



## **NOTTINGHAM CITY COUNCIL**

### **Schools Forum**

**Date:** Tuesday, 17 January 2023

**Time:** 1.45 pm

**Place:** Remotely via Zoom – <https://www.youtube.com/user/NottCityCouncil>

**Members are requested to attend the above meeting to transact the following business**

**Clerk to the Forum:** Mark Leavesley

**Direct Dial:** 0115 876 4302

<b><u>Agenda</u></b>	<b><u>Pages</u></b>
<b>1 Apologies for absence</b>	
<b>2 Declarations of interests</b>	
<b>3 Minutes</b> Last meeting held on 06 December 2022 (for confirmation)	3 - 12
<b>4 Schools Budget 2023/24</b> Joint report of Corporate Directors for People and Finance and Resources	13 - 40
<b>5 De-delegation of 2023/24 Health and Safety Building Inspection funding</b> Joint report of Corporate Director for People and Director of Education Services	41 - 98
<b>6 Date of next meeting</b> To note that the next meeting will be held remotely via Zoom, livestreamed on YouTube, at 1.45pm on Tuesday 28 February 2023	

If you need any advice on declaring an interest in any item on the agenda, please contact the Clerk to the Forum shown above, if possible before the day of the meeting

Members are advised that this meeting will be streamed live on YouTube, and recorded and available for public viewing on the Council's YouTube website.

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## Nottingham City Council

### Schools Forum

Minutes of the meeting held remotely, and livestreamed on YouTube, on 6 December 2022 from 1.48 pm - 3.12 pm

#### Membership

	Kerrie Fox (Chair)	-	PRUs
✓	Paul Burke (Vice Chair)	-	Secondary Academies
✓	Kerrie Henton	-	AP Academies and Free Schools
✓	Debbie Simon	-	Early Years PVI
✓	Judith Kemplay	)	
✓	Terry Smith	)	Maintained Primary Head Teachers
✓	Alison Tones	)	
✓	Patricia Lewis	)	
	Laura Patel	-	The Nottingham Nursery
	Meeta Dave	)	
	Tim Jeffs	)	Primary Academies
	Rob Perkins	)	
✓	Andy Smith	)	
	David Tungate	)	Secondary Academies
	Bob White	)	
✓	Phil Willott	-	Special Academies
✓	Sheena Wheatley	-	Trade Unions
✓	Lisa Wilson	-	14-19 Education

✓ indicates present at meeting

#### Colleagues, partners and others in attendance:

	Kathryn Bouchlaghem	-	Early Years Manager
	Julia Holmes	)	Senior Commercial Business Partner
	Kathryn Stevenson	)	
	Lucy Juby	-	Project Manager (Education Services)
	Mark Leavesley	-	Governance Officer / Clerk to the Forum
	Nick Lee	-	Director of Education Services
	Sam Morris	-	Head of Children's Strategy and Improvement
	Paul Stevenson	-	Interim Strategic Finance Business Partner
	Janine Walker	-	Head of SEND and Vulnerable Pupils
	Sheena Yadav-Staples	-	HR Consultant (Employee Relations)

#### 9 Chair

As the Chair, Kerrie Fox, had sent her apologies, Paul Burke (Vice-Chair) chaired the meeting.

## **10 Apologies for Absence**

Kerrie Fox  
Tim Jeffs  
Rob Perkins  
David Tungate

## **11 Declarations of Interest**

None.

## **12 Minutes**

The Forum agreed the minutes of the last meeting held on 11 October 2022 as a correct record and they were signed by the Chair presiding at the meeting.

## **13 Proposed approach to DSG Budget Setting 2023/24 by block**

Further to minute 6, dated 11 October 2022, Kathryn Stevenson, Senior Commercial Business Partner, presented the report, and stated the following:

- the Education and Skills Funding Agency (ESFA) were contacted on 12 October in order for the Local Authority (LA) to obtain clarification of legitimate options under the current regulations to allocate additional funding to schools including from DSG reserves. The response received was that a blanket approach would be via the annual delegated budget via the Authority Pro-forma Tool (APT) but this would be limited to the tightening rules. These are the rules that mean that LA's funding formulae are supposed to be moving at least 10% closer to the National Funding Formula (NFF) each year;
- as the LA mirrored the NFF in 2021/22, this means we can only go up to 2.5% above any of the NFF rates. As over half of schools are receiving protection from the Minimum Funding Guarantee (MFG) the response clarified that a disapplication request would be required to allow the funding to be passed on fully and that this would need to be a one-off. The only other option suggested by ESFA was to distribute additional targeted high needs funding pot to encourage schools to be more inclusive or assist schools with high numbers of high needs pupils. As targeted high needs funding guidance states that this should only be received by a minority of an LA's schools, this option is limited as a mechanism for getting additional funding to all schools;
- the most simple and transparent approach for getting additional funding out to all schools consistently is through the basic per pupil rate. The maximum uplift to the per pupil rates that will be permissible across all key stages is £85, which would take the primary basic per pupil rate 2.5% above the NFF rate of £3,403. Based on October 2021 pupil numbers, funding all primary and secondary schools at an extra £85 would equate to an additional £3.662m. The actual distribution would be based on October 2022 census pupil numbers once confirmed and will depend on the exact funding available, as outlined in the financial implications section of the report;

- a consultation with mainstream schools was undertaken during 15-29 November 2022. This included a question as to whether this was a fair approach to distributing additional funding. A summary of consultation responses is included at appendix B to the report.
- a disapplication request was submitted to the ESFA by the 18 November deadline. This asked for permission to adjust the MFG for schools receiving protection as a one-off in 2023/24 to allow them to benefit from up to a maximum of £85 per pupil. The disapplication request will be updated with the outcomes of the consultation and Schools Forum vote on recommendation 1;
- the report proposes the utilisation of £1.438m from the DSG reserve to partially fund the proposed one-off distribution to mainstream schools in 2023/24. This is the balance of £2m, which was ring-fenced in the DSG reserve to be allocated in conjunction with the Schools Forum sub-group for initiatives to help reduce exclusions. Having funded some short-term project costs associated with 'Routes to Inclusion' and costs of the Intensive Support Team in a trial phase, there are currently no concrete proposals for the balance of this funding, despite ideas having been sought from schools/settings by sub-group members;
- in the light of the financial pressures on budgets and heightened needs of pupils post-Covid, a general distribution of this balance to all schools now seems appropriate. However, given this proposal is funded through DSG reserves set aside to help promote inclusion, along with funding from high needs, the LA will be asking that schools ensure that this additional funding is prioritised to protect expenditure from their delegated budget on support for SEN pupils and activity to help support the continued inclusion of vulnerable pupils;
- whilst the CSSB block transfer moves funding out of high needs for 2023/24, there is a high level of interdependency between the service delivery and outcomes of the Education Welfare service, the inclusion of vulnerable pupils and work of other DSG funded teams. Two clear examples of this are the relationship between AP oversight and responsibility for children EOTAS and the exclusion process and fair access admissions in-year for children at risk of permanent exclusion.
- similarly, children without a school place (WASP) have failed to acquire a school place through the admissions process and are case managed through Access & Inclusions, however, to improve outcomes requires more intensive welfare support that the admission team are not resourced to provide. The intervention from Education Welfare services would improve outcomes in reducing barriers to access education, reduce vulnerability, and support with provision of a school place and follow through of school attendance orders and parenting orders where required;
- the additional budget transfer only applies to mainstream schools and not to high needs settings. Whereas mainstream schools are subject to the NFF, funding for high needs settings is at the discretion of the LA. This means that the LA is able to agree top-up funding at a level that adequately covers cost pressures. Special

school funding was being reviewed in depth for 2023/24 as part of a 4-year cycle, and will take account of cost pressures. The LA agrees top-up funding for other high needs settings at a level to cover actual costs of delivering provision when this information is made available;

- In order to ensure that high needs provision and pupils are not disadvantaged through the High Needs Block transfer, in the event that the high needs budget requirement for 2023/24 is higher than originally anticipated, funding can be drawn from the unallocated DSG reserve as outlined in the financial section of the report.

### Resolved

- (1) to agree to fund schools by up to £85 per pupil higher than the National Funding Formula in 2023/24, funded through a combination of a High Needs to Schools Block transfer and use of the £1.438m ring-fenced reserve balance;
- (2) to note that implementation of recommendation 1 is subject to Secretary of State approval of a disapplication request to permit Nottingham City Council to fund at a level higher than the minimum funding guarantee for those schools receiving protection;
- (3) to approve a block transfer for 2023/24 of up to £2m from the High Needs Block to the Schools Block;
- (4) to approve a block transfer for 2023/24 of £0.458m from the High Needs Block to the Central Schools Services Block.

The meeting was quorate and, of the members eligible, the recorded vote was as follows:

- 11 in favour of all resolutions;
- no votes against any resolution;
- 1 abstention in respect of all resolutions.

Sector	Name	Vote
Primary Academies 1	Tim Jeffs	Sent apols for meeting
Primary Academies 2	Meeta Dave	Not present at the meeting
Primary Academies 3	Rob Perkins	Sent apols for meeting
Maintained Primary 1	Terry Smith	<b>For</b>
Maintained Primary 2	Judith Kemplay	<b>For</b>
Maintained Primary 3	Alison Tones	<b>For</b>

Secondary Academies 1	Paul Burke (Vice-Chair)	<b>For</b>
Secondary Academies 2	Andy Smith	<b>For</b>
Secondary Academies 3	Bob White	Not present at the meeting
Secondary Academies 4	David Tungate	Sent apols for meeting, stated ' <b>For</b> ' via email
AP Academies	Kerrie Henton	<b>For</b>
Nottingham Nursery	Laura Patel	Not present at the meeting
Special Academies	Phil Willott	<b>For</b>
Maintained Special	Patricia Lewis	<b>For</b>
PRUs	Kerrie Fox (Chair)	Sent apols for meeting
Early Years PVI	Debbie Simon	<b>For</b>
Trade Unions	Sheena Wheatley	<b>For</b>
FE Colleges (14-19)	Lisa Wilson	<b>Abstained</b>

Nick Lee  
 Director of Education Services

#### **14 Central Expenditure Budget 2023/24 – Historic Commitments**

Julia Holmes, Senior Commercial Business Partner, presented the report, which requested approval of the historic commitments within the Central Schools Services Block, within the Dedicated Schools Grant, and for the allocation of funding for SEN Transport, funded from the High Needs Block, for the financial year 2023/24.

Arising from the discussion, Mr Lee, Director of Education Services, agreed to inform members outside of this meeting of what funding is available and how schools can access it.

**Resolved to approve the historic commitments and SEN Transport allocation for the financial year 2023/24 (totalling £3.324m), as detailed in table 4 of the report, noting the additional historical detail as set out in appendices A to D of the report.**

#### **15 Central Expenditure Budget 2023/24 – On Going Commitments**

Julia Holmes, Senior Commercial Business Partner, presented the report, which requested approval of the ongoing commitments for the financial year 2023/24, noting that should the 2023/24 settlement for ongoing commitments be less than anticipated, the local authority would submit revised funding allocations, in the Schools Budget report 2023/24, to the Forum at its meeting on 17 January 2023.

Ms Holmes stated that as Schools Forum, in resolution (4) of minute 13 above, had agreed a block transfer for 2023/24 of £0.458m from the High Needs to the Central

Schools Services Block, recommendation 1 of this report is now amended accordingly. She further stated that there was a typing error in the '22/23 forecast' column of appendix A – the total for the column should read '£1.665m', not '£1.643m'.

#### **Resolved to**

- (1) approve the ongoing commitments totalling £2.155m, as set out in table 3, noting the additional historical detail set out in appendix A;**
- (2) note that:**
  - (a) the estimated cost of Copyright Licences, totalling £0.232m, does not require Forum approval as they are managed and procured by central government;**
  - (b) where values are based on estimated pupil numbers, this report used the latest October 2021 census, however, once the October 2022 census and final allocations are issued by the Department for Education, these figures will be updated and presented in a final budget report to Schools Forum;**
- (4) approve that should any additional funding above the £1.697m for ongoing commitments be received from the Education and Skills Funding Agency, it is allocated to the local authority to cover the cost of retained duties.**

#### **16 Early Years Central Expenditure 2023/24**

Kathryn Stevenson, Senior Commercial Business Partner, and Kathryn Bouchlaghem, Early Years Manager, presented the report, informing Forum that the national Early Years (EY) funding arrangements, introduced in April 2017, included a national formula for allocating the EY block to Local Authorities, and new regulations around the proportion of EY funding that can be retained for central spend, thereby ensuring a 95% pass-through of funding to providers. Approval of funding is subject to compliance with this regulation when the Schools Budget 2023/24 is finalised.

In response to questions, it was stated that ring-fenced SEN underspend would be returned in due course and an update would be submitted to the January meeting of Forum.

**Resolved to approve Early Years Central Expenditure of £1.025m for 2023/24, as detailed in the report.**

#### **17 Proposed pupil growth allocation for 2023/24**

Lucy Juby, Project Manager, Education Services, presented the report, outlining the proposed requirements of the Pupil Growth Contingency Fund for 2023/24 and seeking approval to allocate £0.935m to fund pupil growth in both maintained schools and academies.

Ms Juby stated that:

- (i) Growth Funds are an established mechanism nationally, to support expanding schools. Page 5 of the 'Department for Education: Schools Forums - Operational and good practice guidance' (March 2021) identifies the creation of a fund and the agreement of criteria for pupil growth as one of the responsible functions of a Schools Forum;
- (ii) as part of the budget setting process for 2023/24, the School Funding team must inform the Education and Skills Funding Agency by mid-January 2023 of the level of funding allocated from the pupil growth contingency fund for pupil growth for academies during the period April to August 2023;
- (iii) appendix 1 of the report outlines the current commitments and projected requirements for pupil growth in 2023/24 based on the current Pupil Growth Contingency Fund criteria for primary and secondary growth.

### **Resolved**

**(1) to approve the allocation of £0.935m to support pupil growth in 2023/24;**

**(2) to note:**

- (a) the requirement to allocate funding to academies for the period April to August 2023, as guided by the Education and Skills Funding Agency, but which will be reimbursed to the local authority's Dedicated Schools Grant;**
- (b) that the amount (in respect of resolution (1) above) is £0.447m;**
- (c) that the total amount of academies individual school budget shares will be netted-off against the pupil growth given out for this period, and the local authority's Dedicated Schools Grant for 2023/24 will be adjusted accordingly.**

### **18 De-delegation of funding for Trade Union time off for Senior Representatives**

Sheena Yadav-Staples, HR Consultant (Employee Relations), presented the report, outlining the proposed funding arrangements for trade union facility time for senior trade union representatives from schools to attend negotiations and consultation meetings and to represent their members in schools from 1 April 2023 to 31 March 2024.

Ms Yadav-Staples stated:

- (i) that, under the Schools and Early Years Finance Regulations 2022, maintained schools can agree to de-delegate funding for trade union facility time. This had been done by maintained schools since the financial year 2013/14;

- (ii) to reduce the cost to maintained schools, the arrangement was also offered to academies;
- (iii) the income generated paid for the salaries of the trade union representatives whilst carrying out trade union facility time duties;
- (iv) maintained schools and academies are reimbursed the salaries of the representatives who are employed by them. This is done so that no school loses out as a consequence of a member of their staff carrying out Trade Union duties;
- (v) in respect of the report recommendations before members today, the charges will generate a £0.158m projected income, based on 70 maintained schools and academies buying into the scheme, and the funding total of £0.063m is made up of £0.018m generated by pupil numbers and £0.046m lump sum funding.

In response to a question, Ms Yadav-Staples agreed to circulate to members outside of this meeting a breakdown of where the funding had been spent.

**In respect of maintained school members only, Resolved to**

- (1) approve the de-delegation of funding for senior trade union representatives at a rate of £1.56 per pupil and a lump sum of £1,577 per school;**
- (2) note that the total funding requested to be de-delegated by maintained mainstream primary schools is £0.063m.**

**19 School improvement, monitoring and brokerage grant - request for approval for de-delegation for 2023/24**

Nick Lee, Director of Education Services, presented the report and stated the following:

- (i) the Department for Education confirmed in January 2022 that the grant payment to local authorities to fund the provision of school improvement services to local authority maintained schools would reduce by 50% in 2022/23, and be removed entirely in 2023/24;
- (ii) in Nottingham, the grant forms part of the overall grant payment agreed with the Nottingham Schools Trust, who are commissioned by Nottingham City Council to deliver school improvement services to the remaining local authority maintained schools;
- (iii) to mitigate the adverse impact on the provision of school improvement services to maintained schools, the Department for Education has indicated it approves local authorities seeking de-delegation approval, via a Schools Forum decision, for the equivalent funding from maintained schools budget share;

- (iv) as such, the report sets out the background, rationale for seeking the approval, and the financial contribution required by maintained primary schools to fund the grant reduction in the financial year 2023/24, and recommendation (1) is to ensure that Nottingham Schools Trust can maintain the agreed level of school improvement support established through its current grant agreement.

**In respect of maintained school members only, Resolved**

- (1) to approve the de-delegation of funding, at a rate of £10.43 per pupil, to mitigate the reduction in the School Improvement, monitoring and brokerage grant received by Nottingham City Council;**
- (2) to note that the total funding requested to be de-delegated by maintained mainstream primary schools is £116,381.**

**20 Date of next meeting**

It was noted that the next meeting would be held via Zoom, livestreamed on YouTube, at 1.45pm on Tuesday 17 January 2023.

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## Schools Forum - 17 January 2023

<b>Title of paper:</b>	SCHOOLS BUDGET 2023/24
<b>Director(s)/ Corporate Director(s):</b>	Catherine Underwood, Corporate Director for People Ross Brown, Chief Finance Officer
<b>Report author(s) and contact details:</b>	Julia Holmes, Senior Commercial Business Partner 01158 763 733 <a href="mailto:julia.holmes@nottinghamcity.gov.uk">julia.holmes@nottinghamcity.gov.uk</a> Kathryn Stevenson, Senior Commercial Business Partner 01158 763 731 <a href="mailto:kathryn.stevenson@nottinghamcity.gov.uk">kathryn.stevenson@nottinghamcity.gov.uk</a>
<b>Other colleagues who have provided input:</b>	Paul Stevenson, Interim Strategic Business Partner – Children’s Services and Education Majid Iqbal, Team Leader and Solicitor for Litigation Rachael Morris, HR Business Lead (People)
<b>Summary</b>	
<p>This report presents the proposed Schools Budget for the financial year (FY) 2023/24. The Schools Budget has been prepared in line with the parameters agreed at Schools Forum (SF) and with the financial regulations issued by the Department for Education (DfE).</p> <p>As outlined in the report to the 6 December 2022 SF, for 2023/24 the LA has moved away from the standard approach of setting a Schools budget that balances the budgets by block to the DSG income received. This report incorporates further proposals in relation to the Early Years (EY) block that extend this approach in response to equivalent pressures in this sector.</p> <p>Indicative individual school budgets, Early Years (EY) and High Needs (HN) funding allocations along with guidance notes will be issued by 28 February 2023.</p> <p>Where applicable, the Local Authority’s (LA’s) Medium Term Financial Plan (MTFP) incorporates the impact from the Dedicated Schools Grant (DSG).</p>	
<b>Recommendation(s):</b>	
<b>1</b>	<p><b>DSG</b></p> <p>a) To note the overall indicative 2023/24 Schools Budget to be spent incorporating the Schools, Central Schools Services (CSS), EY’s and HN’s blocks is <b>£344.944m</b>.</p> <p>b) To note this is funded by:</p> <ol style="list-style-type: none"> <li>i. £342.836m of the provisional 2023/24 DSG allocation of <b>£344.819m</b></li> <li>ii. reimbursement of <b>£0.447m</b> funding paid to academies for pupil growth for April to August 2023 and</li> <li>iii. <b>£1.438m</b> from DSG reserves to support the additional one-off distribution to mainstream schools, from the balance earmarked for distribution in conjunction with the SF sub-group</li> <li>iv. <b>£0.148m</b> from DSG reserves to support the 2023/24 SEN Inclusion Fund budget, from the balance earmarked for EY/EY Disability Access Funding</li> <li>v. <b>£0.075m</b> from DSG reserves to support a higher 2 Year Old Base rate for 2023/24, from the balance earmarked for EY.</li> </ol> <p>c) To note that the budget will be updated in year to reflect subsequent adjustments</p>

	<p>made by the ESFA to our 2023/24 DSG allocation as described in the report.</p> <p>d) To note that any balance remaining will be allocated to the Statutory School reserve (SSR). This includes the £1.983m balance of the provisional DSG allocation, which represents a proportion of the additional High Needs funding announced in the Autumn Statement. If any new HN budget requirements arise in year, over and above those planned from the HN budget outlined in this report then separate in-year approval will be sought.</p> <p>e) To note the impact to schools budgets of the indicative allocation is set out in <b>Table 5</b>.</p>
<b>2</b>	<p><b>Mainstream Schools Additional Grant (MSAG)</b></p> <p>a) To note that additional funding for mainstream schools announced in the Autumn Statement 2022 is being provided as a separate grant for 2023/24 outside of the schools national funding formula and will be allocated in accordance with the grant conditions. The amount awarded to City schools is £8.725m. See paragraph 2.9.1.</p>
<b>3</b>	<p><b>Additional one-off DSG distribution to mainstream schools</b></p> <p>a) To note that the budget presented in this report includes the distribution of an additional £85 per pupil in one-off funding for mainstream schools in 2023/24 which amounts to £3.710m. This approach required a Minimum Funding Guarantee disapplication request to the Secretary of State which was been approved on 10 January 2023. See paragraph 2.6.1.</p>
<b>4</b>	<p><b>DSG block transfers</b></p> <p>a) To note that this budget incorporates the <b>£0.458m</b> HN to Central School Services Block transfer approved at SF on 6 December 2022.</p> <p>b) To note that this budget incorporates a final figure of <b>£1.907m</b> for the HN to Schools Block transfer approved at SF on 6 December 2022.</p>
<b>5</b>	<p><b>Early Years</b></p> <p>a) To note that total planned early years central expenditure aligns to the <b>£1.025m</b> approved at SF on the 6 December 2022.</p> <p>b) To note that the previously separate Teachers' Pay and Teachers' Employers Pension Grants for school-based nurseries has been merged into 3 &amp; 4 year old funding and the LA is allocating this across all early years providers via the 3 &amp; 4 year old base rate as outlined in paragraph 2.6.3.</p>
<b>6</b>	<p><b>PUPIL PREMIUM (PP)</b></p> <p>a) To note the allocation of PP funding will be allocated to schools in accordance with the grant conditions.</p>

## 1. Reasons for recommendations

- 1.1 To ensure an understanding of how and on what basis different DfE grants are allocated to the LA and how they are then allocated to individual schools forming their annual budget allocations.
- 1.2 To provide SF with a summary budget position based on the approvals gained in accordance with the Schools and Early Years Finance (England) Regulations 2022.

- 1.3 To update SF on the impact of any new legislation on the Schools budgets and the financial implications of those changes.
- 1.4 To ensure transparency over the methodology and approach for the 2023/24 Schools Budget, which incorporates funding from DSG reserves in order to respond to the current level of financial pressures in schools and settings.

## 2. **Background (including outcomes of consultation)**

### 2.1 **2023/24 Funding Settlement and overall approach to budget setting**

2023/24 is the sixth year of the National Funding Formula (NFF) for Schools, HN's and CSS which has been used to calculate the block values allocated to LA's. The Early Year's NFF (EYNFF) was introduced one year earlier in 2017/18.

The 2022/23 schools supplementary grant has been rolled into the NFF for 2023/24 as described in detail in section 2.4.1. Additional funding for mainstream schools for 2023/24 announced in the Autumn 2022 Statement has again been provided outside of the NFF initially as a Mainstream Schools Additional Grant (MSAG).

This approach is beneficial in a Local Authority such as Nottingham City, with a large proportion of schools on the Minimum Funding Guarantee receiving funding protection under the NFF, as this ensures the extra funding equally benefits these schools. This approach is consistent with the LA's local proposal for distributing additional funding on top of the NFF and this has been helpful to support our case for a disapplication request to the Secretary of State.

The standard approach followed by the LA in setting the Schools Budget is to set budgets by block which mirror the DSG income received and to mirror the NFF in setting budgets for schools. However, as agreed at the 6 December meeting, for 2023/24 the LA is responding to pressures both within the Schools Block (SB) and Central Schools Services blocks (CSSB) with a block transfer from the High Needs block (HNB) where there is a short term surplus.

The DSG settlement published on 16 December confirmed £400m in additional funding for high needs linked to the Autumn Statement. This provides Nottingham City with a further **£2.536m** for High Needs in 2023/24 and means that there will now be a surplus on the HNB for 2023/24 even after the block transfer.

Alongside the DSG settlement on 16 December, the government confirmed their response to the Early Years Funding Consultation which implements most of their proposed changes. As a result of these, Nottingham City moves to the funding floor and has only received a minimal 1% increase in funding rates for 2,3 and 4 year olds for 2023/24. This report outlines an approach to the early years budget in section 2.6.3 which attempts to mitigate the impact on early years settings, especially in the PVI sector which does not benefit from the other additional funding streams outlined above.

This report builds on the approvals gained at SF at previous meetings as summarised in **Table 1** in paragraph 2.2.

**Table 2** in paragraph 2.3 then shows the DSG received into the LA for each DSG block, and summarises the planned DSG spend by block indicating the block transfers and planned use of DSG reserves.

The report then goes on to provide detailed supporting information for each DSG block:

- Section 2.4 of the report provides further detail of the methodology for the DSG income received for each block.
- Section 2.5 shows the year on year movements.
- Section 2.6 outlines planned spend or onward distribution to settings from each DSG block.

2.2 The purpose of this report is to provide a 2023/24 summary budget position for Schools; this report is a continuation of budget reports presented to SF during the 2023/24 budget setting process in accordance with the Schools and Early Years Finance (England) Regulations 2022.

These approvals are set out in **Table 1** below:

<b>TABLE 1: ANALYSIS OF APPROVALS</b>		
	<b>Status</b>	<b>Date</b>
<b>De-delegated budgets</b>		
Trade union representative cover	Approved	6 Dec 2022
Schools health and safety tests and inspections	TBC*	17 Jan 2023
<b>Block Transfer proposals</b>		
High Needs to CSSB block transfer	Approved	6 Dec 2022
High Needs to Schools block transfer	Approved	6 Dec 2022
<b>Central budgets</b>		
Schools	Approved	6 Dec 2022
SEN Transport	Approved	6 Dec 2022
Early Years	Approved	6 Dec 2022
Copyright licensing Agreement/Music Publishing Association licences	Education Skills Funding Agency – Top-sliced from the DSG	
Pupil Growth Contingency Fund (PGCF)	Approved	6 Dec 2022

\*The Schools health and safety tests and inspections proposals for 2023/24 are included in agenda item 5.

2.3 **Table 2** summarises the DSG income received by DSG block and the total planned spend. Information to support this summary is provided in the subsequent sections of this report.

<b>TABLE 2: SUMMARY OF 2023/24 DSG BUDGET BY BLOCK £m</b>						
	<b>DSG Block</b>	<b>DSG income</b>	<b>Block transfer</b>	<b>DSG reserves</b>	<b>ESFA reimb.</b>	<b>2023/24 Budget</b>
1	Schools	260.157	1.907	1.438	0.447	<b>263.949</b>
2	Central Schools	4.037	0.458	0.000	0.000	<b>4.495</b>
3	Early Years	22.286	0.000	0.223	0.000	<b>22.509</b>
4	High Needs	58.339	-2.365	-1.983	0.000	<b>53.991</b>
5	<b>TOTAL</b>	<b>344.819</b>	<b>0.000</b>	<b>-0.322</b>	<b>0.447</b>	<b>344.944</b>

### 2.4.1 Schools Block DSG Allocation

The school block allocation is based on 3 elements:

#### a) **Pupil-led and School-led funding**

This is based on a Primary unit of funding (PUF) and secondary unit of funding (SUF).

In 2023/24 this equates to:

- £5,188.99 per primary pupil and
- £6,907.41 per secondary pupil.

These rates are calculated on the level of funding the LA would receive through the 2023/24 NFF which is based on the October 2021 census data.

The Schools Block allocation for 2023/24 is based on:

- The number of primary pupils in Reception to Year 6 on the October 2022 school census plus
- Pupils aged 4 to 10 not assigned to a year group on the October 2022 school census x's by the PUF plus
- The number of secondary pupils in Year 7 to Year 11 on the October 2022 school census plus
- Pupils aged 11 to 15, not assigned to a year group on the October 2022 school census x's by the SUF.

Pupils in special units and resource provisions are included in the pupil counts above. Reception pupils are counted as one full time equivalent (FTE) irrespective of the hours they attend. No reception uplift has been applied to pupil numbers.

- The 2022/23 schools supplementary grant has been rolled into the NFF by:
  - adding an amount representing what schools receive through the grant into their baselines;
  - adding the value of the lump sum, basic per pupil rates and free school meals Ever 6 (FMS6) parts of the grant onto the respective factors in the NFF;

- uplifting the minimum per pupil values by the supplementary grant's basic per pupil values, and an additional amount which represents the average amount of funding schools receive from the FSM6 and lump sum parts of the grants
- Minimum Funding Guarantee (MFG) of 0.5% has been applied to the allocation of funding given to LA's for schools not fully on the NFF.

Within the regulations LA's can set the MFG between plus 0% and plus 0.5% per pupil. The maximum level has been set for maintained schools and academies to ensure as much of the funding is allocated as possible and to mitigate any significant budget variations that may arise as budgets move towards the NFF.

- Minimum per pupil funding levels (MPPL's) have been increased by 0.5% in the FY 2023/24 and increased to take account of the supplementary grant funding which has been rolled into the NFF in 2023/24. **Table 3** shows the MPPL values for the financial years 2020/21 to 2023/24:

<b>Table 3: Minimum Per Pupil Funding</b>				
	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>	<b>2023/24</b>
Primary	£3,750	£4,180*	£4,265	£4,405
Key Stage 3	£4,800	£5,215**	£5,321	£5,503
Key Stage 4	£5,300	£5,715**	£5,831	£6,033
Secondary with all 5 year groups	£5,000	£5,415**	£5,525	£5,715

\* From 2021/22 rate includes £180 per primary pupil for the Teachers' Pay Grant (TPG), Teachers' Pension Employer Contribution Grants (TPECG) and the Supplementary fund see below;

\*\* From 2021/22 rate includes £265 per secondary pupil for the Teachers' Pay Grant (TPG), Teachers' Pension Employer Contribution Grants (TPECG) and the Supplementary fund see below.

- In addition to the amounts that have been added for the supplementary grant the NFF factor values have been increased by:
  - 4.3% to free school meals at any time in the last 6 years (FSM6) and income deprivation affecting children index (IDACI)
  - 2.4% to the basic entitlement, low prior attainment (LPA), FSM, English as an additional language (EAL), mobility, and the lump sum.
  - 0% on premises factors except for Private Finance Initiative (PFI) which has increased by 11.2% for the year to April 2022.
- In calculating low prior attainment proportions, data from the 2019 early years foundation stage profile (EYFSP) and key stage 2 (KS2) tests has been used as a proxy for the 2021 tests, following the cancellation of assessment due to coronavirus (COVID-19).
- The Education and Skills funding Agency (ESFA) will continue to pay business rates directly to billing authorities on behalf of all state funded schools in 2023 to 2024.
- **The gains cap was removed in the financial year 2020/21.** Therefore LA's will continue to receive all the funding that schools attract under the NFF. LA's

will continue to be able to use a cap if they wish to do so. In line with the NFF the LA will continue to not apply a gains cap.

**The total funding allocated based on the primary and secondary units of funding totalled £253.546m.**

**b) Premises**

This funding is allocated to LA's based on historic costs in 2022/23 with the exception of PFI funding which has been uplifted by the RPIX from April 2022 to April 2022 (11.2%).

Included in the £4.700m allocation is £1.920m which is the funding allocated to the LA for business rates for the financial year 2023/24.

**Total funding allocated for premises totalled £4.700m.**

**c) Growth funding**

In 2019/20 the DfE introduced a formulaic approach to funding pupil growth. The total funding received for growth in 2022/23 was £1.902m.

Actual pupil growth allocations have been based on the movement in pupils between the October 2021 and October 2022 school census data in Middle Super Output Areas (MSOA).

In 2023/24 the DfE increased the rates applied to the growth in primary and secondary pupils by 2%. The primary rate in 2022/23 was £1,485 and is £1,520 in 2023/24. The secondary rate in 2022/23 was £2,220 and is £2,275 in 2023/24.

There is no longer transitional funding or transitional protection for growth funding. No local authority received the protection in the 2022/23 DSG therefore no LA is now eligible for it. Nottingham City has never received any protection and will see an increase of £0.009m in pupil growth funding in 2023/24.

The DfE are still looking at proposed approach for allocating pupil growth to LA's and schools post 2023/24.

**Total funding allocated for growth totalled £1.911m.**

**2.4.2 Central Schools Services DSG Allocation**

The Central School Services Block (CSSB) is made up of two categories of funding:

- Historic commitments and
- Ongoing commitments

**Table 4** below shows the categorisation of budgets within the CSSB.

**Table 4: CSSB Funding**

<b>Commitment</b>	<b>Classification</b>	<b>2023/24 Allocation approved by SF £m</b>
CERA	Historic commitment	<b>0.173</b>
Prudential borrowing	Historic commitment	<b>0.054</b>
Termination of employment costs	Historic commitment	<b>1.609</b>
Contribution to combined budgets	Historic commitment	<b>0.488</b>
Admissions	Ongoing commitment	<b>0.585</b>
Copyright licences	Ongoing commitment	<b>0.254</b>
Schools Forum	Ongoing commitment	<b>0.038</b>
Retained duties	Ongoing commitment	<b>1.198</b>
TPG and TPECG for centrally employed teachers	Ongoing commitment	<b>0.096</b>
<b>Total CSSB</b>		<b>4.495</b>

As stated in the LA's report to SF on 6 December 2022 in the Central Expenditure Budget 2023/24 – Historic Commitments report on 19 July 2022, the ESFA published each LA's 2023/24 illustrative DSG allocations, including those for the CSSB.

In keeping with the DfE's commitment to reduce historic commitment funding, Nottingham City's funding **has been cut by a further 20% in 2023/24** in addition to the reductions to date applied up to 2022/23 of £2.694m.

The 2023/24 reduction is a further £0.581m taking the **total funding reduction to date to £3.275m**.

The ESFA have stated that this funding will be cut year on year until LA's only have the value of the termination of employment and prudential borrowing remaining budgets, for those LA's who have commitments for these costs. This has created a budget pressure for Nottingham City Council.

In the DfE Policy document "The national funding formulae for schools and high needs 2023-24" it is stated in paragraphs 39 and 40:

**"In 2023-24, for those local authorities that receive it, historic commitments funding will continue to reduce by 20% on 2022/23 allocations, the same rate as the reduction in 2022/23.**

**We will also continue to protect any local authority from having a reduction that takes their total commitments funding below the total value of their ongoing prudential borrowing and termination of employment costs, in recognition of the long lead-in times required for such costs to unwind."**

Nationally funding for historic commitments in the FY 2023/24 has been cut by £23.320m.

In 2022/23 the LA received £2.905m for historic commitments.

**Total allocation for historic commitments in 2023/24 is £2.324m.**

LA's are funded for ongoing commitments based a national formula which distributes 90% of funding according to a per-pupil factor and 10% of funding according to a deprivation factor.

Both elements have been adjusted for area costs. LA's due to receive reductions in their per-pupil funding for ongoing functions compared to their 2022/23 baseline will be protected against large losses year on year. **The maximum per-pupil reduction in funding is -2.5%**. This has been afforded by placing a gains cap on the amount that LA's can gain under the formula. In 2023/24 LAs will be able to gain a maximum of 5.86%. Nationally **the funding for ongoing commitments that LA's have for all schools has been increased by 2.9% in 2023/24**.

In 2022/23 the CSSB unit of funding for Nottingham City for ongoing commitments was £38.85 per pupil. In 2023/24 this has increased to £39.62 per pupil. This equates to a rise of 2% per pupil.

In 2022/23 the LA received £1.664m for ongoing commitments.

**In 2023/24 NCC has been allocated £1.713m for ongoing commitments.**

The DfE have stated that they will be reviewing central school services, to see which services best sit within:

- LA's ongoing responsibilities for all schools;
- De-delegated central functions for schools that local authorities (for maintained schools) and MATs (for academies) are responsible for;
- Optional traded services for all schools.

They wish to review if there is any scope to set out a clearer list of services to be funded centrally, alongside a greater move towards de-delegated and traded services. There is to be a more technical consultation on this on the future of central schools services.

#### 2.4.3 Early Years Block DSG Allocation

The LA's EY block allocation is based on the EYNFF which was introduced in April 2017. The EYNFF dictates the hourly rate that each LA receives for 3 & 4 year olds.

Over Summer 2022 the government consulted on proposals to update the EYNFF with more recent data and to continue doing this each year going forward. SF were briefed on these consultation proposals at the October 2022 meeting. The changes, which have now been implemented, put the LA onto the funding floor meaning that the increase to the LA's funding rates for 2,3 & 4 year olds is only 1% for 2023/24. This represents a £0.05/hour increase for 3 & 4 year olds and a £0.06/hour increase for 2 year olds.

In addition, from 2023 to 2024 the separate teachers' pay grant and teachers' pensions employer contribution grants are no longer being paid directly to school-based nurseries, and instead this funding has been rolled into the overall quantum of 3- and 4-year-old entitlement funding. The exception to this is the element relating to allocations for maintained nursery schools which has instead been merged into the maintained nursery supplement. This has added £0.15/hour to the LA's hourly rate for 3 & 4 year olds.

The LA is being funded for 3 & 4 year olds in 2023/24 at **£5.43 per hour** and **£5.66 per hour** for 2 year olds.

The national funding rate for EY pupil premium has been increased by 2 pence per eligible child per hour taking the rate to 62 pence.

The national funding rate for disability access fund has been increased by £28 per eligible child per year taking the rate to £828.

**The LA's provisional EY block allocation, as published on 16 December 2022, is £22.286m.**

Within this provisional allocation there is funding for:

- a) 3 & 4 year old universal entitlement (£14.057m)
- b) 3 & 4 year old extended entitlement (£4.182m)
- c) 2 year old funding (£3.383m) and
- d) EY Pupil Premium (EYPP) (£0.390)
- e) Early Years disability access fund (£0.134m)
- f) Maintained Nursery Supplementary (MNS) funding (£0.140m)

**Provisional allocations** are based on January 2022 pupil numbers.

Final allocations will be based on 5/12ths x January 2023 pupil numbers and 7/12ths x January 2024 pupil numbers.

#### 2.4.4 **High Needs Block DSG Allocation**

The LA's HN's block allocation is based on the HN National Funding Formula (HN NFF) which was implemented in April 2018.

Based on the indicative 2023/24 DSG settlement published in July 2022, Nottingham City was due to receive a **7% increase** per head of 2-18 population. This was the maximum allowable gain, with LA's receiving increases of between 5% and 7% per head of population.

In addition, the additional funding announced in the Autumn 2022 statement included £400m nationally for high needs. Each LA has received an additional allocation calculated as 4.59% of the previously published indicative allocation. Nottingham City's share of this is an extra **£2.536m**. This takes the LA's overall high needs block % increase for 2023/24 from 7% to 12.4%.

The 2023/24 allocation is based upon the latest mid-2023 ONS population estimate for Nottingham City of 68,159. This is 0.6% higher than last year's mid-2022 (67,754) population estimate. Our provisional 2023/24 HN block allocation is reduced by £5.210m due to the cap on gains.

**The LA's provisional 2023/24 HN block allocation before recoupment is £58.339m.**

This represents a **£6.198m increase compared to the latest published 2022/23 allocation of £52.141m.**

The ESFA will make a recoupment deduction from this allocation for direct funding of HN's places.

- 2.5 Overall DSG funding has **increased since 2022/23 indicative budgets by £22.777m** (£344.819 - £322.042m). This increase is due to the reasons set out in **Table 5** below:

<b>Table 5: 2023/24 Budget Increase Analysis</b>	
<b>2022/23</b>	<b>£m</b>
High needs supplementary funding for 2022/23	2.048
<b>2023/24</b>	
Schools – Increased pupil numbers and the impact of the changes to the NFF in 2021/22 (42,841 in 2022/23 to 43,238 in 2023/24)	13.602
Premises funding	0.272
National non-domestic rates	0.020
Pupil growth contingency fund	0.009
Historic commitments allocation	(0.581)
Ongoing commitments allocation – effect of increase in rate and increase in pupil numbers	0.049
EY – impact of merging the previously separate Teachers' Pay and Pension grants into DSG 3 & 4 year old allocations	0.504
EY – Impact of the EYNFF 5p/hour increase on 3 & 4 YO funding	0.272
EY – Net impact of the EYNFF 6p/hour increase on 2 YO funding and the 3.5% increase in pupil numbers in January 2022	0.271
EY – Increase in Disability Access Fund	0.018
EY – Increase in Early Years Pupil Premium	0.034
EY – Increase in supplementary funding allocation for maintained nursery school	0.006
HN – NFF 7% per head funding increase per head of population	3.552
HN – Additional high needs allocation	2.536
HN – Basic entitlement factor for special school pupils	0.001
HN – Import/Export adjustment change	0.054
HN – 5% Hospital education funding uplift	0.110
<b>TOTAL ALLOCATION INCREASE</b>	<b>22.777</b>

## Overview of DSG Funding Distribution

**Table 6 (i)** below provides a breakdown of the Schools budget for 2023/24 by block and category of spend and **Table 6 (ii)** shows the 2023/24 allocations compared to preceding years.

**TABLE 6 (i) Schools budget for the financial year 2023/24 by block and category of spend**

Elements	Schools Block £m	Central Schools Services Block £m	Early Years Block £m	High Needs Block £m	Total DSG £m
Educational settings	262.753	-	21.484	47.841	332.078
Pupil Growth	0.935	-	-	-	0.935
Central Expenditure	-	4.495	1.025	4.800	10.320
De-delegated	0.261	-	-	-	0.261
High Needs Contingency	-	-	-	1.350	1.350
<b>BLOCK TOTAL</b>	<b>263.949</b>	<b>4.495</b>	<b>22.509</b>	<b>53.991</b>	<b>344.944</b>
2023/24 DSG Settlement	-260.157	-4.037	-22.286	-58.339	-344.819
DSG Reserve Funding	-1.438	-	-0.223	1.983	0.322
Reimbursement from ESFA 2023/24	-0.447	-	-	-	-0.447
<b>TOTAL FUNDING</b>	<b>-262.042</b>	<b>-4.037</b>	<b>-22.509</b>	<b>-56.356</b>	<b>-344.944</b>
<b>VARIANCE</b>	<b>1.907</b>	<b>0.458</b>	<b>0</b>	<b>-2.365</b>	<b>0</b>

**TABLE 6 (ii) Comparison of DSG allocations 2020/21 to 2023/24**

Elements	Schools Block £m	Central Schools Services Block £m	Early Years Block £m	High Needs Block £m	Total DSG £m
2023/24 Indicative	260.157	4.037	22.286	58.339	344.819
2022/23 as at 17 Nov 22	246.254	4.570	21.526	52.141	324.490
2021/22	237.015	5.218	20.606	45.001	307.840
2020/21	219.853	6.007	22.219	39.470	287.549

## 2.6 Distribution of DSG Funding To Settings

The following paragraphs outline in detail how funding is distributed in each block.

### 2.6.1 Distribution of Schools Block Funding

This block currently totals £263.949m. This is funded by:

- DSG £260.157m (as per **Table 2, 6 (i) & (ii)**);
- Reimbursement of costs from academies of £0.447m
- Reserve drawdown of £1.438m which is the balance earmarked for distribution in conjunction with the SF sub-group
- HN Block transfer of £1.907m approved at SF on 6 December 2022 (as per **Table 2, 6 (i)**)

On 6 December 2022 the LA outlined in 'Proposed approach to DSG Budget Setting by block 2023/24' report its intention in the financial year 2023/24 to move away from the standard budget setting process of balancing each block budget to the DSG income received for each block. The proposed new approach involved:

- passing onto primary and secondary schools up to £85 per pupil above the national funding formula rates through the Primary, Key Stage 3 and Key Stage 4 Age Weighted Pupil Units. Total forecast cost £3.662m. **This is one-off funding for the financial year 2023/24 only.**
- Making a MFG disapplication request to the Secretary of State to seek approval for an MFG disapplication to ensure that each school received up to the additional £85 per pupil.
- Fully fund the Education Welfare Team which is funded through the CSSB. In the past the CSSB has supported £0.156m of costs of the Education Welfare Team but the full cost is £0.458m higher.
- Drawing down £1.438m of ring-fenced funding in the SSR
- Actioning a HN Block transfer of up to £2m to the Schools Block and a HN Block of £0.458m to the CSS Block.

When setting schools and academies budgets for the financial year 2023/24 the LA has included the additional £85 per pupil to the Primary, Key Stage 3 and Key Stage 4 AWPU rates. However, it must be noted that in the financial year 2024/25 the LA will need to remove this funding from each schools 2023/24 baseline funding. **The LA received confirmation from the Secretary of State on the 10 January 2023 that the MFG disapplication to ensure all schools received the £85 per pupil in the financial year 2023/24 was approved.**

In the financial years 2021/22, 2022/23 and 2023/24 the LA has funded through the local funding formula (which mirrors the schools NFF) the new free school Bluecoat Trent Academy which opened in September 2021. This is in line with the guidance set by the ESFA.

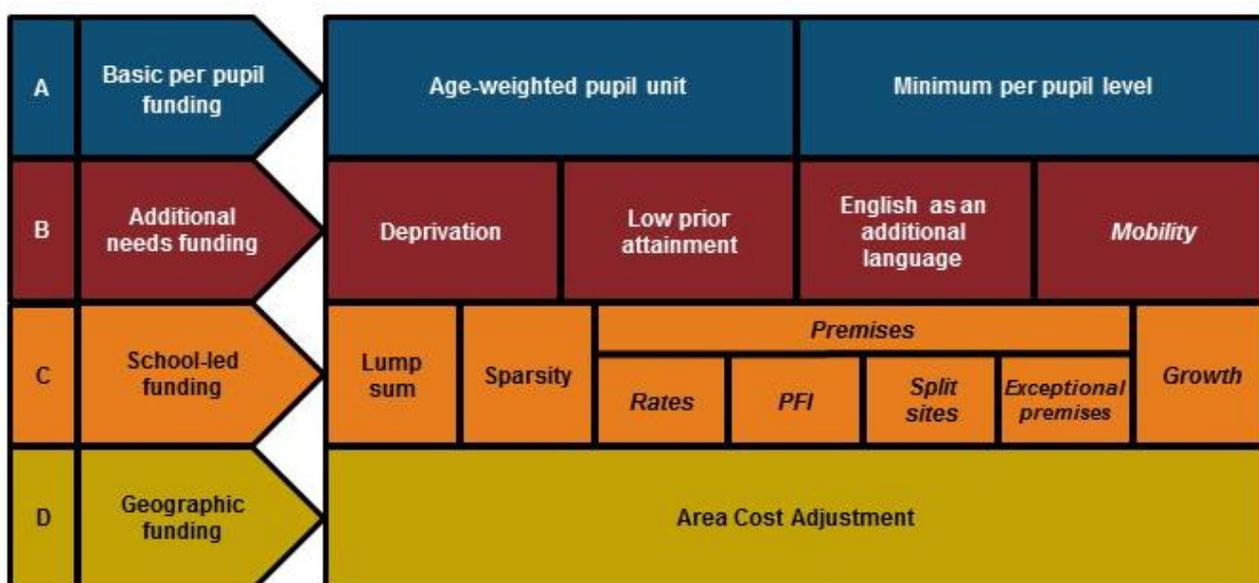
This funding is recouped from the LA the same as any other academy or free school. In 2021/22 the funding for the new academy was based upon six forms of entry (180 pupils from September 2021). In September 2022 the free school admitted 8 forms of entry which totalled 241 pupils. From September 2023 a further

8 forms of entry are going to be admitted. Therefore, the LA has funded the new free school for the 241 pupils that were included on the October 2022 school census plus 7/12ths of 240 pupils which are forecasted to be admitted in September 2023. The total number of pupils funded in 2023/24 is 561 pupils.

On 11 October 2022 SF's view was sought regarding the proposed application by the LA to the Secretary of State to request approval to continue to fund two academies, Bluecoat Beechdale Academy and the Ellis Guilford School from the exceptional circumstances: premises factor for Building Schools for the Future lifecycle costs. This is to ensure that the buildings are be maintained to the same standard as a new Private Finance Initiative school for 25 years from the date of completion. The LA is contractually obliged to fund these costs for Bluecoat Beechdale Academy until the financial year 2034/35 and Ellis Guilford School until 2036.37. SF agreed with this proposal which was contained within the 'Disapplication request to the Education & Skills Funding Agency to include Building Schools for the Future Funding in the premises: exceptional circumstances factor in the financial year 2023/24' report. **On 29 December 2022 the LA received confirmation from the Secretary of State that the application had been approved.**

After applying the +0.5% MFG per pupil within the local funding formula (this is the maximum MFG that can be applied within the formula in 2023/24), and allocating an additional £85 per pupil through the each AWPU this has created expenditure of £263.949m in the Schools Block. This **leaves a deficit balance of -£3.345m on the Schools Block. This is to be funded from the drawdown of £1.438m from the reserve agreed at SF on 6 December 2022 and a HN Block transfer of £1.907m.**

**Figure 2** below illustrates the factors that have been included when calculating schools budgets for 2023/24 based on the NFF.



In 2023/24 the age weighted pupil units (AWPU) have increased by 4.7% compared to 2022/23 as set out in **Table 7** below:

<b>Table 7: Movement on Age Weighted Pupil Units and the</b>						
	<b>2018/19 &amp; 2019/20</b>	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>	<b>2023/24</b>	<b>Increase/ (Decrease) 2022/23 to 2023/24</b>
Primary	£2,754.43	£2,864.88	£3,131.62*	£3,249.26	£3,403.40***	£154.14
Key Stage 3	£3,873.12	£4,029.09	£4,416.16**	£4,581.49	£4,798.25***	£216.76
Key Stage 4	£4,397.70	£4,573.59	£4,976.70**	£5,163.26	£5,407.94***	£244.68
<b>Total MFG protection</b>	<b>£9.546m – 2018/19 £11.233m 2019/20</b>	<b>£7.815m</b>	<b>£7.645m</b>	<b>£5.444m</b>	<b>£2.340m</b>	<b>£1.687m - 2019/20 (£3.418m) - 2020/21 (£0.170m) - 2021/22 (£2.201m) - 2022/23 (£3.104m) - 2023/24</b>

\* First financial year includes £180 per primary pupil for the TPG and TPECG;

\*\* First financial year includes £265 per secondary pupil for the TPG and TPECG.

\*\*\* Excludes one-off funding in 2023/24 of £85 per pupil, and includes the additional funding passed onto schools for the Supplementary Grant.

Therefore, in reality due to the supplementary grant being added into the 2023/24 AWPU rates, the rates have not increased by the 4.7% it has increased by 2.4%.

**The level of MFG protection has fallen from £5.444m in 2022/23 to £2.340m in 2023/24.** This is mainly due to the increase in the core factor rates and the increase in the minimum funding per pupil.

No consultation on the local funding formulae for mainstream schools was undertaken for the FY 2023/24. This was due to the LA's intention to continue to mirror the national funding formula and to follow the principle, as agreed in previous years consultations and to pass onto schools as much funding as possible through the local funding formula to prevent budget destabilisation. In the financial year 2023/24 LA's are required to:

- Use all the NFF factors - This means that LA's have to use all 3 deprivation factors (FSM, FSM6 and IDACI), as well as LPA, EAL, mobility, sparsity and the lump sum;
- move their factor values 10% closer to the NFF factor values.

The above is not an issue for NCC as it already mirrors the NFF factors and factor values.

## 2.6.2 Distribution of CSSB Funding

The CSSB funding has been allocated as per **Table 4**.

The only revisions that have been made to the CSSB allocations since they were approved by SF 6 December 2022 are to the retained duties funding, which has been decreased by -£0.006m and the copyright licences budget which has increased by £0.0022m.

The illustrative funding allocation for ongoing commitments was £1.697m. The final allocation for ongoing commitments is £1.713m. This represents an increase in

funding of £0.016m. This increase in funding has been used to fund the increase in cost of the copyright licences for 2023/24 £0.022m. SF approved the allocation of £0.232m for copyright licences on 6 December 2022 the LA has now received confirmation from the DfE that the charge for 2023/24 will be £0.254m. The shortfall in funding of -£0.006m has been deducted from the retained duties allocation.

This principle was approved by SF.

The 2023/24 budget has been updated accordingly.

### 2.6.3 Distribution of Early Years Block Funding

**Table 8** provides an indicative breakdown of the 2023/24 EY block budget:

<b>Table 8: EY Indicative Budget Breakdown (£m)</b>					
<b>Element</b>	<b>3 &amp; 4 YO</b>	<b>2 YO</b>	<b>DLA</b>	<b>EYPP</b>	<b>TOTAL £m</b>
<i>Base rate/hour</i>	£4.96	£5.66		£0.62	
Base rate total	15.863	3.383			
<i>Supplements</i>					
<i>-Deprivation/hour</i>	£1.00		£828		
<i>-Flexibility/hour</i>	£0.10				
<i>DLA/annum</i>					
Supplements total	0.766				
MNS lump sum & business rates	0.303				
SEN inclusion fund	0.283	0.010			
Contingency	0.352				
<b>Total Providers</b>	<b>17.567</b>	<b>3.393</b>	<b>0.134</b>	<b>0.390</b>	<b>21.484</b>
<b>Central Expenditure</b>	<b>0.960</b>	<b>0.065</b>			<b>1.025</b>
<b>Grand Total</b>	<b>18.527</b>	<b>3.458</b>	<b>0.134</b>	<b>0.390</b>	<b>22.509</b>

### 3 & 4 Year Old Funding

As stated in section 2.1, from 2023 to 2024 the separate teachers' pay grant and teachers' pension employer contribution grants are no longer being paid directly to school-based nurseries, and instead this funding has been rolled into the overall quantum of 3- and 4-year-old entitlement funding.

The Early Years Entitlements: LA funding operational guidance 2023/24 encourages LAs to use the discretionary quality supplement to distribute this funding via their local EYFF e.g. to target the funding to take account of additional pressures that some providers might face, from, for example, the need to pay employer contributions to the teachers' pension scheme.

In Nottingham City, we do not currently have a quality supplement in our EYFF. Introducing a quality supplement would represent a change to our EYFF which would require consultation with all early years providers. Such a proposal is likely to be divisive. The EYFF introduced a requirement for a single base rate across both sectors (Schools and PVI) and was supposed to create a level playing field. The

government consultation report acknowledges that some respondents, particularly PVIs, questioned the purpose of the TPPG grant more generally, suggesting the grant itself creates inequality between provider types.

Instead of introducing a quality supplement, the LA is proposing to allow the £0.15/hour which results from the mainstreaming of these grants to roll into the hourly rate for schools/providers. This means that the overall increase to the 3 & 4 year old base rate will be £0.20/hour (3.4%) rather than £0.05/hour (1.1%).

We consider that a funding increase of only 1.1% could threaten the financial viability of early years PVI settings, which are commonly facing falling income levels due to post-pandemic changes in working patterns coupled with the significant cost pressures. By allowing the LA's full rate increase to flow onto the base rate with a 3.4% this will help support the PVI sector which is not benefiting from any other additional funding support.

As around half of our 3 & 4 year old entitlement hours are delivered by the PVI sector and half by school based nurseries, this means that the school sector will effectively see a net loss of around half of the funding previously received for teachers' pay and pensions for nursery aged pupils. The separate grant was worth on average around £7,000 to City primary schools although it varied from £2,300-£14,400 dependent on pupil numbers. However, schools are benefiting from the Mainstream Schools Additional Grant and the local one-off additional £85 per pupil for the main school age funding and this will cushion the impact of this change.

## **2 Year Old Funding**

The LA is also concerned about what the impact would be of only providing a 1.1% (£0.06/hour) increase to schools and providers for 2 year olds in the context of the rise in living costs faced by families and heating and staffing costs for settings. Raising 2 year old participation is a target in the Council plan. Some of our "families in need" access places requiring extra involvement in multi-agency meetings from staff in settings. This is key to supporting the Children's Services improvement journey, keeping children safe and getting them school ready.

In this context, the LA is proposing to use DSG reserves to supplement the 2 year old funding rate enabling this to be increased by a further £0.13/hour. This takes the proposed funding rate for 2 year from £5.47/hour in 2022/23 to £5.66/hour, an increase of £0.19/hour (3.5%).

This will require an estimated £0.075m from the early years contingency earmarked in the DSG reserve. In future years, the LA will need to keep the 2 year old funding rate for providers static or raise it by a lower amount than the increase provided into the LA in order for the 2 year old funding stream to return to being affordable from the in-year DSG allocation.

## **SEN Inclusion Fund**

From April 2022, the LA introduced new allocation criteria for the SEN Inclusion Fund as outlined in a paper presented to SF on 25 January 2022.

This new set of criteria included 3 strands of support; child-level, setting-level and universal. The setting-level support is designed to provide additional financial support to settings with high proportions of high needs children. This strand pays £3000 per child attracting HLN over a certain threshold of 1-3 HLN part-time equivalent children according to setting size. This covers the cost of the first £3000 (or £6000 for a full-time child) of additional needs that would otherwise have to be met from their core 3 & 4 year old funding.

The setting level allocations for 2022/23 are coming in at over twice the level that was modelled when we set the criteria. We set aside £89k from the SEN IF budget for this element but allocations are working out at £237k. Under the revised HLN system rolled out in the early years phase in January 2022 there are significantly more nursery aged children attracting HLN funding than previously (154 at Jan 22 panel, compared to 90 under the old system in the modelling) and this has resulted in this strand costing over double what was anticipated.

The LA is proposing to use 2 year's worth of Disability Access Funding underspends from 2020/21 and 2021/22 currently ring-fenced in the DSG reserve to support the £148k projected over-spend in 2022/23. The ESFA expects DAF underspends to be spent for purposes consistent with the principles and aims of DAF - which this is in the sense of it being to support providers to include children with SEND.

The LA is proposing to maintain the existing SEN IF criteria and funding level despite the additional cost beyond the level budgeted. This is seen as an important priority given significantly rising demands experienced by schools and settings in supporting the additional needs that children are currently presenting with in this age group. This will require use of funding from the DSG reserve from the balance ear-marked for early years and it is intended to routinely use future DAF underspends to support this. It is anticipated that there will be an underspend on DAF of £0.074m in 2022/23 which will cover approximately half of the projected reserve requirement in 2023/24.

#### 2.6.4 Distribution of High Needs Block Funding

**Table 9** provides a provisional breakdown of the 2023/24 HN budget, with latest comparative budget figures for 2022/23.

**Table 9: Provisional HN Budget Breakdown**

<b>Budget</b>	<b>2022/23 £m</b>	<b>2023/24 £m</b>	<b>Change £m</b>
Mainstream High Level Needs (HLN) including Additional Inclusion Allowance	8.947	11.294	2.347
Special Education Needs (SEN) resource unit top-up funding	0.832	0.865	0.033
SEN resource unit places (via recoupment)	0.249	0.246	-0.003
Special School top-up & maintained places	12.011	13.132	1.121
Special academy places (via recoupment)	3.441	3.578	0.137
Net cross border top-ups	0.357	0.357	-
Post-16 HLN funding	1.848	1.968	0.120
Further Education places (via recoupment)	0.802	0.920	0.118
Independent/Non Maintained Special School (INMSS)	1.582	1.632	0.050
Hospital & Home Education (HHE) including NEST & HHE contingency	2.406	2.587	0.181
Behaviour PRUs/Devolved Alternative Provisions (AP)	7.224	7.373	0.149
PRU academy places (via recoupment)	1.520	1.520	-
AP free schools (via recoupment)	0.006	0.039	0.033
Fair access - allocations for schools	0.300	0.300	-
Outreach services delivered from Westbury/Oakfield	0.271	0.271	-
Contribution to residential placements	1.554	1.554	-
High Needs settings TPG/TPECG	0.091	0.091	-
AP Free schools additional grant	0.000	0.113	0.113
<b>Total Provision</b>	<b>43.441</b>	<b>47.841</b>	<b>4.400</b>
SEN team	0.375	0.375	-
SEN specialist equipment	0.066	0.066	-
SEN transport contribution	1.000	1.000	-
Disability access	0.200	0.200	-
Inclusive education services – Sensory, Learning Support & Autism teams	2.020	2.020	-
Intensive Support Team (IST)	0.470	0.470	-
Other LA staff supporting inclusion including fair access & teenage parents	0.588	0.588	-
Sensory Occupational Therapy services	0.080	0.080	-
<b>Total Central Services</b>	<b>4.800</b>	<b>4.800</b>	<b>-</b>
<b>High Needs In-year Contingency</b>	<b>3.900</b>	<b>1.350</b>	<b>-2.549</b>
<b>Grand Total</b>	<b>52.086</b>	<b>53.991</b>	<b>1.850</b>

The figures in **Table 9** are provisional and there will be amendments resulting from the detailed calculation of indicative budgets for settings prior to the end of February and the finalisation of 2023/24 service budgets.

The provisional budget figures are underpinned by the following assumptions and principles:

- Incorporates planned high needs place changes for the 2023/24 academic year as submitted to the ESFA in November 2022 and associated top-up funding for special schools and special resource units.
- A base level 0.5% increase in PRU funding levels in line with the level of increase applied to mainstream schools through the MFG. In addition, PRUs will receive a separate allocation of additional high needs funding equating to around an additional 3.4% increase calculated in line with the specified conditions.
- A 3.4% assumed increase in the daily cost of external AP commissioned via the PRU. Top-up funding provided to cover the actual cost of external AP will be adjusted to reflect the extra funding being provided through the separate additional high needs funding allocation.
- Projections of excluded pupils requiring provision funded by the high needs budget underpinned by assumption that permanent exclusions of City Secondary pupils in the academic years 22/23 and 23/24 remain at the same level as 21/22 and participation of all schools in the inclusion model. The assumption on exclusion of City pupils from City primary and County schools has been doubled (from 16 to 32) as permanent exclusions in Autumn term 2022 already total those made in the whole of academic year 2021/22.
- Increasing the total places for pupils at risk of exclusion funded through the 2023/24 devolved funding Inclusion model in line with the overall increase in Secondary aged pupils between October 2021 and October 2022.
- A 3.9% increase to special resource unit (SRU) funding levels. SRUs do not attract a separate additional funding allocation unlike other high needs settings so this has been reflected in this rate (equivalent of 0.5% MFG plus 3.4% additional).
- A base level 4% increase in special school funding levels plus further specific top-up increases where the special school funding review highlighted changes in the pupil cohorts with impacts on staffing requirements. Special schools will also get an additional separate allocation worth 3.4% extra per place in line with the grant conditions.
- An allocation of 3.4% additional funding for AP Free Schools, calculated in line with the specified guidance (Annex 2 of the HN funding operational guidance).
- Ring-fencing the 5% uplift received for Hospital Education funding for the Hospital & Home Education (HHE) Learning Centre budget/HHE contingency. This setting will also qualify for a separate 3.4% additional high needs allocation.
- An increase in the post-16 budget to meet rising demand. This budget is demand led and numbers of young people aged 16-25 with EHC plans has risen by over a third in the last 4 years, largely in the extended age range from 19-25.

- A £2.347m increase in the Mainstream HLN budget for 2023/24 over and above the projected spend in 2022/23. This is an estimated requirement intended to cover;
  - An uplift to HLN bandings to reflect staffing cost increases from April 2023.
  - The rollout of the revised HLN system for Secondary aged pupils.
  - The demand pressure arising from increasing numbers of pupils qualifying for HLN funding.
  - Implications of a post-implementation review on the HLN roll out in the early years and primary stages.
  
- Introduction of a high needs in-year contingency budget (£1.350m) to be allocated in year to support a number of potential development areas which are under consideration but which are not yet in a position to be confirmed or costed:
  - Up to 10 new primary specialist resource unit places from September 2023
  - The impact of the April 2023 pay award on budgeted staffing costs for the LA teams funded from HN DSG
  - Additional capacity in SEN support services in order to meet increased demand and to address the information/data requirements of the new SEND inspection framework
  - Potential new transition worker roles to enable a more effective transition across all phases of education
  - Potential new Speech Language Support worker roles which it is hoped may be possible to jointly commissioned through the Integrated Care System (ICS)
  - An Alternative Provision (AP) commissioning review

In last year's budget report for 2022/23, the approach taken was to budget the balance of that year's HN block increase against the mainstream HLN budget although it was acknowledged at the time that this would not all be required. Based on an up to date estimate of HLN requirements for 2022/23 the surplus is £3.900m which is now shown as a high needs contingency budget for 2022/23. This amount correlates to the approximate £4m high needs underspend that was highlighted in the December 6 report "DSG budget setting by blocks 2023/24" and this will fall to the DSG reserve at the end of the year to cover the assessed high needs future risks.

For 2023/24 the high needs contingency budget has been set at a level that should adequately cover all known plans. As there is a £1.983m balance of the additional £2.536m high needs funding from the Autumn spending review, then we will show this element as going straight to reserves for use in future years. It is anticipated that this additional funding, which will be available on an ongoing annual basis, could be required to meet the future implications of the outcome of the local AP commissioning review and the AP aspects of the SEND green paper.

Should there be any unforeseen HN budget requirements for 2023/24 that cannot be met from the high needs contingency budget, then appropriate approvals will be sought in-year to fund these from the DSG reserve.

## 2.7 Pupil Premium Grant (PP)

The total PP allocated to schools is made up of 3 of elements, funding for free school meal pupils (Ever6), service children and post looked after children. Each element has a different pupil criteria.

- **Pupil Premium** – In 2023/24 funding will be allocated to schools based on the October 2022 school census data. The only exceptions to this include alternative provision and pupil referral units where eligibility will continue to be based on the January census.

The ESFA have confirmed the PP rates for each element of the grant for 2023/24. These have been inflated by 5% in 2023/24.

**Table 10** shows the rates attributable to each element of the PP Grant.

<b>Table 10: Pupil Premium Comparison</b>				
	<b>FSM Ever6</b>			
	<b>Primary £</b>	<b>Secondary £</b>	<b>Service Child £</b>	<b>Post Looked after Child* £</b>
2023/24	1,455	£1,035	335	2,530
2022/23	1,385	985	320	2,410
2020/21 & 2021/22	1,345	955	310	2,345
2018/19, 2019/20	1,320	935	300	2,300
2015/16, 2016/17 & 2017/18	1,320	935	300	1,900

\*From 1 April 2023 pupil premium eligibility for pupils who have been adopted from care or have left care will include children adopted from outside of England and Wales.

2.8 **Pupil Premium Plus Grant** – As per 2.7 the rate for pupil premium plus for looked after children will be £2,530 in the financial year 2023/24.

## 2.9 Other Grants

### 2.9.1 Mainstream Schools Additional Grant (MSAG)

Following the Autumn 2022 spending review, local authorities have also been allocated additional funding for 2023 to 2024 worth £2 billion on top of the schools NFF. **This equates to £8.725m for Nottingham City maintained schools and academies.**

The MSAG will fund the following providers, for the 5 to 16-year-old age range:

- primary and secondary maintained schools
- primary and secondary academies and free schools
- all-through maintained schools
- all-through academies

School-level allocations of the schools supplementary grant for the 2023 to 2024 financial year will be published in spring 2023. See link below to find details on how this funding will be allocated.

[Mainstream schools additional grant 2023 to 2024: methodology - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/mainstream-schools-additional-grant-2023-to-2024-methodology)

**The LA's additional 2023/24 allocation following the spending review is £8.725m. This is on top of the above £260.157m allocated to schools through the schools NFF.**

### 2.9.2 Extended rights for home to school travel grant

The ESFA have stated that they expect the extended rights for home to school travel grant to continue. Further information on this grant will be made available in due course.

### 2.9.3 The ESFA have stated that information about other grants for 2023/24 will be issued during 2023.

Once the LA has been given further guidance we will update schools and academies.

## 3. Other options considered in making recommendations

### 3.1 No other options are available as the recommendations align to the financial regulations issued by the DfE in relation to the allocation of DSG and pupil premium.

## 4. Outcomes/deliverables

### 4.1 To allocate budgets to schools on a fair and transparent basis before 31 March 2023 in accordance with The Schools and Early Years Finance (England) Regulations 2022.

## 5. Consideration of Risk

The risk associated with this grant will be captured in the 2022/23 outturn report once all grant updates have been received.

## 6. Finance colleague comments (including implications and value for money/VAT)

### 6.1 Financial implications are contained throughout this report.

The financial allocations set out in this report are in line with the Schools and Early Years Finance Regulations 2022. All the required approvals from SF have been ascertained for the financial year 2023/24 as stated in **Table 1**, except for the request

to de-delegate funding by maintained primary schools for health and safety tests and inspections. This report is included in as agenda item 5.

In addition the approval to transfer £1.907m from the HN Block to the Schools Block and £0.458m from the HN Block to the CSS Block was approved by SF on 6 December 2022.

Following discussions with the DfE representatives to ensure that as a LA we meet the requirements relating to the disapplication requests, we have now had confirmation that the disapplication request to include the BSF lifecycle costs in the exceptional circumstances: premises factor in 2023/24 has been approved by the Secretary of State. The MFG disapplication request to ensure all schools receive the additional £85 per pupil has now also been approved by the Secretary of State. See paragraph 2.6.1.

## **7. Legal colleague comments**

### **7.1 The current law in force in this area is as follows:**

The School and Early Years Finance (England) Regulations 2021, which came into force on 11 February 2021 and apply in relation to the financial year beginning on 1 April 2021. This amends the Schools Forums (England) (Coronavirus) (Amendment) Regulations 2020.

The School and Early Years Finance (England) Regulations 2022, which came into force on 4th February 2022 and apply in relation to the financial year beginning on 1st April 2022. These Regulations revoke the School and Early Years Finance England Regulations 2020.

The Education & Skills Funding Agency (ESFA) have published guidance to help local authorities, and their schools forums, to plan the local implementation of the funding system for the relevant financial year. This report seeks to address the requirements of those Regulations and the EFSA guidance.

Majid Iqbal – Solicitor and Team Leader for Litigation  
11 January 2023

## **8. Other relevant comments**

### **8.1 There are no direct Human Resources implications as part of this report.**

It should be noted that there are a number of teams and posts that are funded by the Dedicated Schools Grant. As the council manages its own financial challenges, caution should be applied to ensure that the funding behind services/posts is fully understood before any proposals are formulated, and Equality Impact Assessments are developed as part of any proposals, demonstrating best value.

### **8.2 Where funding is time limited or where service reductions are proposed within the Council's Central Education and Children's workforce, or wider within the schools workforce; this may result in potential implications for the workforce. In the event of any implications, a genuine and meaningful consultation process should commence**

with Education and Schools Trade Unions and affected staff, with the correct policies and procedures being adhered to, with HR support provided.

Rachael Morris,  
HR Business Lead (People)  
[Rachael.morris@nottinghamcity.gov.uk](mailto:Rachael.morris@nottinghamcity.gov.uk)  
12 January 2023

**9. Crime and Disorder Implications (If Applicable)**

9.1 Not applicable

**10. Social value considerations (If Applicable)**

10.1 Not applicable

**11. Equality Impact Assessment (EIA)**

11.1 Has the equality impact of the proposals in this report been assessed?

No

An EIA is not required because:

(Please explain why an EIA is not necessary)

An EIA is not required because the report does not contain new proposals or strategies.

Yes

Attached as Appendix x, and due regard will be given to any implications identified in it.

**12. Data Protection Impact Assessment (DPIA)**

12.1 Has the data protection impact of the proposals in this report been assessed?

No

A DPIA is not required because:

(Please explain why a DPIA is not necessary)

Not applicable

Yes

Attached as Appendix x, and due regard will be given to any implications identified in it.

**13. Carbon Impact Assessment (CIA)**

13.1 Has the Carbon impact of the proposals in this report been assessed?

No

A DPIA is not required because:

(Please explain why a DPIA is not necessary)

Not applicable

Yes

Attached as Appendix x, and due regard will be given to any implications identified in it.

**14. List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)**

**15. Published documents referred to in this report**

- 15.1 DfE – The Schools and Early Years Finance (England) Regulations 2022
- 15.2 DfE Policy document - The national funding formulae for schools and high needs 2023-24
- 15.3 SF - Disapplication request to the Education & Skills Funding Agency to include Building Schools for the Future Funding in the premises: exceptional circumstances factor in the financial year 2023/24 – 11 October 2022
- 15.4 SF – Proposed approach to DSG Budget Setting 2023/24 by block – 6 December 2022
- 15.5 SF – Proposed approach to DSG Budget Setting 2023/24 by block – 6 December 2022
- 15.6 SF – Central Expenditure Budget 2023/24 – Historic Commitments – 6 December 2022
- 15.7 SF – Central Expenditure Budget 2023/24 – Ongoing Commitments – 6 December 2022
- 15.8 SF - De-delegation of funding for trade union time off for senior representatives – 6 December 2022
- 15.9 SF - School improvement, monitoring and brokerage grant – request for approval for de-delegation for 2023/24 – 6 December 2022
- 15.10 SF - Early Years Central Expenditure 2023/24 – 6 December 2022
- 15.11 SF – Pupil Growth Contingency Fund 2023/24 – 6 December 2022
- 15.12 SF – De-delegation of 2023/24 Health and Safety Building Inspection Funding

## Schools Forum - 17 January 2023

<b>Title of paper:</b>	De-delegation of 2023/24 Health and Safety Building Inspection Funding
<b>Corporate Director/ Director:</b>	Catherine Underwood – Corporate Director for People Nicholas Lee - Director of Education Services
<b>Report author and contact details:</b>	Trevor Bone, Head of Building Services and Facilities Management Tel: 07940 306506 e-mail: <a href="mailto:trevor.bone@nottinghamcity.gov.uk">trevor.bone@nottinghamcity.gov.uk</a>
<b>Other colleagues who have provided input:</b>	Julia Holmes, Senior Commercial Business Partner, Finance David Thompson, Schools H&S Manager

**Summary**

The purpose of this report is to update Schools Forum on the statutory and legislative health and safety responsibilities of the Local Authority (LA) in relation to maintenance and testing of maintained school properties and how the funding, requested be de-delegated, is used to support this.

In summary:

- Schools Forum (SF) agreed at its meeting on 8 October 2019 the de-delegation of £6.61 for the financial year 2020/21 and that this funding, along with the outstanding balance on the health and safety tests and inspections reserve (£0.228m), was to be used to fund the costs of tests and inspections in the financial years 2020/21 to 2022/23.
- When the last report was brought to SF, maintained schools expressed a preference to be able to organise their health and safety tests and inspections themselves once the five-year tests and inspection cycle had come to an end. During discussion between Pat and Sarah Fielding (Nottingham Schools Trust) with Nicholas Lee (Director of Education Services) and David Thompson (Schools Health and Safety Manager) it was agreed that a report requesting the de-delegation of funding for the financial year 2023/24 would be brought to SF. Therefore, this report to SF asks maintained primary schools if they would like to approve the de-delegation of funding for health and safety tests and inspections for the financial year 2023/24.
- The LA are required to seek approval on an annual basis in accordance with the 'Schools and Early Years Finance Regulations 2022'.

**Recommendations:**

<b>1</b>	To note the statutory and legislative health and safety responsibilities of the LA in relation to building maintenance of maintained primary and secondary schools and the type of costs that the requested funding will be used to fund, as detailed in paragraph 1.2.
<b>2</b>	For maintained mainstream primary schools to approve the: <ul style="list-style-type: none"> <li>(a) de-delegation of health and safety building inspection funding for 2023/24 based on a rate of £7.40 per pupil, with a total estimated funding for mainstream maintained primary schools to be de-delegated in 2023/24 of £0.082m;</li> </ul>

- |  |  |
|--|--|
|  | (b) use of the forecast balance of £0.014m at the end of the financial year 2022/23 from the health and safety tests and inspections reserve to offset the costs of tests and inspections in the financial year 2023/24. |
|--|--|

## 1. Reasons for recommendations

- 1.1 The overall responsibility for health and safety lies with the employer. The Health and Safety Executive state that in England the Local Authority is the employer in community schools. The Health and Safety at Work Etc. Act 1974 (section 4) imposes duties on an individual or body who has control of the premises. This includes those with obligations for maintenance or repairs and control of access. There can be multiple duty holders within a school context. In schools, the management of health and safety on the estate is delegated by the employer to Head Teachers and school Governing Bodies.

The Health and Safety at Work Etc. Act 1974 and subsequent legislation places a general duty on employers to ensure so far as is reasonably practicable the health, safety, and welfare at work of all their employees and non-employees.

To meet schools' statutory building health and safety responsibilities, Property Maintenance, situated within Building Services at the LA ensure that the statutory and legislative maintenance and testing regimes are undertaken within Nottingham City Council's portfolio of properties, to ensure that all property facilities with health and safety implications listed on the schedule for example, fire extinguishers are inspected and tested, but Portable Appliance Testing would not form part of the schedule.

- 1.2 The funding requested to be de-delegated in this report in 2023/24 is to be used by:

Property Maintenance to fund the tests and inspections in maintained primary schools. These tests and inspections include, but are not restricted to:

- Air Conditioning Units
- Asbestos surveys
- Automatic doors and gates
- Boilers
- Electrical circuit testing
- Emergency lighting
- Fire alarms
- Heat pumps
- Legionella risk assessments
- Lifts
- Lightning protection
- Pressure sets
- Stage lighting

- 1.3 Approval of the de-delegation of Health and Safety inspections is required for maintained mainstream primary school sites to enable the LA to deliver its statutory obligation regarding the health and safety of these sites.

Maintained special schools, pupil referral units and nursery schools are not allowed to de-delegate funding, these establishments are required to buy-back services. Therefore, these schools will be invoiced for the cost of their tests and inspections based on the same rates applied to maintained mainstream primary schools.

- 1.4 Approvals for de-delegations are annual regardless of the statutory nature.
- 1.5 Schools Forum on 8 October 2019 agreed to de-delegate funding for the financial year 2020/21 at a rate of £6.61 per pupil as well as use the school's health and safety buildings maintenance reserve to fund the cost of tests and inspections for the period up to 2022/23. When the report was taken to Schools forum on 8 October 2019 the balance on the Schools health and safety tests and inspections reserve was £0.228m. See Table 1 in 2.4 for a breakdown of the reserve between the financial years 2013/14 to 2021/22.
- 1.6 **Table 1** shows the closing balance on the schools health and safety buildings maintenance reserve at the end of the financial year 2021/22 was £0.112m.

## 2. Background

- 2.1 In order to achieve a competent level of functionality the LA will consider the relevant legislation and documentation, which may include:

- Statutory legislation and regulation
- Industry regulation
- Approved Codes of Practice
- Guidance documentation
- Equipment manufacturer's instructions and recommendations
- Best practice

A policy has been produced by the Property Maintenance Team "Statutory Testing & Inspection of Fixed Installations in Nottingham City Council Properties – Policy statement & Testing Procedures (January 2022 v 1.2db)". This document confirms Nottingham City Council's responsibilities in relation to tests and inspections carried out in Nottingham City properties, in line with corporate policies. The aim of the document is to give support and advice and ensure clarifications of property related health and safety responsibilities are understood. This document can be found in the Schools Safety Manual.

Property Maintenance Team using SFG 20 industry guidance have put in place a timetable for tests and inspections, which reflect a combination of statutory guidance and appropriate practice. The LA uses internal and external contractors to carry out the tests and inspections. The timetable for tests and inspections, undertaken in-house or by contractors, range from daily to up to every five years dependent on the test or inspection.

- 2.2 Note that the funding does not include the Property Maintenance advisory service on such remedial matters; this service is available via an Education Services Nottingham contract.
- 2.3 Where tests and inspections are required as part of a health and safety management system, such as asbestos, legionella or fire safety, separate policies relating to these items are included in the appendices B, C and D of the "Statutory Testing & Inspection of Fixed Installations in Nottingham City Council Properties –

- 2.4 Approval to de-delegate the school's health and safety building inspection budget has been given by maintained mainstream primary school representatives at Schools Forum between the financial years 2013/14 to 2020/21. Any unspent balance at the end of the financial years 2013/14 to 2017/18 has been transferred to a Health and Safety buildings maintenance reserve. In reverse, any in-year overspend has been drawn down from the Health and Safety Building Maintenance Reserve, this occurred in financial years 2018/19 to 2021/22. As at 31 March 2022, the balance on the Health and Safety Building Maintenance Reserve was £0.112m.

Table 1 shows the budget and expenditure on the school's health and safety building maintenance in the last nine years since the funding was first de-delegated.

<b>Table 1: Breakdown of Schools Health and Safety Building Maintenance</b>						
<b>Year</b>	<b>Budget £m</b>	<b>Outturn £m</b>	<b>Variance £m</b>	<b>Year- end balance on the reserve</b>	<b>Explanation</b>	
2013/14	0.273	0.231	0.042	0.042		
2014/15	0.253	0.174	0.079	0.121		
2015/16	0.208	0.174	0.034	0.155		
2016/17	0.199	0.177	0.022	0.177	The year-end under/overspend transferred to the Health and Safety tests and inspections reserve	
2017/18	0.197	0.145	0.052	0.229		
2018/19	0.120	0.121	-0.001	0.228		
2019/20	0.073	0.088	-0.015	0.213		
2020/21	0.074	0.083	-0.010	0.203		
2021/22		0.090	-0.090	0.113		
<b>TOTAL</b>			<b>0.113</b>			

### 3. Other options considered in making recommendations

- 3.1 If the health and safety inspections were undertaken by the school (i.e. the LA does not organise them on the schools' behalf) then according to health and safety legislation the LA would still retain the overall responsibility that they are undertaken. Therefore, the LA would need to monitor the schools to ensure that they are taking place. In the event that they do not take place in a timely fashion to the relevant standard, the LA has the legal responsibility to instruct the school to act and/or

undertake the inspection and tests automatically and recharge the school. The LA may choose to add officer time to this recharge.

#### **4. Outcomes/deliverables**

- 4.1. To de-delegate this funding will enable the LA to fulfil its statutory duties in relation to Health and Safety on maintained mainstream primary school sites.
- 4.2. Schools Health and Safety Team will be provided in good time the details of any services where the contractor has changed, so this information can be shared with schools.
- 4.3. Schools will be given access to the Concerto database where the schedule of tests and the most recent report will be held.

#### **5. Consideration of Risk**

- 5.1 Predominately this report focuses on adhering to the management of the LA Health & Safety risk, but also ensures that all aspects of risk management are managed within the LA constitutional requirements.

#### **6. Finance colleague comments**

- 6.1 In 2023/24 local authorities will continue to be funded based on the new national funding formula. Included within this “soft approach” is the ability for local authorities to be able to still request approval from maintained primary and secondary school representatives on Schools Forum for de-delegated services.
- 6.2 Approval to de-delegate funding must be sought on an annual basis.
- 6.3 As stated in 2.4 approval to de-delegate funding for health and safety tests and inspections was given in the financial years 2013/14 to 2020/21 and any under/overspends each financial year were netted off against the Schools health and safety buildings maintenance reserve.
- 6.4 On 8 October 2019 SF approved that the balance on the Schools health and safety buildings maintenance reserve of £0.228m and the de-delegation of £6.61 per pupil would be used to fund the health and safety tests and inspection costs for the financial years 2020/21 to 2022/23. This is why no report to de-delegate funding for the financial years 2021/22 and 2022/23 have been bought to maintained primary schools to approve.
- 6.5 This report is seeking maintained primary schools approval to de-delegate funding for the cost of health and safety tests and inspections in the financial year 2023/24. This service is also going to be provided to Rosehill Special School, Hospital and Home Education and Nottingham Nursery on a buy-back basis.
- 6.6 It is estimated that this combined approach should enable the health and safety tests and inspections budget for 2023/24 to achieve a breakeven position.

Table 2 shows the forecast projection for 2023/24.

<b>Table 2: Forecast projection for the financial year 2023/24</b>
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Forecast income from maintained primary schools 2023/24	(£0.082m)	
Forecast income from maintained establishments who buy back the service 2023/24	(£0.001m)	
Balance on the health and safety tests and inspections reserve at the end of the FY 2021/22	(£0.113m)	
<b>Total Forecast income</b>		(£0.196m)
Less Forecast expenditure 2022/23	£0.099m	
Less Forecast expenditure 2023/24	£0.087m	
Contingency 2023/24	£0.010m	
<b>Total Forecast Expenditure</b>		£0.196m
<b>Net Surplus/(Deficit)</b>		<b>£0.000m</b>

Based on the estimated cost of health and safety tests and inspections for the financial year 2022/23 (£0.099m) less the current balance on the Schools health and safety tests and inspections reserve of £0.113m as outlined in **Table 1**, this is forecast to leave a balance of £0.014m on the reserve at the end of the financial year 2022/23.

The estimated cost of health and safety tests and inspections for the financial year 2023/24 is £0.087m. In order to be prudent the projected costs for 2023/24 have been inflated by 11% to allow for inflation and any swing in electrical installation costs. The 5 yearly electrical costs have changed from a M2 rate to cost per number of circuits. Therefore, the number of circuits (and therefore cost) will only be known once the visit has taken place.

The contingency set aside on this basis totals £0.010m. After taking into account the forecast costs for the financial years 2022/23 and 2023/24, deducting the balance on the Schools health and safety tests and inspections reserve and deducting the forecast income from maintained establishments that buy-back the service this would mean that £0.082m would need to be recouped from all maintained primary schools. Based on the number of pupils included on the October 2022 school census this would require of rate of £7.40 per pupil to ensure a breakeven position is achieved.

If the forecast balance on the Schools health and safety tests and inspections reserve of £0.014m (£0.113m - £0.099m) had not been taken into account, the rate would have been £8.57 per pupil for the financial year 2023/24.

6.7 Table 3 shows the forecast funding that would be deducted if maintained primary schools were to agree to de-delegation in 2023/24.

<b>Table 3: Forecast range of costs to be de-delegated</b>	
<b>Pupil number ranges</b>	<b>Costs range from and to</b>
100 to 199 pupils	£1080.13 to £1,472.23

200 to 299 pupils	£1,479.63 to £1,538.81
300 to 399 pupils	£2,323.02 to £2,929.66
400 to 499 pupils	£3,040.64 to £3,085.02
500 to 599 pupils	£3,750.86 to £4,431.74
600 to 699 pupils	£4,601.64 to £4,601.64
700 to 1100 pupils	£7,679.27 to £7,679.27

- 6.8 Any underspend at the end of the financial year 2023/24 will be added to the health and safety tests and inspections reserve and then netted off against the health and safety tests and inspections charges for the financial year 2025/26 if de-delegation is an option in the financial year 2025/26. However, if there were to be an overspend at the end of the financial year this would be added to the forecast charges for the financial year 2025/26 if de-delegation is an option in the financial year 2025/26. It is hoped that by including the contingency in the calculation of the rate per pupil this will reduce the risk of this occurring.

Julia Holmes, Senior Commercial Business Partner – 9 December 2022

## 7. Legal colleague comments

- 7.1 Primary responsibility for health and safety in relation to community schools and community special school's rests with the local authority that maintains those community schools and community special schools since it owns the land and buildings of the community schools and community special schools, and employs the staff of those schools. However, it should be noted that the governing bodies of community schools and community special schools have health and safety responsibilities arising from their control and use of the school premises and their management of the school staff.
- 7.2 The Schools Forum's powers here derive from the School and Early Years Finance (England) Regulations 2017 ("SEYFR"), made by the Secretary of State in exercise of powers under the School Standards and Framework Act 1998 and the Education Act 2002. The SEYFR came into force on 16 February 2017.
- 7.3 Chapter 2 of Part 2 of the SEYFR is entitled "Further Deductions and Variations to Limits Authorised by School Forums or the Secretary of State" and it contains regulation 12 of the SEYFR. Under regulation 12 of the SEYFR, on the application of a local authority the Schools Forum may authorise *the redetermination of schools' budget shares by removal of any of the expenditure referred to in Part 6 (Items That May Be Removed From Maintained Schools' Budget Shares – Primary Schools and Secondary Schools) of Schedule 2 [to the SEYFR] from schools' budget shares where it is instead to be treated by the authority as if it were part of central expenditure, under regulation 11(5) (SEYFR, regulation 12(1)(d)).* Part 6 of Schedule 2 to the SEYFR contains paragraph 45, which states:

*Expenditure on insurance in respect of liability arising in connection with schools and schools premises.*

- 7.4 Part 6 of Schedule 2 to the SEYFR contains paragraph 49, which states:-

*Expenditure on the schools' specific contingency.*

- 7.5 Therefore, provided the proposals fall within the above legislation, Nottingham

City Schools Forum has the power to approve the recommendations in this report. In addition, by virtue of regulation 8 of the Schools Forums (England) Regulations 2012 only the representatives of the maintained primary schools and the maintained secondary schools have a vote on this in respect of maintained primary schools and maintained secondary schools respectively. Moreover, this power should be exercised lawfully. Provided the amounts sought through use of this power have been correctly and lawfully calculated, the exercise of this power will be lawful.

## **8 Other relevant comments**

None.

## **9 Crime and Disorder Implications (If Applicable)**

N/A

## **10 Social value considerations (If Applicable)**

N/A

## **11 Equality Impact Assessment (EIA)**

An EIA is attached as an appendix and due regard will be given to any implications identified in it.

## **12 Data Protection Impact Assessment (DPIA)**

A DPIA is attached as an appendix and due regard will be given to any implications identified in it.

## **13 Carbon Impact Assessment (CIA)**

A CIA is not required because Building Services has an overarching CIA for all our procurement, which covers these report requirements.

## **14 List of background papers relied upon in writing this report**

None.

## **15 Published documents referred to in this report**

15.1 Nottingham City Council Policy: 'Statutory Testing & Inspection of Fixed Installations in Nottingham City Council Properties – Policy statement & Testing Procedures (October 2013 v 1.2b)'.

15.2 Legislation:

- The School and Early Years Finance (England) Regulations 2017;
- The Health and Safety at Work etc. Act 1974 and associated legislation;
- DfE: Good estate management for schools.

## Equality Impact Assessment Form

[screentip-sectionA](#)

### 1. Document Control

#### 1. Control Details

Title:	De-delegation of 2023/24 Health and Safety Building Inspection Funding
Author (assigned to Pentana):	Trevor Bone –Head of Building Services
Director:	Nicki Jenkins
Department:	Building Services
Service Area:	Commercial and Operations
Contact details:	Email: <a href="mailto:trevor.bone@nottinghamcity.gov.uk">trevor.bone@nottinghamcity.gov.uk</a>
Strategic Budget EIA: Y/N	Y
Exempt from publication Y/N	N

Page 49

#### 2. Document Amendment Record

Version	Author	Date	Approved
1.0	Trevor Bone	10/01/23	

#### 3. Contributors/Reviewers

Name	Position	Date
	Equality and Employability Consultant	

#### 4. Glossary of Terms

Term	Description
LA	Local Authority
EIA	Equality Impact Assessment
SF	Schools Forum

### [screentip-sectionB](#)

## 2. Assessment

### 1. Brief description of proposal / policy / service being assessed

The purpose of this report is to update Schools Forum on the statutory and legislative health and safety responsibilities of the Local Authority (LA) in relation to maintenance and testing of maintained school properties and how the funding, requested be de-delegated, is used to support this.

Page 50  
• In summary:

- Schools Forum (SF) previously agreed on 8 October 2019 the approval of de-delegation of £6.61 for the financial year 2020/21 and that this funding along with the outstanding balance on the health and safety tests and inspections reserve £0.228m was to be used to fund the costs of tests and inspections in the financial years 2020/21 to 2022/23.
- When the last report was brought to SF maintained schools had expressed a preference to be able to organize their health and safety tests and inspections for themselves once the five-year tests and inspection cycle had come to an end. Upon discussion with Pat and Sarah Fielding at the Nottingham Schools Trust with Nicholas Lee the Director of Education and David Thompson the Schools Health and Safety Manager it was agreed that a report requesting the de-delegation of funding for the financial year 2023/24 would be brought to SF.
- This is why the Local Authority (LA) is bringing this report to SF to ask maintained primary schools if they would like to approve the de-delegation of funding for health and safety tests and inspections for the financial year 2023/24..

[screentip-sectionC](#)

**2. Information used to analyse the effects on equality:**

No consultation exercise has taken place due to the nature of the type of maintenance service contracts involved. However, without this, it's envisaged that all citizens of Nottingham will be impacted upon and the LA asset portfolio will not be compliant with statutory, legislative and insurance requirements and therefore assets could potentially become a risk to all citizens and colleagues using them.

**3. Impacts and Actions:**

<a href="#">screentip-sectionD</a>	<b>Could particularly benefit X</b>	<b>May adversely impact X</b>
People from different ethnic groups.	<input type="checkbox"/>	<input type="checkbox"/>
Men	<input type="checkbox"/>	<input type="checkbox"/>
Women	<input type="checkbox"/>	<input type="checkbox"/>
Trans	<input type="checkbox"/>	<input type="checkbox"/>
Disabled people or carers.	<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy/ Maternity	<input type="checkbox"/>	<input type="checkbox"/>
People of different faiths/ beliefs and those with none.	<input type="checkbox"/>	<input type="checkbox"/>
Lesbian, gay or bisexual people.	<input type="checkbox"/>	<input type="checkbox"/>
Older	<input type="checkbox"/>	<input type="checkbox"/>
Younger	<input type="checkbox"/>	<input type="checkbox"/>
Other (e.g. marriage/ civil partnership, looked after children, cohesion/ good relations, vulnerable children/ adults).	<input type="checkbox"/>	<input type="checkbox"/>

<p><b><i>Please underline the group(s) /issue more adversely affected or which benefits.</i></b></p>			
<p style="text-align: right;"><a href="#"><u>screeentip-sectionE</u></a></p> <p><b>How different groups could be affected</b> (Summary of impacts)</p>	<p style="text-align: right;"><a href="#"><u>screeentip-sectionF</u></a></p> <p><b>Details of actions to reduce negative or increase positive impact</b> (or why action isn't possible)</p>		
<p>The Local Authority (LA) has a statutory duty regarding Health and Safety of maintained school sites. To ensure that the LA is able to carry out its statutory duty it has to on an annual basis request Schools Forum to approve the de-delegation of this funding.</p> <p>As the costs incurred by each school annually in relation to health and safety vary, this funding will be used to cover “peaks” and “troughs” associated with the maintenance of maintained school sites. Any unspent balances at the end of the financial year will added back into the a sinking fund which has been set up to manage the peaks and troughs of expenditure. Likewise, if there is an overspend the funding will be drawn down from the sinking fund.</p> <p>By implementing this proposal, it will stop the likelihood of schools incurring unnecessary budget pressures caused by having to fund health and safety maintenance costs in relation to their sites. If schools had to fund this and the costs were higher than they had budgeted it may require them to move resources from the education of their pupils to cover health and safety maintenance costs of the site.</p>	<p>The LA are recommending this proposal to reduce the likelihood of a negative impact on the pupils of maintained primary schools.</p>		

<p>By retaining this funding centrally, it will enable a consistent approach as to how money is spent pupils by resources not being taken away from the education of pupils in some schools and not in others.</p> <p>There are no staffing issues generated by this decision</p>	
---	--

**4. Outcome(s) of equality impact assessment:**

<input checked="" type="checkbox"/>	No major change needed	<input type="checkbox"/>	Adjust the policy/proposal
<input type="checkbox"/>	Adverse impact but continue	<input type="checkbox"/>	Stop and remove the policy/proposal

Page 53

**5. Arrangements for future monitoring of equality impact of this proposal / policy / service:**

--

**6. Approved by (manager signature) and Date sent to equality team for publishing:**

<p><b>Approving Manager: Trevor Bone</b>          The assessment must be approved by the manager responsible for the service/proposal. Include a contact tel &amp; email to allow citizen/stakeholder feedback on proposals. <a href="mailto:trevor.bone@nottinghamcity.gov.uk">trevor.bone@nottinghamcity.gov.uk</a></p>	<p><b>Date sent for scrutiny: 10/01/2023</b>          Send document or Link to:  <a href="mailto:equalityanddiversityteam@nottinghamcity.gov.uk">equalityanddiversityteam@nottinghamcity.gov.uk</a></p>
<p><b>SRO Approval:</b> </p>	<p><b>Date of final approval:</b></p>

**Before you send your EIA to the Equality and Community Relations Team for scrutiny, have you:**

1. Read the guidance and good practice EIA's  
<http://intranet.nottinghamcity.gov.uk/media/1924/simple-guide-to-eia.doc>
2. Clearly summarised your proposal/ policy/ service to be assessed.
3. Hyperlinked to the appropriate documents.
4. Written in clear user-friendly language, free from all jargon (spelling out acronyms).
5. Included appropriate data.
6. Consulted the relevant groups or citizens or stated clearly, when this is going to happen.
7. Clearly cross-referenced your impacts with SMART actions.

# Statutory Testing & Inspection of Fixed Installations in Nottingham City Council Properties

## Policy statement & Testing Procedures

October 2013 v 1.2c

Property Safety & Compliance  
Development Department



# Statutory Testing & Inspection of Fixed Installations

## Policy statement & Testing Procedures

<b>Foreword</b>	<b>3</b>
<b>Responsibilities</b>	<b>4</b>
<b><u>PART 1 – POLICIES</u></b>	
<b>Introduction</b>	<b>8</b>
<b>Rationale</b>	<b>8</b>
<b>Health &amp; Safety Practice</b>	<b>9</b>
<b>Records</b>	<b>9</b>
<b>Policies</b>	<b>9</b>
<b>Training</b>	<b>9</b>
<b>Operational Plant &amp; Equipment</b>	<b>10</b>
<b>Certification</b>	<b>10</b>
<b>Logbooks</b>	<b>10</b>
<b>Appendix A – Scope of inspections</b>	<b>11</b>
<b>Appendix B – Asbestos Policy</b>	<b>13</b>
<b>Appendix C – Fire Safety Policy</b>	<b>16</b>
<b>Appendix D – Legionella Policy</b>	<b>18</b>
<b><u>PART 2 – PROCEDURES</u></b>	
<b>Introduction</b>	<b>20</b>
<b>Procedure Lists:</b>	
<b>Appendix i - Air handling installations</b>	<b>21</b>
<b>Appendix ii - Electrical installations</b>	<b>23</b>
<b>Appendix iii - Fire installations</b>	<b>26</b>
<b>Appendix iv - Gas &amp; Heating installations</b>	<b>28</b>
<b>Appendix v - Lifting Equipment</b>	<b>29</b>
<b>Appendix vi - Miscellaneous installations</b>	<b>32</b>
<b>Appendix vii - Pool &amp; Bath installations</b>	<b>35</b>
<b>Appendix viii - Water Service installations</b>	<b>37</b>
<b>PART 3 – Contractors Site Induction</b>	<b>40</b>
<b>PART 4 – CONTACT LIST</b>	<b>42</b>
<b>PART 5 - Version Control</b>	<b>43</b>

# Statutory Testing & Inspection of Fixed Installations

## Policy statement & Testing Procedures

### Property Safety and Compliance Team

The Property Safety and Compliance team were formed in January 2012. The team focus is on ensuring Statutory and Legislative Maintenance and testing regimes are undertaken within NCC portfolio of properties, ensuring all property related Health and Safety issues are addressed. The descriptive role of the team is further identified within the document with a team contact list in Part 4 of the document.

### Foreword

This document has been produced by the Property Safety & Compliance Team to explain and confirm Nottingham City Council's responsibilities and intentions as 'Corporate Landlord' in relation to tests and inspections carried out in Nottingham City Council properties, in line with the corporate policies.

The document is aimed to give support and advice and ensure clarifications of property related Health and Safety responsibilities are understood.

Where tests and inspections are required as part of a health and safety management system, such as asbestos, legionella or fire safety. Separate policies relating specifically to these items are included in the appendices B, C and D.

The requirement for this document is explained in **Part 1** 'Introduction' and 'Rationale' sections.

A list of tests and inspections is included at **Appendix A** "Scope of Inspections". This also identifies key responsibilities in undertaking these inspections.

**Part 2** of the document lists the procedures relating to each test or inspection, together with any additional requirements, which must be carried out by the Responsible Person / Duty Holder and also where the test or inspection is arranged and carried out by Property Safety & Compliance Team or its contractor.

It should also be noted that some of the tests and inspections, as indicated, are entirely the **responsibility of the Service Provider/End User**.

This document will be updated when additional tests are required or identified and when testing regimes are altered through changes in legislation or NCC policy. When this is necessary, updated documents or relevant pages will be issued to all holders of the document, with appropriate notes explaining the changes.

Any queries regarding the document or its contents should be directed to the Team Leader, Property Safety & Compliance Team.

## **RESPONSIBILITIES**

The general responsibilities of the various sections and individuals for arranging and carrying out the necessary tests and inspections are indicated below. Specific requirements relating to a particular test or inspection are indicated with each procedure.

### **Property Section –**

Identifying maintenance issues or new installations requiring additional or new tests and inspections.

### **Property Safety & Compliance Team**

- Delivery of a rolling test and inspection regime on known assets and properties in compliance with appropriate statutory, regulatory and corporate standards
- Rolling Test and Inspection shall include for all known fixed wiring, pipework, plant and associated controls and accessories within the property. This **does not** include portable appliance testing (PAT), portable systems or specialist control wiring – see below
- Frequency and scope of testing shall be as indicated in each procedure unless alternative notification has been given to responsible person / duty holder. See also Appendix A.
- Delivery of a 3 yearly visual electrical inspection where identified on specific properties only
- Collation of historic data, drawings and certification
- Issue completed certification to service responsible person /duty holder on completion of test or as requested
- Where Service Level Agreement identifies.  
Action immediate remedial works which have failed certification test, to ensure any non-compliance is dealt with quickly and efficiently
- Where Service Level Agreement identifies.  
Issue recommendations and cost estimates to service provider/end user on identified works required outside the requirement for immediate compliance
- Property Safety & Compliance Team will offer advice and guidance where necessary
- Amend Asset schedules on managed programmes to reflect property changes when they have been made known to them by the responsible person / duty holder

## **Responsible Persons / Duty Holder / Service Provider / End User**

- Ensure property and assets are known to the Property Safety and Compliance team for inclusion into asset registers and planned programmes for statutory and legislative testing.
- Give access and site induction to all visiting contractors. Complete Site Induction Form and retain copy on site - see Part 3. Ensure all contractors are aware of known operational and building risks including known or suspected asbestos
- Ensure relevant registers are signed as read by the contractor before works commence (particularly the Asbestos register)
- Ensure Property Safety and Compliance team are notified of alteration works to the property
- Ensure Property Safety and Compliance team are notified of proposed alteration works effecting fixed earthing conductors at least 60days prior to proposed works
- Report all major damage to systems to the Project Delivery and Planned Maintenance team
- Action recommendations issued from Property Safety & Compliance team
- All portable appliance testing is the sole responsibility of the Service Provider/End User – see specific requirements for PAT testing

## **H & S Responsibilities**

Whilst the responsibility for health and safety, statutory compliance and property maintenance will ultimately rest at corporate or director level, that responsibility is delegated to Property Services (as managers of tenanted properties), to the Property Safety and Compliance Team, to the Service Provider and End User occupying the property, or to the Responsible (or Designated) person for the particular property. Details of levels of responsibility are further highlighted in the document and its appendices.

## DEFINITION

### **Responsible Person / Duty Holder (end user / designated person)**

All Council owned or occupied buildings have an appointed, responsible person, who is responsible for managing and identifying, on a daily basis the maintenance and Testing requirements within the premises.

The responsible person is deemed to be the senior person on site or a named person delegated the duty by this person. e.g.

- **Within a School this is deemed as the Head Teacher.**
- **Where the site is un manned : -  
The responsible person is deemed as the managing agent or an appointed Management agent**
- **Where a site is operated by committee:-  
The responsible person is deemed as the committee chairperson**
- **Where a site is manned and operated by Facilities Management (FM) this shall deemed as the senior FM lead or senior Building Manager**

The responsible person must be competent to ensure all relevant maintenance and testing requirements are completed and understand the duties undertaken by the Compliance teams in support of this role.

The responsible person shall ensure all relevant documentation is held in a centrally located position for ease of inspection by visiting contractors and or authorised bodies.

The responsible person may delegate some of their duties to a named duty holder.

It is the responsibility of the responsible person to ensure the appointed duty holder is named and competent to undertake their duties.

Responsible persons and Duty Holder training can be obtained from the Corporate Safety Advisors located at Loxley House.

As part of Corporate Landlord role the Property Safety and Compliance team will aid and manage the statutory and legislative testing and maintenance programme / regimes, in support of responsible person's role. This is extended to assets that have been made known to the Property Safety and Compliance team within the relevant allocated financial budgets.

If further advice is required to extent or inclusion within this role please contact the Safety and Compliance Team Leader.

The Responsible Persons need to ensure their operational and routine weekly and monthly tests are undertaken and recorded on site. The Property Safety and Compliance team shall give technical guidance where reasonably requested.

The following is extracted from the Council's Health & Safety Guidance & Information Sheet No. 14:

*"The designated person must:*

- *Be aware of what equipment, plant and systems are on site;*
- *Know what maintenance is required;*
- *Know how it is arranged;*
- *Know who the main contacts are to enable the work to be carried out;*
- *Know what action is required locally as regards testing and checking e.g. call points and emergency lighting;*

*Organise necessary inspections and keep appropriate formal records."*

### **DUTY HOLDER**

The responsible person can only appoint the Duty holder.  
The duty holder must be competent to undertake the task appointed to them.  
The duty holder and responsible person can be the same person.

# PART 1

## POLICIES

### Introduction

The Health and Safety at Work Act 1974 places a general duty on employers to “ensure so far as is reasonably practicable the health, safety and welfare at work of all of their employees”. Section 3 of the Act, **General Duty to Others** requires employers to conduct their undertaking in a way that does not pose risk to the health and safety of non-employees. This section is designed to give protection to the general public and other non-employees such as children at school and contractors.

This policy has been produced to ensure that Nottingham City Council, as an employer and property owner, can comply “so far as is reasonably practicable” with appropriate statutory, regulatory and corporate standards in relation to property maintenance, which includes statutory testing and inspection of services, equipment, fixtures and fittings within the properties which the Council owns, manages and or occupies, which may be accessed by employees, tenants and members of the public.

Property Services, within the Development Department, are responsible for ensuring legal compliance in matters relating to the Council’s properties using both internal maintenance staff (where appropriate) and external contractors to carry out the required tests and inspections.

### Rationale

In order to achieve a competent level of functionality the Council will consider the relevant legislation and documentation, which may include:

- Statutory Legislation and Regulation
- Industry Regulation
- Approved Codes of Practice
- Guidance documentation
- Equipment manufacturers’ instructions and recommendations
- Best practice

When required by Statutory Legislation and Industry Regulation, this work **MUST** be carried out correctly, to the relevant and applicable standard, and in a timely manner to ensure that the Council is always within the law and compliant.

Approved Codes of Practice and Guidance documentation give advice on ways of achieving compliance and/or maintaining safe systems. These documents are not legislation in their own right, but can be referenced and used in law to support decisions made and actions taken.

Appropriate Industry Best Practice is a generally accepted way of achieving or exceeding compliance, and any such work **SHOULD** be carried out. Nottingham City Council will strive to achieve "best practice" in order to demonstrate commitment to other general legislation or general moral standing.

### **Health and safety practice**

The Council is committed to creating safe and healthy working environments, and to the application of good health and safety practice in the maintenance of all of its properties.

### **Records**

**Appendix A** contains a generic list of tests and inspections, and also indicates those responsible for arranging them. All records of tests and inspections arranged and controlled by Property Safety & Compliance Team will be held centrally; these will provide an ongoing record of outstanding works and dates when remedial action was taken.

The Property Safety & Compliance Team has put in place a timetable for tests and inspections, which reflects a combination of statutory guidance and appropriate practice.

Some records, as indicated in the Appendix, will be required on site at all times and must be available to any contractors or other authorised personnel carrying out further inspections, maintenance or construction work. The Council has specific 'log books' for the management of asbestos, legionella and fire safety.

### **Policies**

Policies dealing with specific risks, and the testing and record keeping regime adopted by Nottingham City Council are included in the appendices at the end of this document. These include asbestos, fire safety and legionella management.

### **Training**

The Responsible Person will normally be given appropriate training in the operation of plant and equipment required for the day-to-day operation of the Council's properties, such as heating systems and fire alarms. Additional training will be given for tests or inspections, which form part of the management of particular aspects of a property, which have been delegated to service provider, end user or Designated Person.

No one would be expected to carry out any tests, inspections or other work for which they have not received appropriate training, or cannot demonstrate a recognised level of competence.

## **Operation of Plant and Equipment**

All responsible persons and duty holders responsible for routine operation and tests i.e. weekly or monthly checks should be competent in the task.

**If in doubt ask the relevant Safety and Compliance Officer for guidance or a member of the Health and Safety Advisors unit.**

## **Certification**

Where a programme of Statutory and Legislative testing / maintenance works are managed by the Safety and Compliance team, certification shall be obtained and held centrally before closure of the order.

Where on site certification is required to be held, the Safety and Compliance Team shall issue copies when received, if copies are not automatically left by the service contractor.

The Responsible persons shall ensure all documentation is securely stored and available for all visitors and contractors when requested.

Where certification and documentation is held on a central database e.g. Seram the responsible person shall ensure they have access to the database. Where access may not be available the responsible person shall contact the Safety and Compliance team for advice.

## **Logbooks**

When a service or maintenance visit has been undertaken the responsible person shall ensure the relevant contractor has completed their logbook entries before entering or leaving the property.

It is **mandatory** for all contractors to sign the asbestos logbook before undertaking any works

## Appendix A

### Scope of statutory and non-statutory inspections

▲ Property Safety & Compliance team – (Where informed of assets and service requirement) ■ Insurance checks required ● Responsible Person (Occupier / Service Provider / Owner / Managing Agent)	Daily	Weekly	Monthly	3 Monthly	6 Monthly	Annually	Every 2 Years	Every 3 Years	5 Yearly
<b>Air handling systems</b>									
A1 - Air Handling Ventilation (✘)				▲					
A2 - AC Units (✘)					▲				
A3 – For future Use									
A4 – Combined Heat & Power Units						▲			
A5 - Fan Cleaning				▲					
<b>Electrical installations</b>									
E1 - Circuit Testing (✘)									▲
E2 - Portable Appliance Testing (PAT)	●					●			
E3 - Emergency Lighting (✘) central batt units @ monthly intervals			●		▲				
E4 - Fire Alarms (✘)		●		▲		▲			
E5 - Lightning Conductors (at 11month intervals)						▲			
E6 - High Voltage Installations							▲		
E7 - Intruder Alarms (✘)					▲				
E8 - Street Lighting (none adopted roads)									▲
<b>Fire systems</b>									
F1 - Fire Hydrants						▲			
F2 - Wet and Dry Risers		●				▲			
F3 - Portable Fire Equipment (✘)		●				▲			
F4 – Fire Risk Assessments (✘)						●			
F5 - Sprinkler Systems (✘)		●/▲				▲			
<b>Gas &amp; Heating installations</b>									
G1 - Gas Appliances (✘)						▲			
G2 - Gas and Solid Fuel Boilers (✘)						▲			
G3 - Heat Pumps (✘)						▲			
G4 – Biomass Boilers(✘)					▲				
<b>Lifting Equipment</b>									
L1 - Passenger Lifts(✘) Kept in lift motor room			▲		■				
L2 - Goods Lifts(✘) Kept in lift motor room			▲			■			
L3 - Platform Lifts(✘) Kept in lift motor room				▲		■			
L4 - Stair Lifts(✘) Kept in lift motor room						■▲			
L5 - Fixed Hoists (✘) Kept in lift motor room						■▲			
L6 - Beds	●				●				
L7 - Hand powered Lifting equipment	●				●				
L8 - Portable Hoists	●				●				
L9 - Slings	●				●				

(✘) Indicates that records, surveys, logbooks or test certificates must be retained on site as well as centrally.

<b>Scope of statutory and non-statutory inspections</b>										
<p>▲ Property Safety &amp; Compliance team – (Where informed of assets and service requirement)</p> <p>■ Insurance checks required</p> <p>● Occupier / Service provider</p>	Daily	Weekly	Monthly	3 Monthly	6 Monthly	Annually	Every 2 Years	Every 3 Years	5 Yearly	
	<b>Miscellaneous</b>									
	M1 - Asbestos Survey (✘)			●						
M2 - Structural Inspection						▲				
M3 - Fall Arrest Systems (✘)						▲				
M4 - Safety Glazing						▲				
M5 - Auto Doors					▲					
M6 - Auto Gates						▲				
M7 - Public Clocks						▲				
M8 – Local Exhaust Ventilation						● ■				
M9 - Smoke Ventilation					▲					
M10 – Grey Water Systems	UNDER DEVELOPMENT									
<b>Pools &amp; baths</b>										
P1 - Specialist Baths					▲					
P2 - Filtration and Chemical Dosing					▲					
P3 - Flumes & Water Features						▲				
P4 - Floating Pool Floors						▲				
P5 - Diving Platforms					▲					
P6 - Chlorine Dioxide Dosing Unit					▲					
P7 - UV Systems					▲					
P8 - Balance Tanks					▲					
<b>Water services</b>										
W1 - Legionella Risk assessments (✘)							▲			
W2 – Hot & Cold Water Services				▲						
W3 - Water Sampling (Public Pool)	●		▲							
W4 - For Future Use										
W5 - Chlorine Dioxide Dosing Unit			▲							
W6 - Pressure Sets						■ ▲				
W7 - Reduced Pressure Zone valves						▲				
W8 - Water Hygiene management		●	●							

(✘) Indicates that surveys, logbooks or test certificates must be retained on site as well as centrally.

(#) Indicates during operational period only

ABOVE LIST IS GENERIC TYPE FUNCTION AND FREQUENCY.

**IF IN DOUBT CONTACT PROPERTY SAFETY AND COMPLIANCE TEAM FOR GUIDANCE**

Where responsibilities of provision with Responsible Person / Duty Holder are given, Property Safety & Compliance Team will offer technical advice and assistance.

**ASBESTOS MANAGEMENT POLICY STATEMENT - NOTTINGHAM CITY COUNCIL**

**All responsible persons and their duty holders must have undertaken the Asbestos training module as delivered by the Corporate Safety Advisors Unit**

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**Asbestos presents a potentially high risk to Nottingham City Council and this document sets out the Council's intentions for reducing and managing this risk.**

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**POLICY STATEMENT**

Nottingham City Council is committed to providing a safe and healthy workplace

It is the law that asbestos-containing materials shall not be introduced into our properties. If existing asbestos containing materials pose a serious risk to the health of persons using our premises appropriate action shall be undertaken to ensure fibres will not be released and the materials shall be made safe, encapsulated or removed as soon as possible.

Where asbestos containing materials are present and do not pose a serious risk, we shall take the opportunity to remove them progressively from our properties, when it is safe and cost effective to do so. Whilst asbestos containing materials remain in situ we shall ensure they are managed in such a manner so that the risk to the health of our employees, contractors, visitors, public and other people using the premises is minimised.

All work on asbestos containing materials shall be carried out in accordance with the current legal standards (Control of Asbestos Regulations 2012) and best working practices by licensed contractors only.

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*The following policy has been determined and is in keeping / extracted from the Corporate Health and Safety Guidance & Information Sheet No.2, which also sets out the procedures for managing asbestos in City Council premises.*

**The responsible person shall ensure they are fully aware of the Guidance & Information Sheet No 2 dated September 2013.**

## Policy

### Introduction

There is a legal duty to manage all asbestos present in non-domestic premises e.g. workplaces, business and industrial units, and 'common' parts of domestic premises e.g. foyers, corridors, lifts, lift shafts, staircases, boiler-houses, outbuildings etc. The Property Safety and Compliance Team have a prioritised programme in place to ensure that asbestos surveys are carried out for all premises for which Nottingham City Council has maintenance responsibility. However, please be aware that these asbestos **surveys are non-destructive**, and it may be necessary to take further action to identify the presence of asbestos.

The responsibility for the upkeep of the asbestos survey and log book is with the management of the premises and the responsible person. If missing an asbestos logbook for premises to compile, a copy is available from the 'Corporate Safety Advice' intranet site.

The responsible person appointed in control of the building is responsible for keeping these documents up to date as detailed below. It is essential that these documents are readily available in an accessible location on site e.g. in reception linked to the signing in book (see 'information for contractors').

Before any construction / building works within a property is carried out, the responsible person is required to identify to relevant persons undertaking works any known asbestos. All asbestos surveys, log books and relevant documentation need to be fully disseminated to persons undertaking the works and a signature entered in the log book demonstrating their awareness too and understanding of known asbestos present and adherence to all statutory and legislative compliance when coming in to contact with asbestos containing materials.

**Before any building Intrusive or Destructive works are completed within a property, a full refurbishment and demolition asbestos survey is required to be undertaken before commencement of works.**

### Asbestos log book

This needs to be kept up to date by the 'responsible person' who is identified as being in control of the building on a monthly basis detailing: ,

- The condition of all asbestos identified or presumed to be in the premises (see assessing the condition of asbestos materials').
- The Asbestos survey and where works have been undertaken
- The named person appointed responsible for asbestos management

## Asbestos survey

These records must be updated by the person appointed in control of the building, whenever asbestos is removed, encapsulated, or found and include the following details: -

- The location of asbestos.
- The form of asbestos (coating, insulation board, etc.).
- The type of asbestos (blue, white, etc.).
- Area of removal / encapsulation

The responsible person has the responsibility to ensure compliance is undertaken

## Labelling

Staff and contractors should be made aware of the location of asbestos in the areas in which they work or intend to work. Asbestos materials should be clearly labelled with either an appropriate asbestos warning sign, or some other warning system (for example colour coding) so that those who need to know about the asbestos are effectively alerted to its presence.

If you decide not to label asbestos, you need to make sure that those who might work on the material know that it contains asbestos **it must be documented as to why labelling is not used and control method used for identification of material to a third party.**

Labelling should not be relied upon as the only means of informing persons of the presence of asbestos and should always be supplemented by a reliable procedure.

**NOTE** The HSE strongly recommend the labelling policy to be consistent across properties, operating the same or similar service provision.

Therefore it is advised that properties undertaking the same service delivery adopt a singular policy across the properties they operate from in keeping with their service delivery.

## Appendix C

### **FIRE SAFETY POLICY STATEMENT - NOTTINGHAM CITY COUNCIL**

Fire presents a potentially high risk to Nottingham City Council and this document sets out the Council's intentions for reducing and managing this risk.

#### **All responsible persons and their duty holders must ensure they have undertaken a Fire Risk Assessment for the premises**

#### **Policy**

Nottingham City Council will comply with all relevant fire safety legislation and standards.

Fire safety management is delegated to departmental responsible persons, senior managers, premises and facilities managers to maintain and apply the fire risk management policies and procedures within their areas of responsibility and control.

#### **Introduction**

Overall responsibility for fire precautions and fire safety management within Nottingham City Council lies with the Chief Executive of the Council. This Fire Safety Policy Statement reflects the importance that the Council attaches to the safety of its staff, service users, members of the public and other persons who may be affected by its activities and its premises in relation to fire safety. Nottingham City Council takes all reasonable and practicable steps to achieve the objectives and measures outlined below. This policy statement will be reviewed every 3 years or at more frequent intervals if there are relevant legislative changes.

#### **Objectives**

Through risk assessment, the objective of fire risk management is to:

- Minimise the potential for fire to occur.
- Reduce fire incidences.
- Safeguard all persons on Nottingham City Council premises from death or injury in the event of a fire.

In respect of all premises, which it owns or leases, Nottingham City Council will:

- Provide appropriate and adequate means of escape in case of fire.
- Ensure that all means of escape are properly maintained, kept free from obstruction and available for safe and effective use.
- Provide the means of escape with adequate emergency lighting and maintain this in efficient working order.
- Provide and maintain in working order the alarm system or the means of giving warning in case of fire.
- Provide and maintain in working order all fire fighting appliances and devices.

- Provide appropriate instruction and/or training for all persons, including contractors and other visitors, on the actions to be taken in the event of fire.
- Provide safety plans stating the precautions to be observed and steps to be taken to protect people and property.
- Ensure that measures, which are commensurate with the risks and the significance of consequential losses, are taken to protect buildings, installations and equipment from fire.
- Work with Nottinghamshire Fire and Rescue Service to promote fire safety within the organisation

## **Managerial and Employee Responsibilities**

Individual responsibilities and legal duties in respect of fire safety for all Nottingham City Council employees are detailed within the Safety Manual, Guidance and Information Sheet No. 18, which considers fire safety management. This guidance and information also identifies the responsibilities of managers, staff and others in respect of fire safety. This duty for management extends to ensuring a suitable and effective risk assessment for fire safety is in place for all Nottingham City Council premises and those it occupies.

The Safety Advisers Unit and Safety Compliance, in conjunction with premises managers, Nottinghamshire Fire and Rescue Service and other responsible persons will monitor and advise on the effectiveness of fire safety arrangements on behalf of Nottingham City Council to enable it to meet both its legislative and other fire safety management requirements.

## Appendix D

### LEGIONELLA POLICY – NOTTINGHAM CITY COUNCIL

All responsible persons and their duty holders must have undertaken the Legionella training module, as delivered by the Corporate Safety Advisors Unit.

All responsible persons and their duty holders shall be required to have undertaken Seram database training. Training can be delivered through the Safety and Compliance team, and or their nominated contractor / consultant.

On appointment of new staff requiring to undertake weekly and or monthly water tests and data input. The responsible person shall be required to contact the Senior Mechanical Compliance Officer to determine and arrange training needs required.

**All little / un used outlets within premises shall require a weekly flushing regime, conducted by the responsible persons and their duty holders. All flushing activities to be recorded within a site logbook with monthly acknowledgement entered on to Seram.**

*The following policy is extracted from the Corporate Health and Safety Guidance & Information Sheet No.5, which also sets out the procedures for managing Legionella bacteria in City Council premises.*

#### **Introduction**

Legionella presents a potentially high risk to Nottingham City Council and this document sets out the Council's intentions for reducing and managing this risk.

#### **Legal Requirements**

The Health & Safety at Work Act 1974 places duties on employers to ensure the health, safety and welfare of their employees at work and anyone else who may be affected. This duty extends to any risks from legionella bacteria, which may arise from work activities.

The Management of Health & Safety at Work Regulations 1999 provide a broad framework for controlling health & safety at work which includes the legal requirement for employers to carry out risk assessments.

The Control of Substances Hazardous to Health Regulations 2002 also places duties on employers and occupiers of premises to carry out risk assessments, which includes the control of release of micro-organisms and microbiological agents.

In addition, the Approved Code of Practice & Guidance "Control of Legionella Bacteria in Water Systems (L8)" gives practical advice on how to comply with the law.

Nottingham City Council is committed to meeting its legal obligations to its employees and others (e.g. service users, contractors, pupils, etc.) who may be affected by its undertaking by ensuring an ongoing prioritised programme of controls is in place and implemented as follows:

- Identification, assessment and regular review of risks
- Preparation of a scheme of works for the prevention and control of identified risks
- Implementation and management of the scheme by appointing persons to be managerially responsible
- Maintenance of records and monitoring of controls
- Provision of appropriate training

## PART 2

### **PROCEDURES**

The following procedures cover the various tests and inspections carried out by Property Safety & Compliance Team on behalf of the City Council, together with those which are the responsibility of the Responsible person / Duty Holder of a property, and which should form part of the normal management regime in the property. The statutory or other reason for carrying out the test or inspection is also shown, together with the frequency and any other specific requirements, which need to be carried out.

As indicated in the chart in Appendix A the procedures have been split into groups related to the various types of building installation, together with a miscellaneous category of individual tests and inspections. Any requirement to keep records on site is also indicated, and these must be made available to contractors or other authorised persons who may need information prior to carrying out any maintenance or alteration work.



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**Procedure:** **COMBINED HEAT & POWER SYSTEMS** **A4**

**Purpose:** Inspection and maintenance programme to comply with various legislative and regulatory requirements, including Environmental Protection Act and Clean Air Act. Requirements vary according to size of installation.

**Frequency:** Annual

**Specific Requirements:**

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**Procedure:** **FAN CLEANING - KITCHENS** **Ref: A5**

**Purpose:** NCC policy to comply with HVCA Technical Report TR/19, 'Guide to Good Practice – Internal Cleanliness of Ventilation Systems'

**Frequency:** 3-monthly

**Specific Requirements:** Test sheets uploaded on to Seram Database

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**Procedure:** **Ref:**

**Purpose:**

**Frequency:**

**Specific Requirements:**

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**Procedure:** **Ref:**

**Purpose:**

**Frequency:**

**Specific Requirements:**

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**Procedure List – Electrical Installations**


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<b>Procedure:</b>	<b>FIXED WIRING CIRCUIT TESTING</b>	<b>Ref:</b>	<b>E1</b>
<b>Purpose:</b>	Rolling test programme in compliance with BS7671:2008 inc. amendments		
<b>Frequency:</b>	1 or 5 yearly cycle, with 3 yearly visual inspections on specific properties. Cycle dependant on property type and usage		
<b>Specific Requirements:</b>	Service Provider/End User – report all failures of fixed wiring systems to the Property Maintenance & Delivery team		

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<b>Procedure:</b>	<b>PAT TESTING</b>	<b>Ref:</b>	<b>E2</b>
<b>Purpose:</b>	To ensure compliance with the maintenance requirements of the Electricity at Work Regulations 1989, including amendments		
<b>Frequency:</b>	Visual check before use, plus test to be determined by risk assessment		
<b>Specific Requirements:</b>	<p>Service Provider/End User:</p> <p><b>Portable Appliance testing is the sole responsibility of the service provider/end user</b></p> <p>To Log all Portable Appliances in use within the Premises showing type, date of purchase, last test date, and condition</p> <p>The service provider/end user shall be responsible for ensuring all testing completed has been logged within a central log book and all equipment when tested have the appropriate test label fitted</p>		

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<b>Procedure:</b>	<b>EMERGENCY LIGHTING</b>	<b>Ref:</b>	<b>E3</b>
<b>Purpose:</b>	Rolling fixed emergency lighting testing programme in compliance with BS 5266 including current amendments		
<b>Frequency:</b>	Testing will be on a 6 monthly cycle / monthly for central battery systems		
<b>Specific Requirements:</b>	<p>Service Provider/End User:</p> <p>Undertake monthly checks of emergency lighting from test switches</p> <p>Maintain a Log book showing works and routine testing procedures</p> <p>Report all failures of fixed systems to the Property Maintenance &amp; Project Delivery team</p>		

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**Procedure:** **FIRE ALARMS** **Ref:** **E4**

**Purpose:** Rolling fixed conductor testing programme in compliance with BS 5839 including current amendments

**Frequency:** Testing will be on a rolling quarterly cycle of 25% of devices per visit ensuring 100% of devices inspected within a calendar year

**Specific Requirements:** Service Provider/End User:  
Carry out weekly activation tests and maintain a Log book showing works and routine testing procedures  
Report all failures of fixed wiring systems to the Property Maintenance & Project Delivery team

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**Procedure:** **LIGHTNING CONDUCTORS** **Ref:** **E5**

**Purpose:** Rolling fixed conductor testing programme in compliance with BS 6651 including current amendments

**Frequency:** Testing shall be on a rolling annual cycle, unless notification of alternative arrangements has been given to service provider/end user. Due to differing ground conditions during the year, where possible the testing shall be undertaken on an 11 month cycle

**Specific Requirements:** None

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**Procedure:** **HIGH VOLTAGE INSTALLATIONS** **Ref:** **E6**

**Purpose:** Rolling inspection of transformers and switchgear on known assets and properties in compliance with HV safety rules

**Frequency:** Testing shall be on a rolling annual inspection of switchgear

**Specific Requirements:** Permit to Work systems should be employed by the responsible person for all areas containing High Voltage Installations.

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**Procedure List – Fire Installations**


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<b>Procedure:</b>	<b>FIRE HYDRANTS</b>	<b>Ref:</b>	<b>F1</b>
<b>Purpose:</b>	Rolling test programme in compliance with BS EN 14339:2005 inc. amendments		
<b>Frequency:</b>	Annual		
<b>Specific Requirements:</b>	None		

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<b>Procedure:</b>	<b>WET &amp; DRY RISERS</b>	<b>Ref:</b>	<b>F2</b>
<b>Purpose:</b>	Rolling test programme in compliance with BS5041:1987 inc. amendments		
<b>Frequency:</b>	Annual		
<b>Specific Requirements:</b>	<b>Responsible Person / Duty Holder</b> – weekly checks to ensure valves not leaking and lock systems in place.		

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<b>Procedure:</b>	<b>PORTABLE FIRE FIGHTING EQUIPMENT</b>	<b>Ref:</b>	<b>F3</b>
<b>Purpose:</b>	Rolling test programme in compliance with BS5306-3:2009 inc. amendments		
<b>Frequency:</b>	Annual		
<b>Specific Requirements:</b>	<b>Responsible Person / Duty Holder</b> – weekly checks to ensure equipment is in place and not discharged.		

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**Procedure:** FIRE RISK ASSESSMENT **Ref:** F4

**Purpose:** To ensure that a fire risk assessment is in place to satisfy the requirements of The Regulatory Reform (Fire Safety) Order 2005.

**Frequency:** Annual reassessment

**Specific Requirements:** **Responsible Person / Duty Holder**  
**Provision of the assessment is the sole responsibility of the service provider/end user. The responsible person needs to ensure a competent person has completed the assessment. However, Property Safety & Compliance Team can assist in arranging the necessary inspections and provision of documents.**

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**Procedure:** SPRINKLER SYSTEMS **Ref:** F5

**Purpose:** Rolling test programme in compliance with BS EN 12845:2004 inc. amendments

**Frequency:** Annual

**Specific Requirements:** **Responsible Person / Duty Holder** – weekly test of systems with integral alarms or sounders (as fire alarms).

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**Procedure:** **Ref:**

**Purpose:**

**Frequency:**

**Specific Requirements:**

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**Procedure List – Lifting Equipment**

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**Procedure:** PASSENGER LIFTS **Ref:** L1

**Purpose:** To comply with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998. (LOLER)

**Frequency:** Monthly – with 6-monthly insurance check.

**Specific Requirements:**

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**Procedure:** GOODS LIFTS **Ref:** L2

**Purpose:** To comply with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998. (LOLER)

**Frequency:** Monthly – with annual insurance check.

**Specific Requirements:**

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**Procedure:** PLATFORM LIFTS **Ref:** L3

**Purpose:** To comply with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998. (LOLER)

**Frequency:** 3-monthly – with annual insurance check.

**Specific Requirements:**

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**Procedure:** **HAND POWERED LIFTING EQUIPMENT** **Ref:** **L7**

**Purpose:** To comply with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998. (LOLER)

**Frequency:** Check prior to use, and 6-monthly inspection

**Specific Requirements:** **Responsible Person / Duty Holder**  
**Provision of the assessment is the sole responsibility of the service provider/end user. Equipment provided to facilitate the movement of elderly or disabled persons will also have to comply with the requirements of the Provision and Use of Work Equipment Regulations 1998 (PUWER)**

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**Procedure:** **PORTABLE HOISTS** **Ref:** **L8**

**Purpose:** To comply with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998. (LOLER)

**Frequency:** Check prior to use, and 6-monthly inspection

**Specific Requirements:** **Responsible Person / Duty Holder**  
**Provision of the assessment is the sole responsibility of the service provider/end user. Equipment provided to facilitate the movement of elderly or disabled persons will also have to comply with the requirements of the Provision and Use of Work Equipment Regulations 1998 (PUWER)**

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**Procedure:** **SLINGS** **Ref:** **L9**

**Purpose:** To comply with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998. (LOLER)

**Frequency:** Check prior to use, and 6-monthly inspection

**Specific Requirements:** **Responsible Person / Duty Holder**  
**Provision of the assessment is the sole responsibility of the service provider/end user. Equipment provided to facilitate the movement of elderly or disabled persons will also have to comply with the requirements of the Provision and Use of Work Equipment Regulations 1998 (PUWER)**

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**Procedure List – Miscellaneous Installations**


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<b>Procedure:</b>	<b>ASBESTOS SURVEYS</b>	<b>Ref: M1</b>
<b>Purpose:</b>	To ensure compliance with The Control of Asbestos Regulations 2012	
<b>Frequency:</b>	As required to ensure that surveys are as up to date as possible.	
<b>Specific Requirements:</b>	<b>Responsible Person / Duty Holder</b> Carry out monthly checks as required and complete logbook inspection record. Ensure logbook is inspected and signed by all visiting contractors.	

---

<b>Procedure:</b>	<b>STRUCTURAL INSPECTION</b>	<b>Ref: M2</b>
<b>Purpose:</b>	NCC policy to comply with the requirements of the HSWA 1974, and to ensure structural integrity of all NCC properties.	
<b>Frequency:</b>	Programme to be established	
<b>Specific Requirements:</b>	<b>Responsible Person / Duty Holder</b> Report concerns to Property Maintenance Team – cracks in walls/ceilings, doors jamming etc.	

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<b>Procedure:</b>	<b>FALL ARREST SYSTEMS</b>	<b>Ref: M3</b>
<b>Purpose:</b>	To ensure compliance with the requirements of BSEN795:2012 'Protection Against Falls From Height – Anchorage Devices – Requirements And Testing'.	
<b>Frequency:</b>	Annual testing and certification.	
<b>Specific Requirements:</b>	<b>Responsible Person / Duty Holder</b> Allow appropriate access to all items of fixed equipment and PPE for testing purposes. Retain copies of certificates in the property for inspection by anyone intending to use the equipment.	

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**Procedure:** SAFETY GLAZING **Ref:** M4

**Purpose:** NCC policy to comply with the requirements of the HSWA 1974, and to ensure safety of all NCC employees and members of the public.

**Frequency:** Annually

**Specific Requirements:** TO BE IMPLEMENTED

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**Procedure:** AUTO DOORS **Ref:** M5

**Purpose:** NCC policy to comply with the requirements of the HSWA 1975, and to ensure safety of all NCC employees and members of the public.

**Frequency:** At 6 monthly intervals

**Specific Requirements:**

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**Procedure:** AUTO GATES **Ref:** M6

**Purpose:** NCC policy to comply with the requirements of the HSWA 1975, and to ensure safety of all NCC employees and members of the public.

**Frequency:** Annually

**Specific Requirements:**

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**Procedure:** PUBLIC CLOCKS **Ref: M7**

**Purpose:** NCC policy to provide and maintain a public service

**Frequency:** 6-monthly maintenance check, plus 2 annual visits to reset GMT/BST

**Specific Requirements:** None

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**Procedure:** LOCAL EXHAUST VENTILATION **Ref: M8**

**Purpose:** NCC policy for compliance with the requirements of the HSWA 1975, and COSH regulations

**Frequency:** Annual Insurance and Maintenance checks

**Specific Requirements:** **Responsible Person / Duty Holder:**  
To arrange inspections with NCC Insurance

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**Procedure:** SMOKE VENTS **Ref: M9**

**Purpose:** NCC policy for compliance with the requirements towards FRA 2005 and BS5839, BS999

**Frequency:** 6 monthly Maintenance checks

**Specific Requirements:**

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**Procedure:** GREY WATER SYSTEMS **Ref: M10**

**Purpose:** NCC policy for compliance with the requirements of the BS8525, L8

**Frequency:** **UNDER REVIEW**

**Specific Requirements:** **Responsible Person / Duty Holder:**  
Advise Safety and Compliance team of known installations

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## Procedure List – Pool & Bath Installations

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<b>Procedure:</b>	<b>SPECIALISTS BATHS</b>	<b>Ref:</b>	<b>P1</b>
<b>Purpose:</b>	Testing and inspection programme to comply with the requirements of specialist equipment. These may fall into LOLER regulations Management of H & S in Swimming Pools		
<b>Frequency:</b>	To be determined by type and use		
<b>Specific Requirements:</b>	<b>Sole responsibility of the Responsible persons / Duty Holder due to specific need of business unit.</b>		

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<b>Procedure:</b>	<b>FILTRATION &amp; CHEMICAL DOSING</b>	<b>Ref:</b>	<b>P2</b>
<b>Purpose:</b>	Testing and inspection programme to comply with the requirements of BS EN:13451:2011 and BS PAS 65:2004. Management of H & S in Swimming Pools		
<b>Frequency:</b>	6-monthly		
<b>Specific Requirements:</b>	Chemical and Filtration Unit checks		

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<b>Procedure:</b>	<b>FLUMES &amp; WATER FEATURES</b>	<b>Ref:</b>	<b>P3</b>
<b>Purpose:</b>	Inspection and maintenance programme to comply with BS EN:1069-1 and ISRM best practice. . Management of H & S in Swimming Pools		
<b>Frequency:</b>	Annual technical service		
<b>Specific Requirements:</b>	<b>Responsible Person / Duty Holder</b> – carry out daily visual inspection		

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<b>Procedure:</b>	<b>FLOATING POOL FLOORS</b>	<b>Ref:</b>	<b>P4</b>
<b>Purpose:</b>	Inspection and maintenance programme to comply with BS EN:13451-11 and diving regulations. Management of H & S in Swimming Pools		
<b>Frequency:</b>	Annual		
<b>Specific Requirements:</b>			

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**Procedure:** **DIVING PLATFORMS** **Ref:** **P5**

**Purpose:** NCC policy – to ensure structural integrity. . Management of H & S in Swimming Pools

**Frequency:** 6-monthly

**Specific Requirements:**

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**Procedure:** **FOR FUTURE USE** **Ref:** **P6**

**Purpose:**

**Frequency:**

**Specific Requirements:**

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**Procedure:** **UV SYSTEMS** **Ref:** **P7**

**Purpose:** Testing and inspection programme to comply with the requirements of BS EN:13451:2011 and BS PAS 65:2004. Management of H & S in Swimming Pools

**Frequency:** 6-monthly

**Specific Requirements:**

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**Procedure:** **BALANCE TANKS** **Ref:** **P8**

**Purpose:** Testing and inspection programme to comply with the requirements of BS EN:13451:2011 and BS PAS 65:2004

**Frequency:** 6-monthly

**Specific Requirements:**

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## Procedure List – Water Services Installations

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<b>Procedure:</b>	<b>LEGIONELLA RISK ASSESSMENT</b>	<b>Ref: W1</b>
<b>Purpose:</b>	Assessment in accordance with HSG 274 and HSE Code of Practice L8 'Control of Legionella Bacteria in Water Systems', to comply with requirements of HSWA and COSHH Regulations	
<b>Frequency:</b>	Reassessed every 2 years. Or if major alteration carried out on site.	
<b>Specific Requirements:</b>	<p><b>Responsible Person / Duty Holder</b> Carry out any system flushing regime as required by the assessment.</p> <p>Record actions to Property Maintenance Team via the SERAM database</p>	

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<b>Procedure:</b>	<b>HOT &amp; COLD WATER SERVICES</b>	<b>Ref: W2</b>
<b>Purpose:</b>	Maintenance in accordance with HSE Code of Practice L8 'Control of Legionella Bacteria in Water Systems', to comply with requirements of HSWA and COSHH Regulations	
<b>Frequency:</b>	3-monthly valve service, shower head and tap cleaning. Tank inspection at 6 monthly intervals	
<b>Specific Requirements:</b>	<p><b>Contractor programme initiated by Property Safety Compliance team –.</b></p> <p>Test sheets uploaded to Seram data base</p>	

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<b>Procedure:</b>	<b>WATER SAMPLING (Public Pool and Spa pools)</b>	<b>Ref: W3</b>
<b>Purpose:</b>	Weekly / Monthly sampling and testing regime in accordance with "Pool Water Treatment Advisory Group" Guidelines Compliance team - Monthly analysis by specialist. Responsible Persons – Daily and Weekly tests	
<b>Frequency:</b>	Daily and Weekly tests required on specialist pools. Purpose for bacterial level count. Daily test by on site responsible persons to check for chemical treatment levels.	
<b>Specific Requirements:</b>	Record daily tests within on site logbook. Samples taken by specialist contractor uploaded to Seram database.	

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### PART 3

## Contractors Site Induction Form

Page 1 of 2



**Nottingham  
City Council**

Welcome to our building. It is important that you and other building users stay safe during your visit. To help us ensure this, can you please read and familiarise yourself with the contents of this form and complete all relevant sections.

*To be completed by the Contractor*

Your name:		
Company name, address & phone number:		
Emergency contact details if different from your company:		
Name of site contact:		
Area & nature of work:		
Date:	Time:	Duration of work:

*All others to be completed by the FM/Building Responsible Person*

**Known site hazards:** (tick as appropriate)

Inform the contractor of specific site hazards they need to be aware of (either local to the work or site-wide hazards) such as those indicated on the list below, and any other site-specific hazards.

Asbestos – <b>See over</b>	<input type="checkbox"/>	Process hazards	<input type="checkbox"/>
Fragile materials	<input type="checkbox"/>	Restricted areas	<input type="checkbox"/>
Live electrics	<input type="checkbox"/>	Confined spaces	<input type="checkbox"/>
Specialist plant or equipment	<input type="checkbox"/>	Service isolation points	<input type="checkbox"/>
Hazardous areas (roof/plant rooms)	<input type="checkbox"/>	Other – please specify	<input type="checkbox"/>

**Site Rules:** (tick as appropriate)

Include items which are required for the day-to-day management of the property which will not affect the work being carried out, but which the contractor will be required to follow.

Non-smoking site	<input type="checkbox"/>	Waste disposal	<input type="checkbox"/>
Security; signing in/out	<input type="checkbox"/>	Permit to work	<input type="checkbox"/>
Welfare facilities	<input type="checkbox"/>	Authorised areas confirmed *	<input type="checkbox"/>
Car parking; loading/unloading	<input type="checkbox"/>	Other – please specify	<input type="checkbox"/>

**Emergency Procedures:** (tick as appropriate)

Describe briefly the property emergency procedures, particularly those relating to fire, but including others as necessary

Sound of fire alarm	<input type="checkbox"/>	Details of fire site plan provided	<input type="checkbox"/>
Fire assembly point	<input type="checkbox"/>	Other – please specify	<input type="checkbox"/>
Fire evacuation procedure	<input type="checkbox"/>		

**\* Identify restricted areas or areas requiring Authorised person accompaniment.**

**In the event of an incident:**

Outline the procedure to be followed in the event of an incident, including the reporting route, and how to obtain first aid.

First Aid Contact:

**Asbestos:**

If asbestos is present on the site, include the procedure to be followed if there is accidental disturbance of asbestos or suspected asbestos.

Confirm that the asbestos register has been viewed and signed by the Contractor:

YES

NO

**Risk Assessments:**

All contractors or persons carrying out works within the building are obliged to produce suitable and sufficient risk assessments and method statements for the work they are to carry out. These must be available prior to any work commencing.

Do not commence any work until the section below is completed and signed by the **Responsible Person** for the work

**NOTE: This is not an approval of, or agreement to, any risk assessment or method statement and is only a record that documents have been provided.**

**Risk assessment:**

Produced:

Not produced:

**Method statement:**

Produced:

Not produced:

**RAMS previously issued and agreed with Framework Contractor:**

YES:

NO:

**Specific permit to work required:**

YES:

NO:

**Permission to proceed with work:**

YES:

NO:

Signed:  
(Responsible Person)

Print:

Date:

**I confirm that I am aware of the induction and health & safety information**

Signature of contractor:

Print:

Date:

## PART 4

### CONTACT LIST

Property Safety & Compliance Team		
Andrew Fletcher	Team Leader	0115 8763039
Steve Bacon	Senior Mechanical Compliance Officer	0115 8763050
Mark Rees	Mechanical Compliance Officer	0115 8763052
Nikki Masters	Mechanical Compliance Officer	0115 8763055
Gary Wand	Senior Electrical Compliance Officer	0115 8763037
Ian Glennon	Electrical Compliance Officer	0115 8763059
Robert Jordan	Electrical Compliance Officer	0115 8763041
Paul Reynolds	FRA Compliance Officer	0115 8763057
Roy Hall	Asbestos Compliance Officer	0115 8763071
David Prowett	Senior Structural Engineer	0115 8763027
Paul Alcock	Senior Structural Engineer	0115 8763028
James Mitchell	Performance & Information Technician	0115 8763053

## PART 5

### VERSION CONTROL

#### AMMENDMENT RECORD

VERSION No	AMMENDMENTS		
V1.1	DRAFT VERSION	ISSUED FOR COMMENTS	MARCH 2013
V1.2A	FINAL DRAFT	ISSUE FOR UNION COMMENTS	JULY 2013
V1.2B	ISSUE		
V1.2C	PAGE 6	RESPOSIBLE PERSON DEFINITION HIGHLITED BOLD	OCTOBER 2014
	PAGE 11 & 12	APPENDIX A CHANGED A3 VENTILATION REMOVED NOW FOR FUTURE USE W4 WATER TREATMENT (COOLING TOWERS REMOVED NOW FOR FUTURE USE	OCTOBER 2014
	PAGE 21	REMOVED AS DUPLICATED WITH AIR HANDLING & VENTILATION REF A1	OCTOBER 2014
	PAGE 22	TITLE CHANGED TO FAN CLEANING - KITCHENS	OCTOBER 2014
	PAGE 24	E6 HIGH VOLTAGE FREQUENCY ANNUAL INSPECTION	OCTOBER 2014
	PAGE 25	E8 STREET LIGHTING (NON – ADOPTED ROADS) INSPECTION FREQUENCY SPECIFIED.	OCTOBER 2014
	PAGE 34	M9 SMOKE VENTS REVIEW COMPLETED – SPECIFICATION UPDATED	OCTOBER 2014
	PAGE 37	GUIDANCE DOCUMENT REF INSERTED	OCTOBER 2014

**DOCUMENT OWNER –**

**A C FLETCHER – TEAM LEADER PROPERTY SAFETY & COMPLIANCE**