**Essex County Council**

**Checklist For Early Years Building Projects**

**May 2023**

# Summary

* 1. This checklist acts to assist and to ensure Health and Safety, Building Regulations, Planning legislation and other aspects of any building project have been well thought out and that all necessary Statutory obligations have been satisfied and all statutory approvals have been achieved.
	2. It remains the Early Years responsibility to seek and appoint appropriate professional advice when developing and implementing their proposals.
1. **Employing a Property Consultant**
	1. For all building or maintenance projects that involve the employment of a contractor or sub-contractors, Early Years Providers should always employ the services of an appropriately experienced and qualified professional property consultant such as an Architect or Chartered Building Surveyor (preferably members of professional bodies such as RICS or RIBA).
	2. The advice of a consultant should also be obtained in the case of projects carried out by staff or volunteers. This is essential if the work involves demolition or other disturbance of the existing structure.
2. **Building Regulations**
	1. Early Years Providers must consider the need for a Building Regulations application in respect of the work, and the timing that is required to achieve approval.
	2. The Local Authority Building Control department should be consulted for all projects.
	3. Your appointed designers should be aware that the Department for Education Construction Standards will apply to your project and must be considered for all projects. Any works at the Early Years must not commence until the full plan's submission has been approved.
3. **Health & Safety / CDM Regulations**
	1. The Construction, Design & Management (CDM) Regulations 2015 is the legislation that applies to the entire duration of the construction process, on all construction projects, from start (early concept) to finish (in use).
	2. The CDM Regulations require you to make suitable arrangements for managing a project, through the design, delivery and completion and in use. This includes making sure duty holders are appointed at the appropriate time and with the appropriate level of resources to manage the project. You will need to make sure all relevant information is prepared and provided to other duty holders, and you will need to appoint the appropriate principal designer and principal contractor and ensure they carry out their duties within the CDM Regulations.
	3. Health and Safety law places duties on you as employers and your contractors/workers to consider their own safety and that of others. The principal law is the ‘Health and Safety at Work Act 1974’, with The [Construction Design and Management Regulations 2015](https://safersphere.co.uk/2015/03/16/cdm-2015-regulations/) (CDM15) relating directly to the Act. Clients (this means Schools), Principal Designers, Principal Contractors, Designers and the Self Employed each have responsibilities as duty holders for Health and Safety, some overlap, while others are specific to a particular group. Any individual or organisation that wishes to remain compliant with the law and avoid punitive measures and sanctions should visit the following website: <https://www.hse.gov.uk/construction/index.htm>. Schools should note that, if an organisation does not comply with CDM, or an individual within that organisation is identified as wilfully breaching any regulation, such parties should expect to be investigated and if the case is strong enough, will be prosecuted. There are large fines and prison sentences for anyone who breaches the CDM regulations.
	4. The Health and Safety Executive (HSE) must be notified (This is an F10 Notification) of any projects which will:
		* Last longer than 30 days and have more than 20 workers, working simultaneously; Or
		* Exceeds 500 person days.
	5. A Health and Safety File must be available on completion and then kept on the premises for future reference.  Your consultant will advise you further on these regulations and advice is available via the HSE website. It should be kept and updated for the life of the building.
	6. Early Years providers can access and use the ECC Policies, however, this service is provided at a cost, If you wish to buy into the ECC Health and Safety Advisory service they should contact the Corporate Health and Safety Service via HS@essex.gov.uk. Or 0333 013 9818​​
	7. Early Years Providers should consult their property adviser and consider the following Health and Safety risks which may affect staff/pupils/clients/visitors during building works and post completion when the project is in use:
		* Fire evacuation procedures and if the works will obstruct an existing fire escape
		* Early Years start, finish and breaktimes.
		* Contractor access and delivery arrangements/restrictions segregated and hours of work.
		* Arrangements for the storage and transport of materials and waste.
		* Contractor’s risks and what precautions does the contractor intend to take
		* Objects falling from heights,
		* scaffolds (install and removal),
		* ladders,
		* LPG cylinders,
		* tools and plant being left unattended,
		* electrical leads passing through occupied areas,
		* excavations,
		* dust or fumes.
		* Asbestos Risks
	8. CDM Regulations ensure you to consider the impact the project works will have on the future maintenance of the building. The design of the building or extension should ensure that maintenance by staff and contractors is low risk, safe, straightforward and as economical as possible.
	9. Servicing in the first year will only be picked up by the contractor providing the installation if it is part of your tender documentation or part of their offer. Otherwise you will need to ensure that equipment is serviced/maintained in accordance with the manufacturer’s requirements for your warranties to remain valid.
	10. Your contractor should provide you with servicing/maintenance/testing requirements for all work (including detailing your statutory maintenance requirements). You must also ensure that all statutory maintenance/servicing/testing is undertaken.
4. **Asbestos**
	1. You need to be aware if the work may potentially disturb asbestos within the property. You need to ensure contractors are made aware of ANY potential asbestos and they must be given access to the Asbestos register.
	2. The asbestos register held at the premises will be a starting point, but as it was produced as a result of a visual ‘non-intrusive’ ‘management’ survey (previously known as a ‘type 2’ survey), this will not identify any hidden asbestos and an ‘intrusive’ Refurbishment & Demolition survey (previously known as a ‘type 3 survey’) may be necessary and should be commissioned to match the scope of works being proposed. It is a legal requirement to bring any information you have about asbestos to the attention of the consultant and contractors.
	3. You should seek professional advice if any work may disturb the asbestos or if you are not completely sure that your project will not disturb asbestos.
	4. Your project may require an intrusive asbestos survey to be carried out before you start work. ECC policy states that only licenced asbestos contractors are permitted to carry out work involving asbestos.
	5. If any part of the project is to be completed in a building which was built before 2000 you must consider the risk of disturbing asbestos. Although 2000 was not the last date that asbestos was still being produced in construction materials, if you are unsure how old the building is always er on the side of caution and consider that there is asbestos present until surveys can provide otherwise.
5. **Passive Fire Safety Policy**
	1. Early Years providers are strongly encouraged to adopt ECC’s Passive Fire Safety Policy as part of the Design process early in the concept stage. This policy document entitled “HSP 10.3 Passive Fire Safety Policy”.
	2. Passive Fire Safety Policy encourages:
		1. fire doors to be supplied as fire door sets (proprietary tested) and be from manufacturers that have relevant third -party accreditation for manufacturing quality.
		2. fire doors and fire stopping shall only be installed by either a third-party accredited company or a trained individual who has been assessed as competent through third party accreditation.
		3. All passive fire protection measures shall be labelled, photographed, scheduled and recorded on plans upon completion by the third-party installer. This is so that the contractor and client have a comprehensive record and audit trail to demonstrate compliance. This will then allow the end user to manage and update during the building’s life.
6. **Planning Permission**
	1. You must consider if Planning Permission is required for the work, your appointed professional property consultant should advise you if the Scope of the Project has implications on Local Planning Regulations, and the timing that is required to achieve Planning, as this may impact your ability to start the works. Early Years projects must not start on site until the required planning permission is satisfied.
	2. Planning Regulations can be lengthy and complicated, in particular if the proposed works are within a ‘listed’ Building, in a conservation area, or a flood risk area.
	3. Pre-application discussions with the Local Planning Authority are encouraged to discuss the particular planning considerations and requirements specific to your property, prior to finalising any proposed works or costs.
	4. Early Years providers planning applications will need to be made to the Local City, Borough or District Council.
	5. Planning decisions made by the Local Planning Authority, including any ‘Conditions’ attached to the approvals are legally binding.
	6. Early Years Providers must ensure that any pre-commencement Conditions that have been appended to the planning application are discharged prior to starting on site.
	7. Once a scheme has achieved Local Planning Authority approval, any changes (however minor) to the scheme shall require additional approval. In most cases, a new separate application may be required, which may impact the timing of your project’s delivery.
	8. If development is carried out that does not accord with the approved scheme or any of the conditions of the planning permission, the Local Planning Authority can consider taking enforcement action. This could expose an Early Years provider to a requirement to take action to remedy the breach and would also be a breach of Landlord’s Consent, where applicable. Early Years Providers are therefore requested to take particular care in projects where Planning Permission is required. If there are any queries about your Planning Permission, Early Years Providers are advised to contact the relevant City, Borough or District Planning Department for guidance.
7. **The Equality Act 2010 & Disabilities**
	1. You must consider the implications of the Equality Act 2010 which imposes a duty on everyone not to disadvantage, or discriminate against, others when it comes to new and maintenance projects. ‘Disability’ is just one of the ‘protected characteristics’ identified in the legislation, and Early Years buildings and their surroundings should be designed to meet the needs of all pupils, staff and visitors equally.
	2. Your project and your property consultant should consult all appropriate guidance on the design of Early Years for those with disabilities, including relevant Department for Education Building Bulletins, the Early Years Premises Regulations and BS8300 ‘Design of buildings and their approaches to meet the needs of disabled people’. Other than facilities being designed to meet the physical needs of people with disabilities, it must also be remembered that appropriate selection of materials, finishes and colours should be used to assist those with other forms of disability, such as visual and audio impairment.
8. **Insurance**
	1. Early Years Providers must inform their insurers of the scope of works, the programme detail and the value of the project to ensure the works and buildings are insured throughout the project duration.
9. **Landscape/Ecological Issues**
	1. To ensure the local Legislation is adhered to, Ecological Surveys by a suitably qualified Ecologist should be undertaken prior to commencing design or development.
	2. For more details please contact the Council’s Ecology Team at Place Services (email ecology.placeservices@essex.gov.uk) who can provide further guidance and, where appropriate, arrange surveys and any necessary mitigation measures.
	3. As part of the design process, Early Years Providers must consider if the project works will affect trees or hedges both inside and outside the Early Years boundary. Some trees may be covered by a Tree Preservation Order or are in a conservation area, therefore consent for the work will be required from the local Planning Authority. In some cases, hedges can be covered by the Hedgerow Regulations 1997 and their preservation should be considered as part of the design of the project.
	4. The Wildlife and Countryside Act, the Sea Fisheries (Wildlife Conservation) Act and the Wild Mammals (Protection) provides statutory protection for certain species of animals and plants. All new building, refurbishment and maintenance projects need to comply with this legislation. Legally Protected Species include many that are widely distributed in Essex and likely to be located within the grounds or buildings such as, breeding birds, reptiles, badgers, great crested newts and bats.
	5. Any project or work that could potentially impact protected species needs to be completed in accordance with the appropriate legislation and may require a licence from Natural England. Undertaking work without a valid licence can result in a fine of up to £5,000 or six months in prison per offence.
10. **Water services**
	1. Should your project be making changes to the incoming water supplies, you must notify the Local statutory water company. The Local statutory water company has the authority to inspect existing services and, if defects are found with works completed by your project, which could result in contamination of main supply or waste of water Local statutory water company will insist that repairs are carried out.
11. **Public entertainment licences**
	1. If any part of the building is licensed for public entertainment, approval from the District Council’s Licensing Officer may be required before work starts on site. The legislation and regulations for the licence should be considered as part of the design in the early stage.
12. **Completion Certificates**
	1. In the case of Properties which lease the site from Essex County Council, Early Years must submit drawings of the proposed works to Essex County Council and for record purposes following completion of the works. Drawings of the completed works should be sent to Lambert Smith Hampton, Greenwood House, 91-99 New London Road, Chelmsford, Essex CM2 0PP for the attention of David Stancombe. Electronic format plans should be issued as .pdf and can be emailed to dstancombe@lsh.co.uk.
	2. For all works that involve alterations electrical and/or mechanical services these must be tested by a competent sub-contractor on completion, and you must ensure that all testing and completion certificates are issued by the subcontractor and held on file within the H&S Operation and Maintenance Manual on completion.
13. **Delivering the works on site things to consider:**
	1. Ensure there is a Pre-Contract meeting by the property consultant and the principal contractor before construction work starts. The meeting will decide issues such as:
		* + Appointing a member of staff to act as contractor liaison officer
			+ Contractors’ working hours
			+ Welfare facilities for construction workers (e.g., toilets)
			+ Separation of work areas from pupil/staff areas / safeguarding arrangements
			+ Position and security of contractor’s compound and storage area
			+ Access arrangements for contractor’s and suppliers’ vehicles
			+ Times when deliveries to site can be made
			+ The arrangements for visitors reporting to the site
			+ Times when fencing, scaffolding etc. will be erected and dismantled
			+ Provision of warning notices around the site
			+ Whether mobile scaffolds will be used and protection to be provided
			+ When hazardous work may not be undertaken (e.g., lifting operations, paint stripping)
			+ Hazardous or offensive substances to be used (e.g., asphalting)
			+ The arrangements and the procedure for fire evacuation

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