

Department for Education**PREMISES REGULATIONS EQUALITY ANALYSIS****Title**

Streamlining the premises regulations for schools.

Description of the policy

One of the recommendations of the James review of education capital was that the Department revised its school premises regulations and guidance to remove unnecessary burdens and ensure that a single clear set of regulations apply to all schools. The Secretary of State accepted this recommendation in principle in July 2011, and agreed to consult on it.

Currently there are two sets of school premises regulations: one for independent schools, including academies and free schools, the Independent School Standards (ISSs) and the other for maintained schools, the School Premises Regulations (SPRs). We are committed to a level of regulation that will strike the right balance between protecting pupils and reducing burdens on schools. We are proposing to reduce and streamline the current premises regulations, bringing into line the requirements on the independent and maintained sectors and reducing unnecessary duplication and bureaucracy. We are consulting on the minimum requirements that we think should remain in order to protect pupils.

The evidence base (the information on which you have based your analysis)

There are 27 areas of regulation covered by ISRs and SPRs, 22 applying to independent schools and 17 applying to maintained schools. The ISRs cover more areas than the SPRs, but also refer to 8 regulations in the SPRs for detailed requirements. These different regulations can cause confusion over which of them apply to a particular type of school.

The number of regulations, the way they are set out, the fact that there are two different sets of regulations for different types of schools and the duplication involved with other legislation places too many burdens on schools. The rationale for intervention is to minimise bureaucracy by removing school-specific premises regulations where they duplicate other legislation and by simplifying those that are still required.

What the evidence shows – key facts

There is limited evidence about how the premises regulations impact on groups with the protected characteristics of age, disability, sex, sexual orientation, pregnancy and maternity, religion or belief, or race. Of these, we consider that the group most likely to be affected by changes to the regulations are those with disabilities.

For example, the Institute of Acoustics (IoA) has provided information about the impact of acoustics; hearing impaired children require lower noise levels and better acoustic conditions in order to be able to hear the teacher; around 35,000 deaf children are educated in mainstream schools in the UK.

We are retaining simplified regulations around acoustics, lighting, medical accommodation, toilet and washing facilities and water supplies to ensure that people with disabilities are not disproportionately affected by these proposed changes. Further information about how we have mitigated these risks is set out below.

Engagement and involvement

We are launching a full consultation on these proposals, and plan to engage with them range of stakeholder groups as part of this.

Challenges and opportunities

Revising school premises regulations could have a negative impact on pupils with disabilities or other additional needs, if the current standards were removed or reduced to too low a level. This is not our intention; we plan to engage with stakeholder groups through the consultation process. See below for an assessment of each of the proposed changes to the regulations.

Equality analysis

Overall, we consider that adverse impact is unlikely, but positive impact is also unlikely.

We are consulting on removing the following regulations:

Classroom Size (ISSs)

Current regulations require classroom size to be appropriate to allow effective teaching and that no area of school should compromise health or safety.

Removing this regulation could potentially result in overcrowded classrooms at some independent schools, which could have a negative impact on pupils' education. There is no evidence that pupils with protected characteristics are more likely to be at risk of overcrowding. However, we consider that should overcrowding arise, pupils with disabilities are most likely to be adversely

impacted, as overcrowding can make it harder for pupils with certain disabilities to hear/see the teacher, or to move around the classroom. We believe that these risks can be mitigated by amending the health, safety and welfare regulation (below) to include that the premises must be maintained to a standard that ensures the health, safety and welfare of pupils, and by retaining regulations about acoustics and lighting.

Assessment: Adverse impact is unlikely, but positive impact is also unlikely.

Staff Accommodation (SPRs)

Current regulations cover provision of a head teacher's room and separate accommodation for staff to use for work and social purposes. The Workplace (Health, Safety and Welfare) Regulations specify that staff must have facilities for rest and eating meals, but do not describe the nature of the space. We do not consider that people with protected characteristics will be negatively affected by the removal of this regulation. This is currently not a requirement for independent schools, and Academies have been run successfully without regulation in this area. We therefore consider that schools should be allowed to judge for themselves the space that is appropriate for staff.

Assessment: Adverse impact is unlikely, but positive impact is also unlikely.

Ancillary – Storage & Circulation (SPRs)

Current regulations require provision of storage space for pupils' belongings and to permit safe passage within buildings. We do not consider that people with protected characteristics will be negatively affected by the removal of this regulation. Where people with disabilities have specialist equipment, we would expect schools to make reasonable adjustments under the Equality Act 2010. Independent schools and academies operate successfully without regulation on storage and sufficient guidance is provided in the area guidelines and other supplementary information.

Assessment: Adverse impact is unlikely, but positive impact is also unlikely.

Food Preparation & Service (SPRs and ISSs)

Current regulations require that where food is served, there must be adequate facilities for hygienic preparation, serving and consumption. Under SPRs, schools must provide adequate facilities for the preparation and serving of food and drinks. The food hygiene element of this regulation is covered by the Food Hygiene (England) Regulations 2006. We do not consider that people with protected characteristics will be negatively affected by the removal of this regulation.

Assessment: Adverse impact is unlikely, but positive impact is also unlikely.

Security (ISSs)

Current regulations require that security arrangements are adequate for the grounds and buildings and that where premises are shared for non-school purposes, the health, safety and welfare of pupils are safeguarded and their education is not interrupted by other users. This is not currently a requirement for maintained schools, who assess and manage security risks without regulation. We therefore think that this regulation can be removed without a negative impact on groups with protected characteristics.

Assessment: Adverse impact is unlikely, but positive impact is also unlikely.

Access to Buildings (ISSs)

Current regulations require allowing safe entry and exit for all pupils, including those with disabilities and special educational needs. We believe that this is covered by other legislation, including the Equality Act 2010, the Workplace Regulations and the Regulatory Reform (Fire Safety) Order 2005. We therefore do not consider that people with protected characteristics will be negatively affected by the removal of this regulation.

Assessment: Adverse impact is unlikely, but positive impact is also unlikely.

Load Bearing Structures (SPRs and ISSs)

Current regulations require that load bearing structures should be capable of safely sustaining the loads and forces they are subjected to. This is covered by other regulations and we think it is unnecessarily duplicated. We do not consider that people with protected characteristics will be negatively affected by the removal of this regulation from the schools regulations.

Assessment: Adverse impact is unlikely, but positive impact is also unlikely.

Weather Protection (SPRs and ISSs)

Current regulations require that schools should be able to resist penetration from rain, wind and snow and moisture arising from the ground. This is covered by other regulations and we think it is unnecessarily duplicated. We do not consider that people with protected characteristics will be negatively affected by the removal of this regulation from the schools regulations.

Assessment: Adverse impact is unlikely, but positive impact is also unlikely.

Fire Safety (SPRs and ISSs)

Current regulations require fire resistance of building elements and provision of adequate means of escape in case of fire. We consider that this requirement is covered by other legislation including the Regulatory Reform (Fire Safety) Order 2005 and the Equality Act 2010 so that there would be little impact on protected groups if this regulation were removed.

Assessment: Adverse impact is unlikely, but positive impact is also unlikely.

Heating (SPRs and ISSs)

Current regulations set minimum temperatures for different types of areas in schools that heating systems should be capable of maintaining and state that areas should be heated to an appropriate temperature. Temperatures that are too hot or too cold can have a negative impact on children's health and education. However we consider that heating and cooling requirements are adequately covered in Regulation 7 of the Workplace Regulations, *Temperature in indoor workplaces*¹. The Approved Code of Practice (ACOP) accompanying this regulation sets minimum temperatures for rooms, differentiating between those that accommodate normal levels of activity and those where more active work takes place. This is lower than the minimum set in the SPRs. People with disabilities are most likely to be affected by a

¹ 7 (1) *During working hours, the temperature in all workplaces inside buildings shall be reasonable.*

reduction in room temperature. Where people with disabilities are particularly sensitive to room temperature, we would expect schools to make reasonable adjustments under the Equality Act 2010.

Assessment: Adverse impact is unlikely, but positive impact is also unlikely.

Ventilation (SPRs and ISSs)

Current regulations require that ventilation in each room shall be controllable, and rates are set for the amount of fresh air for different types of room. The Workplace Regulations set lower minimum standards for ventilation. There is a slight risk of encouraging the spread of illness if ventilation is inadequate, but we consider the standards set in the Workplace Regulations address this.

Assessment: Adverse impact is unlikely, but positive impact is also unlikely.

Drainage (SPRs and ISSs)

Current regulations require that drainage systems shall be adequate for hygiene purposes and the disposal of waste water. Other legislation partially covers drainage systems and we think it is unnecessarily duplicated. We believe that there are minimal impacts on groups with protected characteristics in removing this regulation from the school premises regulations.

Assessment: Adverse impact is unlikely, but positive impact is also unlikely.

Cleanliness (ISSs)

Current regulations require classrooms and other parts of the school to be maintained in a clean, tidy and hygienic state. We believe that the very worst cases will be covered by the Workplace Regulations or the Food Safety Act and that the impact on groups with protected characteristics will be minimal overall given that there is no equivalent requirement for maintained schools.

Assessment: Adverse impact is unlikely, but positive impact is also unlikely.

Decoration (ISSs)

Current regulations require a satisfactory standard and adequate maintenance of decoration. We believe that the very worst cases will be covered by the Workplace Regulations and that the impact on groups with protected characteristics will be minimal overall given that there is no equivalent requirement for maintained schools.

Assessment: Adverse impact is unlikely, but positive impact is also unlikely.

Furniture & Fittings (ISSs)

Current regulations require furniture and fittings that are appropriately designed for the age and needs of the pupils. We consider that if there are cases where furniture and fittings are so inappropriate as to risk students' health, safety or welfare, these will be covered by the regulation on not compromising pupil health and safety. Where people with disabilities require specialist equipment, we would expect schools to make reasonable adjustments under the Equality Act 2010. We consider that the risks to people with protected characteristics are minimal overall given that there is no equivalent requirement for maintained schools.

Assessment: Adverse impact is unlikely, but positive impact is also unlikely.

Flooring (ISSs)

Current regulations require that there is appropriate flooring in good condition. We believe that this is covered to a similar standard in the Workplace Regulations and that the risks to groups with protected characteristics are minimal overall given that there is no equivalent requirement for maintained schools.

Assessment: Adverse impact is unlikely, but positive impact is also unlikely.

We are proposing to simplify and retain the following regulations:

Medical facilities (SPRs and ISSs)

Current regulations require medical facilities, including space for medical examinations and the care of sick children. We are proposing to retain this requirement; removing the regulation would disproportionately affect children with disabilities or other medical needs, who may then have to go off-site to have their needs met.

Assessment: Adverse impact is unlikely, but positive impact is also unlikely.

Washrooms (SPRs and ISSs)

Current regulations give specific washroom requirements by age of child. We are proposing to retain the requirement to provide suitable washroom facilities, but are not being as prescriptive in the regulations about how many toilets are appropriate. This could result in fewer toilet facilities. Facilities for people with disabilities will be needed in order for facilities to be seen as suitable, and this is clearly stated in guidance, and supported by the Equality Act 2010, as is the need for toilets for each gender (except where provided for use by one pupil at a time). The draft guidance states that toilet facilities should have regard to the age, sex and number of pupils, and any special requirements that they may have. We do not consider that the amended regulation will have a negative impact on pupils with protected characteristics.

Assessment: Adverse impact is unlikely, but positive impact is also unlikely.

External Space (SPRs and ISSs)

Current regulations require that there are appropriate arrangements for providing outside space for pupils to play safely. The SPRs set the minimum amount of team games playing fields, and the basis on which section 77 disposals are determined. We are proposing that the regulations are simplified, and do not consider that the simplified regulation will have a negative impact on pupils with protected characteristics.

Assessment: Adverse impact is unlikely, but positive impact is also unlikely.

Health, Safety and Welfare (SPRs and ISSs)

Current regulations require that the Health, Safety and Welfare of occupants shall be reasonably assured. The SPRs require that every part of a school shall be such that the health, safety and welfare of occupants are reasonably assured. It also covers safe means of escape in case of fire. Similar requirements are covered in three of the premises regulations in the ISSs. While compliance with the Health and Safety at Work Act and Workplace Regulations will go a long way towards ensuring the health and safety of pupils in schools, it will do nothing to ensure that their specific welfare needs

are met. It is proposed that regulation in this area should therefore be retained, but simplified. We do not consider that the simplified regulation will have a negative impact on pupils with protected characteristics.

Assessment: Adverse impact is unlikely, but positive impact is also unlikely.

Lighting (SPRs and ISSs)

Current regulations set lighting levels for teaching accommodation and vary according to use. Low light levels can cause eye strain, and cause difficulties for people with visual impairments. We are proposing to simplify this regulation so that it requires that lighting levels are appropriate for the task, but does not prescribe the level or the source of light. This would provide protection for children while reducing the level of regulation. Where people with disabilities require additional light sources, we would expect schools to make reasonable adjustments under the Equality Act 2010.

Assessment: Adverse impact is unlikely, but positive impact is also unlikely.

Acoustics (SPRs and ISSs)

Current regulations require that sound insulation and acoustics shall be appropriate to the normal use of the room. There is evidence to show a link between educational outcomes and noise. We are proposing to retain this regulation.

Assessment: Adverse impact is unlikely, but positive impact is also unlikely.

Water (SPRs and ISSs)

Current regulations require that water supply shall be adequate, wholesome and include a supply of drinking water. Hot water supplies shall not exceed 43°C. We are proposing to retain this regulation.

Assessment: Adverse impact is unlikely, but positive impact is also unlikely.

Boarding accommodation (SPRs and ISSs)

Current regulations cover sleeping and living accommodation, washrooms, sick rooms and staff accommodation. We are proposing to simplify these regulations, and move some of the space requirements into guidance. This could potentially risk overcrowding. There is no evidence that pupils with protected characteristics are more likely to be at risk of overcrowding. However, we consider that should overcrowding arise, pupils with disabilities are most likely to be adversely impacted. We believe that this risk can be mitigated by amending the health, safety and welfare regulation to include that the space provided is such that no part of the school comprises the health and safety of pupils.

Assessment: Adverse impact is unlikely, but positive impact is also unlikely.

Next steps

Consultation is being launched on 3 November, with a view to revised regulations coming into force in 2012.