

<b>Title:</b> <b>School Premises Regulation Simplification</b>  <b>Lead department or agency:</b> Department for Education  <b>Other departments or agencies:</b> N/A	<b>Impact Assessment (IA)</b>
	<b>IA No:</b> DfE0010
	<b>Date:</b> 11/10/2011
	<b>Stage:</b> Consultation
	<b>Source of intervention:</b> Domestic
	<b>Type of measure:</b> Secondary legislation
	<b>Contact for enquiries:</b> Sally Smith, 0207 340 7351

## Summary: Intervention and Options

**What is the problem under consideration? Why is government intervention necessary?**

Currently there are two sets of school premises regulations set by DfE: one for independent schools, including academies and free schools, the Independent School Regulations (ISRs) and one for maintained schools, the School Premises Regulations (SPRs). There is also a substantial amount of other legislation that applies to all buildings, including schools. The number of regulations, the way they are set out, the fact that there are two different sets of regulations for different types of schools and the duplication involved with other legislation places too many burdens on schools. The rationale for intervention is to minimise bureaucracy by removing school-specific premises regulations where they duplicate other legislation and by simplifying those that are still required.

**What are the policy objectives and the intended effects?**

The policy objectives are to revoke unnecessary regulations, streamline those that remain and produce one, clear set of requirements for school premises that apply to all types of schools. This should have the effect of minimising bureaucracy whilst ensuring buildings are appropriate for educating children and young people and minimise risks to children's health and safety.

**What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)**

The following options were considered -

1. Do nothing.
2. Remove all school-specific premises regulations.
3. Amend the SPRs to bring them into line with the ISRs.
4. Retain school-specific regulations only on high risk areas, and make them apply to all schools.

Whilst compliance with non education-related premises and building legislation goes a long way towards ensuring the health and safety of pupils, it will do nothing to ensure that school premises are conducive to education, or to ensure that the specific welfare needs of pupils are met. Some school-specific regulations are therefore needed, and Option 4 is the preferred option as it is the most deregulatory within that context.

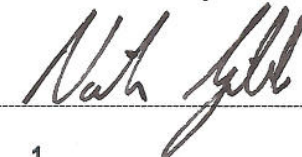
**Will the policy be reviewed?** It will not be reviewed. **If applicable, set review date:** Month/Year

**What is the basis for this review?** Not applicable. **If applicable, set sunset clause date:** Month/Year

<b>Are there arrangements in place that will allow a systematic collection of monitoring information for future policy review?</b>	No
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**SELECT SIGNATORY Sign-off** For consultation stage Impact Assessments:

*I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.*

Signed by the responsible Minister:  Date: 17 October 2011



# Summary: Analysis and Evidence Policy Option 4 – Preferred Option

## Description:

Price Base Year 2011	PV Base Year 2011	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: £ neg	High: £5.9m	Best Estimate: £1.3m
<b>COSTS (£m)</b>	<b>Total Transition (Constant Price) Years</b>		<b>Average Annual (excl. Transition) (Constant Price)</b>		<b>Total Cost (Present Value)</b>
Low	Optional		Optional		Optional
High	Optional		Optional		Optional
Best Estimate	£0		£0		£0
<b>Description and scale of key monetised costs by 'main affected groups'</b>					
None monetised. See evidence base					
<b>Other key non-monetised costs by 'main affected groups'</b>					
None monetised. See evidence base					
<b>BENEFITS (£m)</b>	<b>Total Transition (Constant Price) Years</b>		<b>Average Annual (excl. Transition) (Constant Price)</b>		<b>Total Benefit (Present Value)</b>
Low	Optional		Optional		Optional
High	Optional		£590,000		£5,900,000
Best Estimate	Neg		£127,000		£1,270,000
<b>Description and scale of key monetised benefits by 'main affected groups'</b>					
Schools may need to spend less time consulting duplicate regulations, the impact of which is challenging to quantify robustly. We are therefore only able to make crude estimates of the size of these benefits in different scenarios. Assuming that each school considers each regulation once every 5 years, then total savings over 10 years could be around £1.3m. It is not known how often regulations are considered. Savings could be up to £5.9m if considered annually, but far lower if less often.					
<b>Other key non-monetised benefits by 'main affected groups'</b>					
Schools may benefit from the removal of some school-specific regulations but it is hard to predict how schools will respond to the changes. For example, removing minimum levels for heating and ventilation could, in principle, have some impact on schools' running costs but the impact will depend on schools' interpretation of supplementary Workplace regulations which also cover these areas. As it is not possible to estimate the scale (or direction) of these impacts they have not been monetised.					
<b>Key assumptions/sensitivities/risks</b>					<b>Discount rate (%)</b>
There are many uncertainties in quantifying the impact of removing premises regulations. It is not known how long or how often schools (or contracted architects, surveyors etc.) spend considering them or which member of school staff is responsible. On balance, abolishing duplicated regulations is likely to reduce administrative burdens for those needing to consult them. However, schools will still need to comply with other legislation covering all buildings. This means that the removal of these regulations is highly unlikely to affect detrimentally the education environment for pupils or their safety.					3.5%
<b>Direct impact on business (Equivalent Annual) (£m):</b>			<b>In scope of OIOO?</b>	<b>Measure qualifies as</b>	
Costs: £0m	Benefits: £0.02m	Net: £0.02m	Yes	OUT	

## Enforcement, Implementation and Wider Impacts

What is the geographic coverage of the policy/option?	England				
From what date will the policy be implemented?	01/04/2012				
Which organisation(s) will enforce the policy?	Local authorities/inspectorates				
What is the annual change in enforcement cost (£m)?	N/A				
Does enforcement comply with Hampton principles?	No				
Does implementation go beyond minimum EU requirements?	N/A				
What is the CO <sub>2</sub> equivalent change in greenhouse gas emissions? (Million tonnes CO <sub>2</sub> equivalent)	Traded: N/A		Non-traded: N/A		
Does the proposal have an impact on competition?	No				
What proportion (%) of Total PV costs/benefits is directly attributable to primary legislation, if applicable?	Costs: N/A		Benefits: N/A		
Distribution of annual cost (%) by organisation size (excl. Transition) (Constant Price)	Micro	< 20	Small	Medium	Large
Are any of these organisations exempt?	No	No	No	No	No

## Specific Impact Tests: Checklist

Set out in the table below where information on any SITs undertaken as part of the analysis of the policy options can be found in the evidence base. For guidance on how to complete each test, double-click on the link for the guidance provided by the relevant department.

Please note this checklist is not intended to list each and every statutory consideration that departments should take into account when deciding which policy option to follow. It is the responsibility of departments to make sure that their duties are complied with.

Does your policy option/proposal have an impact on...?	Impact	Page ref within IA
<b>Statutory equality duties<sup>1</sup></b> <a href="#">Statutory Equality Duties Impact Test guidance</a>	Yes	8
<b>Economic impacts</b>		
Competition <a href="#">Competition Assessment Impact Test guidance</a>	No	
Small firms <a href="#">Small Firms Impact Test guidance</a>	No	
<b>Environmental impacts</b>		
Greenhouse gas assessment <a href="#">Greenhouse Gas Assessment Impact Test guidance</a>	No	
Wider environmental issues <a href="#">Wider Environmental Issues Impact Test guidance</a>	No	
<b>Social impacts</b>		
Health and well-being <a href="#">Health and Well-being Impact Test guidance</a>	No	
Human rights <a href="#">Human Rights Impact Test guidance</a>	No	
Justice system <a href="#">Justice Impact Test guidance</a>	No	
Rural proofing <a href="#">Rural Proofing Impact Test guidance</a>	No	
<b>Sustainable development</b> <a href="#">Sustainable Development Impact Test guidance</a>	No	

<sup>1</sup> Public bodies including Whitehall departments are required to consider the impact of their policies and measures on race, disability and gender. It is intended to extend this consideration requirement under the Equality Act 2010 to cover age, sexual orientation, religion or belief and gender reassignment from April 2011 (to Great Britain only). The Toolkit provides advice on statutory equality duties for public authorities with a remit in Northern Ireland.



## Evidence Base (for summary sheets) – Notes

Use this space to set out the relevant references, evidence, analysis and detailed narrative from which you have generated your policy options or proposal. Please fill in **References** section.

### References

Include the links to relevant legislation and publications, such as public impact assessments of earlier stages (e.g. Consultation, Final, Enactment) and those of the matching IN or OUTs measures.

No.	Legislation or publication
1	
2	
3	
4	

+ Add another row

### Evidence Base

Ensure that the information in this section provides clear evidence of the information provided in the summary pages of this form (recommended maximum of 30 pages). Complete the **Annual profile of monetised costs and benefits** (transition and recurring) below over the life of the preferred policy (use the spreadsheet attached if the period is longer than 10 years).

The spreadsheet also contains an emission changes table that you will need to fill in if your measure has an impact on greenhouse gas emissions.

#### Annual profile of monetised costs and benefits\* - (£m) constant prices

	Y <sub>0</sub>	Y <sub>1</sub>	Y <sub>2</sub>	Y <sub>3</sub>	Y <sub>4</sub>	Y <sub>5</sub>	Y <sub>6</sub>	Y <sub>7</sub>	Y <sub>8</sub>	Y <sub>9</sub>
<b>Transition costs</b>										
<b>Annual recurring cost</b>										
<b>Total annual costs</b>										
<b>Transition benefits</b>										
<b>Annual recurring benefits</b>										
<b>Total annual benefits</b>										

\* For non-monetised benefits please see summary pages and main evidence base section

# Evidence Base (for summary sheets)

## Problem under consideration

There are two key problems with current legislation:

(a) **Different types of school need to consult different school premises regulations.** Currently there are two sets of school premises regulations: one for independent schools, including academies and free schools, the Independent School Regulations (ISRs) and the other for maintained schools, the School Premises Regulations (SPRs). There are 27 areas of regulation covered by ISRs and SPRs, 22 applying to independent schools and 17 applying to maintained schools. So the ISRs cover more areas than the SPRs, but also refer to 8 regulations in the SPRs for detailed requirements (see Annex 2 for list of regulations under consideration). These different regulations can cause confusion over which regulations apply to a particular type of school.

(b) **Some school premises regulations duplicate those already covered in other legislation.** A substantial amount of other legislation applies to all buildings, including schools. Of particular relevance is that concerning health, safety and welfare, access for people with disabilities and fire safety. A number of the regulations in both the ISRs and SPRs duplicate what is covered in this wider legislation. Additionally, as with other building types, construction work at schools is subject to approval under the Building Regulations 2000. Some of the regulations in the ISRs and SPRs repeat what is covered in the Building Regulations, though they do apply to all schools – not just new construction.

The number of regulations, the way they are set out, the fact that there are two different sets of regulations for different types of schools and the duplication involved is overly complex and therefore places unnecessary burdens on school staff, governors, local authorities, Academy sponsors and those involved in free school projects.

## Rationale for intervention

The rationale for intervention is to reduce complexity and minimise regulatory bureaucracy by removing unnecessary school-specific regulations and simplifying those that are still required.

There is no need for additional school premises regulations in areas that are already well covered in other legislation. Where separate school-specific premises regulations are needed, particularly with regard to the welfare of pupils or to ensure that school premises are conducive to education, there is significant scope to simplify those regulations and ensure that their meaning is clear.

## Policy objective

The policy objectives are to revoke unnecessary regulations, streamline those that remain and produce one, clear set of requirements for school premises that apply to all types of schools. This should have the effect of ensuring buildings are appropriate for educating children and young people and minimising risks to children's health and safety.

## Options considered

1. Do nothing.
2. Remove all school-specific premises regulations.
3. Amend the SPRs to bring them into line with the ISRs.
4. Retain school-specific regulations only in areas considered to be high risk because of their impact on pupils' welfare, or on education, and make them apply alike to independent and maintained schools.

## Costs and benefits of each option

### *Option 1 – do nothing*

As set out in the previous sections, this would leave in place a complex and over-regulated system which



duplicates other legislation. Uncertainty would remain for individual schools about whether the ISRs or SPRs apply in particular cases. Since appropriate data is not collected or held centrally, it is not possible to quantify the full economic costs of having to consult and comply with the current set of regulations.

The regulations apply to, currently, around 21,200 maintained schools in England and around 2,900 independent schools, academies and free schools. We do not have any information on how long or how often individual schools need to or want to consult these regulations. It is likely that not all schools will need to consult with all of them on an annual basis, but rather on an as-needed basis. We can, crudely, estimate the magnitude of the potential administrative burdens on schools of consulting the regulations, under different scenarios. This is intended to provide some *proxy* indicative orders of magnitude. However, it should be noted that these may not reflect the true size of these burdens – and may even understate them.

Annual salaries of all teachers (heads, deputy heads and classroom teachers) are taken from the School Workforce Census. This is estimated at £37,600 in November 2010. This is increased by 25%, to reflect non-wage labour costs, such as National Insurance and pension contributions. The national Labour Cost Survey shows non-wage labour costs constitute around 21% of total employer labour costs. Teachers are more likely to participate in workplace pension schemes; therefore we assume higher non-wage labour costs than the national average, at 25%. This yields estimated average annual employee costs of £47,000, per person. Hourly estimates are derived by simply dividing annual employee costs by the number of hours teachers work per year. Data from the Teacher Workloads Diary Survey (2010) shows school employees work on average 1,992 hours per year. This yields estimated hourly employee cost of £23.60 (£47,000 divided by 1,992). This is the standard methodology for estimating the cost of employing teachers and the administrative burdens imposed on them and schools.

On the assumption that each school spends 5 minutes per year considering whether or not they are in compliance with each regulation, then the administrative cost of complying with the relevant areas is currently around £710,000 for maintained schools (in aggregate) and around £120,000 for independent schools. This reflects the cost of school employees' time that could have been spent on other activities, assuming an average employee cost of £23.60 per hour.

In reality, in any given year, some schools will need to consult the regulations more often than others. However, this crude method provides an indicative annual aggregate cost for schools in the region of £830,000. Over ten years, this would amount to £8.3 million (in undiscounted terms) or £7.1 million discounted (using HMT's 3.5% discount rate) as the highest estimate. If most schools only consult the regulations around once every five years, then over a ten year period the costs would be £1.7 million undiscounted and £1.5 million discounted. In practice, it is hard to determine which of these ten-year savings estimates reflects the more accurate proxy. In this impact assessment, we therefore assume cautiously that the higher estimate reflects an upper value and the lower estimate represents the middle value. We assume that the most pessimistic set of assumptions would yield a cost-neutral impact for schools. The table below sets out the steps and assumptions used to derive the estimated cost of complying with the current regulations.

#### Estimated Cost of Complying with the Current Regulations

	Independent Schools	Maintained Schools	All Schools	Method/Source
<b><u>One Year Costs (current prices)*</u></b>				
A Number of Schools	2,898	21,184	24,082	Published Figure
B Regulations Abolished	22	17	27	Internal Estimate
C Time Considering Each Regulation	5min	5min	5min	Internal Estimate
D Time Considering All Regulations (per year)	110min	85min	195min	B x C
E Average Annual Employee Cost	£47,013	£47,013	£47,013	Internal Estimate
F Average Hourly Employee Cost	£23.60	£23.60	£23.60	E/1992hrs
G Employee Cost Per Minute	£0.39	£0.39	£0.39	F/60min
H Total Annual Cost	£120,000	£710,000	£830,000	A x D x G
<b><u>10 Year Costs (discounted)</u></b>				
<i>- Considering Every Year (High Estimate)</i>				
I Total 10 Years Savings (Cash)	£1,200,000	£7,100,000	£8,300,000	H x 10yrs
J Total 10 Years Savings (Discounted @ 3.5%)	£1,000,000	£6,100,000	£7,100,000	Discounted I
K Annual Average Benefit (Discounted @ 3.5%)	£100,000	£610,000	£710,000	J/10yrs



- Considering Every 5 Years (Central Estimate)				
L Total 10 Years Savings (Cash)	£240,000	£1,420,000	£1,660,000	H x 2yrs
M Total 10 Years Savings (Discounted @ 3.5%)	£220,000	£1,310,000	£1,530,000	Discounted L
N Annual Average Benefit (Discounted @ 3.5%)	£22,000	£131,000	£153,000	M/10yrs

\*Assuming all schools consider regulations once that year

### Option 2 – remove all school-specific premises regulations

In the short term, we might expect any immediate impacts of removing all school-specific premises regulations to be realised only on new construction work. Construction work at schools is subject to approval under the Building Regulations 2000. The most immediate impact would therefore be on schools that were newly constructed or undergoing significant refurbishment/extensions. As they would not need to comply with the few regulations that are school-specific, there is a risk that they could be built with fewer facilities and to lower standards of acoustics and lighting. However, it is not possible to quantify how many schools would, in reality, be built to these lower standards, as schools/authorities may well wish to retain the higher levels, regardless of the removal of the school-specific regulations.

In the longer term, although wider (non-school) legislation means that schools would have to be *built* to certain standards, there is no requirement under those regulations for schools to be *maintained* at this level. We therefore consider that revoking all school-specific premises regulations in SPRs and ISRs could leave pupils more exposed to risk, and would remove powers to de-register independent schools as a consequence of unsuitable premises.

For example, the Health and Safety at Work Act 1974, and the regulations made under it, are primarily aimed at securing the health, safety and welfare of employees. They also aim to protect others against risks to their health and safety arising from the activities of employees. Whilst compliance with this legislation would go a long way towards ensuring the physical safety and well-being of pupils, it would do nothing to ensure that school premises are conducive to education, or to ensure that pupils are provided with facilities that employees do not need (such as playing fields), or to ensure that their specific welfare needs are met. Furthermore, where health, safety and welfare regulations require specific facilities to be provided for employees that are not shared with pupils, it does not follow that pupils will be provided with comparable facilities. Sometimes, of course, the needs of employees and pupils are different.

In another example, weakening acoustic regulations could have a detrimental impact on children with hearing difficulties, and also on those without hearing problems but where speech transmission is poor. There is also evidence to suggest a negative link between educational outcomes and noise. It is not possible to quantify the scale of this effect. Another example is water regulation, where in some schools there may be a potential risk of scalding by children using water in, for example, science or food technology lessons, if water temperatures are higher than 43°C. There is no other regulation protecting children in this area. Regulation is also needed to ensure children have adequate access to drinking water. Revoking the legislation in this area is likely to have a detrimental effect on pupils' educational outcomes.

It is not possible to quantify robustly the difference in the full economic costs of complying with all current non school-specific regulations, compared to the cost of complying with the school-specific regulations. This is partly due to duplication between the different sets of primary and secondary legislation. Furthermore, removing all school-specific premises regulations would not necessarily reduce the *compliance burden* on schools because they would still have to comply with other legislation which applies to school premises, to ensure the safety of buildings and their occupants.

Although it is not possible to quantify the full costs and benefits of this option, it is not unreasonable to assume that the additional administrative savings it could generate from abolishing all school-specific regulations (as detailed under option 1 above) are likely to be outweighed by the potential risks to pupils' education, safety and well being. It follows therefore that some school premises regulations are needed to ensure that the specific needs of pupils are met.

### Option 3 – bring the SPRs into line with the ISRs

Under this option, independent schools' regulations would replace those used by maintained schools. There are currently eight regulations which apply only to independent schools (relating to classroom size, security, access to buildings, cleanliness, decoration, furniture & fittings and flooring) and two which



apply only to maintained schools (relating to provision of staff accommodation and storage space for pupils' belongings). Although maintained schools would be losing two requirements, overall there would be a net increase in the number of obligations for them to consider. This option was considered rather than bringing the ISRs into line with SPRs; although there are more of them they are less onerous and are not as prescriptive in determining how schools should meet particular standards.

The ISRs would therefore form the core of the new provisions, although, five of the ISRs currently refer to the SPRs for detailed requirements. The ISRs would therefore need amending to incorporate these detailed requirements.

The resultant single set of standards would apply to both independent and maintained schools. In practice, under this option, there would be a small increase in the number of regulations maintained schools need to consider. However, there would also potentially be a small reduction in the construction cost of new maintained schools. Independent schools may also see a small reduction in administrative burdens, as they would no longer need to cross-reference both the ISRs and the SPRs.

#### A) Impact on building costs of complying with the new regulations

##### *- Maintained Schools*

The main difference between the sets of regulations is that maintained schools would no longer be required to have a staffroom. The immediate impact would be on newly constructed schools or schools undergoing significant refurbishment/extensions. In practice it is unlikely that many schools will decide not to provide staffroom facilities. It is therefore likely that this would have only a marginal impact on some schools' construction costs, which we are unable to quantify.

Maintained schools would have to adhere to 8 additional provisions, but all are ones that would be likely to have been met in the absence of school specific regulations. All maintained schools would be likely to have adequate decorative standards, appropriate furniture and fittings and appropriate flooring. Therefore, bringing ISRs and SPRs into line is unlikely to significantly reduce or increase the costs to maintained schools of complying with premises regulations.

##### *- Independent Schools*

As there will be no change in the number of regulations, or requirements therein, for independent schools to consider, there would be no increase or decrease in the costs of meeting these standards.

#### B) Impact on administrative burdens on schools

##### *- Maintained Schools*

Because maintained schools would need to consider an additional six obligations (they would lose two regulations and gain eight new ones), there would be a small increase in administrative costs. Using the same methodology as before, we assume each maintained school spends 5 minutes per year considering whether or not they are in compliance with the six new obligations. The administrative cost of considering the *additional* regulations is estimated at around £250,000. This reflects the cost of school employees' time that could have been spent on other activities. We assume an average employee cost of £23.60 per hour, including 25% 'on-costs.'

Over ten years, this would amount to £2.5 million (in undiscounted terms) or £2.2 million discounted (using HMT's 3.5% discount rate) for maintained schools. If most schools consult the regulations only around once every five years, then over a ten year period the costs would be £500,000 undiscounted and £460,000 discounted.

##### *- Independent Schools*

Because independent schools would no longer need to cross-reference two separate sets of regulations, there would be small saving in administrative costs. Using a similar methodology as before, we assume each independent school would save 5 minutes per regulation that they will no longer need to look-up elsewhere. The administrative cost savings for independent schools is estimated at around £40,000. We assume an average employee cost of £23.60 per hour, including 25% 'on-costs'. Over ten years, this



would amount to £400,000 (in undiscounted terms) or £340,000 discounted (using HMT's 3.5% discount rate). If most schools only consult the regulations around once every five years, then over a ten year period the costs would be £80,000 undiscounted and £74,000 discounted.

*- Combined Impact on administrative costs*

Combined, total administrative costs would increase by an estimated £210,000. Over ten years, this would amount to £2.1 million (in undiscounted terms) or £1.9 million discounted (using HMT's 3.5% discount rate). If most schools consult the regulations only around once every five years, then over a ten year period the cost would be £420,000 undiscounted and £390,000 discounted. The table below sets out the steps and assumptions used to arrive at the estimated change in administrative costs.

Net Benefit of Bringing Regulations into Line

	Independent Schools	Maintained Schools	All Schools	Method/Source
<b>One Year Net Benefits (current prices)*</b>				
A Number of Schools	2,898	21,184	24,082	Published Figure
B Regulations Abolished/Imposed	-7	6	-	Internal Estimate
C Time Considering Each Regulation	5min	5min	5min	Internal Estimate
D Time Considering All Regulations (per year)	35min	30min	-5min	B x C
E Average Annual Employee Cost	£47,013	£47,013	£47,013	Internal Estimate
F Average Hourly Employee Cost	£23.60	£23.60	£23.60	E/1992hrs
G Employee Cost Per Minute	£0.39	£0.39	£0.39	F/60min
H Total Annual Cost/Benefit**	£40,000	-£250,000	-£210,000	A x D x G
<b>10 Year Net Benefits (discounted)</b>				
<i>- Considering Every Year (High Estimate)</i>				
I Total 10 Years Net Benefits (Cash)	£400,000	-£2,500,000	-£2,100,000	H x 10yrs
J Total 10 Years Net Benefits (Discounted)	£340,000	-£2,200,000	-£1,860,000	Discounted I
K Annual Average Net Benefits (Discounted)	£34,000	-£220,000	-£186,000	J/10yrs
<i>- Considering Every 5 Years (Central Estimate)</i>				
L Total 10 Years Net Benefits (Cash)	£80,000	-£500,000	-£420,000	H x 2yrs
M Total 10 Years Net Benefits (Discounted)	£74,000	-£460,000	-£386,000	Discounted L
N Annual Average Net Benefits (Discounted)	£7,400	-£46,000	-£38,600	M/10yrs

\*Assuming all schools consider regulations once that year

\*\*Negative implies an additional net cost to schools

Overall, under this option, the burdens on maintained schools would increase. In addition, this option would mean that a significant amount of duplicated regulation would remain with which schools would have to comply. It would also mean that the ISRs were not examined to reduced unnecessary burdens.

*Option 4 – retain unified regulations for independent and maintained schools on only some high risk issues (preferred option)*

Under this option, school-specific premises regulations would be reduced by removing those regulations that duplicate the requirements set out in other legislation. We would retain only those that cover issues considered to be particularly high risk because of their impact on welfare or education, such as washroom facilities, acoustics, lighting and water supply. Additionally, we would create one set of school-specific regulations that apply to all types of schools.

In this option, all three of the problems under consideration (as outlined above) would be addressed, minimising complexity and bureaucracy whilst ensuring buildings are appropriate for educating children and young people, and minimising risks to children's health and safety. The proposed changes would mean the same standards would in future apply to both independent and maintained schools.

A) Impact of complying with the new regulations

Removal of the vast majority of the school-specific regulations will not change the minimum standards that schools have to meet, as these are covered in other regulations. We do not expect this option to fundamentally change the behaviour of those managing and governing schools.



Many areas are covered in other pieces of legislation, such as the Building Regulations or Workplace Regulations. However, we recognise that, in principle, our proposal to remove minimum levels for heating and ventilation might have some marginal impact on school running costs, but this is difficult to determine. Under the current SPRs, the minimum temperature in classrooms is set at 18°C and under the Workplace Regulations it would be 16°C which would apply if the SPRs are amended as per our preferred option. However, this is unlikely to make much difference in practice because staff and pupils will still have the same expectations of what is a comfortable temperature, and that may be 18°C or lower or higher.

Although retaining certain areas of regulation will leave a small burden on schools, the Government is confident that the costs of complying with the remaining regulations are outweighed by the potential risks to pupil welfare if all areas of regulation were abolished (see above). Due to the number of regulations and uncertainty around how and when schools consult and take action to comply with all premises-related legislation, it is not possible to quantify the likely magnitudes of these effects.

#### B) Benefits from reducing administrative burdens on schools

There are 27 areas of regulation covered by the ISRs and SPRs, 22 applying to independent schools and 17 applying to maintained schools. Under this option a total of 24 regulations would be abolished. We can provide indicative and proxy estimates of the potential magnitude of the administrative burdens involved in consulting these regulations. The approach used is the one used above under the do nothing option.

On the assumption that each school spends 5 minutes per year considering whether or not they are in compliance with each regulation, then the administrative cost of complying with these 24 abolished regulations is around £580,000 for maintained schools and around £110,000 for independent schools. This crude estimate provides an indicative annual aggregate cost for schools in the region of £690,000. Over ten years, this would amount to £6.9 million (in undiscounted terms) or £5.9 million discounted (using HMT's 3.5% discount rate). If most schools reconsider the regulations only once every 5 years, then total undiscounted costs over ten years would be £1.4 million (of which £220,000 would be for fee-paying independent schools) or around £1.3 million discounted.

#### Net Benefit of Removing Regulations Deemed to be of Low Risk to Pupil Welfare and Safety

	Independent Schools	Maintained Schools	All Schools	Method/Source
<b><u>One Year Net Benefits (current prices)*</u></b>				
A Number of Schools	2,898	21,184	39	Published Figure
B Regulations Abolished	19	14	24	Internal Estimate
C Time Considering Each Regulation	5min	5min	5min	Internal Estimate
D Time Considering All Regulations (per year)	95min	70min	165min	B x C
E Average Annual Employee Cost	£47,013	£47,013	£47,013	Internal Estimate
F Average Hourly Employee Cost	£23.60	£23.60	£23.60	E/1992hrs
G Employee Cost Per Minute	£0.39	£0.39	£0.39	F/60min
H Total Annual Savings	£110,000	£580,000	£690,000	A x D x G
<b><u>10 Year Net Benefits (discounted)</u></b>				
<i>- Considering Every Year (High Estimate)</i>				
I Total 10 Years Savings (Cash)	£1,100,000	£5,800,000	£6,900,000	H x 10yrs
J Total 10 Years Savings (Discounted @ 3.5%)	£900,000	£5,000,000	£5,900,000	Discounted I
K Annual Average Benefit (Discounted @ 3.5%)	£90,000	£500,000	£590,000	J/10yrs
<i>- Considering Every 5 Years (Central Estimate)</i>				
L Total 10 Years Savings (Cash)	£220,000	£1,160,000	£1,380,000	H x 2yrs
M Total 10 Years Savings (Discounted @ 3.5%)	£200,000	£1,070,000	£1,270,000	Discounted L
N Annual Average Benefit (Discounted @ 3.5%)	£20,000	£107,000	£127,000	M/10yrs

\*Assuming all schools consider regulations once that year

There may potentially be some marginal offsetting administrative costs to schools, due to the loss of a single point of reference to consult on premises regulations. However, because schools will no longer need to consider school-specific regulations alongside other workplace guidance, on balance we believe that there will be a net benefit from reducing complexity and duplication.



An Equalities Impact Assessment will be carried out as this option is developed.



## Annexes

Annex 1 should be used to set out the Post Implementation Review Plan as detailed below. Further annexes may be added where the Specific Impact Tests yield information relevant to an overall understanding of policy options.

### Annex 1: Post Implementation Review (PIR) Plan

A PIR should be undertaken, usually three to five years after implementation of the policy, but exceptionally a longer period may be more appropriate. If the policy is subject to a sunset clause, the review should be carried out sufficiently early that any renewal or amendment to legislation can be enacted before the expiry date. A PIR should examine the extent to which the implemented regulations have achieved their objectives, assess their costs and benefits and identify whether they are having any unintended consequences. Please set out the PIR Plan as detailed below. If there is no plan to do a PIR please provide reasons below.

<b>Basis of the review:</b> [The basis of the review could be statutory (forming part of the legislation), i.e. a sunset clause or a duty to review, or there could be a political commitment to review (PIR)];
<b>Review objective:</b> [Is it intended as a proportionate check that regulation is operating as expected to tackle the problem of concern?; or as a wider exploration of the policy approach taken?; or as a link from policy objective to outcome?]
<b>Review approach and rationale:</b> [e.g. describe here the review approach (in-depth evaluation, scope review of monitoring data, scan of stakeholder views, etc.) and the rationale that made choosing such an approach]
<b>Baseline:</b> [The current (baseline) position against which the change introduced by the legislation can be measured]
<b>Success criteria:</b> [Criteria showing achievement of the policy objectives as set out in the final impact assessment; criteria for modifying or replacing the policy if it does not achieve its objectives]
<b>Monitoring information arrangements:</b> [Provide further details of the planned/existing arrangements in place that will allow a systematic collection of monitoring information for future policy review]
<b>Reasons for not planning a review:</b> [If there is no plan to do a PIR please provide reasons here] The costs and benefits of this proposal are expected to be small and there are no plans for a Post-Implementation Review. However, we will continue to monitor the overall effectiveness of premises regulations.

## Annex 2

### List of School Premises Regulations

Regulations Covering	Schools Covered	Description
<b>Regulations which duplicate other regulations or legislation of other departments</b>		
Classroom Size	Independents	Classroom size should be appropriate to allow effective teaching and no area of school should compromise health or safety.
Staff Accommodation	Maintained	Covers provision of a head teacher's room and separate accommodation for staff to use for work and social purposes.
Ancillary – Storage & Circulation	Maintained	Provision of storage space for pupils' belongings and to permit safe passage within buildings.
Food Preparation & Service	All Schools	Under IRS, where food is served, there must be adequate facilities for hygienic preparation, serving and consumption. Under SPR, schools must provide adequate facilities for the preparation and serving of food and drinks.
Security		
- generally		Security arrangements are adequate for the grounds and buildings.
- shared premises	Independents	Where premises are shared for non-school purposes, the health, safety and welfare of pupils are safeguarded and their education is not interrupted by other users.
Access to Buildings	Independents	Allowing safe entry and exit for all pupils, including those with disabilities and special educational needs.
Load Bearing Structures	All Schools	Load bearing structures should be capable of safely sustaining the loads and forces they are subjected to.
Weather Protection	All Schools	Requirement that schools should be able to resist penetration from rain, wind and snow and moisture arising from the ground.
Fire Safety	All Schools	Fire resistance of building elements and provision of adequate means of escape in case of fire.
Heating	All Schools	Minimum temperatures are set for different types of areas in schools that heating systems should be capable of maintaining.
Ventilation	All Schools	Ventilation in each room shall be controllable, and rates are set for the amount of fresh air for different types of room.
Drainage	All Schools	Drainage System shall be adequate for hygiene purposes and the disposal of waste water.
Cleanliness	Independents	Classrooms and other parts of the school shall be maintained in a clean, tidy and hygienic state.
Decoration	Independents	Satisfactory standard and adequate maintenance of decoration.
Furniture & Fittings	Independents	Furniture and fittings are appropriately designed for the age and needs of the pupils.
Flooring	Independents	There is appropriate flooring in good condition.
<b>Regulations which can be simplified</b>		
Medical facilities	All Schools	Medical facilities, including space for medical examinations and the care of sick children.
Washrooms	All Schools	Specific washroom requirements by age of child.
External Space	All Schools	ISRs require that there are appropriate arrangements for providing outside space for pupils to play safely. The SPRs set the minimum amount of team games playing fields, and the basis on which section disposals are determined.
Welfare	All Schools	Health, Safety and Welfare of occupants shall be reasonably assured.
Lighting	All Schools	Lighting levels are set for teaching accommodation and vary according to use.
<b>Regulations which should be retained</b>		



Acoustics	All Schools	Sound insulation and acoustics shall be appropriate to the normal use of the room.
Water	All Schools	Water supply shall be adequate, wholesome and include a supply of drinking water. Hot water supplies shall not exceed 43°C.
Boarding accommodation	All Schools	These regulations cover sleeping and living accommodation, washrooms, sick rooms and staff accommodation.