council asked whether it was advice that schools must have regard to; advice that schools can take or leave as they see fit; or best practice guidance that might shape inspections. There was also some confusion about the use of 'should', 'may' and 'must'.

One source of reference

Several local authorities and technical organisations said that it would save schools much time and effort if the proposed new regulations and supplementary guidance were combined into a single document. Others commented that there were too many references to other documents and that the information they contain should be summarised here. Ofsted expanded on this by saying that it is of prime importance to clarify all requirements for schools in one document, if necessary with supplementary guidance annexed to the regulations, and that it wasn't helpful to signpost with links to other, sometimes quite lengthy, documents which were originally created for a different readership or purpose.

Playing fields disposal guidance

14. Do you agree that the information set out in this guidance is accessible and adequate? If not, why not?

There were 130 responses to this question		
Options	Responses	
Yes:	68	52%
Not Sure:	32	25%
No:	20	23%

8% of respondents requested that there was greater clarity about the circumstances in which this guidance applied - which schools and pieces of land were covered; a few responses suggested it should apply to all schools, including Academies and Free Schools. 8% of respondents were concerned

that the changes to this guidance would allow more sales of playing fields.

Comments were received about the criteria against which decisions on applications to dispose or change the use of school playing fields will be taken. 8% considered that any proceeds from disposal should be prioritised towards investment in sports facilities. 7% considered that the needs of other local schools should be taken into account in the application before consent to dispose was granted.

9% of respondents, including national organisations such as Fields in Trust and some local authorities considered that space standards or area guidelines were needed to ensure that sufficiency was taken into account in disposal applications.

7% of respondents, in particular dioceses, requested clarification of the definition of playing field.

Wider guidance

15. Which of the current guidance documents do you particularly value and why?

There were 112 responses to this question					
Document	Local Authorities	Technical, Professional	Dioceses	Other	Total
Building Bulletins (generally)	21	7	6	4	38 – 34%
Asset Management Plans	18	3		5	26 – 23%
Standard Specifications, Layouts and Dimensions	11	7		5	23 – 21%
Managing School Facilities guides	3		6	7	16 – 14%
Regulatory guidance	4	4	5	11	24 – 21%
BB 102	12	8		3	23 – 21%
BB 101	7	5		1	13 – 12%
BB 100	4	2		3	9 – 8%
BB 99	22	7	7	5	41 – 37%
BB 98	23	8	7	5	43 – 38%
BB 93	5	9	1	3	18 – 16%
BB 88	3	1		2	6 – 5%
BB 80	3	2		2	7 – 6%

Building Bulletins were generally thought of as the most useful documents, followed by regulatory guidance (BBs 93, 100 & 101 and the guidance supporting the school premises regulations), the Asset Management Plans (AMPs) and the Standard Specification, Layouts and Dimensions (SSLD) documents. The Exemplar Design series were thought to be of limited value, or even irrelevant, particularly in the current economic climate. While not many schools or teachers answered this question, there was some evidence, including from local authorities, that schools found the Managing School Facilities (MSF) guides useful.

There was general agreement on the need to streamline and consolidate guidance, but also many concerns were raised about the need to ensure that valuable information was not lost in the process – such as in the views expressed by EBD OG. Many respondents underlined the need for the new or revised material to be regularly reviewed and updated. There were also calls for the guidance that is being withdrawn to be accessible in a national archive.

A number of LAs, SCALA, CIBSE, and architect's practices stressed the need for national guidance to avoid unnecessary work being carried out, and repeated at local level. The point was also made that the need for national reference material would become more important as school building design work is increasingly commissioned by a wider range of different clients, including new providers.

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

There were 152 responses to this question		
Options	Responses	
Yes:	100	66%
No:	30	20%
Not Sure:	22	14%

This question received more responses than any other question in the consultation. There was widespread support for what is proposed, particularly from local authorities and schools. Significantly more teachers and schools answered this question than the previous one on wider guidance, and together amounted to 20% of respondents. One local authority commented that the streamlining of guidance was welcomed, but the relaxation and removal of standards in a number of areas was not. Another, reflecting views expressed by a range of respondents, said that the streamlining of guidance is appropriate so long as the key information laid out in building bulletins is retained.

The RIBA was against the proposal, saying that it may be a false economy to do away with so much well developed guidance as schools and their providers, including design companies, find that guidance is a positive benefit rather than a drain on business.

Some 14% of respondents thought that there was a risk of reduction in standards by adopting the proposal because useful guidance would be lost, or what remained would lack sufficient detail. A number of dioceses expressed concerns about how the new regulations and guidance will be interpreted, saying that although they are designed to be the minimum acceptable requirements, in practice they will soon become the accepted maximum standard.

A number of respondents added comments about the importance of retaining national standards and guidance. For example, BSI said that having clear national guidance is critical for schools and inspectors to interpret and make judgements, while SCALA said that it would be a retrograde step not to have national guidance. A number of dioceses and local authorities thought that reducing national guidance would lead to greater uncertainty and confusion at a local level, leading to inefficiencies and poor value for money with projects.

Around 5% of respondents thought that a 75% reduction in guidance was an arbitrary figure and risked the loss of valuable material in achieving the target. The Archbishops' Council made the point that simply reducing the length of a document may increase the frequency of misunderstandings, disputes and disagreements about its interpretation, and that clarity and accuracy are vital in ensuring that guidance meets the needs of users.

Various respondents agreed that the number of documents in circulation should be reduced, but said that they should not be lost altogether. One school commented that if anything is removed from the guidelines, reference should be given to where else the information can be found or schools would end up having to do unnecessary research.

Recognising that the work on streamlining and consolidating the guidance is still at an early stage, some respondents requested that further consultation is carried out once the proposals are more developed. A few of these also offered to collaborate in the process.

Organisation
24 Acoustics Ltd
Aldenham School
APEC
ARCADIS
Archbishops' Council, Education Division
The Architects Practice
Association for Science Education (ASE)
Association of Noise Consultants
Association of Teachers and Lecturers
Avon Wildlife Trust
Barnet Council
Birkenhead School
Birmingham City Council
Bishop Vesey's Grammar School
Board of Deputies of British Jews
Bohunt School
Borough of Poole
Bracknell Forest Council
Bradford Metropolitan District Council
BRE
Bristol City Council
Bristol City Council
Bristol City Council (3 responses)
British Association of Teachers of the Deaf
British Toilet Association
BSI
Buckinghamshire County Council
Building NEEDS
Cambridgeshire County Council
Catholic Education Service for England and Wales
Central Bedfordshire Council

Centre for Energy and the Environment
Chartered Institution of Building Services Engineers (CIBSE)
Cheshire East Council
Children's Services, Leeds City Council
Children's Services, London Borough of Islington
Christian School Takeley
Church of England Diocese
CLEAPSS
Communication Trust
Cornerstone School
DBE Services Ltd
Derby City Council
Derbyshire Local Authority
Design and Technology Association and National Association of Advisers and Inspectors in Design and Technology (NAAIDT) (joint response)
Devon County Council
Diocesan Board of Education
Diocese of Arundel & Brighton
Diocese of Chelmsford
Diocese of Ely
Diocese of Lincoln
Diocese of Portsmouth & Winchester
Doncaster Metropolitan Borough Council
Durham County Council
East Riding of Yorkshire Council
EBDOG
EFM Ltd
ERIC (Education and Resources for Improving Childhood Continence)
Essex County Council
Feilden Clegg Bradley Studios
Fields in Trust
Frances Bardsley School for Girls
LCE Architects Ltd

Gloucestershire County Council
Goddard Park Community Primary School
Hampshire County Council
Hampshire County Council (2 responses)
Independent Schools Council
Independent Schools Inspectorate
Institute of Acoustics
Joint Union Asbestos Committee
Kent County Council
Kent County Council (2 separate responses)
Kingsfold Christian School
Lancashire County Council
Landscape Institute
LB Havering
LB Lewisham
LB Richmond upon Thames
Learning Through Landscapes
Leicestershire County Council
Lincolnshire County Council
Liverpool Archdiocesan Centre for Evangelisation
Liverpool City Council
London Borough of Enfield
London Borough of Lambeth
London Fire and Emergency Planning Authority
London Playing Fields Foundation
Manor House School
Methodist Church
National Association of Head Teachers
National Association of School Business Management
National Deaf Children's Society
National Governors' Association
New Life Christian Academy
North Birmingham Academy (E-ACT)

North Yorkshire County Council
Nottingham Roman Catholic Diocesan Education Service
Nottinghamshire County Council
Ofsted
Oxfordshire County Council
Oxfordshire Governors' Association
Oxfordshire Playing Fields Association
Paediatric Continence Forum
Papplewick School
Portsmouth City Council
Portsmouth City Council (2 responses)
Plantings School
RDT Consultancy
Royal Institute of British Architects
Rushcliffe School
SCALA
School Food Trust
Sheffield City Council
Shropshire Council
Sport and Recreation Alliance
Sport England
St Clare's School
St James Independent School
St Joseph's Preparatory School
Staffordshire County Council
Staffordshire Fire and Rescue Service
State Boarding Schools Association
Suffolk County Council, Children & Young People
Tabernacle School
Trinity Christian School
Unite the Union
University of West London
Voice the Union

Vovenant Christian School
Walters and Cohen Architects
Waltham Forest Council
Wandsworth Council
West Sussex County Council
Westminster City Council
Wigan Council
Willmott Dixon
Windlesham School Trust Ltd
Worcestershire County Council
Zurich Municipal