



School Building Guidance

Building Support

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1 INTRODUCTION

Each school needs appropriate professional advice to guarantee compliance with regulations and to ensure that the best building solution is achieved. This advice is provided by a consultant, selected by the governors and approved by the DBE. Their work is monitored by an independent technical adviser working with the DBE. Apart from unforeseen repair work, building work should form part of a building development plan produced with the agreement of the governors by the school's building consultant.

The role of the consultant is explained in *Appendix 1*.

Most of the work explained in this section is undertaken by either the school's building consultant or DBE officers. However, the consultant's role is to advise; it is for governors to make decisions. At every stage, the governors must be informed by the consultant and where appropriate give their agreement.

The funding of such work comes from several sources depending on the type of work. Some (revenue work) is funded directly from the school's delegated budget from the LA, some (capital work) receives grant of up to 90% from the ESFA (with the governors finding the other 10%), some may be funded from other sources (such as special Government or Local Authority (LA) initiatives) and some must be paid for entirely by the governing body (such as areas entirely for Church use). Governors may also undertake capital work funded entirely from the school's delegated budget.

Governors must

- Have the written approval of the DBE before undertaking any capital work;
- Inform the DBE office as soon as work is contemplated, but prior consultation by the governors or consultant acting on their behalf is usually most helpful. The consultant should apply on the form Capital Bid) for work in the following year which the school cannot fund from its DFC;
- Ensure that anyone undertaking building work in schools has adequate and appropriate professional indemnity insurance. All DBE-approved contractors have this.

The DBE

- Has a duty to ensure all regulations are met and appropriate procedures followed;
- Receives, co-ordinates and administers the SCA Capital Funding;
- Acts for the governors paying all bills;
- Holds the school's DFC and completes the ESFA year-end assurance form;
- Completes the ESFA year-end assurance form for SCA
- Oversees the work of the school's consultant;
- Provides legal advice on all matters of education law relating to school buildings and land.

Work begun without

- The approval of the DBE or against the advice of the Board's officers would leave governors responsible for the payment of all bills. Such work would contravene the Diocesan Boards of Education Measure 1991;
- The appropriate health and safety conditions could lead to the governors facing action by the Health and Safety Executive.

2 REVENUE & CAPITAL WORK

Revenue

All revenue work is LA liability and the funding is normally delegated through the school's budget. Such work does not attract grant and schools should arrange such work and payment in accordance with their LA's guidelines, without reference to the DBE office. Any work under £2,000 is classed as revenue work. VAT is reclaimed by the LA for revenue expenditure.

Capital Work

The definition of capital work is deliberately vague (see below), enabling governing bodies in many smaller projects to decide whether they wish to class work as capital and obtain 90% grant, or as revenue and fund it entirely from their school budget. Since governing bodies may use money from their delegated budget towards their 10% grant aidable / 100% non-grant aidable payment, it is often beneficial, where possible, to class work as capital when capital funds are available. All capital expenditure requires the approval of the DBE.

VAT cannot be reclaimed by governors on capital expenditure.

The definition of capital expenditure is expenditure which falls to be capitalised in accordance with proper accounting practices, or is prescribed by the Secretary of State by regulation (who may similarly class other expenditure as not being capital expenditure)

'Proper accounting practices' refer to practices which are regarded as proper accounting practices by appropriate bodies.

No work costing less than £2,000 can be considered as capital work.

Non-capital expenditure is termed 'revenue expenditure'.

Examples

- Patching or mending small areas of a roof would normally be considered as revenue work and be paid from the delegated budget, because this would be regarded as normal repair and maintenance work. If the whole roof, or a substantial part of a large roof, needed to be replaced, then this would normally be regarded as a capital item.
- If a boiler unexpectedly broke down and required a new part which 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 less than £2,000.
- Small repairs to the playground (filling individual potholes etc.) would normally be revenue work and be paid from the delegated budget, because this would be regarded as normal repair and maintenance work. If the whole of the playground needed to be resurfaced, then this would normally be regarded as a capital item.
- Painting is always considered as revenue work and should be paid from the delegated budget, because this is regarded as normal repair and maintenance work. However, if the work is refurbishment or restoration, it can be considered as a capital item. Governors are advised whenever undertaking a major repainting project to consider making it a refurbishment.
- 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.

3 VAT

Aided schools have VAT on **Revenue items** recovered by the LA.

However, because **governing bodies are responsible for the work, VAT cannot be recovered on capital work in aided schools**. Grants are paid inclusive of VAT to take this into account.

For a very small number of projects, the work can be zero-rated. If buildings are to be provided entirely for non-business purposes, the work can be zero-rated. Building consultants must ensure they receive appropriate advice from VAT specialists before making such a claim.

What are the conditions for zero-rating?

- In order for the construction of a building to qualify for zero-rating, the following criteria must be met:
- the governing body must be a charity (all Church school governing bodies are charities);
- the governing body must intend to use the building solely for a non-business purpose;
- the governing body is the recipient of the supplies of construction services; and
- the governing body must provide a certificate (available in Notice 708 VAT: Buildings and construction) to the supplier of the construction services attesting to the above 3 points **before** construction starts.

It is only the need to use the building solely for non-business purposes which must be carefully considered.

Examples of non-business purposes

School buildings that are intended to be used solely to provide:

- education funded from central government via the local authority, with no charge for fees to students for their education;
- breakfast and after school clubs even though there may be fees;
- facilities to others for their non-business purposes, free of charge;
- tuition to 'community classes' if the tuition is provided free of charge;
- crèches and pre-school nurseries if they are run by charities at a less than commercial rate and the facilities are made available to those charities at a less than commercial rate.

However, a small amount of use for a non-business purpose can be disregarded. Provided that a building is intended to be used at least 95% for a non-business purpose, the building's construction would qualify for zero-rating. If the use for a business purpose is restricted to a particular part of the building and the rest of the building is intended to be used solely for a non-business purpose, the construction of the latter part would qualify for the zero-rate. The calculation of use should be carefully undertaken by an appropriately qualified consultant.

Examples of business purposes

The following are examples of business use which can disqualify buildings from zero-rating:

- Additional tuition provided for a fee such as music or sports instruction;
- Facilities used by 'community classes' where the tuition is provided for a charge;
- Facilities used by the wider community for a charge, even if not for profit.

Change of use

If a building has been zero-rated and it does not comply with use for non-business purposes, the school will have to pay the VAT that should have been paid in the first place. This applies for ten years

after the building's completion (reduced to reflect the proportion of those ten years where use qualified for zero-rating).

A further exception

Although governing bodies may not reclaim VAT, if an LA decides to spend its own funds (excluding the delegated budget), by placing an order directly with a supplier on work at a VA school for which the GB would normally be responsible then, under certain circumstances, it may recover VAT.

4 SOURCES OF GRANT

Funding for capital work comes from a variety of grants from the ESFA, the major ones being:

DEVOLVED FORMULA CAPITAL (DFC)

Each year the school receives a Formula Capital allocation based on a lump sum plus an amount per pupil. This allocation shows the amount which can be spent on small scale capital work or as a contribution towards a larger project. The ESFA grant 90% of this amount and governors must provide 10% of the cost. The money can be rolled forward for three years, but any money not spent after three years will be lost (the DBE will inform schools and consultants if there is a danger of this occurring). The DBE holds schools' DFC on their behalf and schools are advised by email of the amount that has been received and the balance held. Whenever a project is approved, schools are advised of the DFC balance remaining. If information is required at other times, please email Sandra Jones (sandra.jones@chester.anglican.org).

All schools have agreed to pool their DFC. This enables us, in approved cases, to allow schools to expend money from their allocation for the following year.

At the financial year end, a declaration is required by the ESFA about DFC spending. DBE officers undertake the administration of this.

SCA (School Condition Allocations)

From 2020/21, the ESFA will provide CDBE with it's own capital allocation (similar to LAs and large Multi Academy Trusts) based on the number of pupils in VA schools in the Diocese and will fund larger projects. The DBE will be responsible for co-ordinating and administrating this fund.

Schools apply for this grant using form Capital Bid which consultants are reminded to download in September each year from the DBE website. This must be returned by 31st October for work which schools would like to begin in the following year. The bids always exceed the finance available and consequently not all bids are successful. The priority of bids is determined through issues affecting Health and Safety, capacity and suitability. The bid should refer to the school's building development plan agreed with the governors and their consultant. Schools are expected to contribute from their DFC allocation towards these projects. Schools are notified of the outcome of bids by March prior to the work commencing. The work must be completed within the agreed timescale.

At the financial year end, a declaration is required by the ESFA about SCA/Other Grant aidable spending. DBE officers undertake the administration of this.

SALIX Funding

CDBE would expect for any project which is eligible for SALIX funding, an application be made by the consultants on behalf of the Governors. The funding is granted at 100%. Consultants must indicate in their SCA bids to what level they are anticipating the project may be funded through SALIX.

There is no need to bid for SALIX funding before submitting the SCA bid, although, we would recommend consultants contact Jack Saunders at SALIX Finance to discuss a project's suitability and possible outcome for the funding:

Jack Saunders: jack.saunders@salixfinance.co.uk
0203 102 69 03

5 FINANCING THE GOVERNORS' CONTRIBUTION

There are a number of ways in which governors can finance their contribution towards building work. Governors are recommended to have their own account separate from the school's various accounts. The governors' contribution can be paid from the following sources:

School Budget

Money from the school's delegated budget can be used to finance the 10% grant aidable/100% non-grant aidable contribution towards capital work.

Profit from Lettings

Money made from any lettings belongs to the governing body. All expenses such as heating, lighting and caretaking must be reimbursed to the school's delegated budget, and any profit then paid into the governors' account.

Money raising events

Many schools hold events at which money is raised in order to help finance building work. This may be particularly effective when parents can see the plans for a new scheme. Some schools ask for donations from parents or outside bodies towards building work. All church schools are exempt charities (similar to churches) and as such are eligible for income tax refunds on money given through Gift-Aid.

PCC

Some schools are in the fortunate position where their Parochial Church Council supports them financially.

Trusts

Some schools are supported by local trusts that may finance building projects to some extent. Governors should always check with the charity's trustees before committing themselves to building work.

Deferred Payments

If governors are unable to finance their contribution immediately, they should consult DBE officers before the project is approved with a suggested timetable of payments. In the exceptional circumstances, the DBE may be able to defer the payment in approved cases. Schools with outstanding liability payments will not be able to apply for further SCA funding (except for emergency works) until these are paid in full.

6 UNDERTAKING CAPITAL WORK

General

- For approved work, governors receive a grant of up to 90% towards the cost, including any fees and VAT.
- Prior to undertaking any work, governors should ensure that it is their responsibility (see section 7).
- Work cannot start on site until full DBE approval is given. Governors could be personally liable for any work undertaken without full approval.

Statutory Proposals

Before certain types of work can be undertaken, public notices must be published and the approval of the LA, Adjudicator or Secretary of State received. This is a separate approval from that necessary prior to the work commencing and governors should be aware that the process takes several months. Such approval is required for:

- Alteration of upper or lower age limit by 3 years or more;
- Adding/removing a sixth-form;
- Transferring to a new site;
- Closure of a site in a split site school.

For further advice contact DBE officers.

Funding ICT Equipment with DFC

DFC includes the capital element for ICT expenditure. How much DFC is used for either ICT or buildings and grounds is for the governors to decide. DFC can be used to support schools' purchases of ICT infrastructure and equipment; for example, items such as desktop 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. If the cost is less than £2,000, DFC cannot be used. Remember that VAT must be paid if DFC is used. DFC cannot be used for repairs of equipment or replacement of like with like, for example, after theft.

Leasing ICT equipment may provide better value for money, but this is revenue expenditure and DFC cannot be used.

Where there is no structural work, Governors can seek approval for DFC projects directly from the DBE without involvement from their Building Consultant. Form PAG (Governor Project Approval) should be submitted to the DBE office with supporting documentation.

- Governors must ensure there are adequate funds remaining in the DFC allocation. Requests to bring forward money from a future year should be made by email to Sandra Jones (sandra.jones@chester.anglican.org).
- Projects will not be approved unless certified by the governing body.
- When a project is approved to proceed, consultants and headteachers will be notified by email and this will include a project number.
- Once approval is received from the DBE, the project may commence.
- Invoices and fee notes must be made out to the governors and sent to the DBE office via the school for payment.
- If costs are more than projected on Form PAG, a new submission must be made.

When the project is finalised, form CDBE/FC must be completed and forwarded to the DBE office.

Projects funded with SCA or DFC grants

For projects receiving SCA grant, the following procedure is undertaken:

- Bids for work must be made on form Capital Bid which can be downloaded from the website by 31st October for work in the following year. Failure to complete the form fully will hold up any submission. It is advisable to discuss such projects with DBE officers prior to such submissions.
- Forms will not be processed unless submitted by an approved consultant.
- It is expected that governors will use part of their DFC allocation to help fund the project. They must ensure there are adequate funds remaining in their DFC allocation for the part being funded from that source.
- Schools are notified of the outcome of bids by March prior to the work commencing.
- Form SCA Approval should be fully completed and returned to the DBE office via the consultant.
- When a project is approved to proceed, consultants and headteachers will be notified by email and this will include a project number.

When the project is finalised, form CDBE/FC must be completed and forwarded to the DBE office.

To obtain approval for other DFC only projects via Building Consultant

Form SCA Approval should be submitted to the DBE office with supporting documentation. Governors should ensure the form is fully completed, including the amount/s and where the Governors liability will be met.

- Projects will not be approved unless submitted by the school's consultant (and will be subject to the payment of fees) and certified by the governing body.
- Governors and consultants must ensure there are adequate funds remaining in their DFC allocation. Requests to bring forward money from a future year should be made by email to Sandra Jones.
- When a project is approved to proceed, consultants and headteachers will be notified by email and this will include a project number.

When the project is finalised, Form CDBE/FC must be completed and returned to the DBE office via the consultant.

7 RESPONSIBILITY FOR WORK

The governors are responsible for:

- the existing buildings (internal and external) including 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 initial provision of ICT hardware and other equipment (see *Appendix 3* for more details);
- other capital items (which can include boiler replacements and replacement of services).

LAs are responsible for:

- any revenue items (including repairs to any equipment)
- playing fields (including sports pitches and hard surfaced games areas);
- buildings on those fields and related to their use.

If buildings are provided solely for parochial use, then no grant is payable for either their provision or maintenance. Governors should ensure that they are entirely funded by the parish. Teacher's houses, unless they have been adopted for school use, are the responsibility of the trustees. For further advice contact DBE officers.

8 REPAIRS TO REMEDY FAULTY WORK

- If remedial work is found to be necessary either during a project or prior to the final settling of accounts, then it should be carried out at either the contractor's or consultant's expense.
- In other situations, consideration will need to be given as to whether there are grounds to pursue a claim against those responsible and the advice of DBE officers should be sought to ascertain whether governors should seek legal or technical advice. Delay in commencing proceedings can result in a claim failing due to the expiry of the statutory limitation period. Cases should only be pursued where there is a reasonable prospect of success.
- The cost of meeting professional fees in pursuing a legal remedy should normally be met from governors' insurance. The Secretary of State may consider paying grant on costs when insurance cover is exhausted. Each case is considered on its merits.

Grant may not be paid if governors have repaired faulty work at their own expense when a claim should have been pursued. Use of a different contractor to repair faulty work will invalidate any guarantee of the previous contractor.

APPENDIX 1: The Services of the Lead Consultant

General

1. The Lead Consultant shall be the sole professional employed by the school. The Lead Consultant shall employ all other professional disciplines required to implement any building project.
2. It shall be the Lead Consultant's responsibility to:
 - Obtain all necessary surveys, special reports, specialist services and statutory approvals
 - Advise on any legal issues relating to a project and ensure they are resolved
 - Ensure all other requirements are in place for the successful delivery of projects
3. Advise the school on all building matters including repairs and maintenance, refurbishment, alterations, extensions and new buildings to address condition, suitability and sufficiency of the school's premises.
4. Advise on all financial matters relating to buildings including available funding streams, financial liabilities and the financial management of building projects.
5. Advise on reactive and preventative maintenance and when relevant provide the services required by DBE Services Limited Total Property Management Scheme.
6. Liaise, on behalf of the school, with Dioceses, Local Authorities, DfE, ESFA and other relevant bodies.
7. Lead consultants must hold appropriate Professional Indemnity Insurance at a level agreed by the DBE and we reserve the right to require a higher level if it is deemed necessary.
8. Any Terms and Conditions must be approved by the DBE prior to them being issued by the Lead Consultant.

Specific Duties and Services

1. Prepare building development plans for a five-year period. This plan to include repairs above the de-minimis level in addition to refurbishment, alterations, extensions and new buildings to meet all the school's building needs and requirements.

The development plan shall be based on DfE premises regulations, building bulletins, design guides and capacity requirements. It shall also take account of any existing Asset Management Plans albeit the Consultant shall verify the findings of these plans before inclusion in the development plan.

The solution shall be achievable in terms of being fundable and not a 'grandiose' scheme which whilst addressing every need of the school could never be funded. It is advisable to seek the advice of the Diocese in this respect during the process.

The plan shall be such that it can be phased and these phases prioritised. Whilst it is difficult to predict future inflation, the plan and its phases shall be costed. This will inform viability and will provide guidance as to the school's ten per cent contribution over the life of the development plan.

The Lead Consultant shall advise and assist the school in presenting the final solution to the Diocese for their approval.

The development plan shall be revisited each year to be updated and revised if necessary.

2. Prepare submissions, on behalf of the school, to the Diocese using the appropriate forms to obtain approval for schemes requiring DfC funding. Inform the Diocese of any amendments to

their DFC funded projects and obtain approval to the changes.

3. Prepare bids, on behalf of the school, for submission to the Diocese, ESFA, LA or any other future funding body to obtain funds to implement the development plan. The bids shall be based on the approved development plans and shall be costed on an 'out-turn' basis to include building costs, professional fees, surveys, special reports, special services, statutory costs, furniture and equipment, initial provision of ICT equipment, demolition, temporary accommodation and VAT etc.
4. Manage building projects. The process to include but not exclusively:
 - Appoint professional team
 - Undertake and organise appropriate investigation of ground, services, asbestos etc.
 - Prepare a programme for the works
 - Select a procurement route
 - Select a form of contract
 - Inclusion of BREEAM process when appropriate
 - Advice on the appointment of a Principal Designer under the Construction (Design & Management) Regulations 2015
 - Obtain Planning and Building Regulation approvals where necessary
 - Advice on selection of contractors
 - Obtain tenders and report thereon to Governors and the Diocese
 - Submit appropriate forms to obtain approvals to tenders
 - Manage project on site as contract administrator
 - Inform appropriate bodies of any changes to programme and costs. Obtain approvals to these changes
 - Financial management of the project including valuations certificates, advise on grant claims if required and settlement of final costs. Ensure compliance with cash flow of funding streams
 - Manage making good defects
 - Agree and obtain written confirmation of any Local Authority liability on projects if applicable
 - Advise on non-grant aidable work
5. Attend Governing Body meetings if required. If attendance is not required at Governing Body meetings visit the school at least twice a year to discuss their building requirements.
6. Act as a helpline and provide daytime telephone assistance for the school on all matters relating to maintenance, financial management, improvement and development of the school buildings. The Consultant shall be responsible for finding an answer to queries (within reason) even if it is outside its field of expertise.
7. Monitor DFE and other Government web sites relating to education for any new initiatives, new procedures, new funding streams or new regulations or laws affecting school buildings.
8. Assist the school in providing any statistical information relating to the school buildings requested by Dioceses, Local Authority or Central Government.
9. Assist the school in organising work or reports by other specialist consultants.
10. Advise on or assist in obtaining advice on legislation relating to school buildings and land.

PROFESSIONAL FEES

1. General

- 1.1 Professional fees shall only be chargeable, unless otherwise agreed with the School, on specific building projects receiving DfE funding or on projects funded directly by the School. The level of fees is set out below and is only subject to adjustment by agreement with DBE Services Ltd.
- 1.2 The Professional Fees for the Services shall be inclusive of all expenses and disbursements ('the Fee'). VAT will, where chargeable, be paid on such sums subject to the Client's receipt of a valid VAT invoice.

2. Fee Scale for Schemes

Contract Value	Professional Fee
Up to £100,000.00	15% of contract sum including all surveys, special reports and specialist services but excluding insurance, planning fees and building regulation fees
£100,000.00 to £250,000.00	14% of contract sum including all surveys, special reports and specialist services but excluding insurance, planning fees and building regulation fees
£250,000.00 to £500,000.00	12% of contract sum excluding all surveys, special reports, specialist services, insurance, planning fees and building regulation fees
£500,000.00 to £1,000,000.00	12% of contract sum including all surveys, special reports and specialist services but excluding insurance, planning fees and building regulation fees
Over £1,000,000.00	By negotiation DBE Services Limited Framework will apply

** The percentage fee to be converted to a lump sum which will be a fixed fee.

3. Stage Payments

The stage payments of professional fees for each Scheme shall be agreed at the outset of each Scheme.

4. Additional Services

Additional Services deemed outside the scope of the original service will be based on hourly cost recovery rates to be agreed on an annual basis with the school for the following (unless otherwise agreed via a lump sum price):

- Architect
- Architectural Technician
- Structural Engineer
- Services Engineer
- Quantity Surveyor

APPENDIX 2: THE DBE ROLE

1. CONSULTANTS' PANEL

The DBE will maintain a Consultant Group, comprising Architects and Surveyors, with all the relevant skills and expertise required for the complex building and funding procedures for VA Schools.

The DBE will also provide a list of approved Architects/Surveyors to schools when requested, either to replace existing consultants or provide a service not yet in place. This selection will be dictated by the particular type and specific needs of the school.

The Diocesan Technical Adviser will be constantly reviewing the performance and suitability of the consultants, ensuring that at all times the required standards are maintained. If adjustments are required to the numbers in the Panel, either up or down, then the Adviser will ensure that the new consultants have the required expertise.

2. DEVELOPMENT AND PLANNING

The DBE, together with its Technical Adviser, will provide assistance to each school in initiating the proposed development planning process.

They will also provide an overview of the advice being given by the Consultants, particularly in respect of the 'achievability' of the design solutions and the 'matching' of the solutions to the available funds, whether they be SCA, DFC, etc. Compliance with ESFA criteria - both space standards and costings - will also be monitored with particular emphasis on achieving 'Best Value' when practicable.

The DBE and its Advisers will be at the centre of the capital bidding cycle, greatly assisted by the Development Planning process. The development plans will enable the present and future needs of the school to be readily identified and the subsequent bidding exercise greatly simplified.

3. PROJECT BRIEFING AND MONITORING

Building projects (other than small DFC projects) will commence with a DBE-led briefing meeting. The Diocesan Technical Adviser with DBE officers will examine each project presented by a school's consultant to ensure the project is appropriate and provides value for money and that the bid is in an appropriate form. Projects will be monitored and support provided when needed.

4. LEGAL ADVICE

The DBE will provide all necessary information and advice on legal matters, e.g. Publication of Statutory Notices, land issues - both acquisition and disposal - and generally on all matters of Education Law relating to school buildings and land.

5. DFC

The DBE will manage the DFC funds for each school and more information is given in *Appendix 3*.

6. MANAGING CASHFLOW

If schools are operating within the DBE Services Ltd consultant scheme and the DFC pooling arrangement, for every approved project, the DBE will pay all invoices and claim grant on behalf of the governors (or use DFC as appropriate). The governors' 10% contribution should be paid as soon as possible as this enables the money to be used on other projects.

7. DIFFICULTIES IN FUNDING THE GOVERNORS' CONTRIBUTION

It is the Governors' responsibility to fund 10% of the total grant-aided funding (SCA and DFC) element of a project.

In the exceptional circumstances where Governors are unable to commit their 10% contribution, special arrangements could be considered by CDBE. In these circumstances, this must be made clear in the bid with evidence provided by the school to confirm this.

8. HELPLINE

DBE officers are always ready to offer assistance on building and associated matters.

APPENDIX 3: Asbestos

Under the Control of Asbestos at Work Regulations 2006 (CAWR), governing bodies are required to ensure the risk from asbestos is managed by:

- finding out if there is asbestos in the premises, its amount and what condition it is in;
- presuming materials contain asbestos, unless they have strong evidence that they do not, such as bricks, glass, steel, timber etc.;
- making and keeping up to date a record of the location and condition of the asbestos containing materials, (ACMs) or presumed ACMs in their premises;
- assessing the risk from the material;
- preparing a plan that sets out in detail how they are going to manage the risk from this material;
- taking the steps needed to put their plan into action;
- reviewing and monitoring their plan and the arrangements made to put it in place; and
- providing information on the location and condition of the material to anyone who is liable to work on or disturb it.

It is essential that schools have a system to manage the asbestos materials in their premises. An asbestos register must be available for inspection before any intrusive work is undertaken. LAs and consultants may have assisted schools in providing surveys, updating the register and developing maintenance procedures. In certain cases, a more extensive survey may be needed which must be arranged by the school consultant. No approval can be given for building projects unless certification of compliance is received at the CDBE office.

Consultants must ensure the Asbestos Register is kept up-to-date and simultaneously inform the LA.

APPENDIX 4: Insurance

If the school buildings are insured through Ecclesiastical Insurance Group (EIG), they should be notified whenever any building works total over £125,000 (including VAT & fees) and are subject to any JCT minor, standard or intermediate building contract in which the Governing Body is the employer. EIG must also be notified of works carried out under any other type of formal building contract irrespective of value. Additional premiums are grant aidable and the invoice for payment should be forwarded to the CDBE together with form PDS.

Consultants must:

- Complete the Insurance questionnaire and return to EIG via Terry Garner when form SCA Approval is submitted to the CDBE office. Insurance costs should be included in the professional fees in section 3.2.D.
- Notify the insurers of the dates the contractors move onto and off the site.
- If schools are not insured through EIG, they should check with their own insurers for procedures and requirements.
- If schools are insured through EIG as part of the Warrington Educational Trust, they should contact EIG for procedures and requirements.
- Ensure any additional insurance cover is in place before the project commences on site.
- When Governors only carry insurance cover for the Governors' 10% liability and rely on LA insurance to cover the remaining 90%, consultants must also notify the Local Authority insurers of any capital project by following their procedures and requirements.
- Insurers must also be informed of the 100% non-grant aidable costs on projects

APPENDIX 5: Information for Consultants

POINTS TO REMEMBER

- 28 days must be allowed in any contract for payment.
- A representative of the CDBE or Governors (not a Borough Councillor) must be present at any Tender openings with contract sums in excess of £50,000.
- Bottom line costs must include fees and VAT and must be adhered to or CDBE officers must be consulted.
- Consultants must keep an up to date record of each school's DFC funding. Checks should be made when email information is provided by CDBE office and discrepancies should be raised immediately.
- All contracts must indicate a six months' defects period unless a different period is agreed with CDBE officers prior to approval submission.
- Within two days of the invoice or certificate date all interim certificates and fee notes with form PDS must be sent directly to the CDBE and not to the Governors. This is to allow maximum time for claiming grants prior to payment of contractors and fees.
- Grants cannot be processed and invoices paid unless these procedures are adhered to.
- The CDBE office must be consulted in advance about the date of the pre-start and handover meetings and should, where possible, attend these meetings.
- Consultants should continue follow any previous guidance from CDBE that is not updated in this document.

SUBMISSION OF FORMS

In order to simplify submissions for project approval, CDBE has created one form to be used by consultants for all types of projects being handled by consultants: Form SCA Approval.

When consultants are notified by the CDBE that a capital bid has been successful in gaining an allocation, they should:

- Obtain three competitive tenders for the work.
- If this is not practical then this should be discussed with CDBE officers in advance of submission and explained in the tender report. A representative of the CDBE or Governors (not a Borough Councillor) must be present at any Tender openings with contract sums in excess of £50,000.
- Consultants should advise Sandra Jones (sandra.jones@chester.anglican.org) by email when documentation has been posted.
- Forward to the CDBE the original copy of the following:
 - Form SCA Approval (downloadable from the CDBE website)
 - Tender Report
 - Signed Addendum to Tender

- Competitive Tenders
 - Priced schedule of work or cost breakdown
 - Proposed building plan (if there is a change to the gross area of teaching or non-teaching spaces) or sketch of the school building highlighting proposed work.
 - Asbestos Letter confirming either:
 1. Asbestos is known to be in the area and will be dealt with following statutory requirements.
 2. On checking the asbestos register, it is confirmed that there is no asbestos in the area of works.
- Written CDBE approval must be obtained prior to work commencing. This will be notified by email from the CDBE. Once a project has been approved, it should be undertaken as soon as possible.

TENDERING PROCESS

Projects should follow a single stage tender process. Tenders are to be received by building consultants in hard copy only, in an envelope clearly marked to only be opened after the tender deadline. Electronic tenders, or tenders submitted after the deadline, cannot be accepted. Tenders over £50,000 are to be opened in the presence of a CDBE Officer. Electronic Modifications to Tenders are acceptable but must be signed by the contractor.

Where tenders are returned over or below the funding allocation, CDBE is to be notified as soon as possible. CDBE reserves the right to reallocate any SCA saving on a funding allocation to another project. Likewise, for projects that are over-budget, CDBE reserves the right to revoke SCA funding if project schemes cannot be value engineered to fit the allocated budget.

CONTRACTS & PAYMENTS

- Contracts must be signed by an authorised representative of the Governing Body and the Governors must be provided with a copy contract.
- All contracts must specify a 28-day payment period. Failure to meet this condition may result in Governors being liable for interest charges on the outstanding grant.
- Once the work is underway, consultant's interim certificates or invoices together with form PDS (downloadable from the CDBE website) should be sent direct to the CDBE office to avoid delay in payment. These must be with the CDBE within two days of issue.
- Fee notes together with form PDS should be sent direct to the CDBE office for payment. These must be with the CDBE within two days of issue.
- Care must be taken on form PDS to allocate against the correct funding streams as approved.
- When finalising the project, the consultant should complete form CDBE/FC and forward it to the CDBE office together with the final certificate/invoice & PDS form and the final fee invoice & PDS form.

ADDITIONAL COSTS

- Consultants must keep the governing body fully informed of any additional costs and obtain their approval for any such costs.

- Should genuine unforeseen additional costs arise after contracts have been signed and a tender report certificate provided, consultants should contact CDBE officers to discuss additional funding options.
- Once agreed with CDBE and Governors, consultants should complete form ACA (SCA Additional Cost Approval) along with supporting documentation to prove additional costs are needed.
- Before submitting an application for additional costs, contingency sums should be used and savings sought from within the contract works. This will need to be demonstrated in the supporting documentation.