

Corporate Policy and Strategy Committee

10.00am, Tuesday, 5 December 2017

Edinburgh Schools Inquiry

Item number	8.6
Report number	
Executive/routine	
Wards	City-wide

Executive Summary

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

As detailed in the reports to Corporate Policy and Strategy Committee in May and June 2016, an independent inquiry (“Inquiry”) was instructed in the matter. Professor John Cole CBE, was subsequently appointed as the independent chair of the Inquiry with an agreed remit. The Council was asked to consider the findings and recommendations of Professor Cole’s Inquiry Report when it was presented to Council in February 2017.

The Council noted the content of Professor Cole’s Inquiry report and further noted that the Chief Executive would set up an officer working group (“Working Group”) to consider the implications of the Inquiry Report. Council requested an update prior to the summer recess confirming the actions that the Council has already taken, and will be taking, with regard to the matters set out in the Inquiry Report. That update took place in June 2017 and it was agreed that a further report would be submitted to Corporate Policy & Strategy Committee.

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1. Recommendations

- 1.1 It is recommended that the Committee note the content of this report and the continued positive progress being made by the Working Group.

2. Background

- 2.1. As a result of investigations following a wall collapse at Oxfangs Primary in January 2016, structural issues were identified at schools built between 2002 and 2005 in Edinburgh through PPP1. This led to the temporary closure of affected schools and required alternative arrangements to be urgently put in place for all the affected children.
- 2.2. As detailed in the reports to Corporate Policy and Strategy Committee in May and June 2016, an independent Inquiry was instructed into the matter. Professor John Cole, CBE, was subsequently appointed as the Independent Chair of the Inquiry with an agreed remit.
- 2.3 Professor Cole was appointed as the Independent Chair of the Inquiry into the matter and reported his findings to Council in February 2017.
- 2.4 The Chief Executive instructed that a Working Group be set up to consider the implications of the Inquiry Report and submit the relevant findings and actions prior to the summer recess. The initial report in June 2017 showed the current position then and this report now updates the progress made.
- 2.5 Following publication of the Cole report, Council officers have been actively assisting other authorities and the Scottish Government with regard to providing advice in relation to the matters identified in the report.

3. Main report

- 3.1 The Cole Report made 40 separate recommendations. The Working Group was established in order to allocate the various recommendations to the relevant divisions of the Council.
- 3.2 Details with regard to progress to date against each action are set out in Appendix 1 to this Report. As many of the recommendations have an impact on projects

procured through SE Hub, the Council is working positively with SE Hub in response to these recommendations. It is acknowledged that:

- the systems and processes have been developed significantly by the Council during the intervening years since the Inquiry schools were built; and
- a number of recommendations will require wider stakeholder engagement, or in some cases a national response.

3.3 Key Specific issues

3.3.1 Fire Safety

3.3.1.1 The Council is acutely aware that fire safety is a top priority and has been actively working to ensure that the buildings are fully compliant in all respects from this perspective.

3.3.1.2 A team has been established to review the fire-stopping and fire-proofing processes throughout both the PPP and wider council estate. The team are working collaboratively with the relevant service providers to ensure that the estate remains safe. An independent Fire and Risk contractor has been employed by the Council to ensure that this matter is appropriately scrutinised and demonstrate that the remedial works being carried out achieve compliance with the appropriate fire regulations.

3.3.1.3 With regard to PPP1, ESP's fire risk consultants have completed their inspections. No serious issues were identified and all other deficiencies have either been remediated or will be remediated throughout the maintenance cycle. Confirmation has been obtained from ESP that there remains no immediate risk in respect of any deficiencies outstanding, such that no school is unsafe to occupy. The Council's own independent fire safety expert agrees with this assessment. Any appropriate changes to fire risk procedures have been implemented pending full remediation.

3.3.1.4 With regard to PPP2, appropriate checks are ongoing, with each building having been surveyed and again no immediate risks being identified. Again, the Council's own independent fire safety expert agrees with this assessment. Work to address any outstanding deficiencies at these schools has now commenced. Processes are also in place with regard to checking fire safety in the wider estate.

3.3.2 Building Completion Certificates

3.3.2.1 Two schools unfortunately remain without Building Completion Certificates (Royal High School and Craigmount High School). These buildings were given Temporary Occupancy Certificates on 6 November 2003 and 25 July 2003 respectively, which would both have expired after three years.

- 3.3.2.2 The Council has required ESP to make the relevant applications for these certificates ESP have made arrangements to ensure that they are able to make the relevant applications as soon as the fire-stopping works are completed in order to expedite the Council being able to grant the Completion Certificates (or equivalent).
- 3.3.2.3 It is currently anticipated by ESP that they will be in a position to make the relevant applications imminently and the certificates issued as soon as possible thereafter.
- 3.3.3 **Commercial position**
- 3.3.3.1 The Council continues to pursue ESP for appropriate redress with regard to both service failures and costs incurred and the Council will take appropriate action to safeguard the Council's position in this regard. It is hoped that this can be avoided through an amicable settlement with ESP which is still actively being pursued.
- 3.3.4 **Ongoing Inspections**
- 3.3.4.1 As outlined in the Inquiry report, CEC have commenced a proportionate and structured risk based approach to investigating the wider CEC Estate. This approach was shared with the Inquiry for information purposes and has also been shared with Scottish Futures Trust. Estates wide structural investigation progress to date is captured in Appendix 1, Section 10.1

4. Measures of success

- 4.1 The progress of the Working Group, following upon the Inquiry's findings, provides the Council with assurance as to the reasons for the unfortunate incident and identifies the lessons which can be learned and appropriate changes implemented.

5. Financial impact

- 5.1 It is anticipated that the majority of the costs associated with addressing the findings and recommendations of the Inquiry Report with regard to new project quality and inspection can be contained within project capital budgets.
- 5.2 The Council incurred significant additional costs as a result of the unavailability of seventeen schools and two other facilities between April and August 2016. Subject to finalisation of the terms of settlement with ESP, it is not anticipated that there will be any overall direct cost to the Council arising from this incident.
- 5.3 At the meeting of the Finance and Resources Committee on 23 January 2017, members approved that any excess of contractual deductions due to CEC, over costs incurred, be earmarked to take forward any necessary remedial work identified through the programme of Estate Wide Structural Investigations (Refer to Recommendation 10.1 in the Cole Inquiry report). The unpredictable nature of the

findings associated with the Estate wide structural investigations limit the accuracy with which costs can be predicted, however the indications are that Tranche 1 of this exercise which will be completed by March 2018 should be delivered within a budget of £1.2m. This is being kept under constant review as the investigations continue.

6. Risk, policy, compliance and governance impact

- 6.1 There is a risk that the issues of concern identified within the Inquiry Report could exist within other areas of the public sector, including within the Council's wider estate. A programme of inspection works is already in place to assess whether or not this is the case.
- 6.2 Although the exact impacts are yet to be fully considered, the Inquiry Report could potentially have wide-ranging effects upon Council governance processes with regard to implementing similar large projects in the future.

7. Equalities impact

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

8. Sustainability impact

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

9. Consultation and engagement

- 9.1 The Council has engaged with other authorities and the Scottish Government in relation to this matter.

10. Background reading/external references

[Report of the Independent Inquiry into the Construction of Edinburgh Schools: Professor John Cole Report](#)

[Edinburgh Schools Report: Report to City of Edinburgh Council, 9 February, 2017](#)

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11. Links

Coalition Pledges

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Agreement**

Appendices

Appendix 1 - Response to: Report of the Independent Inquiry into the Construction of Edinburgh Schools (Professor John Cole CBE)

Appendix 1

Response to: Report of the Independent Inquiry into the Construction of Edinburgh Schools (Professor John Cole CBE)

This is an update capturing progress by CEC in responding to the Recommendations of the Schools Inquiry.

Abbreviations:

BS	Building Standards
CAFM	Computer Aided Facilities Management system
CEC	City of Edinburgh Council
CLT	CEC Council Leadership Team
ESP	Edinburgh Schools Partnership (PPP1 Special Purpose Vehicle)
GT	Galliford Try (Contractor)
Hub	Institutional Public Private Partnership (delivering asset and new build service to public sector partners)
IC	Independent Certifier
IT	Independent Tester (earlier PPP title for IC role above, referred to in Cole Report)
P&FM	Property and Facilities Management (Resources) delivering projects across Operational Estate
SFT	Scottish Futures Trust
SG	Scottish Government
SPV	Special Purpose Vehicle, term for entity formed to deliver PPP contracts
SRO	Senior Responsible Officer appointed on each capital project and works programme
TWG	Technical Working Group (managed by CEC delivering the estate wide structural investigations)

	Recommendation	Response
1.1	<p><u>Expertise and Resources</u> Ensure access to a level of expertise and resources to allow body to act as Intelligent Customer and appropriate resource in terms of governance arrangements, types of expertise and funding</p>	<p>CEC are moving towards a Corporate Landlord model (where P&FM are the Landlord) which will facilitate better engagement across projects in an intelligent client capacity. This will also ensure greater consistency of approach.</p> <p>Part of the project initiation process by the SRO includes ensuring that the necessary resources are considered. This includes both client/user resources and project delivery resources.</p> <p>Capital Projects are delivered through recognised governance arrangements.</p>
1.2	<p><u>Ensuring compliance with specification</u></p> <p>Ensure contract is delivered in terms of the contract. Level of diligence determined through informed assessment of risk of the likelihood or implications of non-compliance</p>	<p>There is recognition of the limitations of true risk transfer on PPP/DBFM type project, notably in relation to reputational risk and disruption to services.</p> <p>P&FM delivered capital projects benefit from risk management processes through the construction and delivery phase.</p> <p>The operational risks for new DBFM projects are being recognised on DBFM Risk Registers going forward.</p> <p>Since the end of 2016, P&FM have had in place arrangements for all external designs to be reviewed by in-house design professionals. This has traditionally been viewed by client departments as unnecessary, but recent moves to a Corporate Landlord role have facilitated this change in practice.</p> <p>The role of the IC/IT on DBFM projects is under detailed review with SE Hub.</p> <p>Arrangements are in place to reinforce existing levels of CoW cover on projects. While all projects will be assessed to determine the appropriate level of CoW cover (and/or other disciplines, full time or part time), projects valued over £2m are now benefiting from full time CoW.</p> <p>The table at the end of this paper gives an overview of the resourcing approach in place.</p> <p>Design Team appointments now make specific reference to site inspection duties and regular reporting to the Contract Administrator and /or Project Manager.</p>

		<p>This is currently being addressed on a project by project basis. Next step is to capture this scope change across all the Framework providers.</p>
1.3	<p><u>Public bodies cannot delegate duties</u></p> <p>There should always be appropriate levels of independent scrutiny in relation to all aspects of design and construction that are in effect largely or partly self-certified by those producing them.</p>	<p>P&FM are ensuring relevant professionals are in place to provide an appropriate level of independent scrutiny.</p> <p>As a guide, CoW cover is being provided on all projects with full time provision on projects over £2m.</p> <p>External designs are being reviewed by in-house designers at key stages.</p> <p>Arrangements between the CoW and the Technical Advisor (where appointed) on D&B type projects will be clarified in the appointment documents.</p> <p>Discussions have progressed with SE Hub around suitable arrangements for independent scrutiny for Hub D&B and also Hub DBFM projects. A CoW will be in place for these projects as well as design team reporting.</p> <p>The P&FM PPP Management team will review arrangements for independent checking of works delivered by the PPP contractors.</p>
1.4	<p><u>Building it right first time</u></p> <p>'... public bodies should include appropriate investment in the provision of informed independent scrutiny of projects when they are being designed and constructed.....rather than clients subsequently seeking to rely on their ability to seek remediation of compensation It is the view of the inquiry that seeking savings through cutting investment in quality assurance is inevitably a false economy'</p>	<p>This recommendation has a focus on D&M and DBFM where there is emphasis on single point of responsibility.</p> <p>As detailed in 1.2 above, arrangements for design review on P&FM delivered projects are already in place.</p> <p>There has been a change of emphasis from minimising internal resources associated with the delivery of projects, with greater emphasis now being applied to ensure that externally procured design and construction services are quality checked.</p> <p>On Hub delivered D&B and DBFM projects, discussions have progressed to address design team engagement and visibility post novation.</p> <p>There has been greater consideration given to evaluating the potential risks/benefits of D&B in comparison with traditional procurement models.</p> <p>D&B has arguably brought benefits around price and programme and has been attractive as there is a single point of responsibility (something challenged by the Inquiry). However, the findings of the report raise a</p>

		Quality challenge to the D&B and DBFM procurement route. This has been positively addressed through discussion with SE Hub and refinement continues.
1.5	<p>Quality of design and construction There should be a more informed approach by public bodies as to how best practice methodologies can be incorporated into current models of procurement whilst maintaining other benefits of these processes.</p> <p>A key element is a clear articulation in a comprehensive brief by the client of the quality objectives for the project and of the methodology to be used for ensuring the achievement of that quality in both the design and construction phases.</p> <p>Appropriate time and resources should be allocated by clients during the initial stages of a project and during the development of the brief in order to establish and clearly define these quality objectives and approaches to ensuring quality</p>	<p>The majority of D&B and all DBFM project are delivered through SE Hub. Arrangements to address quality for these procurement models are in place.</p> <p>SE Hub are taking action with regard to key 'weaknesses' of the D&B and DBFM routes in response to the Inquiry recommendations with processes and procedures now in place.</p> <p>The recommendation to ensure time and resources are allowed is being addressed at Project Initiation by Client Departments and P&FM as part of the early project planning.</p> <p>The need for Clients to develop an adequate brief which also addresses quality objectives and the methodology for delivering those objectives will be an area of focus going forward.</p> <p>The provisions for ensuring best practice is delivered based on the selected procurement route will be reviewed on a regular basis. This will also be informed by the lessons learned workshops which are already a feature of major projects and programmes.</p>
2.1	<p><u>Nature of Inspection</u> Inquiry view that one possible option would be to extend the range of services in the appointment of the IC to include the provision and management of CoW services</p>	<p>(Note the IC/IT role relates to DBFM type projects, these are typically delivered through Hub)</p> <p>The approach to include the CoW within the IC/IT appointment was incorporated into the procurement and appointment for the IC for the new Queensferry HS DBFM.</p> <p>The IC/IT scope of service has been aligned to the Sft scope with additional items included.</p> <p>This will be the approach to DBFM projects with IC/IT appointments going forward</p>
2.2	<p><u>PI insurance and liability Period</u> Level of PI insurance and liability period for IC should be assessed to properly and appropriately reflect the significance of their Certification</p>	<p>(Note the IC/IT role relates to DBFM type projects, these are typically delivered through Hub)</p>

	processes and the degree of reliance that is to be placed on it.	<p>This has been included in the DBFM IC/IT appointments (which picked up scope of service and fees of IC service).</p> <p>Hub IC and Design Team PI provide for £10m on each and every claim.</p>
2.3	<p><u>Method of appointment of IC</u> Appointment of IC should be made following properly advertised and conducted public procurement process and not through nomination or recommendation by private sector party</p>	<p>(Note the IC/IT role relates to DBFM type projects, these are typically delivered through Hub)</p> <p>IC/IT appointments follow SG/SFT guidance through the Hub process.</p> <p>The appointment for the IC (including CoW) for QHS DBFM has been subject to market tendering through HubSE and not on an 'informal recommendation' by the contractor as appears to have been the case on PPP1.</p> <p>This reflects CEC practice on DBFM.</p>
2.4	<p><u>Fees of IC</u> 'fees should reflect the level of service required rather than the service being restricted to fit a predetermined budget'</p>	<p>(Note the IC/IT role relates to DBFM type projects, these are typically delivered through Hub)</p> <p>The level of service of the IC based on the SFT scope of works documentation which has been tendered and priced through competitive market tendering by HubSE.</p>
2.5	<p><u>Independent Inspection of works</u></p> <p>Public sector clients should engage appropriately qualified individuals or organisations with necessary construction expertise to undertake appropriate ongoing inspection of construction.</p> <p>Depending on the nature of the project, this inspection role, at the level at which the defects in the Edinburgh PPP1 schools occurred, is traditionally undertaken by a combination of resident architects, resident engineers and CoW, the use of whom has dramatically reduced over recent years, yet the essential role they played does not appear to have been effectively provided for by alternative arrangements within</p>	<p>As project team resources and associated fees are being assessed consideration is given to necessary assurance checks (potential examples being resident engineer, CoW, fire engineer etc.)</p> <p>See table at end of this document for outline of approach taken by P&FM for projects within their remit</p>

	<p>the forms of procurement currently in vogue.</p> <p>Clients need to reappraise this gap in the assurance processes which has been allowed to develop.</p>	
3.1	<p><u>Scope of service of design team</u></p> <p>'Under current models of procurement.... (D&B, DBFM for example) the relationship between the client and key members of the design team has tended to become at least one or more steps removed..... the extent of their appointment and levels of involvement of design team members (either with clients or on site) is now frequently delegated to contractors to determine'</p> <p>'Pubic bodies should review current procurement arrangements to ensure they are providing the optimum level of communication between clients and key members of the design team.... they may wish to consider how more direct communication could be incorporated into current forms of contract...'</p>	<p>This is not an issue on traditional procurement where the design team remain directly employed by the client. This recommendation relates to D&B an DBFM</p> <p>Design team engagement with the client on larger CEC D&B and DBFM projects has previously been facilitated by leaving any contractor appointment and associated design team novation until Stage 3 (Developed Design, which includes proposals for structural design, building services systems and outline specifications). This approach ensured direct client control over the design until this stage.</p> <p>D&B and DBFM do experience the issues identified post novation of the design team. There is arguably a stronger case to consider Traditional Procurement models more positively than may have been the case recently.</p> <p>P&FM have challenged hub (a route for the majority of D&B and DBFM projects) around designer engagement. While some issues still need to be finalised, SE Hub are responding to the issue and ensuring the designers are directly available with client engagement and meeting attendance.</p>
3.2	<p><u>Role of design team in inspecting works on site</u></p> <p>If clients do not wish to prescribe in their tender documentation the minimum level of services which they require to be provided by the design team when employed by the contractor They should at least require that submitted tenders include full description of the scope of the design team services, including any proposed role on the inspection of the works on site...'</p>	<p>See above 3.1. On SE Hub delivered projects, arrangements are in place for the project team to be appraised of the scope of service of the design team and project roles which should be provided by the D&B contractor.</p> <p>P&FM have requested that on Hub projects going forward there is proper provision for ensuring design team involvement in works inspection (along with submissions of site inspection reports) which is in place for D&B and DBFM projects. Hub procurement captures all DBFM and a majority of D&B projects.</p> <p>On non-Hub D&B projects the framework designer's scope of work is known and will be expected to be transferred in full post novation to the D&B Contractor and this will be reflected in the contract terms.</p>

		There is now a requirement for sight of design team site inspection reports at project meetings.
3.3	<p><u>Notification of issues to public sector client</u></p> <p>'where possible, there should be a mandatory provision built into such contracts (D&B and DBFM) that where a contractor has failed to take appropriate action as advised by a member of the professional design team on issues that could impact on subsequent safety...of functionality...the consultant in question should be required to inform the public-sector client of the advice provided tot eh contractor</p>	<p>This is an issue around designers being employed by the contractor on D&B and DBFM and their associated terms of appointment.</p> <p>This could also be a question for the various design discipline's professional bodies to address. However, it should be expected that issues of a safety nature would be escalated by a professional designer (H&S being everyone's responsibility).</p> <p>Hub are responding positively but P&FM will be monitoring the effectiveness of their approach.</p> <p>This is not an issue on Traditional Procurement route.</p>
4.1	<p><u>Production, retention and updating of information</u> mandatory protocols for receipt and processing of all such information within own organisations.</p>	<p>All projects delivered by P&FM have a requirement to distribute Building Manuals on the following basis:</p> <p><i>Paper and electronic copy to site, electronic copy to each of following, Facilities Management Technical Support Team, Strategic Asset Management and copy retained by Capital Programme Team.</i></p> <p>Regarding design and project documentation, arrangements for retention of electronic documents are in place but require to be standardised. Discussions are underway with ICT/CGI to identify solutions.</p> <p>On PPP1 Estate the issue would seem to have been due to the failure of the PPP FM contractor to retain the required Building Manuals in a fit state on site and no other parties had copies.</p>
4.2	<p><u>Provision of as-built drawings</u></p> <p>Design teams on D&B frequently unaware of changes so difficult for them to produce as-built drawings.</p> <p>Contractors should be required to put in place appropriate arrangements for the recording of all subsequent changes to final' construction issue' drawings and arrange for the production of a final as-built set of documents</p>	<p>Contractor's quality processes have provision for updating records.</p> <p>There is now specific challenge to ensure that contractor quality processes properly address the development of As Built Drawings during the construction period. This will form part of Design team site inspections.</p> <p>It should be noted that the Principal Designer under CDM 2015 should hand over the H&S file to the Principal contractor and make them aware of any issues</p>

	Contractors should also be required to certify that the 'as-built' documentation as provided is an accurate record.'	to be considered when reviewing, updating and completing it The Principal Contractor is responsible for passing relevant information for inclusion in the file. This is based on guidance on the legal requirements of CDM 2015.
4.3	<u>Provision of as-built drawings to Building control</u> recommendation to provide Building Standards with As Built as part of completion certificate.	Currently no arrangements in place for Building Standards to receive As Built drawings. In the event that the legislation is altered, this requirement would be adopted by Building Standards at CEC.
4.4	<u>On-site accessibility of design information</u> A comprehensive set of all information in regard to the construction of external cavity walls should be provided on a document produced by the structural engineering consultants	This relates to the availability of information in a suitable form to allow construction. This can be addressed on CEC delivered projects as part of the project briefing process to designers. This will ensure the requirement for the Structural Engineer to incorporate all necessary information around the construction of masonry panels on relevant drawing. A protocol for this will be developed by the TWG.
4.5	<u>Communication of design intent</u> Structural engineers should be required to describe in their documentation and drawings the approach and design philosophy adopted in their designs in terms of the reliance on the inclusion of bed joint reinforcement, wall head and lateral restraints or windposts in the required locations and in accordance with the specification....	This is being addressed as part of 4.4 above with TWG drawing up guidelines for Property and Facilities Management to implement
4.6	<u>Structural amendments to be approved</u> Contractors should ensure that any changes to structural design are only implemented after checked by Structural Engineer and that these are documented and processed in accordance with statutory obligations imposed by Building Standards	Amendment to warrant process is in place as it is a statutory obligation. Contractor Quality processes should address this but there is a need to audit compliance with the process. Audit of quality processes is in place (ref 5.5 below).

4.7	<p><u>Access to original construction information</u> CEC was not automatically provided with all relevant design, construction and survey information relating to the original construction, the subsequent investigations and implementation of remedial works on PPP1 schools.</p> <p>In response to requests for elements of information the Council was advised by various members of the (PPP) supply chain that it did not have direct contractual right to this information and would have to seek it through ESP.</p> <p>PPP contract arrangements should incorporate the right for public sector clients to be provided with copies of all design and technical information, surveys, proposed amendments and as built documentation in relation to their projects.</p>	<p>The events around PPP1 Stage 2 schools reflect the usual contract arrangements. Direct access to the SPV supply chain is not the norm but may be something for the CEC PPP Management Team to address on existing PPP and DBFM contracts (operational phase).</p> <p>On new DBFM, the indications are that Hub are keen to have an open and supportive working relationship with Participants (Clients). It is anticipated that this should be deliverable in some form for the next Hub DBFM. There is a need to agree a suitable level of information released and provisions for access to greater levels of detailed information as required.</p>
5.1	<p><u>Building of leaves of cavity walls separately</u> Implications of building inner and outer leaves separately. Recommendation that alternative construction adopted to avoid the issue.</p>	<p>CEC proposal in response to this recommendation is to clearly specify that both leaves are constructed together.</p> <p>Should there be a strong and fully justifiable reason to construct separately this would have to be with specific Authority approval.</p> <p>In such cases the contractor would be required to provide a detailed method statement signed off by the structural engineer, architect and parties monitoring quality (e.g. CoW). Specific site supervision and quality checking would be a key requirement of any such agreement.</p>
5.2	<p><u>Design of wall ties</u> suggestion to calibrate wall ties</p>	<p>Industry/supplier issue.</p>
5.3	<p><u>Design of head restraints</u> simplification of type for specification purposes and also consideration of provision of visible indicators to confirm presence</p>	<p>Industry issue.</p>
5.4	<p><u>Payment of Bricklayers</u></p>	<p>Industry Issue.</p>

		Possibly scope for SFT to influence on Hub framework.
5.5	<p><u>Contractor quality assurance processes</u></p> <p>The repeated failures across many different (PPP1) projects would suggest that either the quality processes themselves or the manner in which these processes were implemented have frequently proved inadequate</p> <p>Construction industry should seek to introduce, develop and promulgate standardised best practice.</p> <p>The design of such processes should consider the potential of greater use of modern technology in relation to digital recording of such areas of work'</p>	<p>This relates to Contractor processes.</p> <p>Contractor quality processes have advanced and been refined since the PPP1 Schools contract.</p> <p>It is clear that any process should be reinforced by independent checking.</p> <p>On CEC D&B projects, the Technical Advisor (TA) has a specific responsibility in checking and auditing the Contractors Quality Processes with the provision of CoW addressing site inspection.</p> <p>DBFM have additional provisions for Independent Certifiers to which arrangements are being made for deployment of CoW.</p> <p>On Traditional Procurement, the design team will be obligated to inspect contractor quality processes and report findings as part of their monthly site inspection reports.</p> <p>The scope of the various parties with regard to site quality will be assessed on a project by project basis. (i.e. the roles of the PM, Designer, IC (where applicable), TA (where applicable) and CoW</p>
5.6	<p><u>Inspections and sign off of cavity walls</u></p> <p>.... recommended that QA processes on site are such that they prevent the closure of walls before proper inspection and sign-off has been facilitated to confirm the quality and completeness of the work</p>	<p>This is being addressed as part of the CoW deployment. Project documentation is being altered to reflect this.</p> <p>Contractor quality process should already have specific provisions around inspections of works prior to 'closing up'. This will be reinforced during procurement process.</p> <p>The Council's Building Standards Service is examining the potential to change its construction compliance notification plan to include inspection of cavity walls in certain circumstances, using a risk based approach to decision making.</p>
5.7	<p><u>Bricklaying profession</u></p> <p>construction industry to re-examine approach to recruitment, training, selection and appointment of brick laying subcontractors...'</p>	<p>While this is essentially a matter for the wider industry, CEC can probe this issue at PQQ tender interview stage.</p> <p>There may be scope for SFT to influence this.</p>
5.8	<p><u>Fire stopping and fire proofing</u></p> <p>recommendation to have independent in-depth inspection and certification by a suitably qualified</p>	<p>This is a Building Standards (statutory requirement) recommendation. The Scottish Government is changing the requirements for verification of fire engineering</p>

	<p>person of company and that this certification be provided to Building Standards as evidence of fully compliant installation prior to approval of Completion Certificate by Building Standards</p>	<p>aspects of building warrant applications. This will result in additional independent verification.</p> <p>Pending the adoption of the above warrant requirements, this will be specifically addressed as part of the usual inspection process by members of the project team.</p> <p>Proposed Multivista type records can address specific record of fire stopping condition on completion.</p>
6.1	<p><u>Provision of training and recruitment</u> appropriate authorities to review the current level of provision of training in following areas: bricklaying, CoW, Building Stds Inspectors</p>	<p>National issue.</p> <p>There is scope on frameworks, hub etc. to have KPI provisions for training and apprenticeships.</p> <p>A challenge for the industry would seem to be its ability to respond to the swings in demand impacting on the retention of trained staff during downturns.</p>
6.2	<p><u>Apprenticeships</u> CITB issue around effectiveness of current bricklayer apprenticeships</p>	<p>While there is scope to influence the industry through KPI's etc. this is fundamentally an Industry Issue.</p>
7.1	<p><u>Scope of Building Standards inspections and certification</u> 'need for Government and ...industry to consider the introduction of methods that would provide Buildings Standards with the required level of assurance in risk areas..... consider extending the concept of mandatory inspection and certification .by approved certifiers....</p>	<p>National Building Standards/Industry issue.</p> <p>Once any statutory, certified, mandatory inspection provisions are in place this will be readily adopted.</p>
7.2	<p><u>Sanctions for non-compliance with building standards</u> 'systematic and appropriate administrative arrangements should be developed and implemented by verifiers to identify pursue and sanction those who fail to comply with its statutory requirements'.</p>	<p>National Buildings Standards issue</p>
7.3	<p><u>Temporary Occupation certificates</u> issue around IC issue of Availability Certificate on back of confirming provision of a Temporary Occupation Certificate (formally advising the Client of this position)</p> <p>Additionally, there should be a requirement that a date should be</p>	<p>This relates to PPP type projects around the IC requirement to ensure Temporary Occupation Certification is in place before issue of Certificate of Availability.</p> <p>A provision can be made in the contract that where a date would be set by which the Project Company (on PPP type contract) should be have achieved an accepted Certificate of Completion or be in default.</p>

	set by which the Project Company achieve the Certificate of Completion (post occupancy) of be in default	SE Hub ensure there is a programme towards securing the final certificate at time of issue of Certificate of Availability under a Temporary Occupation Certificate On wider project delivery arrangements are in place for Contract Administrators follow up and delivery the Completion Certificate prior to expiry of the Temporary Occupation Certificate.
7.4	<u>Prioritisation of risk factors</u> this relates to Building Standards inspector site inspection arrangements	Building Standards issue to consider in line with the potential for national standardisation?
7.5	<u>Building standards Department of the City of Edinburgh Council</u> review of staffing in CEC Building Standards	The Building Standards service of CEC is being be reviewed to ensure it is appropriately staffed to deal with ongoing matters and any issues arising from the Inquiry.
8.1	<u>Sharing of information on matters of structural concern</u> collation and dissemination of information of structural concerns	This would be a national initiative. Following the events around Oxfangs, CEC did respond positively and fully supported every request from SFT to and other local authorities share information.
9.1	<u>Minor changes within PPP1 schools</u> Frustration from members of staff and public around changes on PPP estate	This relates to the provision of minor changes within the schools. There is a process for both PPP and DBFM contracts regarding such changes. Whilst the School Business Managers (school contact for PPP team) are given an induction to PPP processes and are aware of the roles and responsibilities regarding contract variations, there appears to be a need to provide more information to the wider school staff and public. This is being followed up by the PPP Management Team.
9.2	<u>Parents' and schools' review of management of closure</u> Joint meeting with Parent Councils	Meeting held 6 June 2017.
9.3	<u>Fire stopping</u> It is recommended that CEC should, in addition to the ongoing checking of fire safety measures and components across its wider estate, require that appropriately frequent on-going inspections are undertaken	Fire Compliance Surveys' are carried out on the non PPP Estate specifically to inform spend on the Asset Management Works annual Fire Upgrade Block Allocation. This is not a cyclic inspection but is focussed on facilities which are assessed to be higher risk. CEC also have separate ongoing engineering inspections through their Framework Contractors which address

	<p>by those responsible for the management of these buildings.</p>	<p>the identified Fire Damper issue. This route has been taken as it requires testing and inspection by an engineer. In addition, CEC are carrying out statutory inspections of fire alarms, emergency lighting, sprinklers, etc. through framework contractors.</p> <p>The Council will address the wider estate along the principles established by PPP by undertaking find and fix surveys undertaken by fire accredited organisations.</p> <p>Arrangements for the recommended frequent/cyclic on-going fire stopping condition inspections are to be reviewed.</p>
<p>10.1</p>	<p><u>Further Investigations (Other Clients of recently constructed buildings)</u></p> <p>In relation to the potential presence of further defective construction in the external walls of other of their buildings, the CEC in undertaking a proportionate and structured risk - based approach to investigating their wider estate specifically the issue identified in PPP1 Estate, i.e. wall tie embedment and the provisions of appropriate restraints to masonry panels. 'other clients of recently constructed buildings of a similar scale and form of the constructions to the PPP1 schools, if concerned that their buildings may contain similar defects, may wish to adopt a similar risk-based approach to any investigation process as they may feel necessary'</p>	<p>CEC initiated a review of the wider estate prior to the publication of the Cole Inquiry Report.</p> <p>The Cole Inquiry Report refers to the 'proportionate and structured risk based approach' to investigating the wider CEC Estate (ref CLT Report of August 2016 for Mandate).</p> <p>This approach has been widely shared with other interested parties, SFT and Scottish Government.</p> <p>Buildings and extensions in Tranche 1 (constructed post 1995) are on target for completion by February 2018. There will then be a review and analysis of the Tranche 1 findings to inform the need (or approach) to deliver Tranche 2 (buildings and extensions constructed between 1980 and 1995).</p> <p>To date (end October 2017) remediation work has been identified as a requirement on 11 buildings or extensions in Tranche 1.</p>

The table below gives an overview of the approach to the provision of technical resources on capital projects delivered across the Operational Estate in line with the Inquiry recommendations. The actual provisions will be considered on a project by project basis.

Notes

- The above contract categories are not a representation of all available contract and procurement routes but indicate the predominate approach taken on CEC projects.
- A number of the above arrangements have been in place on CEC projects but this proposal reinforces arrangements around design and construction quality.
- These services will be capital funded.
- The majority of the above roles are not full time on any project. This will vary according to scale and complexity of any project
- The potential to make joint appointments and to align the scope of each service is being examined. For example, joint COW/TA appointment and also joint COW/IC appointments. On DBFM the IC will be delivering the TA role as part of their scope.

		Part Time CoW	Full Time CoW	Independent Certifier (DBFM only)	Technical Advisor (considered where deemed appropriate)	Fire Engineer (inspection role) (considered where deemed appropriate)	Design Team (site inspection)	Design Team (independent Design Review)	Multivista or similar (considered where deemed appropriate)
Traditional	<£2m	✓					✓		
	>£2m		✓		✓	✓	✓	✓	✓
D&B	<£2m	✓					✓		
	>£2m		✓		✓	✓	✓	✓	✓
DBFM	all		✓	✓		✓	✓	✓	

- Multivista trial underway.