

Derby City Council

School Premises

Compliance Statement

Revision Date: 26th April 2016



Background

- 1.1 The purpose of this Policy is to assist Headteachers and Governors in understanding ownership and maintenance responsibilities for school buildings. The policy sets out the legal position on school premises responsibilities for each category of school.
- 1.2 Any discussion of the legal position with regard to ownership and maintenance of school assets must always be considered in light of the Council's and governing bodies' overarching obligations in terms of health and safety. The health and safety position can be summarised as follows:
 - the Council has an overarching responsibility for health and safety in Community and Voluntary Controlled schools, with the governing bodies in those schools having day to day responsibility;
 - school governors are responsible for health and safety in Foundation and Voluntary Aided schools; and

Furthermore, the Council has an overarching duty under the Education Act 2002 (section 175) to safeguard and promote the welfare of children.

2.0 School Categories

- 2.1 Within the City of Derby there are the following types of school:
 - Community
 - Voluntary Controlled
 - Voluntary Aided
 - Foundation (including section 23A Foundation Schools (Trust Schools); and
 - Academy
- 2.2 In respect of each of the above type of school, set out below is the legal position with regard to the ownership of the school land and premises.

Community Schools (including Community Special Schools)

- 2.3 Community Schools belong to the Local Authority (LA). The structural fabric of the school belongs to the Council, as do the fixtures and fittings.
- 2.4 The maintenance of the fabric of the premises at a Community School is the responsibility of the LA, although this obligation is usually delegated (with the necessary funding) to the governing body.

Voluntary Controlled Schools

- 2.5 Voluntary Controlled School buildings belong to the foundation/trustees, which hold them on trust for the provision of education therein. Generally voluntary schools (both Voluntary Controlled and Voluntary Aided) were founded without any playing fields, which were then subsequently provided by the LA (and are owned by the LA). Therefore in practical terms, the trustees of voluntary schools usually own the footprint of the original buildings, plus the hard playground(s), entranceway(s) and the (now disused or reused) outside toilet blocks.
- 2.6 The maintenance of the fabric of the premises at a Voluntary Controlled School remains the responsibility of the LA, although the obligation may be delegated (with the necessary funding) to the governing body.

Voluntary Aided Schools

- 2.7 The land and premises at a Voluntary Aided Schools belong to a trust corporation, or to a number of individual trustees, who (in either case) hold them on trust for the provision of education therein.
- 2.8 The capital expenditure and maintenance obligations in relation to a Voluntary Aided School are split between the governors and the LA. From April 2002, governing bodies of Voluntary Aided Schools are responsible for financing all repairs (both revenue and capital) to all schools grounds and buildings except capital repairs to playing fields and associated buildings.

Foundation Schools

- 2.9 Ownership of the land and premises at Foundation Schools (including Trust Schools formed under section 23A of the SSFA 1998) rests with the trustees, a foundation body or the governing body (as applicable).
- 2.10 The maintenance of the fabric of the premises at a Foundation School is the responsibility of the LA, although this obligations is usually delegated (with the necessary funding) to the governing body.

Academies

- 2.11 The land and premises at an Academy usually belong to the company created by the academy's sponsor(s) to hold the land and premises and to appoint the academy's governing body. This could be in the form of long term lease arrangement.
- 2.12 The maintenance of the premises at an Academy is the responsibility of the governing body, or Trust, which in turn is responsible to the company.

Schools built under the Private Finance Initiative (“PFI”)

- 2.13 Whilst construction under PFI does not change a school’s status in terms of community or foundation nature, there is an impact in terms of maintenance responsibilities. The contractual position in relation to maintenance and repairs at a PFI school is set out in the PFI Project Agreement. The PFI contractor is responsible for maintenance and lifecycle arrangements for the duration of the PFI contract.

3.0 Scheme for Funding Schools (“Scheme”)

- 3.1 The Scheme, which the Council established under sections 45 – 53 of the School Standards and Framework Act 1998, sets out the financial relationship between the Council and the maintained schools which it funds. A copy of the Scheme is provided to head teachers and governors. The Scheme can also be accessed on the Council's website by clicking on the following link:
<http://www.derby.gov.uk/education-and-learning/schools-and-colleges/schools-financial-information/>
- 3.2 The Council has a statutory responsibility for maintaining the schools covered by the Scheme and this responsibility includes the duty to defray the expenses of maintaining them within the resources made available to the Council (save in relation to Voluntary Aided Schools where some expenses are, by statute, payable by the governing body). On an annual basis, the Council delegates this responsibility (with associated funding) to the governing bodies of maintained schools in accordance with the Scheme.
- 3.3 Annex D to the Scheme, which is attached as Appendix 1 to this document, shows the categories of maintenance and repair which governing bodies of maintained schools are, following receipt of a delegated budget, required to finance from their own budget, and those categories of maintenance and repair which remain the responsibility of the Council. This is a general division of responsibility, as a guide, as schools receive devolved capital funding to be used for maintenance and major capital projects. Schools are required to use their devolved capital funding to address maintenance and condition issues to the levels of funds devolved annually, or accumulated devolved capital funding.
- 3.4 The Scheme makes it clear that the Council expects governing bodies with delegated powers to maintain schools buildings to a reasonable standard and to make proper financial provision so as to achieve this, within the resources made available to them. Governing bodies are expected to conform to all statutory requirements, including health and safety legislation, in maintaining or carrying out repairs and maintenance to school premises. In particular, in respect of Community Schools, the school buildings and contents are the property of the Council; the Council therefore has an interest in ensuring such assets are maintained to a safe and secure standard by Headteachers and Governing Bodies

4.0 Contact details

4.1 If you have any queries, or need further information in relation to this document, please contact:

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Appendix1: Annex D: Scheme of Delegation

Building and Maintenance – Division of responsibility between LA and Schools.

This is a general division of responsibility as a guide as schools receive devolved capital funding to be used for maintenance and major capital projects. Schools are required to use their devolved capital funding to address maintenance and condition issues to the levels of funds devolved annually, or accumulated devolved capital funding.

The LA prioritises its capital allocations from the DfE, or from the Council's Corporate Capital Programme, to undertake major capital projects across the schools estate for priorities outlined in the School's Condition Survey. Academy Schools and Free Schools receive funding directly from the DfE for major capital projects, therefore, the general list below does not apply to those category of schools.

ITEM		RESPONSIBILITY OF LA	RESPONSIBILITY OF GOVERNORS'
1	STRUCTURE Foundations	Replacement of all or substantial part of existing structure below and including DPCs and rising dampness, underpinning, propping, piles, ground footings.	Repair or replacement of small parts of existing structure including minor repairs to foundations and supports and brickwork foundation walls.
1.2	Structural Frames	Major repairs to structural frame in steel, timber or concrete frame including all components and fixings.	Minor repairs to structural frame and fixings.
1.3	Floors	Replacement of all or a substantial part of floor structures and ducting together with their damp proof membranes, dpm and screeds.	Repair/replacement of small areas of floor structures and ducting, together with their dpm and screeds. All floor finishes and skirtings, nosings, matwells etc. including repair and replacement of screeds, ceramic type tiles, or timber boarding. Repairs to ducting.

1.4	Flat roofing	Replacement of all or a substantial part of roof structure.	Repair or replacement of small parts of roof structure including repairs/replacement of rotten/corroded roof members and decking.
1.5	Pitched Roofing	Replacement of all or substantial part of an existing structure including complete trusses. Replacement of substantially all insulation and upgrading to improve effectiveness during refurbishment works. Replacement of all/substantially all roof coverings/finishes, flashings, trims, fascias, soffits, etc.	Repairs/replacement of rotten or defective rafters, joists, purlins etc in isolated areas. Repairs/replacement of insulation. Repair/replacement of roof coverings/finishes, flashings, trims, fascia's soffits etc in small areas.
1.6	Skylights/Rooflights/Verandas	Replacement of all/substantially all roof lights/skylights/lay-lights and their frames, beadings and flashings.	Repairs/replacement of individual roof lights/skylights, lay lights, and their frames, beadings and flashings.
1.7	Rainwater Goods	Replacement of all/substantially all rainwater systems.	Cleaning of rainwater pipes, gutters, hopper heads, etc. Repairs to and replacement of individual rainwater goods, including rainwater tanks, butts, parapet outlets and perimeter gutter.
1.8	Staircase/Landing Structures	Replacement of staircase structure.	Staircases covering and finishes. All stair coverings, including skirtings, nosings, etc including screed repairs, ceramic type tiles, or timber boarding. Repairs to staircases and landing structures and their screeds including balustrades, and handrails.
1.9	External Walls/Surfaces	Repairs or replacement of all/substantially all load bearing, structural, framed panelled and	Repairs/replacement of small areas of external walls

	(Including Insulation)	curtain walls, cladding chimneystacks and flues. Example: repointing/recladding work affecting most of a building.	including internal finishes. Example: repointing or recladding a proportion of a wall.
1.10	Internal Walls and Partitions	Rebuilding of all/substantially all internal wall.	Repairs to internal wall structure, glazing, frames,casings, architraves, picture rails, skirtings, plaster and all surface finishes to all internal walls.
1.11	Windows and external doors	Window and door frames/doors including glazing as part of a replacement programme.	Repairs to, and replacement of individual, windows/borrowed lights, doors and frames, glazing, ironmongery and fittings.
1.12	Internal Doors and Screens		Repair/replacement doors, frames and screens glazing and ironmongery.
1.13	Glazing: internal and external		All glazing and re-glazing.
1.14	Ceilings	Replacement of all/substantially all supports and ceiling finishes.	Repairs and replacement of plaster and similar ceiling finishes, ceiling tiles, including suspension grid repairs, repairs and minor replacement and structural supports.
1.15	Timber Preservation	Woodworm, wet and dry rot treatment to elements for which the LA has responsibility.	Pest control i.e. insecticidal spraying for wasp, cockroach and rodent control. Dry and wet rot and woodworm preservation to elements for which the Governors have responsibility.
2.	DECORATION		

2.1	Decoration		All external and internal decoration including preparation.
3.	WATER AND DRAINAGE SERVICES		
3.1	Internal Water Supply Services	Replacement/refurbishment of all/substantially all pipework, including pumps, tanks, cylinders and insulation during refurbishment works only.	Repair and local replacement of Internal cold water supply services including pumps, tanks, cylinders and insulation and water heaters, including leaks and burst pipes.
3.2	Replacement and Repair of Sanitary Fixtures and Fittings	Replacement as part of large-scale refurbishment.	Repair and localised replacement of damaged sanitary ware and fittings, including all waste pipes/traps.
3.3	Waste and Soil Drainage Systems	Replacement or major refurbishment of all/substantially all of drainage system.	Cleaning, unblocking, repair and local replacement of drainage system including waste and soil pipes and fittings, gratings and access covers.
4.	ELECTRICAL SERVICES		
4.1	General	<p>Replacement of Main switchgear and distribution in major projects.</p> <p>Replacement of all/substantially all obsolete and dangerous wiring systems, including distribution boards and fittings.</p>	<p>Testing/replacement of distribution boards. The repair and maintenance of all switchgear and interconnecting cables including that in temporary buildings.</p> <p>All testing, earthing and bonding to meet Health & Safety. All routine replacements and servicing.</p>

4.2	Electricity Mains	Renewal	Repairs and replacement and servicing.
4.3	Intruder Alarms, CCTV and Time Systems		Repairs and replacement and servicing.
4.4	Fire Alarms/detection systems	Replacement of all/substantially all of the system.	Repairs and replacement and servicing.
4.5	Lifts	Replacement of lifts	Repairs and replacement and servicing.
4.6	Hoists, Barriers, Electric Doors		Repairs and replacement and servicing.
4.7	Lighting protection		Repair, maintenance and replacement of lightning conductors.
4.8	Communication Systems		Repairs, replacement and servicing including radio/TV, call, telephone, data transmission, IT door access systems.
4.9	Heating and Ventilating (Electrical)	<p>Planned replacement of all/substantially all on peak or electrical storage, instantaneous water heating and shower units.</p> <p>Replacement of all/substantially all under floor heating cables, ceiling heating systems, including isolators, thermostats.</p>	<p>Portable electric heaters.</p> <p>Repair and Maintenance of, and replacement of isolated electrical storage, instantaneous water heating and shower units. Including immersion heaters in cylinders. Element controls, time switches, isolators and final flexible connections.</p> <p>Repairs and maintenance of underfloor or ceiling heating systems. Repairs to and maintenance and replacement of electric incinerators and macerators.</p>

			Repair, maintenance, servicing and replacement of extractor fans including canopies, fan apertures, filters and ducts.
4.10	Domestic Equipment		<p>Repair and replacement of fixed washing machines, tumble dryers, spin dryers, hydro extractors, rotary irons, all domestic equipment.</p> <p>Repair and replacement of all kitchen equipment in Home economics (inc. laundry equipment).</p>
4.11	School Meals Kitchens	For schools that are part of any Council managed Grouped Schools Meals Contract, subject to the terms of that contract, repairs, maintenance and replacement of equipment may form part of that contract.	repair and replacement of fixed cooking equipment, oven ranges, fryers, boilers, boiling pans, steamers, roasting ovens, grills and mixers. Portable heated trolleys. Refrigerator, freezers walk-in old rooms complete. Fixed water boilers, sterilising sink heaters and controls.
4.12	Portable appliances		All repairs, maintenance, testing and renewal.
5.	HEATING SERVICES		
5.1	Main Services – heating, gas and water	Renewal	Repair and maintenance.
5.2	Boilers	<p>Replacement.</p> <p>Replacement of oil storage tank and bunds. Provision/replacement of automatic coal fired stokers, including controls</p>	<p>Repairs, maintenance and servicing of plant and equipment including flues. Replacement of defective parts. Repairs and maintenance of oil storage tanks and bunds.</p> <p>Repairs, and maintenance and servicing of automatic coal fired stokers, including controls. Repair,</p>

			<p>maintenance and replacement of pumps, valves, pipework, insulation, temperature/altitude gauges, storage cylinders, fuel tanks, safety devices and solid fuel bunkers.</p>
5.3	Asbestos insulation	Renewal of asbestos insulation to boilers and pipework where risk to health and safety	
5.4	Central Heating and hot and cold Systems	Replacement of all/substantially all systems	<p>Repair, maintenance, servicing and replacement of component parts of the systems including tanks, overflow pipes, cold water supply mains, pipework, valves, cylinders, calorifiers, radiators and show heater.</p> <p>Repair, maintenance, servicing and replacement of convector heaters and fan assisted convector heaters.</p> <p>Cleaning servicing of cold water tanks.</p>
5.5	Gas Distribution Systems	Replacement as part of major refurbishment.	Repairs maintenance and servicing annual gas test.
5.6	Air Conditioning	Replacement of all/substantially all air conditioning system.	Repair, maintenance, servicing and replacement of component parts of air conditioning systems.
5.7	Fans		Repair maintenance and servicing, renewal of window, wall or roof fans.
5.8	Swimming Pools		Repairs maintenance, servicing and replacement of pools, plant and equipment including filtration plant pumps, pipes and boiler parts. Chemical dosing, cleaning and maintenance of poolside equipment

			including replacement pool covers.
5.9	Fume Cupboards		Maintenance and replacement of fume cupboards, including extractor fans and ductwork.
5.10	Pressure Vessels	Replacement	Repairs and maintenance.
5.11	Steel Chimneys	Replacement	Repairs and maintenance.
6.	FURNITURE & FITTINGS		
6.1	Internal furniture fixtures and fittings.		Repairs, replacement and maintenance.
6.2	Workshop equipment		Repair and replacement of all workshop benches.
6.3	PE Equipment (fixed and loose)		Repairs, replacement and maintenance.
7.	EXTERNAL WORKS		
7.1	Demolition	Demolition of buildings and clearance of sites; capping of drains and services.	
7.2	Hard Play Surfaces, Drives and Footpaths	Renewal of all/substantially all.	Repair and maintenance including lines and markings.
7.3	Walls, Fencing and Gates		Replacement of all substantially all boundary walls/fencing. Repair/rebuilding and localised replacement of walls

			and fencing. Repair and replacement of gate.
7.4	External Fixtures and Equipment	Replacement of all substantially all boundary walls/fencing.	External signs, notice boards, flagpoles and other external joinery fixtures and structures. Refuse containers, bins, clotheslines and posts.
7.5	Grounds		Upkeep and maintenance of grounds, playing fields, amenities, land, landscape areas and boundary hedges; (including mature trees) pitch and court markings, nets, posts, sports field, land drainage systems.
7.6	Drainage	Major refurbishment/replacement of draining including systems	Repair and maintenance of drainage systems including gullies, grease traps and manhole clearing blockages.
7.7	Ancillary Buildings	Temporary buildings and ancillary buildings constructed by LA or joint LA/School funded.	Maintenance responsibilities as for main buildings and ancillary buildings erected at school, including greenhouses – all maintenance.
8.	MISCELLANEOUS		
8.1	Fire Equipment		Cleaning, servicing and refilling portable fire fighting appliances; extinguishers, fire blankets, hose reels etc.
8.2	Asbestos	Specialist removal and replacement of asbestos based materials as part of major capital project underway.	Inspection, air testing. Applying sealant coats to asbestos surfaces for protection.
8.3	Vandalism		Repairs to vandalism and malicious/other damage.

8.4	Playground Equipment and Sandpits		Provision repair, maintenance and disposal.
8.5	Building Cleaning		All school building cleaning.
8.6	Window Cleaning		All window cleaning.
8.7	Disabled Facilities	Major provision of disabled facilities and accessibility for pupils with Education Health Care Plans / Statements.	Provision of disabled facilities and specialist facilities related to pupils with Education Health Care Plans / Statements.