



Briefing 17/30 August 2017

Updating of the School Premises (General Requirements and Standards) (Scotland) Regulations 1967 Consultation

To: All Chief Executives, Main Contacts and APSE Contacts in Scotland
For information only to England, Northern Ireland and Wales

Key issues

- **School Premises regulations were last updated in 1979. New regulations will only apply to new schools or new work to existing schools.**
- **Regulations felt to be adequately covered in other legislation have been removed. References to Early Learning and Childcare to be removed. Advice needed on whether regulations should apply to Independent Schools.**
- **Non-Statutory Guidelines will be produced alongside these regulations.**
- **The deadline for responding is Friday 22 September 2017.**

Link to Consultation - <https://consult.scotland.gov.uk/school-infrastructure/updating-of-the-school-premises/>

Link to Consultation Paper - https://consult.scotland.gov.uk/school-infrastructure/updating-of-the-school-premises/user_uploads/schoolpremises-1.pdf

Scottish Government Consultation

The School Premises (General Requirements and Standards) (Scotland) Regulations 1967 prescribe the minimum standards that school premises and equipment must meet. These were amended in 1973 and 1979, and as such the current regulations have been in place for 40 years. The Scottish Government want to bring these up to date by removing 'duplicate legislation' and changing other regulations to be better suited to modern needs, and is looking for comment on its proposed changes. The consultation also asks for feedback on the adequacy of regulations that they propose to retain unchanged. Any changes would only apply to new schools and new work to existing schools.

Retained Regulations

The following regulations are proposed to be retained without changes, and the consultation is asking for comments on how fit for purpose these regulations are.

Educational Accommodation in Schools providing both Primary and Secondary Education - Paragraph 17 - 18

Schools that contain both a Primary and Secondary School, or are classed as special schools, will continue to have their educational accommodation approved by Scottish Ministers.

Outdoor Education and Recreational Areas - Paragraph 19

Schools will continue to require outdoor areas for educational and recreational activities adjacent to the school building. This is in addition to the regulations on playing fields.

Acoustic Conditions - Paragraph 20

Schools will be required to have satisfactory acoustic conditions (including insulation where required), which is not regulated for in other legislation.

Water Supply - Paragraph 21

Schools must provide enough water for drinking and other purposes, warm water for washing, separately controlled hot and cold water for sinks and showers that reach a temperature within the range of 38°C to 44°C. Water supply for pupils is not currently covered by any other legislation.

Grant-Aided Schools - Paragraph 22

Regulations will continue to apply to grant-aided schools.

Changed Regulations

Sites for Playing Fields - Paragraphs 23-27

Regulations on Playing fields will be changed to allow for synthetic pitches, and as they have a greater playing capacity, the minimum area required will be lower for synthetic pitches than grass pitches. For mixed outdoor facilities **Sportscotland** will provide guidance, and in some circumstances the minimum will also be less than a fully grass pitch.

Educational Accommodation in Primary and Secondary Schools - Paragraphs 28-29

Minimum Educational Accommodation will use Scottish Government accommodation metrics for minimum size per pupil. Local Authorities will need to seek approval from the Government if they wish to build smaller than this.

Sanitary Accommodation for Pupils - Paragraphs 30-35

The Consultation proposes to change regulations relating to toilets to allow for the provision of unisex toilets, which has garnered some press attention. It will continue to allow for separate facilities for boys and girls, though urinals would be optional in some circumstances. Other proposals relating to bathrooms include providing sanitary disposal units in any cubicle used by girls aged 8 and over, and stating clearly that showers should be provided for pupils over 11 engaged in Physical Education.

Medical Inspection and Rest Room Accommodation - Paragraphs 36-38

Proposed to remove reference to Education (Scotland) Act 1962 and School Health Service (Scotland) Regulations 1947, as these have both been superseded by the Education (Scotland) Act 1980 and the National Health Service (Scotland) 1978. Provisions would be included to provide a room for medical and dental examinations and a rest room for short term care that includes or is adjacent to a toilet.

Lighting – Paragraphs 39-41

Regulations on Lighting are to be simplified and brought up to date, with non-statutory guidance provided to achieve lighting appropriate for the purpose of the room or space.

Removed Regulations

Most regulation that pertains to Nursery Schools and Nursery classes is to be removed under the proposals, as this will fall under the remit of the Care Inspectorate

General Requirements – Paragraphs 42-43

Written approval from Scottish Ministers will no longer be required for a local authority wishing to build a school or new premises for an existing school. This is due to Local Authorities having their own capital programmes.

Sites for primary and secondary schools – Paragraphs 44 – 46

Local authorities will become responsible for selecting the most appropriate and suitable site for new school buildings whilst meeting the various demands outlined in other sections. This allows for flexibility without having to obtain written permission from Scottish Ministers.

Playroom accommodation in nursery schools and classes – Paragraphs 47 - 49

As nursery provision is now handled by the Care Inspectorate, the Scottish Government argues that this is now unnecessary legislation. In addition, if these regulations were kept then there would be a disparity of standards between private sector nurseries and those run by local authorities.

Kitchen Premises – Paragraph 50

The Food Hygiene (Scotland) Regulations 2006 accounts for the requirements for preparation and serving of food, and the area accommodation metrics include an area for kitchens and dining, so this is considered duplicate legislation.

Washing accommodation for Pupils – Paragraph 52

The revised toilets and washing facilities regulation covers the same area, so no further regulation is needed.

Accommodation for Staff, Storage Accommodation, Ventilation, and Heating – Paragraphs 52 - 55

All of these areas are also covered by The Workplace (Health, Safety and Welfare) Regulations 1992, and so separate regulation is no longer required. Area accommodation metrics and the technical handbook also account for these areas.

Self-Governing Schools

Self-Governing Schools no longer exist in Scotland, so the regulation is unnecessary.

Independent Schools, Business and Regulation, and Equality

The consultation also asks for advice on whether these regulations should also be applied to Independent Schools. Independent Schools have standards that are currently based on established practices and procedures by HM Inspectors. This would need to be achieved through an Education Bill.

Advice is also being sought on the Business and Regulatory Impact Assessment in Annex C of the consultation, to assess the costs and benefits of the regulation changes. The Scottish Government would also like feedback on any equality impacts of the proposals as well as any impact it would have on Child Rights and Wellbeing.

APSE Comment

APSE welcomes efforts to modernise and simplify regulations. These proposals would also increase the autonomy local authorities would have, especially when building school buildings, so we would encourage them to provide feedback on this consultation. The full list of questions is in the appendix to this document.

There are concerns however that this may lead to some unintended consequences. Having specific legislation for schools, rather than relying on more general regulations and non-statutory guidance will allow for addressing certain needs that only schools will have. This is an area where the experience of local authorities will be vital.

Response Details

If you wish your comments to be included in an APSE response to this consultation paper, please send them to Garry Lee at glee@apse.org.uk by Monday 2nd October 2017. Alternatively, you can submit your response online directly by [clicking here](#). The closing date for responses to this consultation is Monday 9th October 2017.

Iain Scherr
Research and Coordination Officer

Appendix 1

Consultation Questions	
Q1	<p>Regulation 11 - Educational accommodation in schools providing both primary and secondary education</p> <p><i>Every school providing both primary and secondary education shall include an area of educational accommodation as may be approved in each case.</i></p> <p>Do you agree that this Regulation should be retained? Yes/No (If not, why not?)</p>
Q2	<p>Regulation 13 - Educational accommodation in special schools</p> <p><i>Every special school shall include an area of educational accommodation as may be approved in each case.</i></p> <p>Do you agree that this Regulation should be retained? Yes/No (If not, why not?)</p>
Q3	<p>Regulation 20 - Outdoor education and recreational areas</p> <p><i>At every school there shall be provided immediately adjacent to the school building an outdoor area or outdoor areas laid out and surfaced for educational and recreational activities.</i></p> <p>Do you agree that this Regulation adequately covers the requirements for outdoor educational and recreational areas? Yes/No (If not, why not?)</p>
Q4	<p>Regulation 24 - Acoustic Conditions</p> <p><i>Every part of the school building shall have acoustic conditions and insulation against disturbance by noise appropriate to the use for which the part of the building is designed.</i></p> <p>Do you agree that this Regulation adequately covers the requirements for acoustic conditions? Yes/No (If not, why not?)</p>
Q5	<p>Regulation 25 – Water Supply</p> <p><i>(1) In every school building wholesome water in sufficient quantities shall be provided for drinking and for all other purposes.</i></p> <p><i>(2) Each wash basin or group of wash basins shall have a supply of water warmed sufficiently for washing purposes.</i></p> <p><i>(3) All sinks to be used for general purposes and baths shall have an adequate supply of separately controlled hot and cold water.</i></p> <p><i>(4) Every shower shall have a supply of water warmed to a temperature of not less than 38°C nor more than 44°C.</i></p> <p>Do you agree that this Regulation adequately covers the requirements for water supply? Yes/No (If not, why not?)</p>

Q6	Regulation 26 - Grant-Aided Schools Do you agree that the new Regulations should apply to grant-aided schools? Yes/No (If not, why not?)
Q7	Regulation 8 - Sites for playing fields Do you agree that if there is a mixture of grass pitches and SP then the area required in some circumstances can be less than that currently defined for grass pitches? Yes/No (If not, why not?)
Q8	Regulation 9 and 10 - Educational accommodation in primary schools and secondary schools Do you agree that accommodation metrics is an appropriate method to calculate the educational accommodation required? Yes/No (If not, why not?)
Q9	Regulation 15 and 16 - Sanitary accommodation for pupils Do you agree that this covers the requirements for toilet and washing facilities? Yes/No (If not, why not?)
Q10	Regulation 18 - Medical inspection and rest room accommodation Do you agree that this covers the requirements for medical inspection and rest room accommodation? Yes/No (If not, why not?)
Q11	Regulation 21 - Lighting Do you agree this covers the requirements for lighting? Yes/No (If not, why not?)
Q12	Regulation 4 – General Requirements Do you agree that this Regulation can be removed? Yes/No (If not, why not?)
Q13	Regulation 7 – Sites for primary and secondary schools Do you agree that this Regulation can be removed? Yes/No (If not, why not?)
Q14	Regulation 12 – Playroom accommodation in nursery schools and classes Do you agree that this Regulation and all other reference to ELC within the Regulations is no longer required and can be removed? Yes/No (If not, why not?)
Q15	Regulation 14 – Kitchen Premises Do you agree that this Regulation can be removed? Yes/No (If not, why not?)
Q16	Regulation 16 – Washing accommodation for pupils Do you agree that this Regulation is no longer required as it is met within the revised toilets and washing facilities Regulation?

	Yes/No (If not, why not?)
Q17	Regulation 17 – Accommodation for staff Do you agree that this Regulation can be removed? Yes/No (If not, why not?)
Q18	Regulation 19 – Storage Accommodation Do you agree that this Regulation can be removed? Yes/No (If not, why not?)
Q19	Regulation 22 - Ventilation Do you agree that this Regulation can be removed? Yes/No (If not, why not?)
Q20	Regulation 23 – Heating Do you agree that this Regulation can be removed? Yes/No (If not, why not?)
Q21	Regulation 27 – Self-Governing Schools Do you agree that this Regulation can be removed? Yes/No (If not, why not?)
Q22	Application of the Regulations to Independent Schools Do you agree that the new Regulations should apply to Independent Schools? Yes/No (If not, why not?)
Q23	Business and Regulation What are your views on the overall costs and savings identified in the Impact Assessment?
Q24	Equality Please tell us about any potential equality impacts, either positive or negative, that you consider the proposals in this consultation may have, with reference to the ‘protected characteristics’ listed above.
Q25	Child Rights and Wellbeing Impact Assessment Are there any aspects of a child’s rights or wellbeing that you think might be affected either positively or negatively by the proposals covered in this consultation?