

Corporate Policy and Strategy Committee

10.00am, Tuesday 14 June 2016

Edinburgh schools – independent inquiry

Item number	7.1
Report number	
Executive/routine	
Wards	

Executive summary

At the meeting of Corporate Policy and Strategy Committee on 17 May 2016 it was agreed that an independent inquiry (“Inquiry”) be held into matters relating to the closure of Edinburgh schools following on from the wall collapse at Osgangs Primary in January 2016; and called for an update report with terms of reference for and timescale of the Inquiry within one cycle

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Recommendations

- 1.1 It is recommended that the Committee note the content of this report.

Background

- 2.1 On 29 January 2016, an external wall leaf at Osgangs Primary School, part of phase 2 of the PPP1 project, partially collapsed during extreme adverse weather. This resulted in the temporary closure of the school.
- 2.2 Subsequent investigative works identified certain construction defects across the PPP1 estate resulting in the temporary closure of multiple schools pending remediation works being undertaken by the Edinburgh Schools Partnership (ESP).

Main report

Inquiry

- 3.1 The Council has called for an independent Inquiry into this matter.
- 3.2 As agreed at the May meeting of this Committee, the Chief Executive has consulted with the Group Leaders on the scope of the Inquiry. The draft terms of reference, appended to this report, take into account the comments expressed by Group Leaders but remain subject to agreement by the chair of the Inquiry.
- 3.3 The Inquiry chair appointment is in the process of being made by the Chief Executive as agreed.
- 3.4 It is intended that the Inquiry will commence in the early Autumn once the schools are fully back into operation and the contractual position with ESP has been concluded. In the meantime the chair will familiarise himself with background to this matter.
- 3.5 A document data room will be set up for elected members during the Inquiry.

Measures of success

- 4.1 The Inquiry provides the Council with assurance as to the reasons for the unfortunate incident and that any lessons which can be learned or changes implemented are both learned and implemented.

Financial impact

- 5.1 The cost of the Inquiry is expected to be in the region of £150,000 - £250,000.

Risk, policy, compliance and governance impact

- 6.1 There is a risk that the Inquiry identifies weaknesses in the Council's involvement in the contracting and/or management of the PPP1 project.

Equalities impact

- 7.1 There are no direct equalities impacts arising from this report.

Sustainability impact

- 8.1 There are no direct sustainability impacts arising from this report.

Consultation and engagement

- 9.1 Parents, Elected Members, the Scottish Government and various other interested parties have been kept apprised of all developments throughout this incident.

Background reading/external references

- 10.1 None.

Andrew Kerr

Chief Executive

Nick Smith, Acting Head of Legal and Risk

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Appendices

Appendix 1 – Draft Terms of Reference

Edinburgh Schools Inquiry – Draft Terms of Reference

Background

As a result of a wall collapse at Oxgangs Primary School in Edinburgh in January 2016, structural issues were identified at all schools built under the Public Private Partnership programme (“PPP1”) in Edinburgh between 2002 and 2005. This led to the temporary closure of the affected schools and alternative arrangements for children in nearly all the schools having to be urgently put into place.

Purpose and scope

To inquire into and report on the following matters:

- The rationale for the Council entering into the PPP1 contract for schools and the effect this financing arrangement may have had on the construction process;
- The contractual arrangements between the Edinburgh Schools Partnership and Edinburgh Council;
- The role of the Council with regard to the quality assurance of the construction of the buildings, including the granting of completion certificates to allow the buildings to become operational, the management of risks to the Council; and if standard practice regarding quality assurance provided adequate checks and balances for all parties to the contract;
- The management and maintenance of the buildings since construction, including advising on whether the current defects should have been found earlier;
- The management of the contract by the relevant parties since construction; and the quality of the contract undertaken;
- Establish the reason(s) for, and necessity of, the schools closures, including a review of the reasons for the Oxgangs Primary School wall collapse;
- A review of Edinburgh Council’s handling of the incident from January 2016 to the reopening of the schools in Summer 2016;
- Provide advice and recommendations on any specific or wider lessons which can be learned from these unfortunate events for Edinburgh Council and any other bodies; and
- Any further matters the Chair of the inquiry wishes to pursue relevant to this matter.

Method

The inquiry will examine and review all documents as the inquiry Chairman shall determine appropriate.

The inquiry will receive such oral and written evidence as the inquiry Chairman shall determine appropriate.

The Council will endeavour to ensure that all third parties cooperate with the inquiry chairman but recognises that the Chairman will not have statutory powers in this regard.

Report

The inquiry will report to the Chief Executive as soon as practicable.

Timescales

It is currently anticipated that the inquiry report will be delivered by December 2016.