

# CAPITAL FUNDING FOR VOLUNTARY AIDED (VA) SCHOOLS IN ENGLAND

**Function:** Guidance

**Subject Category:** Management and Finance

**Audience:** VA school governing bodies, headteachers, groups representing the VA sector, local authorities and consultants.

**Status:** Information and Guidance

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**Superseded Documents:** This document supersedes previous versions of this guidance. This guidance is not being published in a printed version, but can be viewed or downloaded from our website at [www.teachernet.gov.uk/vabluebook](http://www.teachernet.gov.uk/vabluebook).

**Overview:** This guidance updates information we have previously provided on the way in which we fund capital work at VA schools.

**Further information:** Contact the VA Capital Team (Room 11 LGF), Department for Education and Skills Mowden Hall, Staindrop Road, Darlington, DL3 9BG – you can find details on our website at <http://www.teachernet.gov.uk/vacontacts>.

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## OVERVIEW

1. This edition of our guidance continues to build on the reforms introduced in 2002. It provides an update of our policies related to capital work at voluntary aided (VA) schools, together details about how to apply for funding.

2. We aim to contribute to the development of a cohesive strategy for funding all categories of maintained school and we hope that this latest guidance will help achieve that process. In particular this guidance may be helpful to new headteachers, and others involved in the capital funding arrangements for premises-related work at VA schools.

3. For further advice contact the VA Capital Team, Room 11 LGF, Mowden Hall, Staindrop Road, Darlington, DL3 9BG. You can find more information on our website at [www.teachernet.gov.uk/voluntaryaidedschools](http://www.teachernet.gov.uk/voluntaryaidedschools). If you don't know who to contact, please refer to [www.teachernet.gov.uk/vacontacts](http://www.teachernet.gov.uk/vacontacts).

### Important

4. This edition includes new and updated information about:
- the changes we have made to devolved formula capital (DFC)
  - how DFC can be pooled across a diocesan area to fund larger scale work
  - the arrangements introduced in April 2006 for information and communication technology (ICT) funding
  - school travel plan (STP) grant
  - the general principles in relation to funding emergencies and insurance cases
  - updated information on the targeted capital fund (TCF)
  - capital to support choice, diversity and access
  - updated information about what constitutes a category 2 or 3 building project, and about the information we need from you
  - updated information relating to the Building Research Establishment Environment Assessment Methodology

We are currently considering further changes to the way in which we administer the VA capital programme. We will provide information and

guidance about any future changes on our website [www.teachernet.gov.uk/vanews](http://www.teachernet.gov.uk/vanews). Some of the arrangements may be superseded by the Education and Inspections Bill which is before Parliament at the time of publishing this guidance.

## THE BASIC PRINCIPLES

### Who is responsible for what?

5. Responsibility for work to VA school premises is shared between the school's governing body and the local authority (LA). The principles we apply to split this responsibility are as follows:

Capital work (see paragraph 10)

*VA school governing bodies* are liable for:

- the existing buildings (internal and external), including those buildings previously known as 'excepted' (kitchens, dining areas, medical/dental rooms, swimming pools, caretakers' dwelling houses)
- perimeter walls and fences, even if they are around the playing fields
- playgrounds
- furniture, fixtures and fittings – including ICT infrastructure and equipment
- other capital items (which can include capital work to boilers or other services)

*LAs* are liable for:

- playing fields (including sports pitches and hard surfaced games areas)
- buildings on those fields and related to their use

6. These liabilities are not specifically related to ownership. For example, governing bodies of those VA schools which were previously Grant Maintained may now own the playing fields and associated buildings, but the LA will still be responsible for any work to them.

7. Even if the LA owns any of the 'excepted' buildings referred to above, the VA governing body is responsible for any capital work to them. To protect any investment (in case of a future sale), the school needs to notify the LA of any related capital expenditure within 12 months. If it is proposed to dispose of the building at a later date, an independent valuation is required. If agreement about sharing the sale proceeds cannot be reached the Secretary of State does have the power to intervene.

8. Teachers' dwelling houses are the liability of the trustees. We cannot

pay capital grant for work to these buildings as they are not the responsibility of the VA school governing body or the LA.

### Revenue work

9. All revenue work to the premises is LA liability, but the funding is normally delegated to schools. There is no statutory governing body contribution to revenue work.

### **What do we mean by ‘capital’ and ‘revenue’ work?**

#### Capital expenditure

10. We use the broad definitions provided by the Chartered Institute of Public Finance and Accountancy (CIPFA) in their Code of Practice on Local Authority Accounting in Great Britain. For VA schools this is currently defined as set out below (subject to change in the Education and Inspections Bill):

- (a) *the acquisition, reclamation, enhancement or laying out of any land;*
- (b) *the acquisition, construction, preparation, enhancement, replacement or demolition of any building or part of a building (including any fixtures and fittings affixed to a building), wall, fence or other structure, or any playground or other hard-standing;*
- (c) *the acquisition, installation or replacement of any movable or immovable, plant, machinery, apparatus or furniture;*

*used or intended to be used for the purposes of the school.*

*“enhancement”, in relation to any asset, means the carrying out of works which are intended:*

- (a) *to lengthen substantially the useful life of the asset; or*
- (b) *to increase substantially the open market value of the asset; or*
- (c) *to increase substantially the extent to which the asset can or will be used for the purposes of or in connection with the school concerned.*

11. The following examples are intended to provide guidance on how to decide what might be regarded as revenue (paid for from revenue budgets) and capital expenditure (which can be met from either capital grant or delegated revenue budgets).

Localised repairs to a roof (patching or mending) should usually be met from revenue funds, because this would be regarded as normal repair and maintenance work. If the whole roof, or a substantial part of a large roof, needs to be replaced, then this could reasonably be regarded as a capital.

Small repairs to playgrounds (filling individual potholes etc.) should usually be met from revenue funds, because this would be regarded as normal repair and maintenance work. If the whole of the playground needs to be resurfaced, then this might reasonably be regarded as a capital item.

A boiler has unexpectedly broken down, and requires a new part which will cost £1,800. This could have been regarded as either revenue (because it is repair and maintenance) or capital. The cost, however, dictates that it must be revenue because it is below the 'de minimis' threshold of £2,000.

Replacing a few damaged chairs or desks would be regarded as a revenue cost because it is normal wear and tear. If, however, as part of a refurbishment of a whole classroom, all of the furniture is to be replaced then it can be included as part of the capital project.

12. In many cases, there will be scope for VA schools and their advisers to determine whether expenditure is of a revenue or capital nature.

### **'De minimis' level**

13. There is a threshold below which any expenditure is not considered to be capital and should not be met from capital budgets. For all VA schools this is £2,000. The de minimis level also applies to the purchase of ICT equipment.

### How much capital grant can I claim?

14. The standard rate of grant is 90%. This means that, for work which is the governing body's liability and which (for example) costs £5,000, you can claim grant of £4,500. LAs have the power to help a VA school governing body with their statutory 10% contribution.

15. You cannot use your devolved formula capital (see paragraph 41) to meet your statutory 10% contribution, but you can use the revenue budget delegated to the school.

16. The Department has the power to pay grant at up to 100% only in exceptional circumstances. Guidance of what might be regarded as exceptional is given in paragraph 91 onwards.

17. We pay grant at 100% for work which has been agreed as part of the backlog of work to those parts of schools which were previously 'excepted' from grant (see paragraph 7) and the school was VA at 31 March 2002.

## **FUNDING PROGRAMMES**

18. This section details the range of funding programmes currently available to VA schools. It identifies the main aspects of each programme, and outlines what you can and can not do with each programme. We would usually expect funding is used to meet local priorities in the context of the schools asset management or school development plan.

19. All programmes relate to capital expenditure only. Therefore, any grant support must be to assist the VA school's governing body with its responsibilities for the capital provision and/or capital refurbishment or renewal of VA school buildings and equipment. See the definitions and examples in paragraph 11.

20. Unless otherwise stated, in all of these programmes we pay grant at the standard rate of 90% for the governing body's share of liability.

### **Basic Need and Targeted Capital Funding (TCF) programme**

21. Every two years we invite local authorities (LAs) to submit bids on behalf of the VA sector for funding large scale capital work (TCF), or for capital work to meet an exceptional growth in pupil numbers (usually referred to as Basic Need). The format and timing of the next TCF bidding round has not yet been confirmed but guidance will be issued to LAs and VA stakeholders prior to bids being invited.

22. Basic Need is a mechanism that is available where a local authority and its schools are experiencing exceptional circumstances (e.g. very high growth in numbers or movement of pupils within a local authority area), and where the resulting need cannot be met from available capital resources.

23. If you are thinking of changing your school in such a way that statutory proposals will be necessary, and there will be an associated capital cost, you should consider bidding for funds through these programmes. Your School Organisation Committee (SOC) will not be able to reach a decision about your change if we have not agreed the capital costs. You can get guidance on statutory proposals from [www.dfes.gov.uk/schoolorg](http://www.dfes.gov.uk/schoolorg).

24. You can get more information from our Website [www.teachernet.gov.uk/voluntaryaidedschools](http://www.teachernet.gov.uk/voluntaryaidedschools).

## **LA Co-ordinated VA Programme (LCVAP)**

### Outline

25. This is funding, calculated by formula, which we ask LAs to administer. There are no limits on the size of a project that can be supported by LCVAP, nor any restrictions on the type of capital project, as long as the capital work is the governing body's liability.

26. We have notified LAs of their LCVAP allocation for 2006-07 and 2007-08. This will help LAs to plan capital projects strategically with local partners to ensure all funding is spent in each financial year.

### Detail

27. Each LA is asked to co-ordinate, in consultation with local partners (e.g. dioceses, and schools not associated with a diocese), how the programme should be allocated against local needs and priorities.

28. The programme must take account of additional formulaic contributions to approved targeted capital projects, and should also provide sufficient flexibility to support other urgent works which may arise during the course of the year.

29. We expect each LA to have submitted an outline list of projects for 2006-07 by the end of May 2006. We cannot approve LCVAP projects until we have a locally agreed programme of those projects going forward in each year.

30. For mixed DFC/LCVAP projects spanning 2 years, retentions are funded from the LCVAP element. We will only pay 97.5% of the grant in year 1. The remaining 2.5% should be allocated from the next financial year.

31. Local partners will need to take this into account when planning their programme to avoid any 'loss' of funding at the end of the current financial year.

32. The co-ordination of the programme should also take into account those projects that have slipped, causing committed expenditure in 2006-07. LAs should use the VA Schools Information System (VASIS – see Annex F) to ascertain these projects and the value of the slippage.

33. When deciding which new projects should be funded through LCVAP, local partners should also consider the amount of DFC held by schools. It may be appropriate to ask those schools to contribute some, or all, of their allocation towards the cost of an LCVAP project. This will ensure that schools do not hold large amounts of unallocated DFC, and enables the LCVAP to be used to fund as much work as possible in a LA area.

34. Some planned projects do incur delays and cannot go forward in the

chosen year. Therefore to ensure full spend of the programme, funding for these slipped projects will need to be reallocated to other projects. LAs should notify these fallback projects to us. To help with this process, where a project would normally be category 2 (see paragraph 122) and submitted straightaway for tender approval, it should follow the category 3 procedure and seek approval to proceed to tender (see paragraph 127). This enables projects to be prepared and ready to go to tender if the need arises.

35. Once a school has been informed that they have been allocated LCVAP funding, the school/diocese will need to develop the project in line with our project handling arrangements (see Annex H).

#### Things to remember

36. LCVAP funding must be spent in the year it is allocated; if not, it becomes a commitment in the following year (this means that fewer new projects can be funded). If your project does look like slipping, let us and your local partners know.

37. LCVAP funding will be lost if it not allocated to an approved project. Local partners need to ensure funding is correctly allocated and projects are approved and finalised wherever possible in the relevant year.

38. Plan projects properly and if necessary phase projects over two years if that best suits the projected build period. In this way, additional projects can be supported in both years.

39. LCVAP can support all types of capital work as long as it is governors' responsibility. There is a minimum project cost of £2,000 but no maximum cost.

40. LCVAP may also be needed to support capital works related to an emergency or insurance situation (see paragraph 83).

#### **Devolved Formula Capital (DFC)**

##### New payment arrangements for 2006 onwards

41. Devolved formula capital (DFC) is a formula-based grant provided to all maintained schools.

42. We introduced new arrangements to the way we pay DFC to VA schools from 1 April 2006. To achieve greater consistency with other maintained schools, we now pay DFC direct to VA schools in two scheduled payments made during the financial year.

43. These new arrangements provide greater autonomy for schools to decide how to fund local priorities. You will no longer have to seek our approval to carry out capital work to the school premises, nor will you have to make a claim to us for the money.

44. DFC can only be used for capital expenditure which is the governing body's liability. You must still make the statutory 10% contribution and you must still get permission from the trustees/diocese to undertake work to the buildings. Your local authority will also need to know about any work you carry out in order to update asset management plan information.

#### How will the grant be paid?

45. It will be paid in two instalments. The first is paid in May and is for 40% of your in year allocation. The second payment is paid in early July, and will be for the remaining 60%.

#### What happens about the rolled-forward funding?

46. For schools that have uncommitted funding rolled-forward from previous years we will pay any outstanding funding to you in your July instalment.

#### New schools entering the VA sector

47. If you are a new school entering the sector you will need to tell us which account you would like your DFC paid into. A mandate form can be downloaded from [www.teachernet.gov.uk/vaforms](http://www.teachernet.gov.uk/vaforms)

48. When considering what type of account to use you need to ensure that you can separately account for this capital, and that you do not reclaim value added tax (VAT) on it. VAT should not be reclaimed because the DFC that we pay to VA schools includes an element of funding for VAT which VA governing bodies are obliged to meet.

#### How will schools account for the funding?

49. We will write to you at the end of the financial year asking you to provide a declaration to us about how you have spent your funding.

50. We are currently working on the detail of the declaration with our auditors but this will be to the effect that you:

- have spent the money on capital items
- have made the statutory 10% contribution
- have local planning or other approvals (such as Building Regulations)
- that VAT has been paid where relevant (and has not been reclaimed from any other source)
- that the trustees of the buildings have been consulted (Church of England schools are under a legal duty to do so)
- that the school is not due to close in the next 12 months

or

- that you are carrying the funding forward to the next financial year (if only part is carried forward, we will need to know how much)

#### What about claiming for work on projects approved before 1 April 2006

51. Where we have approved work under the old arrangements this funding is already committed. You should send your claim to the VA capital team as you have always done until we advise you otherwise.

#### Schools which will not receive DFC

52. Some exceptions apply to the receipt of DFC; these include schools which:

- open in, or move into, new buildings, or those schools that are due for closure
- enter into a Private Finance Initiative (PFI) contract, in which case it is withdrawn from the year following the contract signing, and is returned in the third year after the service is started – at which point it will be at 65% of the standard rate
- are included in Building Schools for the Future (BSF) – we will exclude all schools in BSF from the year in which the wave can first access funding, and for the next four years. This is irrespective of when individual schools receive investment and the length of time it takes for their rebuilding or refurbishment

53. VA schools included in the BSF programme should contact the VA capital team for further guidance, should there be a case to address an immediate urgent need.

#### Outline

54. The size of a project is limited to that which can be supported by the school's DFC allocation. Funding can be accumulated by a school up to three years (four years exceptionally).

55. There are no restrictions on the type of capital project that can be supported by DFC, as long as the capital work is governors' liability.

56. To help schools plan their capital projects, DFC can be rolled forward or (where appropriate) pooled at diocesan level to enable larger projects to go ahead. Further details are given later in this section.

#### Can DFC be used to fund feasibility studies?

57. DFC can be used to undertake feasibility work which is not directly related to capital bids; for example, work in relation to the extended schools programme.

58. DFC cannot be used for feasibility work to prepare a bid to the Department; for example, targeted capital funding (TCF).

### Formula

59. The following tables outline the rates used to calculate a school's DFC allocation over the three year period from 2005-06:

<b>2005-2006</b>	<b>Standard Amount</b>	<b>+17.5% for VAT = VA 100%</b>	<b>90% grant</b>	<b>Governing Body 10% contribution</b>
Lump Sum	£13,150.00	£15,451.25	£13,906.13	£1,545.12
<b>Per Pupil Amount</b>				
Primary	£49.40	£58.05	£52.24	£5.81
Secondary	£74.10	£87.07	£78.36	£8.71
SEN (all schools)	£148.20	£174.14	£156.72	£17.42

<b>2006-2007</b>	<b>Standard Amount</b>	<b>+17.5% for VAT = VA 100%</b>	<b>90% grant</b>	<b>Governing Body 10% contribution</b>
Lump Sum	£17,000	£19,975.00	£17,977.50	£1,997.50
<b>Per Pupil Amount</b>				
Primary	£61.00	£71.68	£64.51	£7.17
Secondary	£91.50	£107.51	£96.76	£10.75
SEN (all schools)	£183.00	£215.03	£193.53	£21.50

<b>2007-2008</b>	<b>Standard Amount</b>	<b>+17.5% for VAT = VA 100%</b>	<b>90% grant</b>	<b>Governing Body 10% contribution</b>
Lump Sum	£18,500	£21,737.50	£19,563.75	£2,173.75
<b>Per Pupil Amount</b>				
Primary	£63.00	£74.03	£66.62	£7.41
Secondary	£94.50	£111.04	£99.93	£11.11
SEN (all schools)	£189.00	£222.08	£199.87	£22.21

## Features

60. *Roll forward* – to enable a large project to be funded it is possible to roll forward your allocation. You can roll forward a year's allocation for a maximum of three financial years, or four years exceptionally.

61. For example, grant rolled forward from 2005-06 must be claimed by 31 March 2008 unless a large project is being funded; grant rolled forward from 2006-07 must be claimed by 31 March 2009 unless you tell us otherwise.

62. If you do not spend your allocation within the three years, and you have not told us you need it rolling forward for a fourth year, then you may lose any remaining allocation from year one.

63. DFC for VA schools cannot be anticipated from future years. This means that where a project is planned and requires two years' DFC, it will need to be prioritised to go forward when it is affordable within the four year period.

## Pooling DFC

64. Schools may wish to pool their funding to carry out a larger-scale project. You should first contact your diocese (if appropriate) to discuss your needs. If pooling is an option the diocese will assist with the local administrative arrangements.

65. In general it is possible for a group of schools to decide to pool some, or all of their 2006-07 DFC. Donating schools give up an amount of their DFC and passport this to the recipient school.

66. If a school decides to pool its funding, it will need to tell us that it is carrying the funding forward. We will write to you at the end of the financial year to ask for more details.

## Detail

67. Schools can decide how best to use their DFC, but projects should feature as part of the school's agreed development plan or the asset management plan.

68. DFC is often used for smaller-scale capital work that exceeds the de minimis level of £2,000 (see paragraph 13). It can also be used as a contribution towards a larger project e.g. a project for which the major source of funding is LCVAP.

## Things to remember

69. DFC can be rolled forward but it should be spent within a three year period, or exceptionally four years, from when it was allocated.

70. DFC can support all types of capital work as long as it is governing body responsibility. There is a minimum project cost of £2,000 but no maximum project cost.

71. More general guidance about DFC can be found at [www.teachernet.gov.uk/devolved](http://www.teachernet.gov.uk/devolved) and about the changes at [www.teachernet.gov.uk/vanews](http://www.teachernet.gov.uk/vanews)

### ICT funding

72. In November 2004 we announced the merger of DFC and the capital element of the ICT in Schools Grant 31a. The merger of the two funding streams provides schools with one single source of devolved, formula-based capital funding for ICT equipment, buildings and grounds.

73. The allocations do not specify the exact amounts of ICT funding included, and the decision about how much DFC is used for either ICT or buildings and grounds should be based on a school's own priorities and circumstances.

74. DFC can now be used to support schools' purchases of ICT infrastructure and equipment; for example, items such as desk top computers, interactive whiteboards or laptops and computer peripherals such as digital video cameras and printers. However the purchase of such items must still comply with the definition of capital and be above the de minimis level for VA schools (see paragraph 13).

75. Schools should also consider whether leasing ICT equipment provides better value for money. The revenue element of the ICT in Schools Grant 31a is now added to the Schools Development Grant (SDG). This grant can be used to fund contracts for leased ICT equipment, and teachers' training in the use of ICT.

76. The allocations to local authorities do not specify the amount of ICT funding included in SDG – this should be based on a schools own priorities and circumstances.

77. More guidance about how to use DFC to support ICT in schools, and SDG funding can be found on the internet at [www.teachernet.gov.uk/docbank/index.cfm?id=9499](http://www.teachernet.gov.uk/docbank/index.cfm?id=9499)

### School Travel Plan (STP) Grant

78. Additional capital funding is available for schools which have authorised travel plans in place. This additional one-off funding is aimed at supporting the investment needs of these plans, and will be included in DFC payments for schools where the school travel plan:

- meets the criteria described on page 49 of 'Travelling to School – a good practice guide', and at <http://www.teachernet.gov.uk/docbank/index.cfm?id=8951>
- has been authorised by the local authority, as well as by the chair of governors of the school. If other local bodies such as the police or bus operators have a significant role to play, they should be signatories too, to indicate that they are willing to support the actions identified in the plan
- has been notified to your regional school travel adviser by 19 April 2006. For further information email [school.travel@dfes.gsi.gov.uk](mailto:school.travel@dfes.gsi.gov.uk).

### What is the purpose of the STP Grant?

79. The grant is an additional one-off payment included in DFC and is intended to be spent on capital items which will encourage or enable more sustainable travel to school. These are usually identified when the STP is being developed. Potential work might be, for example, to secure cycle storage, or to provide a covered waiting area for parents, or a new entrance to the school which enables separation of pupils from motorised traffic.

80. Again the grant can only be used for capital provision above the de minimis level (see paragraph 13).

81. If you have unused STP from 2005-06 it has been included this in our calculations of uncommitted rolled-forward funding. We anticipate being able to pay any remaining backlog of funding in the July instalment to schools that qualify for STP.

82. If you are due to receive STP in 2006-07 we will pay new awards to your nominated account. We will notify you separately of the amount you will receive.

## **Emergencies**

### Outline

83. We do not keep a reserve for funding emergency situations however funding is available through existing programmes to help schools become operational again after a genuine emergency situation. For example, to fund immediate health and safety issues to make a building safe after an arson attack.

### Detail

84. You will need to demonstrate that it is a genuine emergency situation. We will ask you about:

- the number of children affected

- the condition of the buildings and how many classrooms are affected
- whether the school has been closed and for what period
- what alternative temporary measures you have considered or been able to take
- the type and level of insurance cover you have in place

85. Because we do not have a contingency for emergencies, local partners may need to reprioritise funding from LCVAP to meet some, or all, of the costs.

86. This may include, for example, the reinstatement of a classroom destroyed by fire. Where we ask you to take these measures we may consider providing an additional 'top-up' of LCVAP to affected authorities when we assess all capital programmes in the autumn of each year.

87. In some circumstances we will also ask schools to reprioritise unspent DFC.

88. It is important that you indicate what insurance cover is available for any affected buildings. You can find additional guidance on insurance arrangements for VA schools in Annex B.

### Process

89. Contact Gail Banks on 01325 391264 for insurance-related cases or the VA Capital Team. We will discuss the situation with you to agree what action you need to take.

## **Funding in Exceptional Circumstances**

### Outline

90. As a result of the changes introduced in April 2002, the Department now has the power to pay VA capital grant at up to 100% in exceptional circumstances. LAs continue to have the power to assist VA school governing bodies with their 10% contribution or towards capital projects as they wish.

91. In normal circumstances, the rate of grant support will be no more than 90%. However, we have recognised that there might be exceptional circumstances in which it would be appropriate to pay above this rate. The following suggests what those circumstances might be, although these cases may be looked at by our legal advisers.

- The LA makes a strong case for a major reorganisation across the whole, or a significant part, of the Authority (for example, changing from 3-tier to

2-tier school system)

- DfES Ministers introduce a top-down initiative which applies to VA schools in the same way as other categories of schools
- VA schools considered for funding under the Department's Fresh Start programme, or those in similar challenging circumstances, would be considered on an individual basis.

### Detail

92. Contact the VA Capital Team to alert us to the situation (see Annex J). The decision about when to apply 100% funding will be based on the individual circumstances and the documentation supplied by the school or diocese.

93. We would not regard the following as exceptional:

- a governing body cannot afford its contribution towards a conventional capital project
- a one-off reorganisation affecting only a small number of schools which is not part of a larger reorganisation regardless of whether a LA or diocese initiates this
- a surplus place removal project at an individual school
- any projects where the contribution is less than £10,000 for a primary school, or £20,000 for a secondary school.

### **Excepted Buildings programme**

#### Outline

94. As part of the reforms introduced in 2002, we agreed to fund some areas of VA schools, known as 'excepted buildings', at 100% grant. These areas had previously been the responsibility of LAs to maintain, but transferred to become governing body responsibility. We arranged to carry out condition surveys on a national basis to assess the backlog of work related to the changes.

95. The condition surveys were carried out to an agreed specification. All schools that were VA at the time should be aware of, and have a copy of, the survey results. Key features of the survey were:

- the funding is to bring the specified buildings up to an acceptable condition
- it is not to provide facilities which do not currently exist
- the funding will be paid at 100% of the assessed costs, so there is no need

for the statutory 10% governor's contribution.

96. At the end of the survey process each school was sent an allocation letter along with the survey results. This letter outlined the amount of funding that was allocated to the school to deal with the work identified, and the process for completing the work and claiming the funding.

### Process

97. From 2006-07, new project thresholds apply; details of this change are provided in paragraphs 122 – 127.

98. You may decide that an alternative solution to straightforward repair or renewal could offer a better solution and value for money. Where you plan to fund a larger project you will also need to identify other funding to support any shortfall in costs.

99. Where all work identified has a net total below the £2,000 de-minimis, you can complete the work, and claim grant support direct from the VA Capital Team using VAEB/Minor Claim.

100. Swimming pools also formed part of the survey. The summary report will provide details of the costs associated with the condition backlog and, where appropriate, demolition costs. Governing bodies will need to consider carefully how they wish to progress with any remedial work or demolition to swimming pools, bearing in mind the on-going need for specialist maintenance.

### Things to remember

101. Funding under this programme is cash limited.

102. Use form VA/Approval to obtain approval for the work.

103. Grant support for work to excepted buildings included in this programme must be claimed by 31 March 2007 or the funding will be lost.

### **Building Schools for the Future (BSF)**

104. BSF is the Department's transformation programme for providing inspirational secondary schools and Academies. This will include VA schools. The planning and funding will be arranged, in consultation with the VA sector, by LAs and Partnerships for Schools (PFS – our delivery partners for BSF).

105. The Secretary of State has agreed that BSF is an exceptional circumstance, which means that grant can be paid at 100%. You can get further information at [www.bsf.gov.uk](http://www.bsf.gov.uk).

## Capital to support other initiatives

106. The latest news about school funding, design and resources can be found on our teachernet website at <http://www.teachernet.gov.uk/management/resourcesfinanceandbuilding/>

## Capital to support choice, diversity and access.

107. The DfES is supporting around £17.5 billion of capital investment over the 2005-06 to 2007-08 period. There is a strong presumption, therefore, that the new capital pressures arising from the choice, diversity and access agenda set out in the Schools White Paper *Higher Standards, Better Schools for All*, will be met largely by the resources already allocated through our existing capital programmes. The Department will be reviewing its capital programmes and associated guidance accordingly, including those relating to asset management planning. In the meantime, Ministers are also making available around £150 million in order to support further the choice, diversity and access agenda up to 2007-08.

108. In order to provide additional support for White Paper priorities, the DfES is issuing new or revised guidance for the following areas:

a. *new schools by promoters, including parent groups*: the Department will be looking to pilot a small number of projects to test out how capital needs might be minimised in progressing new schools by promoters, or those wishing to enter the maintained sector. These will also look at how local authorities can help and support these projects, as part of the new role to be commissioners of education, and to be responsive to parents and pupils. We will be looking for innovative approaches to minimising capital barriers to establishing new schools, while providing “last resort” funding to ensure that worthwhile promoted projects do not fail because of a lack of local resources. Further information is set out in the Handbook for Promoters, which can be found at: <http://www.dfes.gov.uk/schoolorg/guidance-view.cfm?id=57>.

b. *partnership working through federations and fresh start*: new guidance is being prepared which will invite bids for targeted capital support for collaborative projects for Federations with shared governance. We expect that applications will also be invited involving fresh start projects which are either part of a collaborative project, or stand alone. We envisage that the funding would be available for buildings or ICT which would be used across the partnership and enhance collaborative activity. Proposals will need to offer value for money and have no other reasonable source of funding. Guidance and the invitation to bid is available at <http://www.teachernet.gov.uk/docbank/index.cfm?id=9784>

c. *expansion of successful and popular schools*: guidance for the incentive funding for successful and popular schools is being updated, and will be extended to include primary schools, as well as secondary schools. We expect to have the revised guidance available by the end of May. The current guidance can be found at: <http://www.teachernet.gov.uk/docbank/index.cfm?id=8804>.

## **RESPONSIBILITIES**

### **The governing body and its consultants**

109. The governing body has a legal responsibility for all building work carried out at the school, and should employ appropriately qualified building professionals as consultants. The consultants will be responsible for assuring the governing body that projects comply with the current school premises regulations, the Department's constructional standards, building regulations and all other relevant legislation.

110. We recommend that any consultant must have professional indemnity insurance cover; this offers some protection to the governing body in the event of problems arising. Consultants will also usually complete the relevant paperwork and certifications including form VA/Approval which needs to be submitted to the VA team before work commences.

111. If the governing body does not employ a consultant, it will need to certify on form VA/Approval that the building work complies with the relevant standards and regulations. The governing body also has a statutory duty under the Construction (Design and Management) Regulations 1994 to appoint a competent Planning Supervisor on almost all building projects. This is to ensure that all issues relating to health and safety in construction work are covered.

112. More information on this statutory duty and other useful information relating design issues can be found in the Schools Building Design Unit's publication "Key Design Guidance for Schools" and can be downloaded from our website at [www.teachernet.gov.uk/docbank/index.cfm?id=7519](http://www.teachernet.gov.uk/docbank/index.cfm?id=7519).

113. Governing bodies may also have access to advice and assistance from their local diocese, where appropriate.

### **The Local Authority (LA)**

114. You will need to discuss any division of liabilities with the LA before you apply for building approval for capital projects which involve work to the playing fields or buildings on the fields which relate to their use.

115. At the same time as you send form VA/Approval to the Department, you should copy it to the LA, even if the work contains no LA liability. This will allow Asset Management Plan (AMP) information to be updated.

116. The LA will share the governing body's interest in value for money. If the best value tender is above the agreed costs, and this increases the LA's share of funding, the governing body must get the authority's agreement to the increase. You will also need to send a revised form VA/Approval, to the Department and LA.

117. When projects funded through LCVAP or TCF are approved, the

Department will notify the LA of approval. If the authority subsequently advises the Department that it is not aware of the project details, or its share of liabilities, the approval may be withdrawn. The Department can not fund liabilities which are the statutory responsibility of the LA.

118. At final cost stage, the governing body must send form APGC.FC to the LA, who will sign it and return it to the governing body. The governing body must then send it to the Department with all relevant original receipts.

119. Projects without LA liability should still be notified to the authority so that Asset Management Plan (AMP) information can be updated.

## BUILDING APPROVAL

120. Once you have agreed with local partners how the project will be funded, you should then apply to the Department for approval to carry out the work. Approval to proceed with any project should always be sought before the work commences using form VA/Approval. This ensures availability of the funding for your project. All forms referred to in this section can be downloaded from [www.teachernet.gov.uk/vaforms](http://www.teachernet.gov.uk/vaforms).

121. There are two categories of capital projects – they must all be above the £2,000 de minimis.

Approval category	Types of project	The process
<b>Category 2.</b>	Capital projects - total value of building work up to: <ul style="list-style-type: none"> <li>• for primary schools - <b>£499,999</b></li> <li>• for secondary schools - <b>£999,999</b></li> </ul>	<ol style="list-style-type: none"> <li>1. Where appropriate agree with the LA its share of liability.</li> <li>2. Complete relevant sections of form <i>VA/Approval</i> and send it to the VA capital team (copy to the LA). All forms can be downloaded from <a href="http://www.teachernet.gov.uk/vaforms">www.teachernet.gov.uk/vaforms</a>. See paragraph 132 if it is not practical to get three tenders.</li> <li>3. Claim forms will follow with the approval letter once approved.</li> <li>4. You can then send your claim to the VA capital team on form <i>APGC.TA</i> as the work progresses, and on <i>APGC.FC</i> when the project is completed.</li> </ol>

## Category two projects

**These are capital projects to the school premises – where the total value of building work:**

- **for primary schools is up to £499,999**
- **for secondary schools is up to £999,999**

122. You should agree with local partners how the project will be funded, you should then send the completed VA/Approval form to the VA capital team, with a tender report. If you have less than three tenders then you should explain why in the tender report. You must also send a copy of the application to your LA. Where appropriate the LA should have agreed to its liabilities and share of costs before the approval is submitted.

123. On receipt of your application, we will log it on the VA Schools Information System (VASIS) so you can see how it is progressing. If you need a password to access VASIS please email [va.window@dfes.gsi.gov.uk](mailto:va.window@dfes.gsi.gov.uk) with the following details:

- full name;
- position;
- contact telephone number;
- email address
- school/LA/Diocese (please specify) name;
- LA/school number (if appropriate).

We will consider all locally agreed projects. Once we are satisfied, we will give building approval and advise you how to claim grant using form APGC.TA.

124. You can then start the work. As the work progresses, grant should be claimed on form APGC.TA which is sent with your approval. You may claim up to 97.5% of the grant available against the funding streams detailed on the claim form.

125. The final 2.5% can be claimed on form APGC.FC once the work is completed and the final claim has been submitted.

126. The Department's building professionals will not usually see your application. **You should not forward any plans or supporting documentation unless asked to do so.** A sample of projects will be subject to scrutiny to ensure that work is carried out as approved.

Approval category	Types of project	The process
<b>Category 3.</b>	Capital projects - total value of building work: <ul style="list-style-type: none"> <li>• for primary schools <b>£500,000 and above</b></li> <li>• for secondary schools <b>£1,000,000 and above</b></li> </ul>	<ol style="list-style-type: none"> <li>1. Where appropriate agree with the LA its share of liability.</li> <li>2. Complete relevant sections of form <i>VA/Approval</i> and sent it to the VA capital team (copy to the LA).</li> <li>3. The Department's building professionals will scrutinise the project scope and consider whether it represents value for money.</li> <li>4. If approved, get three tenders. See paragraph 132 if it is not practical to get three tenders. If your tender is within the Department's criteria, go ahead with the work and submit form <i>VA/TRC</i>. If tender costs exceed agreed estimates seek approval to change to the new costs, or revise the scope of the work and seek approval to change on form <i>VA/Approval</i>.</li> <li>5. Claim from the VA capital team as the work progresses on form <i>APGC.ATP</i> or <i>APGC.TA</i>. and on <i>APGC.FC</i> when the project is completed.</li> </ol>

### Category three projects

**These are capital projects to the school premises – where the total value of building work:**

- for primary schools is **£500,000 and above**
- for secondary schools is **£1,000,000 and above**

127. Once you have agreed with local partners how the project should be funded or had an allocation for funding approved through the targeted capital round (TCF). You should send the completed *VA/Approval* form seeking approval to proceed (ATP) to tender to the VA capital team.

128. The level of detail submitted to obtain approval to proceed to tender should be equivalent to stage D of the Royal Institute of British Architects' (RIBA) plan of work. **The *VA/Approval* form should be accompanied by site plans, building plans, elevations and sections together with a reasonably comprehensive outline cost plan.** You must not send tenders at this stage. You should also send a copy of form *VA/Approval* to your LA. Where appropriate the LA should have agreed to its share of liabilities and costs before the approval is submitted.

129. On receipt of your application, we will log it on VASIS so you can see how it is progressing. If you need a password to access VASIS please email [va.window@dfes.gsi.gov.uk](mailto:va.window@dfes.gsi.gov.uk) with the details outlined on page 40.

130. Our building professionals will scrutinise all applications to ensure the correct scope of the project, and that it is fit for purpose and provides value for money.

131. Successful applications will be given approval to proceed to tender and approval to claim grant for professional fees and VAT up to 7.5% of the total governing body's expenditure. Claims should be made on form APGC.ATP which is sent with your approval letter. At this stage, the Department will also send you a tender report certificate, form VA/TRC, which must be returned to the VA team after obtaining tenders.

132. Once you have approval to proceed to tender, the tenders should meet the following criteria:

- the code of procedure for single-stage selective tendering should be followed, unless prior authorisation has been given for an alternative method
- a minimum of three competitive tenders should be obtained – if you have less than three tenders then you should explain why in the tender report
- tenders should be accompanied by a detailed tender report
- the tenders should be based on the same scope of work and design solution as were originally approved
- for comparison purposes the estimate should be updated to the tender date using published indices published by the Department for Communities and Local Government
- the tender report should identify any reductions
- tenders for projects under 12 months duration must be fixed price
- the gross cost should not breach any previously set cash limit or allocation.
- any division of liabilities between governors and LA should not have changed
- the total cost of provisional sums should not exceed 15% of the tender value. For projects with a tender value of £250,000 or more this reduces to 10%
- you must give details of all professional fees as percentages for each professional employed. Fees should not differ from what has already been approved

### **What if the best value tender meets the criteria?**

133. If the best value tender satisfies the criteria, you can go ahead with the work. Complete the tender report certificate, form VA/TRC, certifying that the work is going ahead as agreed, and send it to the VA team with a tender report and a statement of financial liabilities.

134. 'Best value' does not necessarily mean the cheapest tender. If there is a good reason for accepting a tender which is not the cheapest then you should indicate in the tender report why this is the case.

### **What if the tender does not meet the criteria?**

135. If all the tenders are outside the criteria because the costs have increased or the scope of the project has changed - you must send the Department a new form VA/Approval seeking 'Approval to change ATP' with details of the new costs, and/or details of any changes to the scope of the work. If the revisions affect the share of costs previously agreed with the LA, you will need to discuss and agree the revisions with them before sending details to the Department.

### **Tender approval/final cost stage**

136. On receipt of the tender report certificate, if approved the VA team will send you a confirmation letter together with claim forms APGC.TA and APGC.FC. You may then claim up to 97.5% of the grant available against the work categories detailed on form APGC.TA, but only up to the total amount under each category. At final cost stage, if the project contains an element of LA liability the governing body must send form APGC.FC to the LA, who will sign it and return it to the governing body. The governing body must then send it to the Department with all the relevant original receipts. If the project does not contain LA liability there is no requirement to send form APGC.FC to the LA. The governing body simply completes the form and forwards it to the Department with all the relevant original receipts.

### **Project development allocation (PDA) stage**

137. New projects announced as a result of a targeted capital fund bid will receive a project development allocation (PDA), the amount of which will be advised to schools in the initial approval letter.

138. The PDA can be claimed using form APGC.PDA which accompanies the approval letter. The PDA is a nominal amount based on the school's project allocation. It is an advance payment, and forms part of the allocation; it is not in addition to it. It is for the payment of professional fees associated with the preparation of the Approval to Proceed to Tender (ATP) stage and for any exploratory work such as site borings and "opening-up".

139. The PDA will enable costs to be estimated more accurately, and time timescales for building work to be determined.

140. A PDA does not guarantee that funding will continue to be available to projects which move away from the original design principles or become too costly. Both the scope of the design and the costs need to be acceptable to the Department.

141. At this stage it is expected that the project brief will be drawn up; this includes plans of the existing site and buildings, and the preparation of sketch designs. Reliable estimates should also be made of the amount of expenditure and how this should be phased – generally the scheme is developed up to RIBA stage D.

142. All of this information, along with form VA/Approval, should be submitted to the VA capital team for agreement by our professionals. You should also send a copy of your application to your LA for its information.

143. When our professionals are satisfied with the application, we will send a letter giving approval to proceed to tender together with claim form APGC.ATP. This will allow the school to claim grant of 7.5% of the total governors' expenditure including professional fees and VAT.

### **Buying a new or additional site**

144. If you are applying for grant to help buy a new or additional site, you must send us form SB1 and a District Valuer's report with your form VA/Approval. You can get form SB1 from the VA capital team (see the contact arrangements in Annex J). Further information on site issues is in Annex D.

### **Additional Costs**

145. We do not expect to fund additional costs on any project after contracts have been signed and a tender report certificate provided. Should genuine unforeseen additional costs arise, we expect that local formulaic funding is used to support these. Where final costs exceed tender costs, an application for additional costs can be made, but again any additional funding needs to be identified locally before we will consider an application.

146. Local partners need to be assured from the outset of any project that local contributions can be maintained and are sustainable throughout the life of it. We will only consider making other additional funding available on an exceptional basis.

147. Before submitting an application for additional costs, you should first look to use any contingency sums in the approved allocation and also to seek savings from within the contract works. You will need to demonstrate clearly how these contingency sums have been used and what actions you have taken to keep additional costs to a minimum.

148. Form VA/AC should be submitted with supporting documentation –

applications may be subject to professional scrutiny.

## **Building Regulations**

149. Maintained schools are no longer exempt from Building Regulations. School buildings are treated in the same way as any other buildings, and are subject to normal building control procedures. This does not in any way affect the status of the School Premises Regulations, which continue to apply to all schools.

150. We also set Constructional Standards. The latest version of these is DfES Constructional Standards – Guidance Note Ref: DfES/0142/2001 Issue 7/2001 [www.teachernet.gov.uk/sbconstand](http://www.teachernet.gov.uk/sbconstand). The particular requirements for school buildings are gradually being integrated into the Approved Documents (ADs) of the Building Regulations, as they are revised.

The new Building Regulations AD F and AD L published in 2006 which came into force in April 2006 now refer to Building Bulletin 101 *Ventilation of School Buildings* for Part F compliance for schools and for summertime overheating compliance to Part L. Therefore reference to BB87 in the Constructional Standards is no longer relevant for Parts F and L. However, the guidance in the May 2003 edition of BB87 ([www.teachernet.gov.uk/energy](http://www.teachernet.gov.uk/energy)) on water supplies and daylight levels continues to be relevant. The new Part L requirements eg, for energy performance calculations now supersede the requirements in BB87 in all respects.

BB101 was published electronically in June 2006 on [www.teachernet.gov.uk/iaq](http://www.teachernet.gov.uk/iaq). The website also contains the ClassCool and ClassVent spreadsheet tools that can be used to show compliance with BB101 regarding ventilation opening sizes and the summertime overheating criteria.

The fire safety aspects of the latest version of our Constructional Standards, which came into effect in November 1997, and as amended in guidance issued in July 2001, will generally be satisfied if the building is designed in accordance with the 2000 Edition of Approved Document B (Fire Safety). This Document classifies purpose groups for different building uses. Schools fall within purpose group 5, “Assembly and Recreation”, but boarding accommodation, where provided, falls into purpose group 2, “Residential”. When the DCLG publish the revised Part B expected in December 2006 to come into force in April 2007 this will refer to Building Bulletin 100 as the compliance document for schools. BB100 *Designing and managing the risk of fire in schools* is due to be published in December 2006.

AD M (2004 edition) contains the following reference to the Constructional Standards in clause:

151. From 1 April 2001, maintained schools ceased to have exemption from the Building Regulations. Certain school-specific standards relating to Parts K and M contained in the DfES 1997 Constructional Standards as described in circular DfES/0142/2001 are subsumed in this revision to AD M (see 1.33 –

Note re: (l) and (m), 1.36, 1.37 (b) and 3.51 – Note re: (c), (d) and refuges).

Part M should therefore be read in conjunction with the clauses 11 and 12 of the School Constructional Standards which give slightly more specific guidance than is contained in the AD M.

152. The School Constructional Standards relating to all the Building Regulations except for Parts K and M have therefore been superseded by the relevant ADs and the compliance documents quoted within them including DfES Building Bulletins.

153. Part E of the Building Regulations and Requirement E4, Acoustic Conditions in Schools came into effect on 1 July 2003 and will be met if building works at schools are designed to meet the requirements of BB93 Acoustic Design of Schools see [www.teachernet.gov.uk/acoustics](http://www.teachernet.gov.uk/acoustics).

154. Because the exemption of schools from Building Regulations ended on 31 March 2001, LAs and schools commissioning building work need to:

- obtain approval by a building control body. This replaces the current, and largely automatic, approval of brief descriptions (or “particulars”) of works by the Secretary of State
- pay any necessary fee for approval by a building control body in addition to any fee due to the planning authority and
- ensure they allow sufficient time in the project plan to secure compliance checks by a building control body.

### **The Construction (Design and Management) Regulations 1994 (CDM)**

155. The CDM Regulations place statutory duties on clients, planning supervisors, designers and contractors to plan, co-ordinate and manage health and safety throughout all stages of a construction project.

#### **When do the CDM Regulations apply?**

156. A project is notifiable to the Health and Safety Executive, and is therefore subject to the CDM regulations, if it will last longer than 30 days, or will involve more than 500 person days of construction work. When the client considers that a project is not notifiable, based on the above, the largest number of people working on site at any one time will be less than five. Excluded from this is any work relating to demolition, which is always notifiable, and the duties of the designer still apply. A revised Approved Code of Practice, (ACoP), to the CDM Regulations came into force on 1 February 2002. The revised ACoP clarifies roles and responsibilities under CDM, in particular those of clients and designers. It places emphasis on managing health and safety throughout the life of a project, and highlights the need for everyone to play their part in reducing health and safety risks to construction workers. It also contains practical advice on identifying and reducing hazards. Further information is available from the Health & Safety Executive.

## **How do the CDM Regulations apply to the governing body?**

157. The governing body is the 'client' referred to in the regulations. These place statutory requirements on the client when capital building projects are commissioned. The governing body can appoint an agent to act as client on their behalf, but the governing body must satisfy themselves the agent is competent to perform the duties necessary. The client's key duties are to:

- appoint a planning supervisor and a principal contractor in respect of each project. The client must be reasonably satisfied they have the competence to perform their duties
- ensure that the planning supervisor, the designer and the contractor have allocated adequate resources for health and safety to enable them to perform their respective functions satisfactorily
- provide the planning supervisor with information relevant to health and safety on the project
- ensure construction work does not commence until a Health and Safety Plan has been prepared
- ensure the health and safety file is available for inspection, after the project is completed

158. The agent appointed by the governing body to act as client can be the school's own consultants or the diocesan board. The client should ensure that the agent is competent to carry out your duties as a client. The agent must sign a declaration stating that they are acting as client for the school and send it to the Health and Safety Executive.

## Annex A - GLOSSARY OF TERMS

AMP	Asset Management Plan
APGC. ATP	Approved Project Grant Claim. Approval to Proceed
APGC.FC	Approved Project Grant Claim. Final Costs
APGC.PDA	Approved Project Grant Claim. Project Development Allocation
APGC.TA	Approved Project Grant Claim. Tender Approval
ATP	Approval to Proceed
BSF	Building Schools for the Future
BREEAM	Building Research Establishment Environmental Assessment
CDM	Construction (Design and Management) Regulations
CIPFA	Chartered Institute of Public Finance and Accountancy
DFC	Devolved Formula Capital
DfES	Department for Education and Skills
DV	District Valuer
ICT	Information Communication Technology
LCVAP	Local Education Authority Co-ordinated Voluntary Aided Programme
LA	Local Authority
PDA	Project Development Allocation
PFI	Private Finance Initiative
PTA	Parent/Teacher Association
PLASC	Pupil Level Annual Schools Census
RIBA	Royal Institute of British Architects
SEN	Special Educational Needs
SOC	School Organisation Committee
TCF	Targeted Capital Funding
VA	Voluntary Aided
VA/AC	Voluntary Aided. Additional Costs
VA/TRC	Voluntary Aided. Tender Report Certificate
VASIS	Voluntary Aided Schools Information System
VAT	Value Added Tax
VFM	Value For Money

## **ANNEX B - INSURANCE ARRANGEMENTS FOR VOLUNTARY AIDED SCHOOLS**

### **Introduction**

1. In 2003 we agreed broad principles with key stakeholders about the type and level of insurance cover for VA schools. We also agreed how insurance premiums should be funded.
2. We clarified that the responsibility for funding insurance premiums rests with LAs, in just the same way as for other categories of maintained school. For capital work those premiums relate only to the governing body's 10% contribution. This is because capital grant is available through our programmes to meet the remaining 90% of the costs which arise as the result of a loss.
3. There are many different insurance arrangements at LA/Diocesan and school level. This guidance is intended to provide a clearer framework about the practical arrangements.

### **Funding of Premiums**

4. The various Education Acts from 1944 onwards provided a statutory duty on the LA to 'maintain' a VA school in the same way as any other maintained school in all respects other than 'premises'.

The position on 'premises' was different up to 31 March 2002 due to:

- governing bodies of VA schools having some responsibility for 'maintaining' the school (e.g. carrying out external revenue repairs to the main school building) and
- uncertainty about who should pay the premiums for premises insurance, given the complex arrangements for financing capital expenditure at VA schools.

5. This uncertainty may have led in some cases to duplicated or inadequate insurance.

6. The basis of the responsibility for meeting the costs of VA schools is section 22(5) of the School Standards and Framework Act 1998. This was amended by the 2002 Regulatory Reform Order:

*"In the case of a voluntary aided school, the local education authority's duty to maintain the school includes –*

*(a) the duty of defraying all the expenses of maintaining it, except any expenditure that by virtue of paragraph 3 of schedule 3 is to be met by the governing body..."*

The expenditure to be met by the governing body under paragraph 3 of Schedule 3 now relates exclusively to *capital* expenditure. The LA's duty to maintain a VA school also now extends to the costs for premises insurance premiums in just the same way as it does for other categories of school.

7. VA schools should also be treated in the same way as other maintained schools in relation to providing for any *revenue* premises losses (those below the national de minimis level for VA schools, which is currently £2,000).

8. For all other types of insurance cover (e.g. public liability, employer's liability, financial loss), the LA may delegate funds to schools for the insurance premium, or retain the funding centrally on their behalf, this also applies to VA schools. Where the LA delegates funds, it should offer the same facility to VA schools to buy back into its local scheme or make other arrangements.

### **Premises Insurance**

9. Ideally cover should be provided through a single insurance policy entered into by the school governors. It should identify all parties with an insurable interest, together with their respective level of risk and responsibility for the insurance premiums.

10. The arrangements should reflect that the VA governing body's responsibility is limited to 10% of the replacement cost for their liability on the whole school premises, or of any individual loss, excluding the value of:

- any buildings on playing fields and related to their use
- any revenue premises losses below the national de minimis level for VA capital purposes (which may also be below the level of any excess applicable under an insurance policy).

11. However, it is important that the value of the premises fully reflects the total reinstatement cost of the premises and its contents:

- the LA should either meet 100% of the premium cost for its liabilities or self-insure for that value
- the VA school governing body should insure 10% of its liabilities, the LA meeting the cost of the premium, with the DfES interest being noted on the policy for the remaining 90%.

12. Where a VA school makes a claim under a policy, the DfES will provide capital grant for the 90% balance of the costs. This will usually be met from existing capital programmes including local formulaic funding - the LA Co-ordinated VA Programme (LCVAP) or the school's devolved formula capital (see paragraph 83 about the practical arrangements).

13. Even though the governing body need only insure for 10% of its liabilities for premises related work, it is essential that proper security measures are taken to protect the premises and, more generally, appropriate risk management advice is followed.

## **Employer's and Public Liability Insurance**

### Employer's liability

14. VA governing bodies employ and are responsible for most, if not all, school staff. The insurance arrangements must properly reflect this and ensure that an appropriate employer's liability certificate is issued in the name of the governing body.

### Public liability insurance

15. The only difference compared to other schools should be for any parts of the premises which are used *exclusively* for non-educational purposes. Such liability rests with the governing body and/or the Diocese to make insurance arrangements in this respect.

## **Funding of Premiums for Employer's and Public Liability Insurance**

16. Although responsibility for ensuring appropriate insurance cover is in place rests with the governing body, the responsibility for funding insurance premiums for VA schools rests exclusively with LAs, for the reasons given earlier. They should either meet such costs centrally (where insurance is not delegated) or ensure appropriate amounts are delegated to reflect the likely premium costs incurred by the governors for executing insurance cover relating to educational purposes.

## **The Principles**

17. The general principles which should apply to VA schools are:

- for premises insurance:
  - the total value insured should be the full replacement cost of the buildings and contents
  - parties should have regard to the shared responsibility for capital and revenue works outlined in our basic principles section at paragraph 5.
  - the premium (or equivalent cost) should relate as a minimum to the governing body's 10% contribution to capital expenditure;
  - the interests of the trustees and the DfES should be noted on any insurance policy, as well as those of the school and the LA
  - the funding responsibility for insurance premiums at VA schools should

rest wholly with the LA

- for public liability insurance, the sole interest of the governing body for those parts of the school which are used exclusively for non-educational purposes should be noted, together with the joint interests of the school and the LA in all educational activities
- for employer's liability insurance, the interests of the governing body as the usual employer of school staff must be noted, and an appropriate certificate issued in its name
- for other types of insurance e.g. motor, supply teacher cover, legal expenses etc, the same arrangements should apply for VA schools as for other types of maintained school
- the funding responsibility for insurance premiums at VA schools should rest wholly with the LA, except for the 90% element of the governing body's responsibilities for premises insurance (for which losses will be met by DfES grant support)
- the LA must either make appropriate insurance arrangements itself, if insurance is not delegated, or delegate appropriate funds for the VA school to make its own arrangements, either externally or by buying back into the LA's scheme or both
- each VA school should undertake a full risk management assessment and keep this under regular review, in particular taking appropriate security and other measures to minimise the likelihood of claims being made.

### **Further information**

18. Any queries relating to the policy and practical arrangements should be addressed to Gail Banks on 01325 391264 or by email to [gail1.banks@dfes.gsi.gov.uk](mailto:gail1.banks@dfes.gsi.gov.uk)

## **ANNEX C - PROCEEDS FROM SALE OF ASSETS**

### **Background**

1. The Education Act 1993 sets out the Secretary of State's duties and powers regarding the power to pay grant, with the discretion to take into account proceeds of sale of any land/buildings released by new building work funded by capital grant.
2. The arrangements were implemented by a policy statement in a letter dated 16 December 1994, endorsed by the Churches and the Charity Commissioners. It introduced new arrangements whereby the sale proceeds released as a result of a building project funded by capital grant would be deducted from the governing body's expenditure eligible for grant. We apply this policy in all cases where proceeds accrue, or are expected to become available, to the trustees, governing body or promoters. This policy secures best value for money from the use of capital grant and releases funds to support as many projects as possible.
3. The arrangements are set out in The Education (Grants in respect of Voluntary Aided Schools) Regulations 1999. These Regulations formalise the arrangements set out in the Department's letter dated 16 December 1994.

### **Proceeds from projects which pre-date the letter or Regulations**

4. In these instances grant was paid with the proceeds being recovered only at the point of sale of original premises. In some cases these buildings may not have been sold immediately, particularly where the trust deeds at the time allowed for their continued use for the purposes of the church. This has meant that, in many cases, the projects have been completed for some time before the premises are sold.
5. The Secretary of State has a continuing entitlement to proceeds on certain sales. In such cases, advice should be sought from the VA Capital Team.

### **Proceeds of sale under the new arrangements**

6. When premises for which grant has been paid are no longer used for the purposes of the school (for example when a school closes due to falling roles, or amalgamates with another school), the proceeds accrue to the trustees or governors. We take these proceeds into account when we calculate any new capital grant, and the Secretary of State may also try to recover any capital grant paid for work to the premises.

### **Taking proceeds into account when calculating grant entitlement**

7. At the point of allocation (or on offering advice to the Schools Organisation Committee) we must establish whether there is anything in the trust deed to prevent proceeds from being taken into account. Examples

include reverter clauses (where the original donor of the premises might have an entitlement to some or all of the proceeds), or restrictive covenants (for example relating to Sunday School fund entitlement).

8. If the land/buildings are subject to reverter then proceeds of sale will not apply. If a Sunday School Fund applies, the trustees or governing body are entitled to 3/14ths of the sale proceeds and this amount should be deducted from the proceeds. Restrictive covenants will need to be checked by the Diocesan/school solicitor.

#### **How much is taken into account?**

9. We use the District Valuer's (DV) valuation as an estimate to reduce the amount of grant entitlement until the actual proceeds of sale are realised. When the actual proceeds are realised, we recalculate the amount of grant. Some costs associated with the sale can be deducted from the proceeds, such as the DV fee, marketing costs, legal fees, site security and demolition costs. Proceeds of sale reduce the governing body's costs of any new project, reducing the overall project costs. We will then pay grant of 90% on the reduced project costs. The sale proceeds are not passed to the DfES but are kept by the school, Diocese, or Trustees (as appropriate) to offset the costs of the project. Proceeds of sale cannot be used to fund the governing body's statutory 10% contribution.

#### **When are proceeds taken into account?**

10. At the point of calculating the original grant entitlement. If the site has not been sold, we use the DV's valuation. When the site is eventually sold we recalculate the capital grant to take into account the actual proceeds. It is usual for the site to be marketed as soon as the Department has given approval to a new project. This then allows the proceeds to be realised before the new project is completed.

#### **What happens if the site is not sold?**

11. If a site is proving difficult to sell and it is over 6 months since the original DV's valuation, then a further valuation should be sought.

12. If the site is still not sold within a further 6 months, the school should contact the VA Capital Team for advice.

## **ANNEX D - SCHOOL SITES**

### **Provision of sites and buildings**

1. Who should provide the site for a VA school is determined by the reasons for purchase. In cases of non-statutory transfers and non-significant enlargements, the LA provides the site. Where a site is required to implement statutory proposals, it is provided by the governing body. LAs may use their powers to help the governing body in buying a site, or can provide a site or building free of charge. The circumstances in which the LA can do this are set out in paragraph 8 of Schedule 3 and paragraph 19 of Schedule 6 to the Schools Standard and Framework Act 1998. LAs are always responsible for providing the playing field and any buildings on them which are linked to their use as playing fields.

2. Spending capital grant on buying sites does little to raise standards. We would expect this to be the last resort, if other options are not possible.

### **Leasing of buildings**

3. The governing body or trustees may be able to take out or renew a lease on land or property. The terms and conditions of any lease will always be subject to approval by the Department. The Department prefers long term leases if possible. Any lease with a term lower than 50 years should be checked by the Department before being agreed locally.

4. Capital grant can be paid to support the expenses incurred by the governing body in acquiring sites/leases/buildings.

### **When is the need for a site purchase identified?**

5. The need for a new site and the cost should be identified in any bid on behalf of the school. For successful targeted capital fund (TCF) bids, the allocation given will include a notional sum for the cost of the site. This is revised when the actual purchase price is known. The level of grant available will be based on the DV's valuation, or the actual purchase price if lower.

### **What documentation must be sent to the department?**

6. We must always have a site plan, a DV's valuation report, Form SB1 and, if appropriate, the trust deeds and lease agreement. The Department's buildings advisers are asked to check the site plan to ensure that it is suitable for the size of the school proposed. The trust deeds and lease agreement are checked by the Department to ensure that the Secretary of State's investment will be secure. A draft copy of the conveyance/transfer documentation should be sent to the VA Capital Policy Team before the purchase.

**When should the purchase be made?**

7. The site must be approved by the Department and bought before any work starts on site. We must see the signed and dated conveyance/transfer documentation before we can make a payment.

## **ANNEX E - LOANS TO VA SCHOOL GOVERNING BODIES**

1. Paragraph 7 of Schedule 3 to the School Standards & Framework Act 1998 provides that the governing body of a VA school, or a Diocesan Authority or school trustees acting on behalf, or the promoters of a new VA school, may apply to the Secretary of State for an interest-bearing loan towards the cost of any “initial expenses” required in connection with the school premises.
2. Please note: although this annex outlines the principles, any funding that would be loaned comes from the VA capital programme. This means that there is less available for other schools. It is also our policy not to hold money that can be made available as loans. It is therefore most unlikely that we will be able to approve any loans. If you would like more information on loans then please contact the VA Capital Team on 01325 392152.

## **ANNEX F - VOLUNTARY AIDED SCHOOLS INFORMATION SYSTEM (VASIS)**

1. VASIS was introduced in April 2001 to improve the administration of grant support and approval for capital building projects at VA schools. From February 2002, the VASIS Window was implemented.

2. This window, which is available through the following internet address [www.teachernet.gov.uk/vawindow](http://www.teachernet.gov.uk/vawindow) allows schools, LEAs and Dioceses to view:

- details of their Devolved Formula Capital allocation
- all projects currently in progress at relevant schools, and the stages they have reached in terms of grant support
- information on claims made against approved capital works at relevant schools
- administrative information, such as pupil numbers, contact details and briefings on specific funding programmes.

3. As the window has been designed for different levels of user, a password is needed for access. This password identifies the user, and allows them to view only the information relative to them. For example, a school can only view its own information, while an LEA can view information about all the VA schools within its area.

4. To apply for a password, email [va.window@dfes.gsi.gov.uk](mailto:va.window@dfes.gsi.gov.uk) with the following details:

- full name;
- position;
- contact telephone number;
- email address
- school/LEA/Diocese (please specify) name;
- LEA/school number (if appropriate).

## Tips on using the VASIS Window

### Internet access

5. Apart from using the Internet address above, the other way to access the VASIS Window is via the VA home page; [www.teachernet.gov.uk/voluntaryaidedschools](http://www.teachernet.gov.uk/voluntaryaidedschools). It may be a good idea to save this in your “favourites” as we will update this page with any news or information relating to VA schools.
6. Once on this page, you must scroll down the page until you see the following message “Click here to enter your VASIS username and password”. Once you have clicked on the message, a security alert will be shown. After responding yes, you will see the VASIS Window login prompt.
7. Enter your username and password that was sent to you and hit the submit button. The system will then ask you to change the password provided to another password that you can remember; this new password will last for 90 days and you must use it every time when you wish to use VASIS.
8. If you have any problems with your password or logging on, please send an email to [va.window@dfes.qsi.gov.uk](mailto:va.window@dfes.qsi.gov.uk) with the details. If you enclose a contact telephone number in the email, we will ring you back to talk you through any technical problems.

### Details

9. The quickest and easiest way to access information about your school contact details is through the “Detail” button. This is situated on the left hand side of the screen.
10. On this screen you will see contact details and general information such as pupil numbers. The pupil number data is based on the previous Januarys PLASC data to the financial year we are currently in. This information is used to work out the schools DFC and is updated once a year.
11. If your contact details such as School Name, Head Teacher, Telephone Number, Fax Number or Address are incorrect you can change them via the Edubase Schools Interface website; [www.schools.edubase.gov.uk](http://www.schools.edubase.gov.uk). To enter this site you must have a separate username and password which is the one that was supplied to access Teachernet. If you do not have this password or have forgotten it you can obtain one by visiting [www.dfes.gov.uk/datacollection](http://www.dfes.gov.uk/datacollection).

### Devolved Formula Capital (DFC)

12. The quickest and easiest way to access information about your DFC is through the “Allocations” button. This is situated on the left hand side of the

screen.

13. Once you have clicked on the allocations button, you will be presented with the selection screen. Select your school (left window) by clicking on it and then clicking on the top chevron which is located in the middle of the two windows. The name of your school will now appear in the right window.

14. Underneath the left window is a drop down field called Budget Type. Click on the drop down arrow at the far end of the field to reveal a list of Budget Types. Click on the Budget Type “NDS DFC (90%)”. Keep the financial year field as the current financial year then click the button “View selected school summaries”. You will now be presented with details of your DFC allocation.

15. The following is a summary of the information being displayed:

*Financial year* – financial year selected

*Budget type* – budget type selected

*Formula Calculated Amount* - the yearly allocation available to the school for the year, based upon the per pupil rate and lump sum calculation

*Formula Calculated Amount +/- Adjustments* – the formula calculated amount minus any loss due to the three year rule, plus or minus any anticipated funding, plus or minus any clustered funding.

*Current Amount +/- Adjustments* – the total funding made available to the school in the current financial year, including any roll over allocation from the previous financial year, any unspent commitments from the previous financial year and any in year adjustments and commitments.

*Amount Committed* – the funding committed against approved projects in the selected financial year. The figure also includes any scheduled payments made.

*Amount Paid* – the funding paid to the school in the selected financial year against committed projects. The figure also includes any scheduled payments made.

*Formula Remaining* – the total funding still available to the school after all approved commitments have been taken into account i.e. current amount minus amount committed.

### Financial Summaries

18. The quickest and easiest way to access information about how the amount committed and amount spent is made up from the allocations screen is through the “Financial Summaries” button. This is situated on the left hand side of the screen. Once in this screen you will see three tabs along the top

of the screen you should stay in the first tab “Project Summary”.

19. Once you are in the project summary tab, you will be presented with the selection screen. Select your school (left window) by clicking on it and then clicking on the top chevron which is located in the middle of the two windows. The name of your school will now appear in the right window.

20. Underneath the left window is a drop down field called Budget Type. Click on the drop down arrow at the far end of the field to reveal a list of Budget Types. Click on the Budget Type “NDS DFC (90%)”. Keep the financial year field as the current financial year then click the button “View Project Summary”. You will now be presented with details of all your projects which contain an element of DFC in the chosen financial year.

21. Each project is listed separately and a lot of information is displayed on the screen. The two fields most relevant at this point are “Actual Expenditure this Year” which is the amount paid on the project in the chosen financial year and “Project Expenditure this Year” which is the committed amount on the project in the chosen financial year. If you were to add up each of these fields for all your projects the two amounts should correspond with the “Amount Committed” and “Amount Paid” from the allocation screen.

22. Although this section specifically deals with DFC commitments a separate report can be run for any budget type which will show all projects which have a commitment for the chosen budget type and financial year.

### Projects

23. The quickest and easiest way to access information about your projects is through the “Projects” button. This is situated on the left had side of the screen.

24. Once you have clicked on the Projects button, you will be presented with the selection screen. Select your school (left window) by clicking on it and then clicking on the top chevron which is located in the middle of the two windows. The name of your school will now appear in the right window.

25. Underneath the left window are two drop down fields: ‘Order by’ and ‘Show’. We suggest that you keep them selected at the default settings. Click the button “View selected school summaries”. You will now be presented with basic details of all your projects.

26. Once you have identified the project you wish to consider further, click on the ‘Project Number’ located in the first column. You should now be presented with full details of the project. Clicking between the tabs will reveal different levels of detail of your project; details of our scrutiny process are found under the ‘Stages’ tab.

## Claims

27. The quickest and easiest way to access information about your claims is through the “Claims” button. This is situated on the left hand side of the screen.

28. Once you have clicked on the Claims button, you will be presented with the selection screen. Select your school (left window) by clicking on it and then clicking on the top chevron which is located in the middle of the two windows. The name of your school will now appear in the right window.

29. Underneath the left window are two drop down fields: ‘Claim type filter’ and ‘Claim status filter’. We suggest that you keep them selected at the default settings. Enter a date range in the ‘From’ and ‘To’ fields. Click the button “View selected school claim summaries”. You will now be presented with basic details of all your claims.

30. Once you have identified the claim you wish to consider further, click on the ‘Our Claim Ref’ located in the first column. You should now be presented with full details of the claim. Clicking between the tabs will reveal different levels of detail of your claim; details of our payment process are found under the ‘Summary’ tab.

## Scheduled Payments

Please note: the window does not show the individual scheduled payments of DFC. If you need specific information about these payments you should email [va.budget@dfes.qsi.gov.uk](mailto:va.budget@dfes.qsi.gov.uk).

## **ANNEX G – LOCAL POOLING OF DEVOLVED FORMULA CAPITAL (DFC)**

### **The Basic Principles**

1. For schools participating in a diocesan pooling scheme:
  - schemes are not compulsory
  - the diocese should approach you to seek your permission
2. You may decide to contribute some or all of your DFC. It is important that the school and diocese keep a record of how funding is allocated and used.
3. It is for the diocese to allocate the funding against local priorities – this could mean that the donating school does not receive funding. Funding can also be provided to schools not contributing to the scheme if the diocese decides their need is a priority.
4. The department will not intervene in any dispute.

### **Setting up the scheme**

5. The diocese must obtain documented proof that a school has agreed to contribute to the scheme.
6. It should contain the following:
  - LA number/name
  - School number
  - School name
  - Total in-year DFC allocation (100% terms)
  - Amount contributed to the scheme (100% terms)
  - Balance of DFC for school use (if applicable) (100% terms)
  - Signature - Chair of Governing Body
7. We may ask to see these details of the administration as part of the DFC end of year certification process.
8. For audit purposes, the diocese should retain original documents relating to the establishment of the scheme; the department may ask to see these documents.

### **Important points**

13. In order to keep control of the scheme, the diocese must record details of those schools donating to a scheme and how funding is allocated and used.

### **Summary**

- It is for the diocese to obtain school approval to join the scheme.
- The diocese must record all related information.

## **ANNEX H - SUBMITTING PROJECTS FOR SCRUTINY**

1. The following guidance has been compiled to assist the application process for those proposals which require scrutiny by the Department's architect partners, and to ensure that the both application and scrutiny processes are efficient and effective.
2. The Department and its partner architects are committed to scrutinising proposals within tight deadlines. Applications with insufficient, unclear, missing or conflicting information will prompt requests for clarification, which may delay the process.

### **When to apply**

3. We recommend that the supporting information attached to the VA/Approval form be worked up only to RIBA Work Stage D. This is a Scheme Design and Cost Estimate, which is equivalent to the level of detail expected at Planning Application stage.
4. We also recommended that proposals are not developed up to construction tender stage, at the time of application. This is to avoid wasting the time and cost of abortive consultants' and tenderers' work, if any amendments are required.–

### **Checklist**

5. We will look mainly, but not exclusively, at three aspects of every proposal:

- fitness for purpose
- value for money
- design quality

6. Applications need to include sufficient supporting information, to demonstrate that these are appropriate to the proposal. The following are recommended:

### **Text Information**

Covering letter - listing enclosures, including all drawing numbers.

VA Application form – completed fully and accurately.

Design brief - LEA and/or Diocese brief for the proposed works.

Statement of proposals - a short 'statement of proposals,' including details of the development plan for all building works for current and future proposals and phased development. Also, if appropriate an option appraisal to

summarise other options which have been considered and the reasons for discounting them.

Curriculum analysis – for secondary schools where there are changes to the teaching areas, clearly identifying shortfalls and/or surplus accommodation against curriculum need.

Asset Management Plan (AMP) - relevant and highlighted extracts from the AMP summary sheets (see 'additional aspects' section below).

Key issues - details of any key issues affecting the site development e.g. Listed buildings/conservation areas, tree preservation orders, site abnormalities (clearly identified in order to justify costs), etc.

Exploratory works - reports i.e. trial borings, opening up of existing, asbestos survey etc.

## **Drawings**

7. The following are usually the minimum recommended (with the exception of some smaller projects), and should be drawn to scale:

Site plan – for the whole school site, illustrating access for vehicles, pedestrians, and contractor's compound area if appropriate as well as playing fields (both new and existing to remain), proposed landscaping and adjoining land use. For new buildings and extensions, floor levels and site levels around the existing building should be shown, in the vicinity of the new work. The plans should also show access arrangements for the disabled, from parking/drop off, through to building access, including any steps and ramps.

Plans of existing – a whole school plan, showing all floor levels, with room names and floor areas, stairs and changes of level, toilets, with numbers of sanitary fittings shown, and means of escape routes. It is essential that the entire school is shown, so that the relationship between the proposal and the whole school can be assessed. Photographs may also be helpful.

Plans of proposed – drawn to an appropriate scale. These need show only the area affected by the proposal, but should be clearly located in the context of the whole school. The plans should be sufficient to show means of access and escape where affected, and also include facilities for and access by people with disabilities.

Phasing plan – for projects that will be developed in stages, a key plan indicating the work to be done in each phase. This may include phases for future applications or bids and should be linked to the 'statement of proposals'.

Development plan – To demonstrate that the proposal is an integral part of the School's future development strategy, and not an isolated scheme. This need not be in great detail, but should indicate that it has been considered.

Building elevations – for proposed new buildings, extensions or adaptations where existing appearance or use is affected. These should include enough of the existing buildings, to illustrate the context. Building sections may also be appropriate, if they help to illustrate unusual room heights, level changes or junctions, etc

Furniture and equipment plans - fixed furniture layouts for specialist spaces, e.g. laboratories, workshops etc. Where the space between benches or equipment, location of fume cupboards, etc. is critical, dimensions should be shown to ensure health & safety space requirements are being met.

## **Cost Information**

Elemental Cost Plan – A breakdown of the new-build cost estimate as submitted.

Other costs - A breakdown of other estimated costs included in VA/Approval section 11, i.e. adaptations, refurbishment, external works, temporary accommodation.

Abnormals – A description, with estimated costs, of any abnormal factors giving rise to higher-than-expected costs, e.g. asbestos removal, site stabilisation, etc.

## **Statutory and Best Practice Criteria**

8. Compliance with the following criteria should be considered in all project submissions.

### *Statutory Requirements*

Planning Consent – where applicable. The consent need not be in place, but preliminary discussions should have been held with the planning authority. Listed building or Conservation Area Consent may also apply to some proposals.

Building Regulations 2000 (SI 2000/2531) – schools ceased to have exemption from Building Regulations in April 2001. A full submission for approval to your Local Authority building control department will be required, in due course. Guidance is given in Approved Documents A–N. Particular attention is drawn to Part B (Fire Safety) and Part M (Access and Facilities for Disabled People), which may affect the general arrangement of the proposal.

DfES Constructional Standards 1997 – supplement or provide additional non-statutory guidance to the Building Regulations Approved Documents. This was amended in July 2001 following ending of exemption from the Building Regulations.

The Construction (Design & Management) Regulations 1994 (CDM) – The CDM regulations place statutory duties on clients as well as designers and contractors, with regard to health and safety issues related to premises projects. These Regulations are in the process of being amended, and the revised regulations are expected to come into force during 2007.

The Education (School Premises) Regulations 1999 - this gives statutory requirements in issues such as the number of sanitary fittings required for pupils, medical and staff accommodation, and areas for team game playing fields, etc.

Disability Discrimination Act 1995 (DDA) – consideration of DDA requirements and how these have been addressed, particularly if there is a material change of use of the existing building. See DfES circular 20/99.

Disability Discrimination Act 1995 Parts 3 & 4: as amended by The Special Education Needs & Disability Act 2001. This amends the DDA, lifting the exemption for education for Part 3 and provides a new Part 4, Education, including schools from September 2002. This legislation places a planning duty on all LEAs and schools to plan to increase, over time, the accessibility of schools for pupils with disabilities and to allocate resources to implement these plans. The plan includes a section on improving access to the physical environment of the school. It would be advantageous, wherever practical, to include any such work within a new building contract. See DfES guidance reference LEA/0168/2002.

The Workplace (Health, Safety & Welfare) Regulations 1992 - gives guidance in its Approved Code of Practice on the toilet provision for staff. This is in addition to the statutory requirements of The Education (School Premises) Regulations 1999.

### *Good Practice Guidance*

9. The Department has produced a number of Building Bulletins and Design Guides for schools. Information on all guides can be viewed at or obtained through [www.dfes.gov.uk/schoolbuildings](http://www.dfes.gov.uk/schoolbuildings) Several Bulletins can be downloaded. Paper copies can be ordered on-line, or bought from the Office of Public Sector Information (formerly the Stationery Office).

10. The key ones, which will apply to virtually all proposals, include:

Building Bulletin 99 – Briefing Framework for Primary School Projects (the most recent edition can be viewed on [www.teachernet.gov.uk](http://www.teachernet.gov.uk)).

Building Bulletin 98 – Briefing Framework for Secondary School Projects (the most recent edition can be viewed on [www.teachernet.gov.uk](http://www.teachernet.gov.uk)).

Building Bulletin 87 – Guidelines for Environmental Design in Schools (supplementary to Building Regulations, covering, lighting, heating and

ventilation, and also energy rating). The most recent version of this can be viewed on [www.teachernet.gov.uk/energy](http://www.teachernet.gov.uk/energy)

Building Bulletin 91 – Access for Disabled People to School Buildings

Building Bulletin 93 – Acoustic Design of Schools. A comprehensive guide for architects and clients which meets the requirements of Regulation E4 of Approved Document E of the Building Regulations. This can be viewed on [www.teachernet.gov.uk/acoustics](http://www.teachernet.gov.uk/acoustics).

### **Value For Money**

Value for money (VFM) should be achieved without compromising design quality. VFM is not necessarily the cheapest option, but one that gives the most suitable and appropriate accommodation within DfES cost guidelines. Best value and life cycle cost should be taken into account.

Professional Services - VFM applies also to the services of professional consultants, without compromising professional standards.

Taxation – the local VAT office can advise on whether the project, or part of it, can be zero-rated. For some projects, the design itself may have an affect on whether or not VAT is applicable.

Procurement routes – reference should be made to the recommendations for radical change set out in Sir John Egan’s “Rethinking Construction” report before deciding on which is the most appropriate procurement route. Details of the alternatives considered should be submitted with the application.

The report can be found on

[www.constructingexcellence.org.uk/pdf/rethinking%20construction/rethinking\\_construction\\_report.pdf](http://www.constructingexcellence.org.uk/pdf/rethinking%20construction/rethinking_construction_report.pdf)

Option appraisal – is an essential tool to help those managing capital programmes and projects. The DfES guidance document “Finding the Right Solution” can be found on

[www.teachernet.gov.uk/management/fallingschoolrolls/capitalfinance/buildings/](http://www.teachernet.gov.uk/management/fallingschoolrolls/capitalfinance/buildings/).

Revenue costs – as part of the overall design strategy, consideration should be given to operating costs and maintenance.

Spend patterns – consideration should be given to spend patterns, which are related to a reasonable construction period.

### **Additional aspects**

- LAs’ AMPs are now central to capital appraisals for school expenditure and for establishing priorities for works to which the basis of submissions are expected to relate.

- To produce a cohesive design and construction approach, projects should be submitted as part of a Premises Development Plan (or masterplan), with prioritised improvements informed by the AMP and pupil number projections.
- Architectural quality should not be ignored in the pursuit of the cheapest option. Fitness for purpose and the quality of the learning and working environment are both important aspects, which should be considered alongside the provision of facilities that are technically adequate.
- Sustainable, ecological and imaginative design should be applied, wherever possible (see Annex I).
- We highly recommend that projects large in scope and costs are discussed with our partners in the early stages of design development. Any changes required at this early stage will avoid delays in approval later; help maintain programme; and avoid abortive consultants' fees. If early input is required, enquiries may be made to the Department's VA Team.
- The proposed use of temporary buildings (e.g. mobile classrooms) to provide for a permanent need is not acceptable. Temporary buildings will only be appropriate to meet temporary need, such as emergency accommodation following a fire or temporary decanting for health & safety reasons. If such buildings are included in the application, the LA, diocese and/or schools are urged to seek advice from the Department's VA Capital Team, prior to submitting the application.
- For design consultants' professional fees and expenses, a clear breakdown by each professional discipline is required on the VA/Approval, as well as insurance and statutory fees. The total value of consultants' fees is usually limited to 15% of building cost. This figure is the maximum, and should not be regarded as the consultants' entitlement.

## **FURTHER INFORMATION**

**General queries** related to VA Schools, should be addressed to:  
VA Capital Team (LGF11), Department for Education and Skills, Mowden Hall, Staindrop Road, Darlington, DL3 9BG

**Pre-application advice** can be sought from the Department's partner architects, for LA areas as below. The named contact will be able to direct the query to the appropriate individual.

<b>North</b>	<b>Central &amp; South-West</b>	<b>London &amp; South-East</b>
NPS contact: <b>Jennifer Coldrick</b> Tel. 01603-706115	Atkins contact: <b>Kelvin White</b> Tel.01865-734250	Atkins contact: <b>Sudhir Shah</b> Tel. 01372-752615
Fax: 01603-7067001 email: jenny.coldrick@nps.co.uk	Fax: 01865-883060 email: <a href="mailto:kelvin.white@atkinsglobal.com">kelvin.white@atkinsglobal.com</a>	Fax: 01372-740055 Email: sudhir.shah@atkinsglobal.com

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01325 391715

fax: 020 7273 6762 or 020 7273 5703

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For DfES circulars and referenced guidance copies are available from DfES publications on 0845 60 222 60 and for SEN issues at [www.dfes.gov.uk/sen](http://www.dfes.gov.uk/sen)

## **ANNEX I - SUSTAINABLE SCHOOL BUILDINGS**

1. Overall, the Government promotes sustainable education buildings by:

- setting goals and standards (e.g. for energy use) for all education institutions through building regulations, planning law, and targets set by
  - Department for Communities and Local Government (DCLG - formerly the Office of the Deputy Prime Minister (ODPM))
  - Department for Environment, Food and Rural Affairs (DEFRA),
  - the Health and Safety Executive (HSE),
  - the European Union (EU) and international summits;

and setting guidelines for schools' compliance with the building regulations through the Department's building bulletins;

- requiring, as a condition of funding, new school buildings to aim for a 'very good' or 'excellent' rating in the Building Research Establishment Environmental Assessment Methodology (BREEAM); and
- promoting good practice in all sectors through, for example, guidance, exemplar designs, case studies and demonstration projects, such as the classrooms of the future.

### **Building Research Establishment's Environmental Assessment Methodology**

2. The Building Research Establishment has developed a version of BREEAM for schools, which formally assesses a wide range of features which support the sustainable design and construction of school buildings and grounds. We are making it a requirement of funding that new schools and refurbishment projects register for BREEAM Certification and aim for a 'very good' rating. This will encourage sustainability to be designed in from the outset. This requirement applies to academies and Building Schools for the Future, and other new-build schools and major refurbishment projects.

3. The Building Research Establishment (BRE) is the UK's leading centre for construction and fire safety, providing research, consultancy, testing services and information to clients world-wide. BRE is owned by the Foundation for the Built Environment, whose membership comes from a wide spectrum of interests from the construction sector, building owners and users. Its Environmental Assessment Method (BREEAM) is the best-established method for environmental assessment in the UK and has no real competitors here.

4. BREEAM is a system for measuring the environmental impacts of any building and rating the performance on a simple single scale of PASS to EXCELLENT. This simple rating draws together a comprehensive environmental assessment process that covers all of the following aspects of a building: management, operational energy, transport, health and well-being, water, materials, land use, the ecological value, and pollution.

5. The method seeks to provide a simple, flexible but robust means of specifying environmental performance in new build, refurbishment and (in some sectors) existing buildings. The scheme covers the broader environmental concerns (climate change, resource use and impact on wildlife) and balances them against the desire for a high quality of life with a safe and healthy internal environment. It works by awarding credits to those designs that take positive steps to minimise their environmental impacts

6. The standards required to achieve PASS to EXCELLENT ratings are all in excess of current statutory requirements (like Building Regulations). The BREEAM rating system has been produced by BRE and licensed assessors carry out predictions and assessments, which are quality-assured and certified by BRE. BRE carries out an annual review of the methods and regularly updates the criteria in line with changing legislation, such as the Building Regulations.

#### **What does this mean for VA schools?**

- All major new build and refurbishment projects valued at:
  - over £500,000 for primary schools and
  - £2 million for secondary schools

and involving rebuilding or complete refurbishment of more than 10% of the floor area of a school should be subject to a schools BREEAM assessment.

- We expect all these schemes to achieve at least a *very good* rating using the BREEAM schools methodology.
- Smaller schemes may also be suitable for formal BREEAM assessment and designers should, as far as practicable, apply the same standards to all projects.

You can get more information from the relevant Website at [www.breeam.org/schools.html](http://www.breeam.org/schools.html).

## **ANNEX J - DESIGN QUALITY INDICATOR (DQI) FOR SCHOOLS**

Design Quality Indicator (DQI) for Schools is a tool which provides a framework for the assessment of school design. DfES recommend that it should be used on all school building projects with an estimated contract value of £1m or over. It is used to assist teachers, parents, school governors, pupils, people from the community, diocese/local authority clients and building professionals achieve design excellence in new or refurbished school buildings and grounds.

In the initial stage it is used to help a group of key stakeholders to form a consensus about priorities and ambitions for the design brief. During the design phase, DQI for Schools can be used by the same stakeholder group to assess how well the plans for building work meet the objectives they are currently setting. Once the building work is completed and the school is in use, the DQI for Schools tool can be used to assess how well it functions in relation to the initial and revised ambitions of the stakeholder group. DQI for Schools also provides feedback for benchmarking and for the briefing of future projects.

DQI for Schools was developed in partnership by Construction Industry Council (CIC) and DfES and can be accessed at: [www.dqi.org.uk/schools](http://www.dqi.org.uk/schools) .

## **ANNEX K - CUSTOMER CHARTER: VA CAPITAL TEAM**

The Voluntary Aided (VA) Capital Team is part of the Department for Education and Skills and is responsible for processing claims and approvals related to capital building projects at VA schools.

Our commitment is to provide:

- quick service
- personal service
- professional service
- fair treatment

### **Quick Service**

3. We aim to process correctly presented approval and claim forms as quickly as possible within the following guidelines:

- Claims will be authorised for payment within 15 working days of receipt, with payment into bank accounts usually within 5 working days of authorisation;
- Category 2 project approvals within 15 working days of receipt
- Category 3 project approvals within 35 days of receipt of full information.

### **Personal Service**

5. We will provide a service that is polite, efficient and friendly. We will do our best to provide:

- quick responses to queries
- provide guidance about where forms can be found
- details of contact points on the team

6. You can help us by providing your LA and school number when you contact us, this should be included all written correspondence too.

### **Professional Service**

7. We aim to:

- make sure that your contact within the team has the knowledge to give you the help and advice that you need
- ensure that accurate and up to date information is available

- transfer you to the appropriate person if we are unable to help
- ensure that our online information system (VASIS) is easily accessible

### **Fair treatment for all**

8. We aim to:

- process approval and claim forms in the date order they are received.

### **How to contact us**

9. Please quote your DfES number in all correspondence – your local authority number is the first three digits of this. You can contact us by:

**post** – VA Capital Team LGF11, Department for Education and Skills, Mowden Hall, Staindrop Road, Darlington, Co Durham, DL3 9BG

#### **telephone**

For local authority numbers 201 – 813

Brian Angus on 01325 392145

For local authority numbers 815 – 938

Geoff Laws 01325 392149

**fax** – On 01325 - 392186 or 01325 - 392181

**email** – There are 3 dedicated mail boxes.

Schools in Northern Region mailbox is – [va.northern@dfes.gsi.gov.uk](mailto:va.northern@dfes.gsi.gov.uk)

Schools in Central & South West mailbox is – [va.centraw@dfes.gsi.gov.uk](mailto:va.centraw@dfes.gsi.gov.uk)

Schools in London & South East mailbox is – [va.londonse@dfes.gsi.gov.uk](mailto:va.londonse@dfes.gsi.gov.uk)

### **If you have a comment or complaint**

10. If you have a comment or complaint about the service, and this cannot be resolved by your point of contact, you should contact Gail Banks, the VA operations team manager, on 01325 391264 or on her email address [gail1.banks@dfes.gsi.gov.uk](mailto:gail1.banks@dfes.gsi.gov.uk).