

**UPDATE ON THE COUNCIL'S RESPONSE TO REINFORCED AUTOCLAVED  
AERATED CONCRETE (RAAC)**

**Report of the Director of Education, Work and Skills & Director of Development and  
Regeneration**

**1 INTRODUCTION AND PURPOSE OF REPORT**

1.1 This report provides the following information and updates:

1.1.1 Background information on RAAC, as well as updates on guidance issued to Local Authorities and responsible bodies relating to the potential risks surrounding the use of Reinforced Autoclaved Aerated Concrete (RAAC) within the construction of school buildings.

1.1.2 Survey and investigations work the Council has undertaken to establish the presence of RAAC within our estate.

1.1.3 The Council's response to the discovery of Reinforced Autoclaved Aerated Concrete (RAAC) within three of its buildings.

1.1.4 It provides an update on the impact on the two affected schools in the borough: St Thomas Church of England Primary School, Marriot Street and Bramhall High School, including updates on actions taken and costs incurred to date.

1.1.5 It provides an update on the impact on Romiley Forum Theatre.

1.2 This report also sets out what decisions have been taken and by whom in line with the council's constitution and scheme of delegation.

**2 BACKGROUND**

2.1 RAAC is a lightweight form of concrete which was used in building construction from the 1950s until the mid-1990s.

2.2 The Council were initially made aware of potential risks surrounding the use of Reinforced Autoclaved Aerated Concrete (RAAC) within the construction of school buildings in December 2018. This came to us via an advisory link on Gov.UK which was jointly published between the Department for Education (DfE) and Local Government Association (LGA).

***SCHOOLS BACKGROUND***

2.3 Initial guidance stated RAAC was used in construction within the periods of 1950 – 1989. As such, officers immediately began work to identify any school constructs within the Stockport Borough which would meet these criteria. In total, this equated to 50 schools, both Primary and Secondary.

- 2.4 Following this, our Structural Engineers inspected each of the identified schools, following the DfE guidance provided, and provided feedback on the presence of RAAC across the School Estate. These inspections were made from October 2020. 43 of these schools were inspected visually, with another seven requiring intrusive inspections as the visual inspections were inconclusive. Following the inspections, it was confirmed by our Structural Engineers that no RAAC was identified during any of the 50 inspections.
- 2.5 In May 2019 the Standing Committee on Structural Safety (SCOSS) issued an alert drawing attention to a failure of RAAC planks within an education setting. The alert built on the guidance issued by the DfE and LGA in December 2018 and was specifically focused on Schools and similar buildings dating from the 1960s to the late 1980s with flat roofs. The alert advised that that while there was a risk, the extent of this risk was uncertain and as such the risk should be identified by locating buildings with RAAC present and assessing the condition of any RAAC discovered. The alert provided guidance on the process of identifying RAAC and how it should be inspected and managed. A particular focus of the guidance was on roofs where water ingress was present, because, due to the aerated nature of the product water can be held in the panels causing increased mass and causing any reinforcement to degrade, thus increasing the risk of collapse.
- 2.6 Further guidance was issued by DfE which then extended the construction period to 1930 – 1990, where we identified another five schools. All five schools were inspected visually and again no RAAC was identified.
- 2.7 In 2022, the DfE created a RAAC questionnaire within their online capital portal, where submissions for each inspection could be uploaded online and the DfE could collate the data from each Local Authority. SMBC has responded and uploaded the data for each of the schools inspected as required.
- 2.8 On 31 August 2023, the DfE once again updated their guidance because of a sudden failure of RAAC planks within a school setting, where the planks had previously been assessed and deemed low risk. The revised DfE position stated that all areas affected by RAAC should be removed from use until mitigation or remedial works could be undertaken.
- 2.9 This change in guidance heightened the risk level and led to a reassessment of both the Education and Corporate estates. Following this update, it was decided to commission additional surveys, to be undertaken by independent structural engineers. These surveys have been conducted throughout the Autumn Term and were concluded by 1 December 2023.

### ***CORPORATE BACKGROUND***

- 2.10 At the time the DfE updated their guidance on the management of RAAC in August 2023, the Council was aware of one corporate building that contained a form of RAAC; Romiley Forum Theatre. RAAC had been identified in this building during refurbishment works which took place in 2017. The Council was unaware of any other RAAC present on the corporate estate.

## ***SURVEY WORKS BACKGROUND***

- 2.11 Following the revised guidance being issued by DfE in August 2023 it was determined that further assurance was required on the presence of RAAC across both the corporate and schools' estate.
- 2.12 In early September 2023 a programme of inspections was instructed of all buildings the Council has responsibility for which were either built between 1930 and 1990, or had extensions completed during this period, to identify if any RAAC was used during their construction. Independent structural engineers have undertaken this process which concluded in December 2023. These surveys were all non-intrusive, in line with guidance.
- 2.13 These further surveys found RAAC is present in two school buildings. St Thomas Church of England Primary School, Marriot Street and Bramhall High School. In both of these instances, it was necessary for the school's Governing Bodies to decide to close the schools temporarily on health and safety grounds and temporary adjustments to the operation of each school have also been required. Council officers have been working with the school's leaders, governing bodies and in the case of St Thomas' the Diocese of Chester as well as Department for Education officials to respond to these issues.
- 2.14 During the course of these surveys no other buildings or extensions have had RAAC identified. However, further intrusive survey works are proposed in some buildings, details of which can be found in Section 3 of this report.

## **3 SURVEY WORKS**

- 3.1 As noted in the background section, the Council has now concluded initial inspections of all buildings that fall into the relevant period. Following this, all buildings have been categorised to identify what assets may require further investigation to provide the Council with the appropriate level of assurance that RAAC is not present.
- 3.2 The Council is now undertaking a further round of inspections where we believe it is necessary; this is not because the Council believe RAAC is present, but is where the structure of the building, or its finishes, meant that external engineers were unable to inspect enough of the building fully rule out any risk.
- 3.3 An example of this is where a building has plasterboard ceilings throughout. To inspect these buildings, the removal of the ceilings is required to provide access. However, this can be very disruptive work. This work also requires further enabling surveys to be undertaken, such as Asbestos surveys, in line with guidance.
- 3.4 These further survey works are being planned at 7 corporate buildings and 48 education buildings. For education settings, the focus is on undertaking these surveys during school holidays to avoid disruption with all works targeted for completion by the end of the Easter holidays. We have used existing survey

information to prioritise these buildings and as we move through this list of inspections the risk is continually diminishing.

- 3.5 In taking this approach the Council is taking a balanced view to risk, where we prioritise inspection areas based on age, construction type and use. It would be impractical to inspect every area of every building, due to limitations in acceptable levels of disruption.

#### **4 ST THOMAS' CHURCH OF ENGLAND PRIMARY SCHOOL, MARRIOT STREET**

- 4.1 The Council were notified that RAAC was present at the school on Friday 27 October 2023, following a survey of this school on Thursday 26 October 2023. St Thomas is a one-form entry primary school with 136 children on roll.
- 4.2 The survey was undertaken by independent engineers who confirmed that RAAC was present throughout the building. The majority of the school was constructed in 1967 with brick walls and RAAC panels to form the roof, supported by steel beams. The hall has a pitched roof formed of timber and there had been two extensions which have non-RAC roofs. The extensions form the Nursey Classrooms and also extend the school office and staff rooms. The school also has a small conservatory used as a Library.
- 4.3 The engineers confirmed that as per DfE guidance, all RAAC-affected areas should be taken out of use immediately until further investigations and remedial works can be undertaken.
- 4.4 An initial project meeting was held on the same day (27 October 2023) and at that meeting, a decision was made by the Headteacher and Governing Body, on advice from senior Council officers, that the school must close on Monday 30 and Tuesday 31 October 2023. At this initial meeting, it was identified that nursery and reception children (the Early Years Foundation Stage) could continue to learn at the Marriot Street site but that the Y1-Y6 classrooms could not be accessed. Following conversations with the Chief Executive Officer of the Laurus Multi Academy Trust, it was agreed in principle that space at the new Woodford Community Primary School could be used to relocate the 5 key stage 1 and 2 classes (Y1, 2, 3, 4/5 and 6). These spaces were available as the new school is in its second year of opening and has therefore not reached its full capacity. It was also agreed that relocating these learners would require transport to be provided. Following intensive work on 30/31 October 2023, it was possible to re-open the school on Wednesday 1 November 2023 to all pupils with Y1-6 being transported to Woodford Community Primary School. All pupils therefore returned to full-time face-to-face learning on Wednesday 1 November.
- 4.5 These initial decisions were reported to the Department of Education in line with their protocols. DfE officials confirmed their agreement to the plans and the DfE also undertook to appoint a RAAC Caseworker and Project Director, both of which are now in place. Council officers also sought assurance from DfE officials that capital and revenue costs incurred would be reimbursed. The DfE has confirmed that revenue and capital costs will be reimbursed in line with the published DfE guidance.

- 4.6 All financial costs will be treated as schools' expenditures in the council's accounts at this time (I.e. dedicated schools grant (DSG)), whilst we await reimbursement from DfE. Should any costs revenue and/or capital not be reimbursed in full, the following will apply:
- Capital – any shortfall will be charged directly to the council's current basic need grant monies available.
  - Revenue – any shortfall that cannot be directly attributable to the schools' revenue budget as normal operational costs, shall be charged to the DSG central schools contingency budget as exceptional circumstances costs that would not normally be charged to an individual school delegated budget.
- 4.7 The Design and Technical Service, with the support of 3rd party engineers, have commenced capital works to add additional temporary support to the RAAC to allow the safe use of the school. The works commenced Monday 30 October 2023 and have included the following items:
- Site set up and mobilisation
  - Roof Survey and associated scaffolding
  - Removal of rooftop plant
  - Design of remedial supports
  - Full strip of ceiling-mounted utilities and M&E
  - Strip of all ceiling and wall finishes where required
  - Installation of Plyboard underdrawings and timber joists to provide mitigation for the RAAC in line with DfE design standards
  - Reinstallation of M&E and utilities
- 4.8 The first phase of mitigation works was completed by the end of November 2023 and allowed reoccupation of the reception classroom. Phase 2 mitigation was completed by the end of December 2023 and will allow the reoccupation of toilet blocks, 4 x classrooms, the hall and the kitchen. In addition, two temporary modular buildings were installed on-site to provide further capacity to replace one classroom and the staff room, PPA room and office, which are currently being mitigated. This allowed all pupils to return to the main school site at the start of term in January 2024, and the accommodation at Woodford School was stood down.
- 4.9 Phase 3 mitigation will be completed at the end of the February 2024 half-term and will release the balance of the space at which point the school will be able to return to its normal operating model.
- 4.10 Capital works are expected to cost circa £639k and will be fully recharged to the DfE (such cost being split between various contracts for works and services).
- 4.11 The table below provides an overview of current known expenditure/forecasts relating to the RAAC response at St Thomas. The Council has submitted to DfE claims for all Actual Spend to date as well as a forecast for all future spending and these costs are currently being reviewed by DfE with a view to them being reimbursed to the council via a one-off grant.

<b>Narrative</b>	<b>Actual Spend (£)</b>	<b>Forecast Spend (£)</b>	<b>Total Estimated Cost (£)</b>
Capital Works	451,000	188,000	639,000
Transport Arrangements to Woodford	30,000	0	30,000
Revenue Costs	10,000	5,000	15,000
<b>Total to date</b>	<b>491,000</b>	<b>193,000</b>	<b>684,000</b>

## **5 BRAMHALL HIGH SCHOOL**

- 5.1 The Council were notified that RAAC was present at the school on Thursday 9 November 2023, this followed a survey of this school undertaken on Wednesday 8 November 2023. Bramhall is a large secondary school with 1300+ pupils on roll.
- 5.2 The survey was undertaken by independent engineers who confirmed that RAAC was present throughout a significant portion of the buildings. The school was originally constructed in 1967, with a further extension in the early 1970s. The extension areas were constructed with brick walls and RAAC panels to form the roof, supported by a mixture of steel and concrete beams. This has produced a complex pattern of spaces which are RAAC-affected and other areas that are not RAAC-affected.
- 5.3 The school has been further extended in subsequent years to add additional teaching and support spaces. These blocks have largely been formed in brick with timber joists used to form flat roofs or steel frame-pitched roof with metal cladding. None of these newer areas are affected by RAAC.
- 5.4 The RAAC-affected areas comprise around 40% of the overall school. This has seen the school lose access to 17 classrooms (CDT, Art, SEN, Science, Music and Geography are all affected) along with SEN space, inclusion space, PE Facilities and Drama studios. As well as kitchens, WCs, the Refectory, staff space and changing areas.
- 5.5 The engineers confirmed that as per DfE guidance, all RAAC-affected areas should be taken out of use immediately until further investigations and remedial works could be undertaken.
- 5.6 An initial project meeting was held on the same day (9 November 2023) and at that meeting, a decision was made by the Headteacher and Governing Body on advice from senior Council officers that the school must close on Friday 10 November 2023 to allow for further inspection. SMBC officers agreed to attend the school on 10 November 2023 with the school's Senior Leadership Team (SLT) to develop robust plans for reopening. A further project meeting was held on 10 November 2023, where it was agreed that due to the significant complexity of reopening and the need to ensure robust health and safety procedures were in place, the school would need to remain closed on Monday 13 November 2023. Furthermore, it was agreed that

although the school could re-open for face-to-face learning on Tuesday 14 November 2023 it would not be possible for all students to attend. Therefore, a re-opening plan was agreed by the Governing Body as follows:

- Year 11 - students returned to school on Tuesday 14 November 2023
- Year 10 - students returned to school on Tuesday 14 November 2023
- Years 7, 8 and 9 learned remotely on Tuesday 14, Wednesday 15, Thursday 16 and Friday 17 November 2023

5.7 From Monday 20<sup>th</sup> November to the end of the Autumn Term the school operated a hybrid teaching model, with years 10 and 11, and those identified as vulnerable or requiring additional support being taught in face-to-face learning on-site, and years 7, 8 and 9 initially on a rotation of face to face and online learning. As the Autumn term moved forward more pupils returned to site such that by the end of term only one year group was subject to remote learning. This was achieved through a mixture of the urgent repurposing of spaces and adjustments to the school timetable.

5.8 It was agreed that this was a proportionate and sensible response given the risk to the health and safety of the students and staff. These decisions were reported to the Department of Education in line with their protocols. DfE officials confirmed their agreement to the plans.

5.9 All financial costs (revenue and capital) will be treated as schools' expenditures in the council's accounts until such time reimbursement from DfE is received. The DfE-appointed Project Director confirmed that the costs are in line with DfE expectations and SMBC officers have been provided with written confirmation from DfE officials supporting the proposed capital works.

5.10 During the Autumn term the Council worked closely with the DfE and its supply chain to deliver a level of temporary accommodation to allow all pupils to return to full-time face-to-face learning. This temporary accommodation, as agreed with School leadership, consisted of:

- o 2x Double Classroom Buildings, providing 4x Classrooms.
- o 10x 15m Titan Buildings, providing 10x Classrooms.
- o 2 x Titan Toilet blocks
- o Kitchen Building
- o Large 20 x 20 temporary Dining hall space
- o Smaller 10 x 15 Sports hall

The amount of accommodation provided is the equivalent of a four-form entry secondary school, which was delivered from inception to completion in 6 weeks. In addition to this work significant work has taken place within none-RAAC affected areas of the school to provide additional capacity, including science labs, office space and music facilities. This work enabled all pupils to return to face-to-face learning in January 2024.

5.11 Despite the delivery of significant additional accommodation on site there are still a number of specialist teaching spaces which have not been fully re-provided, such as

CDT and Art. The Council is now working with the DfE on providing a second phase of temporary accommodation that will address these issues. The target date for the completion of this work is Easter 2024.

- 5.12 In parallel to this, discussions are now taking place with the school and the DfE on what spaces within the school would require mitigation works to allow re-occupation of them from September 2024 and the stepping down of some temporary accommodation. These discussions will take place over a number of weeks in close dialogue with the school as they develop their curriculum for the new academic year. Discussions are also taking place with the DfE regarding the long-term status of the school and the next steps in terms of rebuild.
- 5.13 The table below provides an overview of current known expenditures/forecasts relating to the RAAC at Bramhall High School. The Council has submitted to DfE claims for all Actual Spend to date, as well as forecasts for all future spending and these costs are currently being reviewed by DfE with a view to them being reimbursed to the Council via one-off grant.

<b>Narrative</b>	<b>Actual Spend (£)</b>	<b>Forecast Spend (£)</b>	<b>Total Estimated Cost (£)</b>
Capital Works – Phase 1 Mitigations (As described in 5.10)	1,572,000	63,000	1,635,000
Other Capital Works to Enabling Reopening	99,000	0	99,000
32 Laptops for vulnerable children	0	16,000	16,000
Other ad-hoc consumables	0	2,000	2,000
Revenue Costs	113,000	0	113,000
Capital Works – Phase 2 Mitigations (As described in 5.11)	0	950,000	950,000
Capital Works – Phase 3 Mitigations (As described in 5.12)	0	TBC	0
<b>Total</b>	<b>1,784,000</b>	<b>1,031,000</b>	<b>2,815,000</b>

## **6 ROMILEY FORUM**

- 6.1 Romiley Forum was constructed in the early 1970s and was opened in 1972. The Forum complex consists of retail accommodation on the ground floor, with residential flats and the Forum Theatre located on the upper floors. The freehold of the site is owned by the Council, and there is a long leasehold granted to private owners who, in turn, have granted leases back to the Council for the Theatre, Flats (which are then let to Stockport Homes Group) and Community Centre. Separate leases exist between the long leaseholder and the retail properties.



- 6.2 The Theatre is operated by NK Theatre Arts (NKTA), who were granted a lease from the Council in 2003 for a period of 30 years.
- 6.3 In 2017 the Council undertook a project to refurbish parts of the building. This work included removal of Asbestos, fire alarm upgrades and fire safety work, flat roof replacement to the lower roof over the entrance area and Community Centre, and redecoration. The roof over the main theatre space was not included in this project and still retains its felt covering from the original construction.
- 6.4 During these refurbishment works the roof construction was identified as being constructed from a product called Siporex, which is a brand name for a RAAC product.
- 6.5 The guidance at the time was not to remove all RAAC but to assess the condition of RAAC and take remedial action where required. No further work was required to the main auditorium roof nor was any required under any further mandatory guidance until August 2023. This was in line with the position taken within the industry. No further inspection of the RAAC during that period would have changed the position.
- 6.6 Given the change in Government guidance in August 2023 an immediate review of the corporate estate took place and given the pre-existing knowledge of Siporex being present at Romiley Forum an urgent inspection took place to fully confirm the product as being RAAC. Given the presence of RAAC within the theatre building, a wider review of the complex took place, and it was confirmed that RAAC was not present in any other part of the building.
- 6.7 NKTA decided to close the theatre following the completion of the initial survey, undertaken by third-party engineers, and following discussion with the Council in their role as Landlord. The final decision to close the building is one for NKTA under the terms of the lease.
- 6.8 Given the pressing need to establish the full facts of the condition of the RAAC, the Council commissioned a full structural investigation of the roof deck. The report was shared with NKTA and following discussions with the third-party engineers working for both the Council and NKTA, it was confirmed that the building should not reopen without remedial works taking place. Following this, the Council and NKTA have commissioned further studies to review the condition of the RAAC in detail on a panel-by-panel basis and look at options and costs for remedial works to the building to enable reopening to take place.
- 6.9 Following these surveys, RAAC has been confirmed in the main auditorium roof and the lower section that sits over the community centre and foyer. The works undertaken in 2017 addressed some of the issues in the lower roof and delivered a new roof covering which reduces risk, however, further remedial works are still required to allow safe reopening. The upper roof over the main auditorium has had no remedial works undertaken to date. There is evidence of some water ingress, and solar panels were added prior to 2017, with this additional load acting as a further risk factor.

- 6.10 Design and planning are currently being undertaken for remedial works to take place to allow the reopening of the building. To enable this the Council has appointed a team of professional advisors who are involved in the design of RAAC mitigation schemes nationally and the Council is in the process of engaging with specialist contractors to undertake the required works.
- 6.11 A range of options for the mitigation works are being considered to initially allow partial reopening. In addition to this, the nature of the mitigation work is being reviewed, which is a highly complex process, and a range of decisions will be required at the appropriate point.
- 6.12 Broadly speaking three types of possible mitigation can take place; additional support using timber; additional support using steel or complete RAAC removal with the roof deck being replaced with another material. In terms of speed, which is particularly pertinent in the case of Romiley Forum, timber support is the most rapidly deployable solution. This is also likely to be the most cost-effective solution, however, this form of support would likely have a life span of up to 5 years. Steel support is likely to have an increased life span than timber, however, it would cost significantly more and likely take much longer to install. RAAC removal would be the longest solution to deliver and would have the highest cost. The Council and NKTA are currently reviewing all possible options, however, both parties are acutely aware of the need to deliver a solution that provides operational stability for NKTA for a period of time, allowing further long-term plans to be developed, should the joint decision be that RAAC removal is not the correct solution at this point.
- 6.13 A request was made at Area Committee to consider funding Phase 1 temporary works from UK Shared Prosperity Funding. On Monday 5<sup>th</sup> February, an allocation of £300,000 was made in line with the delegation given by Cabinet in October 2023.
- 6.14 It is proposed that once a full cost plan has been developed, a further update would be made to Scrutiny, as well as Area Committee.

## **7 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS**

### ***SURVEY WORKS FINANCIAL CONSIDERATIONS***

- 7.1 The cost of the first stage of survey works, undertaken for both the Corporate and Education estate, currently stands at £69k, made up of external inspection and consultant fees of £62k and internal fees covering project management of £7k. The Council has been advised that the DfE will refund school inspection costs of up to £4k per school for inspections conducted between 30<sup>th</sup> August 2023 and 1<sup>st</sup> November 2023. The Council is therefore seeking recovery of approximately £42k of cost, however, at this stage the DfE has not confirmed if this refund will be made.
- 7.2 The next phase of inspections, including intrusive revisit works, has an estimated cost of £50k for external consultant fees, £75k in building work costs to open up the fabric of the building, provide access for inspection and make good any opening up, and £10k in internal fees covering project management. This gives a total cost of £135k.

## **SCHOOLS FINANCIAL CONSIDERATIONS**

- 7.3 The total estimated emergency cost (revenue and capital) across the two schools affected is circa £3.5m; however, this figure does not yet include any Phase 3 Mitigations at Bramhall to bring RAAC-affected areas back into use.
- 7.4 The key risk to the Council relates to confirmation that the DfE will fully reimburse all the associated emergency/contingency costs, both revenue and capital that the Council incurs to ensure the provision of education to all children at both schools can be maintained.
- 7.5 As outlined earlier in the report all costs will be treated as schools' expenditures in the Council's accounts and charged either directly to the DSG (revenue) and/or the Schools Capital Program (capital).
- 7.6 Any capital costs not reimbursed to the Council will be met from the current available basic need grant monies. This resource is currently identified for deployment on other basic needs and/or SEN school places required in the borough and will therefore have a detrimental knock-on effect to such projects, which in turn may then result in further additional cost pressures felt on the current DSG cumulative deficit.

## **ROMILEY FORUM FINANCIAL CONSIDERATIONS**

- 7.7 Work is currently ongoing to finalise the cost of remediation at Romiley Forum and a procurement strategy, but this is fully expected to be in line with the UKSPF award.

## **RISK**

- 7.8 Corporate Risk 9B – Condition of School Estate has been updated to reflect ongoing risks attributable to RAAC. The Head of Internal Audit, Risk and Insurance and the Council's Risk Manager are continuing to assess the impact of RAAC in terms of the Council's insurance position, property risk and reputational risk.
- 7.9 The most significant risk in terms of the RAAC management projects at St Thomas and Bramhall is focused on reimbursement of Council incurred cost by DfE, however, these reimbursements are now in progress, therefore this risk is diminishing.

## **8 LEGAL CONSIDERATIONS**

### **CLOSURE AND REMOTE/HYBRID ONLINE LEARNING**

- 8.1 The duty to provide children with an education can be met remotely so long as it is "a last resort when the alternative should be no education" as confirmed by the Government's latest (non-statutory) guidance on remote learning published in January 2023:
- 8.2 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1136309/Providing\\_remote\\_education\\_nonhttps://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/113630](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1136309/Providing_remote_education_nonhttps://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/113630)

- 8.3 Page 5 of the guidance refers to scenarios where remote education should be considered – this includes school closures or restrictions on attendance where school access for pupils is restricted (i.e. in this case where some students are receiving face-to-face education still).
- 8.4 Page 5 states that the school does however need to reopen to face-to-face learning as soon as possible or provide alternative sites for face-to-face learning.
- 8.5 As both the schools had to undertake a full closure that will have been justified under a 1979 court case where it was agreed that there would be no breach of the duty to provide sufficient schooling if there was a “just and reasonable excuse” or “reasonable grounds” for the school being closed. The identification of RAAC and the closure in emergency health and safety circumstances would have been sufficient to justify the closure.
- 8.6 The decision to open and close schools is a Governing Body decision (section 21 Education Act 2022), not a council decision but the council can intervene if needed to close a school.

#### ***DECISIONS ON CONTRACT AWARDS FOR WORKS AND SERVICES***

- 8.7 Pursuant to the council’s scheme of delegation, all the decisions taken to date or to be taken in relation to the spend set out in this report are either an Executive Officer Decision (if spending is under £99,999) or an Officer Decision of an Executive Director in consultation with the relevant Cabinet Member (£100,000 to £4,999,999).
- 8.8 All decisions on spend to date have been taken in line with the council’s scheme of delegation and the Contract Procedure rules, which form part of the Council’s Constitution and so far, no spending has exceeded the thresholds noted in section 8.7.
- 8.9 Under section 9.1.3 of the Contract Procedure rules, clause (c) allows the council to enter contracts for Supplies, Services and the execution of Works which are required in circumstances of extreme urgency or unforeseeable emergency involving risks to persons, property or serious disruption to Council Services. Clause (b) permits exemptions where the council is required to comply with legal requirements. The Council has made the judgement that the initial response to the discovery of RAAC at St Thomas and Bramhall High School met the threshold for exemption due to the urgent nature of the mitigation required to allow face-to-face learning to be restored and the legal obligation of the Council to provide this. In the case of Romiley Forum, no such legal basis existed and as such procurement activities would need to be in line with the procedures outlined in the Contract Procedure Rules.
- 8.10 Any contract with a value between £5m and £9.99m will need to be approved by an Executive Director and Cabinet Member with portfolio responsibility.

#### **9 HUMAN RESOURCES IMPACT**

9.1 The primary workforce risk is the hours worked by staff to respond to the operational requirements to keep the buildings safe. These have been overseen by the Assistant Director of Estates and Asset Management and overtime has been offered to those staff working additional hours. HR advice and support is offered to the workforce as required. Significant attention has been devoted to safeguarding the wellbeing of those colleagues involved in the response, with regular signposting to the wellbeing offer the Council has in place.

## 10 **EQUALITIES IMPACT**

10.1 The Council has a legal duty to prevent unlawful discrimination against people with protected characteristics under the Equality Act 2010.

10.2 In terms of the schools affected by RAAC, the impact on young people is clear as the standard provision of education provided to pupils and students at the two schools will be impacted whilst the works to buildings are ongoing. Disabled children and young people in particular may be negatively impacted by disturbances to their education and changes to their school routine. Unfortunately, this impact is unavoidable as there are no other proportionate ways to ensure buildings are safe for use, and this report highlights that mitigating measures are being put in place to ensure that disruption to education is minimised to every extent possible.

10.3 Vulnerable children, defined as children in need, children with SEND, children looked after and those eligible for free school meals have been prioritised for support by both schools. During periods of closure, food was provided for children eligible for free school meals, as food parcels or food vouchers. Face-to-face learning has also been offered to all vulnerable children as part of the hybrid opening plans at Bramhall High School. In addition, both schools have been robust in their processes for contacting families and have been supported by Stockport Family staff.

## 11 **ENVIRONMENTAL IMPACT**

11.1 None identified at this stage.

## 12 **CONCLUSIONS AND RECOMMENDATIONS**

12.1 The scrutiny committee is invited to note the contents of this report.

## **BACKGROUND PAPERS**

There are none.

Anyone wishing to inspect the above background papers or requiring further information should contact James Kington ([james.kington@stockport.gov.uk](mailto:james.kington@stockport.gov.uk))