

## **Cabinet – 30 April 2014**

### **Barcroft Primary School – Replacement windows**

**Portfolio:** Councillor Adrian Andrew, Regeneration

**Related portfolios:** Councillor Rachel Andrew, Children's Services

**Service:** Property Services

**Wards:** All

**Key decision:** No

**Forward plan:** No

#### **1. Summary**

- 1.1.1 The report sets out the background around the request from the school to replace its low level top hung open out ground floor classroom windows. The windows in question were installed as part of the scheme to build a new school for Barcroft Primary on the Elm Street site. This scheme was to resolve a split site situation that existed since the amalgamation of Elm Street Infants & Albion Road Juniors. In order to maintain well ventilated teaching and learning spaces these windows should be opened in the warmer months of the year when rooms are occupied. The school are now requesting the replacement of these windows that they perceive create a risk to pupils using the playground areas.
- 1.1.2 APiC UK Ltd carried out the original manufacture and installation of these windows and to avoid conflict on design/installation warranties it is proposed to use this company to carry out the necessary alterations. This action will minimise the risk to the Council moving forward should any latent defects arise in connection with the window or curtain walling installations affected by the works.

#### **2. Recommendations :-**

- 2.1 That Cabinet indicates whether it supports the replacement, at the Council's expense, of the ground floor windows at Barcroft Primary School at an estimated cost of £50,000 and if so, instructs the Executive Director, Regeneration to procure suitable replacement windows in accordance with the Council's procurement processes

### **3. Report detail**

- 3.1 Cabinet, at its meeting on the 16<sup>th</sup> July 2008, approved the funding for the construction of a new Barcroft Primary School to resolve the issue of split sites for KS1 & KS2 following the previous amalgamation between Elm Street Infants & Albion Road Juniors.

The new accommodation was opened in September 2011 but when the school occupied the building they identified what they perceived to be a safety issue, with all low level top hung windows opening outwards into play areas from the classrooms raising concerns that pupils could run into the corners of the open casements.

As a result of the above, and based on their risk assessment, the school have been operating a policy of having the windows closed during lessons and break times. As the building is naturally ventilated this is clearly not good from an overheating, ventilation and learning environment perspective.

There clearly is a perceived risk here from the school's perspective and, following the receipt of advice from the Council's Health & Safety team, Property Services has suggested a range of actions that would mitigate against this danger. For example, the placing of planters or benches to keep pupils away from the area. However, the school has rejected such an approach, arguing that this is not a feasible or workable solution due to the restricted amount of play and running space on the Elm Street site.

The option of fitting plant on mullions to give a section for the windows to "open into" was explored. A sample of this has been trialed and the school report they have already had accidents with pupils running into these mullions. As such, these are due to be removed shortly.

The further option of turning the windows upside down has been considered but is not possible due to the assembly of the frames & casements.

It is now felt that all options have been explored, apart from the replacement of all the low level, top hung, open out windows with horizontal sliding casements, which is considered by the School Governors to be the only acceptable solution. This would remove the perceived risk and improve the ventilation etc in the rooms.

Cabinet is advised that the school was fully designed pre-tender by the Council's framework Lead Consultant Baart Harries Newall, based on an agreed project brief and specification with Property Services, with the design signed off by both Property Services and the School. Construction was undertaken by Willmott Dixon under a JCT Standard Form of contract, with quantities. Further, the installed window design and installation is fully in accordance with Building Regulations. There are, therefore, no grounds for a claim against the design consultants or the contractor for the original installation. Notwithstanding this, the Duty of Care to the pupils rests ultimately with the Council.

The School is unwilling to fund these works from their budgets, although it is understood that it holds sufficient funds to do so..

Windows of the same or similar design are fitted at Fibbersley Park School and Property Services is not aware of any related accidents or complaints emanating from this site

#### **4. Council priorities**

- 4.1 The scheme will maintain the designed learning environment for Walsall pupils, their families and the wider community.

#### **5. Risk management**

- 5.1 The risk of injury to pupils and the options for managing that risk are detailed in the report..Ultimately, the Duty of Care to the pupils rests with the Council.

#### **6. Financial implications**

- 6.1 The cost of replacing the low level ground floor windows is estimated to be in the region of £50,000
- 6.2 The original scheme for the new school is under budget so funding is available to replace the windows, should Cabinet resolve to support the school's request to move forward with the works detailed.

#### **7. Legal implications**

- 7.1 Legal Services have advised that, should it wish, the Council is able to fund the work by virtue of the General Powers of Competence contained in the Localism Act 2011. There is, however, no obligation to do so, in the light of the fact that the design and construction is Building Regulations compliant.

#### **8. Property implications**

- 8.1 The property implications are as listed in the report detail.

#### **9. Staffing implications**

- 9.1 There are no direct implications as a result of this report.

#### **10. Equality implications**

- 10.1 The proposed schemes would result in maintaining the learning environment for pupils and families in Walsall schools.

#### **11. Consultation**

- 11.1 Relevant stakeholders including schools, Diocesan Authorities and Foundation representatives, as appropriate. Transforming Learning and Children's Services Finance.

## Background papers

### Education Asset Management Plan Author

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Simon Neilson  
Executive Director:

A handwritten signature in blue ink, appearing to be 'A Andrew', written in a cursive style.

Councillor A Andrew  
Deputy Leader Portfolio Holder  
Regeneration