

SCHOOL PROJECT CONSENT GUIDANCE 2021/22

Updated April 28th 2021

**Including:
Project Consent Application &
Devolved Formula Capital**

**For:
Community and Foundation
Schools**

(excluding Academy and Voluntary Aided Schools)

**People Services Directorate
School Organisation and Provision
April 2021**

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1. INTRODUCTION

This guidance covers the **procurement** and **management** of projects within schools and allocations of Devolved Formula Capital (DFC) Funding for 2021/22.

The policy guidance issued here is for the protection of headteachers and those involved with the procurement of building related works within schools.

Schools need to be aware that their buildings are assets which, in the case of Community and Voluntary Controlled schools, belong to the Local Authority (LA). Therefore, the need for professional advice and project management is stipulated as a condition in undertaking building related works and for the receipt of DFC Funding. In the case of **Community** schools, schools **must** follow guidance contained within the document.

In the case of Foundation and Voluntary Aided schools the governing body, trustees, and/or charitable foundation own the building and employ staff. In this case, schools are strongly recommended to follow the guidance set out here. This document does not apply to Academy schools or Voluntary Aided schools, however, these schools are recommended to adopt the principles laid out here. Where an Academy school occupies a site owned by the LA, but is leased to the Academy, the Academy must follow the Council's procedures to obtain consent for any such works.

Included in this document are the new financial year's **confirmed Devolved Formula Capital (DFC)** allocations due to held by the Authority for Community and Foundation schools. Despite smaller allocations **it is still essential that schools appoint an appropriate professional adviser when commissioning any work. This principle applies to any works carried out including all capital, or voluntary/no cost projects on school buildings and grounds.**

For Community schools no work must commence, or orders placed with contractors, until you have received written confirmation that your application has been approved.

2. PROFESSIONAL ADVICE AND PROJECT MANAGEMENT

In order to procure projects, **schools must seek professional advice and appoint an appropriate professional adviser to act as Project Manager.** Schools should appoint a professional advisor **before** approaching any contractors. Your appointed professional advisor must be responsible for the design and specification of the works and for ensuring an appropriate competency assessment of the contractor is carried out. It is your professional advisor who must lead any dialogue with contractors.

2.1 Examples of when Professional Advice and Project Management are Required

Professional advice and project management will be essential to ensure compliance with legislation e.g. Construction (Design and Management) Regulations, Health and Safety, Building Regulations and Planning legislation.

All works which involve changes to, amendments to, improvements to or removals to the building fabric, structure, infrastructure, nature or use must include the appointment of a professional advisor. This will include, **but is not limited to:**

- New building, including stand alone or extension works, either temporary or permanent
- Electrical works (including fire alarms, intruder alarms, ICT infrastructure works etc.)
- Gas or Water infrastructure works
- Heating works (including boiler plant and equipment, heating infrastructure and distribution either electrical or gas fired, ventilation works etc.)
- Building or Structural works (including internal or external walls, roofing, windows and fenestration, and openings and doors etc.)
- External works (including canopies, shelters, fixed play equipment, boundary treatment including fences and walls, hard surfacing, access ramps, levels, steps or landscaping etc.)
- Any works involving, or impacting on, drainage (surface or foul)
- Any works where there is a possibility of any disturbance of Asbestos
- Any works where there is a possibility of impacting on a school's Fire Risk Assessment
- Any works involving Lifts & Lifting Equipment

Before commissioning any such works schools must submit the Project Consent Application Form 2021/22, and await written approval before placing any orders or commencing works. The only exception to this will be for regular plant and equipment servicing and maintenance covered by a Derby City Council approved maintenance package.

2.2 Derby City Council Professional Advice

Schools can contact Derby City Council Property Projects and Technical Services to arrange this advice and project management. Schools will be required to place orders for such support as appropriate. The Maintenance Helpdesk can be contacted on 01332 640207.

2.3 External Consultants

When a school procures a project outside of Derby City Council, the head teacher (or whoever on the school's behalf controls the project and the finances for the project – this is usually the Head-teacher) **will have specific duties as “client”**, a role defined by the Construction Design and Management Regulations 2015.

Head Teachers should make themselves aware of these duties and ensure they are discharged fully. Clients are responsible for **making appointments**, such as **designers** and **contractors**, and **ensuring the people they appoint are competent**. Clients are also responsible for supplying construction related information about the site and the use of the site they control to those they appoint.

The appointment of professional advice with the appropriate knowledge, experience and qualifications is fundamental in assisting a head teacher in these legal duties.

If a school is appointing a non-DCC professional advisor then it is critical that the school have carried out an appropriate **competency assessment** and followed appropriate **procurement procedures**. Documentary evidence of both must be retained for inspection. When using a professional adviser, schools will need to take into account the professional's experience in the education sector. It is also vitally important to ensure that your chosen professional adviser is **qualified** and **fully insured** in **all** the relevant **disciplines** for your scheme.

Headteachers and Governors must obtain evidence of their chosen external consultants insurances, including their **Professional Indemnity Insurance** cover for their role **as principal designer and project manager for each scheme**. **Professional Indemnity Insurance is different to, and in addition to, Employers and Public Liability Insurances**. The Council's minimum requirement for Professional Indemnity Insurances is that it must be sufficient to cover the financial losses arising from any negligence of the professional advisor. As a result the insurance needs to be for a minimum of £1 million, but may need to be higher subject to the nature and scale of a scheme or project. All required disciplines must be covered by the insurance which must also provide a minimum of 15 years run-off cover.

When appointing a non-DCC Professional Adviser, Headteachers and Governors are accepting **additional responsibility and liabilities** for works. In addition you will need to ensure that your chosen professional adviser is competent, acts in accordance with all relevant duties and regulations and procures your project correctly. It is the Headteacher and Governors responsibility and liability to ensure that all relevant documentary evidence is provided and made available to the Council for inspection when requested.

In addition, the school Headteacher and Governors must ensure that all contract and procedure rules have been adhered to in respect to the appointment of external consultants and professional advisors. This must take account of the need for obtaining quotes or tenders, as required, and give due consideration to repeat appointments. **Headteachers and Governors need to be satisfied, and obtain sufficient documentary evidence, that their chosen professional advisor has produced appropriate designs and specifications and that all contractors have priced for comparable works.** Headteachers and Governors need to be aware of their responsibilities and liabilities in terms of your chosen professional advisor's procurement of project. It is essential that works are fully designed and specified prior to procurement/tendering to ensure comparable prices are obtained.

Schools must **never appoint a contractor independently**. Instead the appointment must be based on the recommendation of your professional advisor. Direct appointment

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of a Principal Contractor will be necessary where a school opts to not commission works through Derby City Council. In doing so, the headteacher and Governors, will be taking on additional responsibilities and liabilities for the appointment and must be aware of this. Schools must **never directly appoint any sub-contractors**, these appointments are the responsibility of the appointed Principal Contractor.

The following table sets out a summary of the main responsibilities when appointed and external professional advisor:

Responsibilities when appointing external consultants to act as Professional Advisor - Summary	
Party	Responsibility
School	<ul style="list-style-type: none">• Consider the condition priorities identified within the school's condition survey• Ensure governors are assured that prioritisation reflects condition needs• Carry out competency assessment of professional advisor and confirm their levels of professional indemnity insurance• Prepare Project Consent Application Form and obtain approval from Derby City Council• Notify School Organisation and Provision Team if a Project impacts on existing class/teaching spaces and obtain approval for works• Appoint the professional advisor• Obtain specific health and safety advice relating to this project from an appropriately qualified source• Make all required appointments under the CDM 2015 regulations, for example: Principal Designer and Principal Contractor, where applicable for notifiable or non-notifiable projects• Take advice from the professional advisor on payments, issuing of instructions and acceptance of completed works and payment to principal contractor• Ensure that suitable and sufficient risk assessments are carried out before the Project starts on site• Ensure the professional adviser is informed of any other works/contractors that may be onsite and provide all relevant site information• Ensure that all DCC Contracts Procedure Rules for Schools have and will be complied with.• Ensure the professional adviser is aware of, and complies with, all DCC Contracts Procedure Rules for Schools• Not to sign any agreement which contradicts or purports to take precedence over the project consent application form
Professional Advisor	<ul style="list-style-type: none">• be responsible for the design, specification, procurement, Project management and health and safety of the Project• be competent to act as the professional adviser for this Project• be responsible for, and certify, the competency of all other parties appointed as part of this Project• advise the school on all necessary appointments under CDM 2015 regulations• advise the school on instructions made to contractors, advise the school on making of payments to contractors and acceptance of completed works• ensure all applicable Building Regulations are fully complied with• ensure all applicable Planning Permission requirements are complied with• ensure compliance with the Regulatory Reform (Fire Safety) Order 2005• act in accordance with all Derby City Council Contract Procedure Rules for Schools and ensure that all proposals to the schools are consistent with such rules• ensure all health and safety requirements have been taken into consideration and complied with• ensure suitable and sufficient risk assessments and method statements are prepared by all those needing to do them and ensure the findings are adhered to• ensure that Guidance On School Site Conditions are given due consideration and applied as appropriate• ensure the school are aware of, and adequately trained in respect to, any risks resulting from the project and provide an adequate health and safety file, designers risk assessment and operating and maintenance manuals• ensure that all parties have reviewed the school's Asbestos Management

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	<p>Survey, have arranged an appropriate Asbestos Refurbishment Survey, have ensured all parties have reviewed the Asbestos Refurbishment Survey and have carried out any works required as a result and work in accordance with any findings.</p> <ul style="list-style-type: none">• ensure CDM 2015, Health and Safety, and all other relevant regulations, legislation and statutory provisions are complied with• provide all information required by the Valuation Office Agency (“VOA”) under the Local Government Finance Act 1998• carry appropriate professional indemnity insurance to cover all disciplines involved• advise the School on the most appropriate form of contract to be entered into with contractors for the Project• ensure that this is the only Project on site /ensure appropriate arrangements are made in respect of the CDM regulations and a Principal Contractor is appointed
Principal Contractor	<ul style="list-style-type: none">• Receive instructions from the school and the school's professional advisor• Issue of instructions to sub-contractors and receive information from sub-contractors and others
Sub-contractor	<ul style="list-style-type: none">• Take instruction from the Principal Contractor and provide information to the Principal Contractor
Principal Designer	<ul style="list-style-type: none">• Advise the school as “client” of their duties and responsibilities

For more information on the appointment of a professional adviser please refer to the Project Consent Application Form, and in particular, the Professional Adviser and Headteacher Declarations.

Further guidance and information can also be at:

<http://www.hse.gov.uk/construction/>

2.4 Net Capacity Implications

Schools will need to be particularly mindful if a proposed scheme involves changes to teaching space. **Any change of use of teaching space, or changes in the sizes of teaching spaces, will need to be considered carefully by the Council** to assess any implications to Net Capacity Assessments. **This not only covers classrooms, but will also cover other non-class-base teaching areas, such as halls, ICT suites, libraries, group rooms and other specialist spaces.** Changes to other ancillary space (plant rooms, toilets and circulation etc) could also impact on Net Capacity assessments.

Changes will only be approved where there is no detrimental impact for the Authority in discharging its statutory duty to provide sufficient school places.

The LA will need to consider detailed plans where any change of space or usage is proposed and **schools must submit detailed plans with project consent applications which include clear details of the existing and proposed changes in area m².**

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2.5 School Site Conditions – Additional Considerations

For all schemes in Community/Voluntary Controlled Schools consideration will need to be given to adopting the Council's standard policies on Safeguarding and Site Segregation.

The starting principle must always be that robust steps are taken to keep contractors segregated from the normal day-to-day activities of the school and pupil movements.

Exceptions can be made if the school are willing to supervise all operatives if robust segregation is impossible. In the unlikely event that segregation is impossible the school will be taking on additional liabilities and responsibilities for contractors and their actions.

The Council's standard site conditions for work on school sites are included here in Appendix 3. It is the Council's recommendation that these conditions are included in any procurement and tendering information supplied to contractors. Headteachers and Governors will be taking on additional risks if this recommendation and these conditions are not followed.

3. DEVOLVED FORMULA CAPITAL (DFC)

The DFC grant gives schools direct funding for the priority capital needs of their property, which can be capital repair, remodelling or new build. **Allocations are detailed here in Appendix 1, Page 19.**

3.1 Roll Forward

Schools may accumulate DFC over a maximum of three years in total (i.e. entitlement in one year can be carried forward into the following year and/or the year thereafter) to fund more substantial projects. Any DFC in excess of this will be subject to claw-back as set out below.

We do not currently allow schools to bring forward future years funding unless there are exceptional circumstances **and** the school underwrite this from another funding source.

3.2 Claw-back

Any DFC not used after three years will be clawed back by the DfE if it has not been committed to an approved scheme. We will monitor those schools who carried forward more than 2 years allocations into 21/22 and any further accumulated DFC at risk of claw-back from other schools during 21/22. Where there is a risk of claw-back schools must agree in writing a confirmed commitment otherwise funding will be lost.

All schools identified as having any DFC at risk of claw-back must confirm, in writing, what this funding is committed to no later than **Friday 4th June 2021**. Details of commitments should be made to:

Mick Bone
School Organisation and Provision
People Services Directorate
Derby City Council
Corporation Street
Derby
DE1 2FS
mick.bone@derby.gov.uk

Please refer to Appendix 1 (section A1.2) for further details on any DFC at risk of claw-back.

Following the above date we will advise other schools of any application process to bid for uncommitted DFC not being used by schools with large balances which is at risk of claw back

3.3 Use of Devolved Formula Capital (DFC) Updated Guidance for 2021/22

In general, all capital funding at maintained schools should contribute to raising educational standards and should be invested in the priorities agreed locally, as set out in the Council's Asset Management Plan (AMP). These priorities should reflect, where appropriate, priorities included in the School Development / Improvement Plan and central government policies and targets. The grant is for capital expenditure on **buildings**, and schools must ensure funding is prioritised for improvements in the building and to address condition items. Only where there are no condition items requiring prioritisation can DFC be used for investment in ICT equipment, including

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interactive whiteboards. The long-term maintenance and safety of the school buildings must be considered as a high priority when considering any commitments of DFC.

Any application to use DFC for ICT equipment, or for other non-condition related works, must be accompanied with details of how the school are managing and addressing any priority works, including those identified within the school's most recent condition survey. It will not be possible approve any such ICT, or non-condition related, applications without sufficient supporting information, including extracts from the school's most recent condition survey.

Decisions on the use of this grant should be made by schools in partnership with the Council. This should follow local discussions in the context of the AMP and in relation to the priority needs of school buildings. **It is critical that schools have fully considered the condition priorities identified within the school's condition survey and that governors are assured that the prioritisation of DFC reflects these condition needs.**

Devolved Formula Capital may not be spent on equipment other than ICT equipment, unless this is incidental to, and at the margins of, a larger building project. For example, a project to provide new classrooms, which requires directly associated fixtures and equipment. Expenditure on this equipment must **not** be a major part of the expenditure funded from this grant. **Likewise, DFC cannot be used on decoration or other items deemed to be general repairs and maintenance.** Repairs, maintenance, insurance and general running costs, are classified as revenue expenditure under IAS 16, and therefore cannot be capitalised. Schools must also set an appropriate Revenue budget for day-to-day repairs and maintenance of their building and site. Schools must not rely solely on DFC as the only funding source for expenditure on the upkeep of the school building.

The priority use of Devolved Formula Capital should be for condition needs of school buildings. This includes appropriate sized projects that in the Scheme for Funding Schools are shown as LA rather than Governor responsibilities (Annex G of the scheme). Schools should consider potential as well as actual condition needs when considering best use of this funding. If the school have addressed all priority condition works, including those identified in the most recent condition survey, the school may use the funding for suitability needs targeted at raising educational standards.

3.4 Examples of Use

DFC **can** be used:

- to fund small **capital** projects
- for structural improvements to buildings
- to purchase and install ICT equipment, for example interactive whiteboards, **only where there are no priority building condition items and the school provide supporting information with the application**, as set out in section 3.3 above
- to purchase fixtures, fittings and equipment if incidental, and at the margins of, a larger capital project
- for other long-term improvement to the school estate
- to pay for more substantial projects through accumulation over periods of up to 3 years
- as a contribution to a much larger project where other funding comes from another source, such as the LA
- procurement of assets where the asset can be capitalised, if the LA has given explicit approval, and there are no other priority condition needs requiring commitment of DFC and the school have provided supporting information with the application.

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- hire of scaffolding, feasibility studies and survey inspection fees, only where capital works are then carried out as a result

DFC **must not** be used for:

- routine repairs, redecoration or maintenance included in delegated schools budgets
- the purchase of small-value books, training materials and services etc
- the purchase of ICT software/licences, servicing, warranties or consumables, such as paper or ink
- training or subscriptions
- the hire of accommodation (unless this can be legitimately capitalised as part of larger building redevelopment costs)
- any periodic PFI charge, or service contracts, which are revenue costs
- operating leases where risk stays with the leasing company, e.g. a photocopier maintained by the leaser. The lessee, i.e. school, should recognise the rental payment as an expense. This expense cannot be funded from DFC, as it is not capital.
- hire of scaffolding, feasibility studies or survey inspection fees, where capital works are then **not** carried out.

3.5 Capital or Revenue Items

Governors need to be sure that the allocation of DFC fully complies with finance regulations in respect to Revenue and Capital definitions.

Capital expenditure is expenditure on assets that will produce benefits for several years. It is expenditure which adds to and not merely maintains the value of an existing non-current asset. The principle issues in accounting for property plant and equipment are the recognition of the assets, the determination of their carrying amounts and the depreciation charges and impairment losses to be recognised in relation to them.

Improvement works and structural repairs should be capitalised, whereas expenditure to ensure that the fixed asset maintains its previously assessed standard of performance should be recognised in the revenue account as it is incurred.

4. ASBESTOS

For the avoidance of doubt, it is the Council's understanding that **all school Headteachers** will have **at least** a shared responsibility as a duty holder under the Control of Asbestos Regulations 2012. In certain circumstances headteachers will have sole responsibility and liability. It is important that all Headteachers understand their liabilities and this applies to Community, Foundation, Voluntary Aided and Voluntary Controlled schools.

4.1 Consequences of not complying with asbestos regulations

Failure to comply with the Control of Asbestos Regulations 2012 is a criminal offence. The Health and Safety Executive (HSE) investigates incidents where duty holders fail to manage the risks and takes enforcement action where appropriate.

4.2 Procedures

In addition to the above, schools must ensure that they follow all necessary procedures and maintain an audit trail for all aspects of the work. Schools are required to appoint a professional adviser to arrange and oversee any such work relating to asbestos removal, even if the main purpose of a project is not the removal of asbestos. Schools must refer to the Council guidance issued with your Asbestos survey and asbestos file. Schools must ensure, through their professional adviser, that all licensed removal work and all notifiable and non-licensable work is conducted by a licensed contractor, and accredited analysts are appointed where applicable. Non-licensed and non-notifiable work must be undertaken by a licensed contractor unless the professional adviser has checked the training, face fit documentation and waste transport licences of the contractor. The professional adviser must provide the school with documentary evidence of these checks.

Schools **must presume that there will be asbestos implications** for all intrusive projects, even those not dealing specifically with asbestos, unless they can prove there is not (such as by providing a refurbishment/demolition survey detailing the project and any intrusive works and cable routes etc.).

In order for the Council to update its records and to provide an audit trail, schools must ensure that refurbishment/demolition surveys, reoccupation certificates and waste transit notes are provided by the professional adviser of the project and forwarded to: Property Projects and Technical Services, Corporate Resources Directorate, Derby City Council, Council House, Corporation Street, Derby, DE1 2FS.

**If schools want advice on any proposed project, please contact:
Maintenance Helpdesk – Tel. 640207**

4.3 Asbestos Surveys and Registers

All schools **must** have, at least, an asbestos management survey, an asbestos register and an asbestos management plan. There are two different classifications of asbestos survey: a **management survey** and a **refurbishment survey**.

- A **management survey** is undertaken to help manage asbestos-containing materials during **the normal occupation and use of premises**. An asbestos management survey will **not** routinely identify all asbestos within a building and is therefore generally unsuitable for use, on its own, when planning any works to a building.
- A **refurbishment survey must be undertaken** where works to any part of the premises include any form of intrusive work, upgrading, refurbishing or demolition, or when any work is carried out that might disturb hidden asbestos that had not been previously identified. It is therefore critically important that, unless you have written proof otherwise, an asbestos refurbishment survey **must** be carried out when any works are planned.

4.4 Further Information on Asbestos

Further information and guidance on Asbestos Management can be found within the Council's Asbestos Management Plan. All Community and Voluntary Controlled schools have been provided with a copy of this. Schools must familiarise themselves with this and the school's full Asbestos File.

The DfE has also recently updated their further guidance on asbestos management in schools. Schools must familiarise themselves with this. This is available from the DfE website here:

<https://www.gov.uk/government/publications/asbestos-management-in-schools--2>

The above documents set out a range of requirements for schools, including the provision of information and training to staff and visitors, which headteachers must ensure is in place.

More information is also available on the School Information Portal here:

<https://schoolportal.derby.gov.uk/capital-and-buildings/asbestos>

5. PROCUREMENT AND BEST VALUE

Despite the recent decrease in school DFC the methods of procurement are still crucial. It is essential that schools fully adhere to all the Contract Procedure Rules (CPR) for Schools. This includes, but is not limited to, the thresholds for tenders, the numbers of companies invited and the length of time allowed for tender returns. The selection process for both professional advisors and principal contracts must be in accordance with the UK and EU procurement regulation. If in doubt please contact DCC procurement team for advice before proceeding.

5.1 Non-DCC Professional Advisers

For schools using non-DCC professional advisers it is crucial that you ensure your professional adviser is fully aware of all the CPRs for Schools and that you can verify that they have followed all of them. Written contract files will be required for future audit purposes. Headteachers and Governors are responsible for their professional advisers actions in procuring projects using public funding and you must be satisfied that the procurement has been carried out correctly and obtain documentary evidence.

It is critical that your professional advisor produces **full designs and specifications** so that each contractor can price for **identical works** if schools are to meet CPRs. **If your professional advisor is not producing these designs and specifications then schools are unable to demonstrate a scheme has been procured correctly and are therefore taking on additional liabilities.**

Derby City Council’s procurement team can advise on compliant processes for project procurement.

5.2 Contract Procedure Rules - Summary

Derby City Council’s Contracts Procedure Rules for Schools include, but are not limited to, the requirement for:

TOTAL VALUE	AWARD PROCEDURE
Below £10,000	<p>Must use existing relevant Corporate Contract if there is one and if not get at least one Quote and then place an official order.</p> <p>Corporate Contract details are contained within the Procurement pages of iDerby., If you don’t have access to iDerby then Contract Register is available on the Council’s open data: https://www.derby.gov.uk/council-and-democracy/open-data-and-freedom-of-information/open-data-transparency/council-contracts/</p>
From £10,000 up to £100,000	<p>Must get at least <u>three</u> written Quotes (using standard quotation form available from procurement@derby.gov.uk) before placing an order. At least <u>one</u> quotation should be requested from a local supplier where possible. The Procurement Unit will advise on local suppliers on request.</p> <p>All processes must be carried out using the procurement portal.</p> <p>If value is over £25,000 an award notice <u>must</u> be published on Contacts Finder.</p>

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From £100,000 up to the EU threshold ¹	A full tender exercise is required. Must Tender by public notice ² inviting Tenders. ("Open Procedure ³ "); All processes <u>must</u> be carried out using the procurement portal. The Procurement Unit <u>must</u> be involved in the process and advice sought.
Above EU Threshold	Must tender in accordance with EU procurement directives ⁴ . The Procurement Unit <u>must</u> be involved in the process and advice sought.

EU Procurement Thresholds

Values as at January 2020 until January 2022

Supply (Goods), Services and Design Contracts	Works Contracts	Social and other specific services
£189,330	£4,733,252	£663,540

Schools should contact Derby City Council's Procurement team if they are unsure of the correct procurement process or need any further advice at procurement@derby.gov.uk.

¹ Note the threshold changes every two years.

² Must be advertised on Source Derbyshire, Contracts Finder and East Mids Tenders (electronic tender portal).

³ Before placing an advert asking for tenders or issuing an ITT the Procuring Officer must define the selection and award criteria for the contract which is best suited to the procurement exercise and is designed to secure value for money.

⁴ Must be advertised on Source Derbyshire, Contracts Finder, East Mids Tenders (electronic tender portal) and in Official Journal European Union (OJEU).

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6.0 Procedure for schools

Please take time to review this information pack and pay particular attention to the revised declarations for both professional advisers and headteachers appearing on the new Project Consent Application forms for 2021/22.

The timescale for using funds can become very tight when taking into account time for careful consideration of priorities and getting work designed, specifications and obtaining quotes/tenders.

6.1 Deadlines for submitting 21/22 project consent forms

Summer Break 2021:

In order to help process consent applications for works planned over the summer break please ensure **fully completed and signed off applications** are submitted by **Thursday 1st July 2021**. Where there are any potential Net Capacity implications applications must also include detailed plans (please see paragraph 2.4 above for further details).

Year End 2021/2022:

Schools are asked to ensure that all project consent forms requesting DFC are signed by a professional advisor and submitted by **Friday 28th January 2022** in order to assist in ensuring approval and payments can be made ahead of the end of the financial year.

6.2 New Project Consent Application Forms 2021/22

Please complete and return the Project Consent Application Form 2021/22 if you are proposing a project in 2021/22. Please return the form as soon as possible. **Only applications made using the new form will be processed.**

6.3 Completing Forms

We require all Project Consent Applications submitted to the School Organisation and Provision team to be fully completed and signed off by your appointed professional adviser. We will not be able process partially completed forms. Partially completed forms will be returned to schools.

Where the proposed scheme has any impact on room designations/use of space, room layout changes, changes in room areas/sizes, or rooms being removed or added, detailed plans showing these changes in area m2 need to be submitted with the application. Please refer to section 2.4 above for more information.

In the first instance an estimated cost of the project is all that is needed. However, in undertaking your scheme, associated fees and other similar costs must be considered as part of the total project costs. **Estimates must be sufficiently rigorous to ensure that the total project cost will not exceed the amount of funding available to the school.**

Schools **must, in all instances, appoint a professional adviser** according to the nature of the work and ensure that the professional adviser/project manager quoted in the application and signing the form is the person undertaking the project.

6.4 Correspondence Address

Completed forms will need to be submitted via e-mail to the following e-mail address and schools must await approval before proceeding:

mick.bone@derby.gov.uk

Mick Bone
School Organisation and Provision Team
People Services Directorate
Derby City Council
Corporation Street
Derby DE1 2FS

6.5 Notification of Consent and DFC payments

Once an application has been approved written confirmation will be provided.

We will aim to return written notification of LA agreement and funding / coding details as quickly as possible. Once a DFC application is approved funding will be transferred to your school capital income subjective code W6009. For *cheque-book* schools payments are usually made by BACS payment directly to the school notified bank account.

No orders must be placed for work to commence until you have received written approval.

Once the project has been agreed, and the school has received written notification from the Council School Organisation and Provision team, the school will need to follow the Contract Procedure Rules for Schools in procuring works.

Schools using DCC for professional advice and project management will then need to place an order with DCC for the scheme to commence (written approval from the School Organisation and Provision team does not automatically trigger an order to DCC Property Projects and Technical Services – schools will need to place this order).

Please refer to section 2.3 for additional information on responsibilities when procuring a project through and external/non-DCC professional advisor.

7. CONTACTS AND FURTHER INFORMATION

7.1 Property Projects and Technical Services

Schools can contact Derby City Council Property Projects and Technical Services to arrange advice and project management. Schools will be required to place orders for such support as appropriate.

The Maintenance Helpdesk can be contacted on **640207**

Property Projects and Technical Services
Corporate Resources Directorate
Derby City Council
The Council House
Corporation Street
Derby
DE1 2FS

7.2 School Organisation and Provision – People Services

Should you need any general advice on proposed projects, or devolved funding, please contact:

School Organisation and Provision Team
People Services Directorate
Derby City Council
The Council House
Corporation Street
Derby
DE1 2FS

Mick Bone
Project Support Officer
Tel: 642734
E-mail: mick.bone@derby.gov.uk

Steve Allwood
Principal Commissioning Officer – School
Capital and Transport
Tel: 642731
E-mail: steve.allwood@derby.gov.uk

Helen Zwart
Project Development Officer
Tel: 642723
E-mail: helen.zwart@derby.gov.uk

7.3 Further Information

Further information is posted on the School Information Portal here:

<https://schoolsportal.derby.gov.uk/capital-and-buildings/>

Appendix 1: Indicative Devolved Capital Allocations and Balances as at 29th April 2021

A1.1 Allocation Formula

The DfE have confirmed final Devolved Formula Capital allocations for 2021/22. Allocations are set out in the table below.

Devolved Formula Capital (DFC) is capital funding that is calculated by the DfE on a formulaic basis. DFC is based on the Annual Schools Census (ASC) data set, which is updated every January. The DfE use the Spring 2020 census to calculate the 2021/22 DFC allocations.

For 2020-21 the calculation of DFC uses a per school sum of **£4,000** and a per pupil sum which varies by type of school. Secondary pupils are allocated 1.5 times the amount for primary pupils, and special school and PRU pupils are allocated 4.5 times the amount for primary pupils.

	Per non-boarding FTE	Lump sum per school
Nursery/Primary	£11.25	£4,000
Secondary	£16.88	£4,000
Post-16	£22.50	£4,000
Special/PRU	£50.63	£4,000

A1.2 Individual School Allocations

Individual school allocations are set below, as announced by the DfE on 27th April 2021.

School	Devolved Capital Funding rolled forward from 202/21	FINAL Devolved Capital Allocation for 2021/22 (as of 27th April 2021)	Total DFC funds available in 2021/22	Minimum DFC Spend/ Commitment Required in 21/22 to avoid claw-back	School required to confirm, in writing, what DFC is committed to no later than Friday 4th June 2021, as set out in Section 3.2 above
Primary Schools					
Alvaston Infant	£7,876.00	£7,491.55	£15,367.55	£321.00	Yes
Ashgate Primary	£9,061.17	£7,442.50	£16,503.67	£1,404.92	Yes
Becket Primary	£1,489.52	£6,556.00	£8,045.52	£0.00	
Cavendish Close Infant	£0.00	£7,501.00	£7,501.00	£0.00	
Dale Community Primary	£0.00	£10,120.00	£10,120.00	£0.00	
Gayton Community Junior	£0.00	£8,089.38	£8,089.38	£0.00	
Markeaton Primary	£2,254.28	£8,691.25	£10,945.53	£0.00	
Meadow Farm Community Primary	£0.00	£5,966.50	£5,966.50	£0.00	
Mickleover Primary	£10,693.78	£8,691.25	£19,385.03	£1,968.78	Yes
Oakwood Infant	£669.39	£7,480.75	£8,150.14	£0.00	
Parkview Primary	£8,816.41	£6,638.80	£15,455.21	£2,151.96	Yes
Pear Tree Infant	£6,970.00	£7,003.75	£13,973.75	£0.00	
Portway Infant	£18,624.41	£6,655.00	£25,279.41	£11,890.66	Yes
Ravensdale Infant	£4,258.07	£7,222.00	£11,480.07	£0.00	
Redwood Primary	£11,267.50	£11,447.50	£22,715.00	£0.00	
Ridgeway Infant	£7,015.13	£6,981.25	£13,996.38	£0.13	
Roe Farm Primary	£15,727.03	£8,797.00	£24,524.03	£6,871.53	Yes
Rosehill Infant	£2,586.90	£5,894.50	£8,481.40	£0.00	
Shelton Infant	£1,349.86	£6,668.50	£8,018.36	£0.00	
Shelton Junior (Foundation)	-£14,000.00	£7,138.75	-£6,861.25	£0.00	
Silverhill Primary	£0.00	£8,736.25	£8,736.25	£0.00	
Wren Park Primary	£40,519.35	£8,365.00	£48,884.35	£32,131.85	Yes
All Through Schools					

Classification: OFFICIAL

School	Devolved Capital Funding rolled forward from 202/21	FINAL Devolved Capital Allocation for 2021/22 (as of 27th April 2021)	Total DFC funds available in 2021/22	Minimum <u>DFC</u> Spend/ Commitment Required in 21/22 to avoid claw-back	School required to confirm, in writing, what DFC is committed to no later than Friday 4th June 2021, as set out in Section 3.2 above
Bemrose Community	£38,397.00	£21,215.88	£59,612.88	£17,516.38	Yes
Secondary Schools					
Littleover Community	£48,265.38	£36,273.44	£84,538.82	£11,752.88	Yes
Murray Park Community (Foundation)	£0.00	£20,714.69	£20,714.69	£0.00	
Nursery Schools					
Ashgate Nursery	£2,107.35	£4,445.95	£6,553.30	£0.00	
Central Nursery	£0.00	£4,745.03	£4,745.03	£0.00	
Harrington Nursery	£6,363.84	£4,540.00	£10,903.84	£1,823.84	Yes
Lord Street Nursery	£9,684.01	£4,820.12	£14,504.13	£4,826.76	Yes
Stonehill Nursery	£0.00	£4,673.65	£4,673.65	£0.00	
Walbrook Nursery	£7,402.96	£4,641.25	£12,044.21	£2,754.96	Yes
Whitecross Nursery	£0.00	£4,680.17	£4,680.17	£0.00	
PRU/Special					
PRU KS3/4	£25,988.54	£10,977.81	£36,966.35	£18,613.54	Yes
PRU KS1/2	£15,365.00	£5,569.38	£20,934.38	£10,386.25	Yes
The Kingsmead School	£21,455.30	£8,176.56	£29,631.86	£14,451.55	Yes

Project Consent Application Form 2021/22

This form is to protect head teachers, help ensure correct procurement procedures are followed and to help ensure standards of work and compliance with health and safety legislation. It applies to all capital, revenue or voluntary/no cost projects on school buildings and grounds.

Please complete and return this form **prior to placing any orders**. People Services will aim to return notification of agreement and funding/coding details as quickly as possible.

No work must commence, or orders be placed with contractors, until you have received written confirmation that this application has been approved.

Basic day-to-day maintenance/repairs do not require this form **but must be managed** either through:

- the DCC Sold Service Maintenance Package, or
- an equivalent **DCC approved** arrangement managed by a professional adviser.

Prior to completing this application forms you must read the accompanying School Project Consent Guidance Document available here: <https://schoolsportal.derby.gov.uk/capital-and-buildings/>

Application Deadlines: For Summer Break 2021 works = Thursday 1st July 2021
For Year End 2021/2022 payments = Friday 28th January 2022

1. Name of School: _____

2. Total estimated Project cost: _____ (Including all professional fees/charges and contingency)

3. Description of Project ("Project"):

4a. Is this Project for the purchase of ICT equipment, the purchase of other assets or for suitability works? If Yes please provide supporting information as set out in section 3.3 of the supporting Project Consent Guidance document. Yes/No

4b. Does the Project change the size/shape of any teaching space or add/remove space available for teaching? If Yes please provide a copy of the Project plans including areas. Yes/No

5. Is this Project a:

New school Project proposal?

Contribution to a Council capital programme Project?

Additional funds for a previously approved Project?

6. CYP USE ONLY
FOR SCHOOL DFC CONTRIBUTIONS

Cap Prog Cost Centre: C00#### Z0038	School Code E#####:	E
C00	Z0038	In: W6009
		Out: J5002

7. Asset Management Plan issues addressed with brief details:

Condition:

Suitability:

Sufficiency:

8. Professional Adviser Declaration (not for completion by Contractors)

Schools must, in all instances, obtain professional advice and project management according to the nature of the work. The professional adviser/project manager signing the form must be responsible for the design, procurement and management of the Project.

NOTE: This page does not apply if schools are using devolved formula capital DFC to purchase stand alone computer equipment (i.e. PCs or laptops) where there are no building/cabling related works. If there are any cabling or structural related works requiring fixings to the buildings (for example for interactive whiteboards and projectors or data cabling) this page is required.

Professional Adviser's Declaration:

Professional Adviser(s)/Project Manager(s) details:

Name: _____

Organisation/Company: _____

Address: _____

Professional Indemnity Insurance: must cover all elements and disciplines required for this Project:

Value of cover: _____
(minimum of £1,000,000, or greater, subject to scale and nature of the project)

Length of run off cover (15 years minimum): _____

Project anticipated start on site and completion dates ____/____/____ to ____/____/____

I certify that I, the professional adviser/project manager, on behalf of the School, for this Project will:

- be responsible for the design, specification, procurement, Project management and health and safety of the Project identified overleaf
- be competent to act as the professional adviser for this Project
- be responsible for, and certify, the competency of all other parties appointed as part of this Project
- advise the school on all necessary appointments under CDM 2015 regulations and ensure all other parties required for the Project are competent and are appointed
- carry out and provide appropriate written competency assessments for all parties appointed as part of this project in accordance with CDM 2015 regulations
- ensure all applicable Building Regulations are fully complied with
- ensure all applicable Planning Permission requirements are complied with
- ensure compliance with the Regulatory Reform (Fire Safety) Order 2005
- act in accordance with all Derby City Council Contracts Procedure Rules for Schools and ensure that all proposals to the schools are consistent with such rules
- ensure all health and safety requirements have been taken into consideration and complied with
- ensure suitable and sufficient risk assessments and method statements are prepared by all those needing to do them
- ensure the findings of all applicable risk assessments and all method statements are adhered to
- ensure that Derby City Council's "Further Guidance On School Site Conditions – Additional Considerations" document is given due consideration and applied as appropriate
- ensure the school are aware of, and adequately trained in respect to, any risks resulting from the project and provide an adequate health and safety file, designers risk assessment and operating and maintenance manuals
- ensure that all parties have reviewed the schools Asbestos Management Survey, have arranged an appropriate Asbestos Refurbishment Survey, have ensured all parties have reviewed the Asbestos Refurbishment Survey and have carried out any works required as a result and work in accordance with any findings.
- ensure CDM 2015, Health and Safety, and all other relevant regulations, legislation and statutory provisions are complied with
- ensure all information required by the Valuation Office Agency ("VOA") under the Local Government Finance Act 1998 is provided to Derby City Council within sufficient time for the Council to meet VOA deadlines
- carry appropriate professional indemnity insurance to cover all disciplines involved, such as: Architectural Design, Structural Engineering, Asbestos, Electrical, Fire, Gas, Water, Heating & Ventilation, Lifts & Lifting Equipment, General Building and Construction Design and Management, Landscape Architecture and provision of play equipment and furniture
- ensure where sub-contractors/agents are to be engaged to provide specific advice, that such sub-contractors/agents have professional indemnity cover sufficient to cover any losses, to a minimum of £1,000,000 or greater, relating to those areas on which advice is/is to be provided continued over...

Professional Adviser's Declaration Continued

- advise the School on the most appropriate form of contract to be entered into with contractors for the Project, taking into account the size, value and complexity of the Project
- ensure that this is the only Project on site during the above dates. If there are other Projects on site, ensure appropriate arrangements are made in respect of the CDM regulations and a Principal Contractor is appointed
- ensure written documentary evidence of all the above is made available for the head teacher of the school.

By signing this declaration I confirm that I am responsible for all the above duties and that I have understood and accept my responsibilities. I confirm that I will not ask the school or the Council to waive any of these duties or advise separate appointments. I accept that this declaration takes precedence over any other agreement, contract, form or order signed by myself or the school and in the event of any conflict between the terms of this declaration or the terms of any other agreement, contract, form or order signed by myself or the school, this declaration and the terms of it shall take precedence.

Signature of Professional Adviser/Project Manager: _____

Print Name: _____

Date: _____

9. Head Teacher's Declaration and Funding Details:

As head teacher, I confirm that I:

- am acting as client under the CDM 2015 regulations and am fully aware of the duties these regulations place on me
- am acting as the responsible person under the Regulatory Reform (Fire Safety) Order 2005 and am fully aware of the duties of the order and the duties places upon me
- am aware of my duties, responsibilities and liabilities in relation to this Project, particularly when opting to appoint a non-DCC professional advisor
- will make all required appointments under the CDM 2015 regulations, for example: Principal Designer, Principal Contractor or Contractor where applicable, for notifiable or non-notifiable projects*
- have assessed the competency of the appointed professional adviser and checked their professional indemnity insurance covers all disciplines involved, such as: Architectural Design, Structural Engineering, Asbestos, Electrical, Fire, Gas, Water, Heating & Ventilation, Lifts & Lifting Equipment, General Building and Construction Design and Management, Landscape Architecture and provision of play equipment and furniture*^
- have completed a written competency assessment of the appointed professional advisor*
- will obtain specific health and safety advice relating to this project from an appropriately qualified source
- will ensure that suitable and sufficient risk assessments are carried out before the Project starts on site (these must address risks during and resulting from the Project; the professional adviser will ensure the contractor undertakes their own risk assessment).^
- have notified the CYP School Organisation and Provision Team if a Project impacts on existing class spaces
- will ensure the professional adviser is informed of any other works/contractors that may be onsite while work takes place prior to commencement of the projects and provide the appointed professional advisor with all relevant site information^
- have ensured that all DCC Contracts Procedure Rules for Schools have and will be complied with in relation to this Project and will keep written evidence of this. This will apply to both the procurement of any contractors **and** any external professional advisers.
- will ensure the professional adviser is aware of, and complies with, all DCC Contracts Procedure Rules for Schools*^
- where the project is making use of DFC I have fully considered the condition priorities identified within the school's condition survey and governors are assured that the prioritisation of DFC reflects these condition needs
- understand that the terms of this declaration and the Professional Adviser's declaration take precedence over any other agreement, contract, form or order signed by you or the Professional Adviser in relation to the Project*^

Head Teacher’s Declaration continued

- shall not sign any agreement, contract, form or order which contradicts or purports to take precedence over the terms of this declaration or the professional adviser’s declaration.*^

For further details of the DCC Contracts Procedures Rules for Schools contact your Peoples Services Schools Finance Officer

Note:

Statements above marked * do not apply where the school is appointing Derby City Council to act as Professional Adviser. Statements above marked ^ do not apply where the school is using DFC to purchase stand alone computer equipment (i.e. PCs or laptops) where there are no building/cabling related works and there is no requirement to appoint a professional adviser. If there are any cabling or structural related works requiring fixings to the buildings these statements do apply (for example for interactive whiteboards and projectors) and a professional adviser is required.

Funding Details:

Complete the following to show all sources of funding for your Project proposal:

- a) **New** Devolved Formula Capital (DFC) Funding request: a) £ _____
(i.e. new application for 19/20 funding not yet allocated to the school cost centre)
- b) **Existing** DFC remaining from previously approved Projects: b) £ _____
(i.e. DFC already allocated to school subjective code W6009 to be used to fund this new project)
- c) **Revenue** contribution from school’s delegated budget: c) £ _____
- d) **Other** (specify & attach confirmation funding is secured): d) £ _____

- e) **Total Project Cost** – must equal total shown in Section 2 and a+b+c+d = e) £ _____

By signing this form I agree that I have fulfilled all my duties as outlined above and that I have kept written records of all risk assessments and procurement processes for future audit purposes

Signature of Head teacher: _____ Date: _____

Print Name: _____

Return form to: Mick Bone, School Organisation and Provision, People Services Directorate, Derby City Council, Corporation Street, Derby, DE1 2FS. E-Mail: mick.bone@derby.gov.uk

10. Project Consent - DCC Office Use Only:

		Initial	Date
Net Capacity updated	Y/NA	_____	_____
Funding checked	Y/NA	_____	_____
Professional Indemnity Insurance	Y/NA	_____	_____

Consent: LA Approval to Proceed:

The Local Authority hereby gives the School Governing Body Approval to Proceed on the basis that:

1. the professional adviser has signed the Professional Adviser’s Declaration, understanding and accepting all elements of their responsibility as detailed in such declaration; and
2. the head teacher has signed the Head Teacher’s Declaration, understanding and accepting all of those responsibilities which are the school’s as detailed in such declaration.

Approval to Proceed by the LA does not constitute approval for any elements of the Project design, specification, health and safety or procurement process. These items remain the responsibility of the school and the professional adviser as set out in the relevant declarations. Schools using DCC for the scheme professional advice and project management will need to place an order with DCC for the scheme to now proceed.

Signature: _____ Date: _____

For Office Use - Processing Purposes Only

		Initial	Date
1 – Logged	Y/NA	_____	_____
2 – Enter on Devolved Spreadsheet	Y/NA	_____	_____
3 – M&E/Journal	Y/NA	_____	_____
4 – Summary Sheet	Y/NA	_____	_____
5 – Letter to School	Y/NA	_____	_____
6 – Scan/Save	Y/NA	_____	_____

Appendix 3: Further Guidance on School Site Conditions – Additional Considerations

The following guidance is to be read in junction with other relevant regulations and requirements and does not replace or supersede and other relevant regulations or guidance. If the school wish to co-ordinate works in a differing way then the school Headteacher and governors will be taking on additional responsibilities and liabilities

Recommended model protocol:

1 Responsibility:

- 1.1 It is the Principal Contractor's responsibility to ensure that DCC requirements in terms of Site Behaviour and Segregation on CYP/School sites are adhered to.
- 1.2 It is the Principal Contractor's responsibility to immediately report any incident regarding potential safeguarding/child protection issues to both the school and the Contract Administrator.
- 1.3 Should the school identify any incident regarding safeguarding/child protection they must report this to both the Principal Contractor and the Contract Administrator.
- 1.4 The Contract Administrator will report any incidents immediately to Derby City Council Children and Young People Directorate for consideration of any possible further action.
- 1.5 The Principal Contractor will ensure that all contractors* must be given clear instruction on DCC requirements in terms of behaviour prior to working on site as part of their site induction. Records of this induction should be retained on site by the Principal Contractor.
- 1.6 The Principal Contractor must display DCC requirements regarding Site Behaviour and Segregation on site.

2 Behaviour:

- 2.1 There must be no swearing, inappropriate language, behaviour, materials or other actions permitted on site which could cause distress or offence to others or which conflicts with Derby City Council's Equal Opportunities Policies or Child Protection Policies. This includes, but is not limited to:
 - 2.1.1 No materials to be brought onto site which could cause offence to others
 - 2.1.2 No smoking on site. DCC has a no smoking policy on all of its sites. If contractors* are going into public areas off-site to smoke then they must dispose of waste appropriately. Contractors* must not use any area where children/young people would be arriving/leaving from.
 - 2.1.3 No alcohol or drugs (other than prescription medication) permitted on site. Any prescription medication should be kept secure.
 - 2.1.4 As a general rule, the playing and use of personal radios, stereos and other electronic media devices will not be permitted on site.
 - 2.1.5 No animals are to be brought onto site by any contractor*
 - 2.1.6 All contractors* should remain fully clothed at all times, wear identification and appropriate PPE.
 - 2.1.7 No talking or engagement with pupils at any times, unless explicitly agreed with and supervised by the school.
 - 2.1.8 Unless explicit permission has been given by the Headteacher, the use of any camera to record still or moving images of children or young people is prohibited.

- 2.1.9 The Principal Contractor shall ensure that no contractor is to unlawfully remove any article or thing from any of the Council premises, whether the property of the Council or of its employees, agents or Sub-Contractors or of other persons.
- 2.1.10 Contractors must not move, or use, any school equipment or materials unless agreed with the school.

3 Site Segregation:

- 3.1 Robust steps must be taken to ensure full separation of all contractors* from the CYP site/school site (unless all work is being carried out *out-of-hours* when children and young people are not present).
- 3.2 All Boundaries and Site Separation need to be in place at all times. Measures must be clear, fully intact, secure, safe and appropriate.
- 3.3 Site access points and procedures need to be clearly agreed and documented.
- 3.4 Site/School *cross-over* points need to be closed off/secure and staffed as per a site management plan.
- 3.5 Where banksmen are required they should be in place and clearly visible.
- 3.6 Emergency exits and assembly points need to be clearly signed and unobstructed.
- 3.7 No contractors to attempt to go into the school/CYP site where there are children/young people, unless accompanied/supervised by a member of school staff.
- 3.8 If accessing the school, contractors must also sign-in and wear visitor badges and be accompanied/supervised by a member of school staff.
- 3.9 No work will be permitted in areas where the school is in occupation, unless in agreement with and supervised by the school. The works must be carried out safely and appropriately and the area left safe and clean.

***NB: All reference to contractors must also apply to all principal contractors' staff, sub-contractors and other visitors to site, including DCC employees or agents:**