



**WELSH OFFICE  
CIRCULAR 15/99**

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**THE 1999 SCHOOL PREMISES  
REGULATIONS**

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The National Assembly for Wales Training and Education Department, Cathays Park,  
Cardiff, CF10 3NQ

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**Title:** THE 1999 SCHOOL PREMISES REGULATIONS

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Non-statutory guidance on school accommodation, school grounds and boarding provision produced by the DfEE's Architects and Building Branch and published by HMSO.

**Audience:** Local education authorities, grant maintained, special and approved independent schools in Wales.

**Summary of Contents**

This Circular summarises the Education (School Premises) Regulations 1999 which prescribe standards for the premises of all new and existing maintained schools in England and Wales. The Regulations also apply to non-maintained special schools and approved independent schools.

**Effective Date:** The Regulations come into effect on 1 February 1999

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## INTRODUCTION

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1. Since 1944, the standards to which the premises of maintained schools in England and Wales must conform have been set out in regulations. The last change to those standards took place when the Education (School Premises) Regulations 1996 replaced the Education (School Premises) Regulations 1981. From 1 February 1999, the standards for school premises are set out in the Education (School Premises) Regulations 1999 which, in the rest of this Circular, we simply call "the Regulations".
2. The only substantive difference between the 1996 Regulations and the 1999 Regulations concerns school playing fields. By virtue of Section 77 of the School Standards and Framework Act 1998, maintained schools in England are required to seek the prior consent of the Secretary of State for Education and Employment before disposing or, or changing the use of, school playing fields. This requirement does not apply in Wales where disposal of playing fields is not generally an issue of concern.
3. However, in keeping with the policy of protecting school playing fields, the Government has decided to withdraw the discretion available to LEAs under the 1996 Regulations which allowed them, in deciding on disposal to offset part of their requirements against facilities available locally other than at the school. This change applies in England and Wales.
4. The opportunity has been taken to apply to special schools the same minimum area requirements for school playing fields as apply to mainstream schools. Other minor changes to the Regulations have also been made. This Circular explains the requirements of the Regulations and offers guidance on them.

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**PART I – BACKGROUND AND GENERAL**

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5. Section 542 of the Education Act 1996 requires standards to be prescribed to which the premises of maintained schools must conform. The prescribed standards for maintained schools in England and Wales are set out in the Education (School Premises) Regulations 1999. This Circular describes those standards and provides non-statutory guidance on them. The Regulations apply from 1<sup>st</sup> February 1999.
6. Section 543 of the Education Act 1996, which in the rest of this Circular we call “the 1996 Act”, empowers the Secretary of State to relax prescribed standards in certain circumstances. More information is provided in **Annex A**.

**Schools covered by the Regulations**

**Maintained schools**

7. The Regulations apply to the premises of maintained schools as detailed below:

1 Feb 1999 – 31 Aug 1999 inc. to:	From 1 Sept 1999 to:
County	Community
Voluntary controlled	Community special
Voluntary aided	Voluntary
Special agreement	Foundation
Maintained nursery	Foundation special
Maintained special	Pupil referral units
Grant maintained	Maintained nursery schools
Grant maintained special	
Pupil referral units	

**Non-maintained special and approved independent schools**

8. Under the Education (special Schools) Regulations 1994, and the Education (special Education Needs) (Approval of Independent Schools) Regulations 1994, respectively, the premises of
- Non-maintained special schools, and
  - Independent schools approved to admit pupils with statements of special educational needs

Must, as a condition of approval, conform to those standards in the Regulations which apply to maintained special schools.

### Land and buildings covered by the Regulations

9. The Regulations apply to every part of the premises of a maintained school. This includes the land provided for it, as well as both permanent and temporary buildings. The Regulations apply to existing and to new school premises unless, in any particular case, they specifically say otherwise.

### Responsibility for conformity

10. Section 542 of the 1996 Act states who has responsibility for ensuring that school premises conform to the prescribed standards. Responsibility falls to
  - LEAs for the schools they maintain
  - Between 1 February 1999 and 31 August 1999 inclusive, the governing body of a grant maintained or grant maintained special school. From 1 September 1999, these schools will become LEA maintained.
11. In this Circular, the body having the duty to ensure school premises conform to the prescribed standards is called “body responsible”.

### Normal number of pupils

12. Many of the Regulations set standards which vary according to how many pupils there are. But this does not necessarily mean the actual number of pupils on roll. In brief, it means the number of pupils expected normally to be at the school for the year. This is called the “normal number”. Full details about this, including who determines it when, is attached at **Annex B**.

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## PART II – SCHOOL FACILITIES

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13. The Regulations prescribe detailed standards for pupils' washrooms. Additional requirements for boarding schools are described in Part III of this Circular. A washroom is defined as a room containing at least one sanitary fitting (that is, a water closet or urinal) and at least one washbasin.

### *Pupils' Washrooms – water closets and urinals*

*Regulation 3(1) In every school there shall be facilities referred to in paragraphs (2) to (7) which are adequate having regard to the ages, sex and numbers of pupils, and any relevant special requirements they may have but never fewer than as set out in those paragraphs.*

*Regulation 3(2) In every school there shall be a washroom or washrooms for pupils which, taken together, contain a number of sanitary fittings which is at least equal to "the basic number" being*

- a. *the aggregate of-*
  - i. *10% of the number of pupils at the school who have not attained the age of 5 years, and*
  - ii. *5% of the number of pupils at the school who have attained that age; or*
- b. *in the case of a special school, 10% of the number of pupils at the school,*

*in each case rounded up to the nearest whole even number.*

*Regulation 3(3) in considering for the purposes of paragraph (2) the washrooms in the school and the number of sanitary fittings contained therein, account shall be taken of any washroom for use by any pupil which fulfils the conditions set out in regulation 4(3)(b) provided that, in the case of a school with both male and female pupils who have attained the age of 8 years, there are at least two other washrooms for pupils.*

14. Washrooms provided for pupils must have at least what is called the "basic number" of sanitary fittings. The basic number of sanitary fittings is:

#### **For mainstream schools**

- The same as 10% of the number of pupils in a school who are not yet 5 years old, plus 5% of the numbers of pupils who are aged 5 and over.



### For special schools

- The same as 10% of the number of pupils, whatever their ages.

In all cases, the final result of the calculations should be rounded up to the nearest whole, even number.

15. The basic number of sanitary fittings may include those contained in a washroom provided for staff and visitors or both if it is also provided for pupils (see “Washrooms for anyone among staff, visitors and pupils” below). In a school with both male and female pupils who have attained the age of 8 years, this flexibility is qualified. The sanitary fittings provided in such a washroom may count toward the basic number only if there are at least two other washrooms for pupils.
16. In the past, questions have arisen as to the calculations to be used where trough urinals are provided. Paragraph 201 of the *Workplace Health, Safety and Welfare Approved Code of Practice* suggests that every full 600mm of a trough urinal might reasonably be counted as one. A body responsible might wish to apply that guidance to trough urinals provided for pupils.
17. Providing the basic number of sanitary fittings will not, of itself, mean that all the relevant standards have been met. The Regulations say also that washroom facilities (water closets, urinals, washbasins and sinks) must be adequate having regard to the ages, sex and number of pupils and any relevant special requirement they may have.
18. For disabled people and pupils with special requirements, see “Pupils with special requirements” below.

### Pupils’ washrooms – washbasins and sinks

*Regulation 3(4)(a) In a school at which the majority of the pupils have attained the age of 11 years –*

- *Every washroom for pupils in which there are fewer than 3 sanitary fittings shall contain at least as many washbasins as there are sanitary fittings;*
- *Every other washroom for pupils shall contain a number of washbasins which is not less than two thirds of the number of sanitary fittings.*

*Regulation 3(4)(b) In any other school, in all the washrooms for pupils taken together, the number of washbasins shall not be less than the basic number of sanitary fittings calculated in accordance with paragraph (2).*

19. The minimum number of washbasins required by the Regulations depends on several factors, including the number and ages of pupils at the school:

**For schools where most pupils are under 11 (Y6 and below)**

- There must be at least as many washbasins as the “basic number” of sanitary fittings. The Regulations do not prescribe a ratio of washbasins to sanitary fittings for each individual washroom. It is for the body responsible to determine this.

**For schools where most pupils are 11 or older (Y7 and above)**

- Washrooms with one sanitary fitting must contain at least one washbasin and washrooms with two sanitary fittings must contain at least two washbasins.
- In all other washrooms the number of washbasins must be at least two thirds of the number of sanitary fittings.

**Separate washrooms for male and female pupils**

*Regulation 3(5)(a) Except as provided in regulation 4(3), washrooms for male and female pupils who have attained the age of 8 years shall be separate.*

*Regulation 3(5)(b) In a washroom provided for male pupils and female pupils and in a washroom provided for female pupils only, all of the sanitary fittings shall be water closets.*

20. Schools must have separate washrooms for male and female pupils of 8 years (Y4) and older. Exceptions may be made for facilities for disabled users. (See “Washrooms for anyone among staff, visitors and pupils” below). It is for the body responsible to decide whether to maintain existing mixed provision for children under 8, where this exists. But those commissioning building work are unlikely nowadays to want to design into new premises provision for simultaneous use by boys and girls of any age, unless there is a clearly justifiable case for doing so.
21. In washrooms which are solely for male pupils, the sanitary fittings may include urinals. The Regulations do not specify a ration of urinals to water closets. As a guide, we suggest that at least one third of all the sanitary fittings available to male pupils should be water closets. The distribution of urinals and water closets throughout the school will need to ensure adequate access to pupils, taking into account the typically high demand for them which may be experienced during relatively short break times.
22. In washrooms provided for both male and female pupils jointly who are aged under 8, and in all washrooms are solely for female pupils, the sanitary fittings must all be water closets.

### Separate facilities for very young pupils

*Regulation 3(6) in the case of a school with pupils who have not attained the age of 5 years, or at least one shower, bath or deep sink shall be provided for every 40 such pupils, the number of such pupils being rounded up to the nearest multiple of 40.*

23. Nursery schools and other schools which have pupils under 5 years old must have one deep sink, shower or bath for every 40 such pupils. The number of such pupils must be rounded up to the nearest multiple of 40. So, a school with 50 pupils aged under 5, they must round that number up to 80. It therefore needs at least two items for the list. The intention is to ensure the provision of adequate facilities for the cleansing of soiled children and soiled clothing. Children using them should be afforded an appropriate degree of privacy. It would, for instance, be inappropriate for a deep sink provided in fulfilment of this Regulation to be situated within a classroom or any other communal area that is not a communal washroom or communal changing accommodation.

### Changing accommodation and showers

*Regulation 3(7) Changing accommodation including showers shall be provided for pupils who have attained the age of 11 years and are in receipt of physical education and that accommodation shall be readily accessible from the school grounds and from any accommodation provided for physical education within the school buildings.*

24. Changing accommodation must be provided for pupils of 11 and older who engage in physical education and this must be readily accessible from the school grounds and from any other part of the school buildings used for physical education. It must include showers. The regulations do not prevent the body responsible from providing changing accommodation, including showers, in a school where no pupils have attained the age of 11 years and they will wish to consider carefully the potential benefits of doing so, especially when new buildings are being designed or existing ones are being adapted.
25. There are no requirements as to the number of showers to be provided although DfEE Building Bulletin 82 *Area Guidelines for Schools* refers to advice from the English Sports Council that a ration of one shower to every seven pupils using them is appropriate and, possibly, more showers per pupil where outdoor games are being undertaken. Whether this represents a reasonable ration for schools is something for the body responsible to consider taking account of relevant circumstances. Access should be reasonable in the often short time available to pupils for showering, but demand need not necessarily be met only through a ration of showers to all the pupils likely to use them. So, for example, staggering the finish times of groups engaged in physical education might limit the number of showers required at any one time.

### Privacy in changing accommodation

26. The Regulations do not provide specific standards for privacy in changing accommodation and, especially in the case of showering after team games, privacy may not be a particular local issue. However there is a general requirement that the premises are such as to ensure the health, safety and welfare of those using the premises.
27. Careful thought, therefore, should be given as to whether – in the circumstances – the balance struck between the need or desirability for privacy and other competing needs, such as the supervision of minors, is such as to ensure pupils' health, safety and welfare. There is a general move away from traditional communal showering arrangements in recognition both of modern expectations and in some cases, the particular characteristics of the pupil population where, for instance, religious beliefs may demand a greater degree of privacy than that traditionally allowed for in communal facilities.
28. It will not always be necessary for the facilities themselves to afford complete privacy. Sometimes, careful timetabling will address successfully any local issues without the need to adapt existing communal arrangements. But in the case of new accommodation, those commissioning the work will want to take account of the cost-effectiveness of providing from the outset a degree of privacy which meets modern expectations, takes account of the characteristics of the expected pupil population and allows for an appropriate degree of supervision. DfEE Building Bulletin 84 *Boarding Accommodation: A Design Guide* makes it clear that privacy is a particular issue for residential settings.

### Pupils with special requirements

29. DfEE Building Bulletin 77 *Designing for Pupils with special Educational Needs – Special Schools* provides general advice for those designing new special schools, including advice on washrooms and associated facilities.

### Facilities for Staff – staff washrooms

*Regulation 4(1) In every school there shall be a washroom or washrooms which are adequate for the number of staff at the school.*

*Regulation 4(2) Except as provided in paragraph (3), washrooms for staff shall be separate from washrooms for pupils.*

30. Staff washrooms must be adequate for the number of staff working at the school. The Regulations do not specify the number of staff washrooms to be provided, but the Approved Code of Practice accompanying the Workplace (Health Safety and Welfare) Regulations 1992 does suggest what might be appropriate levels of provision for employees. This includes showers for those

whose work is dirty or strenuous. It is for the body responsible to determine what work at the school is dirty or strenuous in nature and for which showers should be provided, but staff engaged in physical activities, and in some practical ones, may reasonably expect shower to be available to them. In this respect, the effect of employment legislation may be to require the provision of showers for teachers of physical education at schools where none of the pupils has attained the age of 11 years, even though the Regulations do not require showers to be provided for the pupils. In “Washrooms for anyone among staff, visitors and pupils” below, we explain that a shower may be included in the type of washroom described. As such facilities may be used by staff, it follows that a shower provided in such a room might be used in fulfilment, or part fulfilment, of the health and safety legislation requirement to provide showers to those involved in dirty or strenuous work.

### **Separate washrooms for staff and visitors from those for pupils**

31. Washrooms provided for staff, or for staff and visitors, must be separate from washrooms provided for pupils, although washrooms for disabled users may be provided for anyone among staff visitors and pupils (see “Washrooms for anyone among staff, visitors and pupils” below). The Regulations do not themselves draw a distinction between adults and children, but we take the view that they are intended to ensure adults and children do not need to share the same washrooms. The Regulations deal with provision rather than use, so the extent to which any particular school takes measures to prevent adults from using pupils’ washrooms is a matter for them. But many schools do label washrooms to ensure that adults, especially those who may not be familiar with the layout of the school, are directed to washrooms provided for them.

### **Washrooms for anyone among staff, visitors and pupils**

*Regulation 4(3)(a) A washroom which fulfils the conditions set out in subparagraph (b) may be provided for the use by any pupil, member of staff, or visitor to the school.*

*Regulation 4(3)(b) The condition referred to in subparagraph (a) are that:*

- i. the washroom makes provision (insofar as it is in the circumstances both practicable and reasonable) for the needs of persons using the premises who are disabled;*
  - ii. the only facilities referred to in paragraph (2) to (7) of Regulation 3 in the washroom are one water closet and one washbasin with or without one shower or one deep sink; and*
  - iii. any door of the washroom is capable of being secured from the inside and opens directly onto a circulation space other than stairs.*
32. It is quite common to provide a specific washroom for pupils who have disabilities. Such a washroom typically would include one water closet

and one washbasin. A design of this kind implies that no more than one person will be using the facility at any one time, although adult helpers might be in attendance. Because provision of this kind will not be used by more than one at a time, the requirement that washrooms provided for staff, or for staff and visitors, must be separate from washrooms provided for pupils, does not apply where the washroom

- i. makes provision (as far as, in the circumstances, it is both practicable and reasonable to do so) for the needs of persons using the premises who are disabled
  - ii. contains one washbasin (and no more) and one water closet (and no more) and, if desired, one shower (and no more) or one deep sink (and no more), and
  - iii. may be locked from the inside and opens directly onto a circulation space other than stairs.
33. It is possible that a body responsible would wish to add a urinal to such a washroom, but the Regulations have the effect of making this illegal. Just as the water closet in such a washroom is likely to be designed with the disabled user in mind, so those wishing to include a shower in such a washroom should consider the merits of installing one which is suitable for a disabled user, together with any other appropriate facilities.
34. Every school must have accommodation for the medical or dental examination and treatment of pupils, and for the care of sick or injured pupils. Medical accommodation must contain a washbasin and be reasonably near a water closet. It need not be used solely as medical accommodation but, if it is not, it must be appropriate for medical needs and readily available for the medical or dental examination and treatment of pupils, and for the care of sick or injured pupils. However, teaching accommodation may not be used as medical accommodation.

35. Where a room used for other purposes is, or is planned to be, used also as medical accommodation, the body responsible will need to pay particular attention as to whether dual use of this kind is satisfactory. They will need to consider, for example, where pupils using it will be afforded an appropriate degree of privacy and supervision. They will need also to give careful thought as to whether such dual use has unreasonable implications for the accommodation's main purpose. So, for example, if a staff room is used also as medical accommodation, the body responsible should first have considered whether the disruption caused to teachers is reasonable. This might necessitate an assessment of the frequency, or likely frequency, of such disruption.
36. There are special rules about medical accommodation in boarding schools (see "Sick rooms" below).

### **Staff accommodation**

*Regulation 6(1) In the case of –*

- a. a nursery school*
- b. a special school or*
- c. a school with more than 120 pupils, other than a pupil referral unit*

*the school shall include a head teacher's room.*

*Regulation 6(2) Every school, other than a pupil referral unit, shall include accommodation for use by the teachers at the school, for the purposes of work (otherwise than in teaching accommodation) and for social purposes.*

### **Head teacher's room**

37. Every school with more than 120 pupils, and every nursery school and special school of whatever size must have a head teacher's room. The Regulations do not prevent other schools from having head teachers' rooms: this is a matter for LEAs and governing bodies to decide. In these cases, consideration should be given to the managerial role of head teachers and to the benefits which a dedicated head teacher's room might bring.

### **Other staff accommodation**

38. Every school (except pupil referral units) must have accommodation, separate from teaching accommodation, for teachers to use for work and for social purposes. Whether similar accommodation should be provided for teachers in pupil referral units is a matter for the maintaining LEA. In the past, it has been questioned whether other members of staff have a right of access to these facilities. Right of access is not a matter covered by the Regulations, but they are explicit in that the accommodation

provided for work and for social purposes must be provided for teachers. They do not refer to any other members of staff or to visitors.

### Ancillary facilities

*Regulation 7 The buildings provided for a school shall be adequate to permit the provision of appropriate ancillary facilities, in particular –*

- a. for the storing and drying of pupils' outdoor clothing and for the storing of their other belongings; and*
- b. for the preparation of serving of food and drinks and the washing of crockery and other utensils*

*and to permit the safe and convenient passage of persons and movement of goods within the buildings.*

39. The buildings provided for a school must allow for the provision of appropriate ancillary facilities. This is a general requirement, but the Regulations are more specific in three respects. Ancillary facilities must
- Allow for storing and drying pupils' outdoor clothing and storing pupils' other belongings
  - Allow for the preparation or serving of food and drinks and the washing of crockery and other utensils
  - And the buildings must allow for the safe and convenient passage of people and the movement of goods.

### Storing of pupils' books etc

40. Bodies responsible have a duty under the Regulations to ensure that ancillary facilities allow for "storing pupils' other belongings". The storage facilities available to pupils should be appropriate in number, location and design to ensure that children do not have to carry heavy books for longer than necessary.
41. Consideration should also be given to the location and type of facilities available for storing pupils' belongings as these will have a great impact on whether pupils can use them effectively. If the storage facilities are too far out of the way, pupils may find them inconvenient to use, or they may be in places where bullying is all too easily able to progress unchecked. If the facilities are located in a class base, pupils who move between rooms for lessons may find access to their belongings unacceptably restricted.

### Storing pupils' own food

42. Nothing in the Regulations directly requires bodies responsible to make provision for the proper storing of food brought to school by pupils, to the



extent that food might constitute “pupils’ other belongings”. Even so, in the case of sandwiches and similar items, perhaps brought to school as a meal, bodies responsible should consider whether pupils are afforded adequate facilities, particularly cold storage.

### Storing pupils’ bicycles

43. Nothing in the Regulations directly requires bodies responsible to make provision for the storing of pupils’ bicycles, again, except to the extent that they might constitute “pupils’ other belongings”. However, where it is the policy of a school to allow pupils to cycle to the premises, the requirement that ancillary facilities should allow for “storing pupils’ other belongings” may be relevant. Pupils increasingly are being encouraged to cycle to school and bodies responsible should consider whether storage facilities for bicycles are appropriate in number, design, location and security. DfEE Building Bulletin 83 *Schools Environmental Assessment Method*, highlights the role which a school’s transport policy can play in reducing pollution (including nitrogen oxides) if pupils are allowed to cycle to school and if adequate storage facilities are provided to meet their needs.

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### PART III – ACCOMMODATION IN BOARDING SCHOOLS

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44. The Regulations prescribe standards for boarding provision. In addition to the guidance offered here, *Boarding Accommodation: A Design Guide* offers non-statutory guidance for those designing new accommodation.

#### **Sleeping accommodation for boarding pupils**

*Regulation 8(1) A boarding school shall including sleeping accommodation which is adequate for the number of boarding pupils at the school and satisfies the requirements of paragraphs (2) to (5).*

*Regulation 8(2) In the case of a school with both male and female boarding pupils the sleeping accommodation shall be such that no pupil who has attained the age of 8 years shall sleep in the same room as a pupil of the opposite sex.*

*Regulation 8(3) The floor area of a dormitory shall not be less than the aggregate of 4.2m<sup>2</sup> for each pupil sleeping in the dormitory and 1.6m<sup>2</sup>, and there shall be a distance of not less than 0.9m between any two beds in a dormitory.*

*Regulation 8(4) A cubicle for a single pupil shall have its own window and its floor area shall not be less than 5.0m<sup>2</sup>.*

*Regulation 8(5) A bedroom for a single pupil shall be of a floor area not less than 6.0m<sup>2</sup>.*

#### **Sleeping accommodation**

45. The Regulations include a general requirement that any school with boarding pupils must provide sleeping accommodation for all boarding pupils which is adequate for them all. They then go on to specify detailed standards to which, as a minimum, boarding school accommodation must conform.
46. Nothing in the Regulations prevents sleeping accommodation from being provided for use by boys and girls aged 8 years and under jointly, but sleeping accommodation must be such that pupils aged 8 years and over do not share it with pupils of the opposite sex. However, modern expectations may cause those commissioning building work to existing premises, or designing new premises, to consider carefully whether mixed provision for children of any age is desirable.
47. Regulations 8(3) to 8(5) set minimum floor areas for pupils' dormitories, cubicles and bedrooms, and are mostly self-explanatory. Nothing in the Regulations prevents these standards from being exceeded.

### Dormitories

48. To find the minimum floor area which must be provided for a dormitory:
- Multiply the number of pupils sleeping in the dormitory by 4.2m<sup>2</sup>; and
  - Add 1.6m<sup>2</sup> to the result.
49. There must also be a distance of at least 0.9m between any two beds in a dormitory.

### Cubicles

50. A cubicle for a single pupil must have its own window and a minimum floor area of 5.0 m<sup>2</sup>.
51. The Regulations allow for cubicles on the grounds that, in limited circumstances, they may provide the best solution to needs. However, *Boarding Accommodation: A Design Guide* explains that the use of low level partitioning to form cubicles is unlikely ever to meet modern expectations. It makes clear that bedrooms now are preferred even to cubicles formed from high level partitioning.

### Bedrooms

52. A bedroom for a single pupil must have a minimum floor area of 6.0m<sup>2</sup>.

### Washrooms for boarding pupils

*Regulation 9(1) Water closets, washbasins, baths and showers shall be provided in a boarding school distributed through the school buildings so as to be reasonably accessible to the sleeping accommodation and in an appropriate location having regard to their use by boarding pupils; and such fittings shall be adequate, having regard to the ages, sex and numbers of the boarding pupils at the school and any special requirements they may have, but never less than as set out in paragraphs (2) to (4).*

*Regulation 9(2) There shall be at least one water closet for every five boarding pupils.*

*Regulation 9(3) There shall be at least one washbasin –*

- a. for every three of the first 60 boarding pupils;*
- b. for every four of the next 40 boarding pupils; and*

- c. for every further 5 boarding pupils.

*Regulation 9(4) There shall be at least one bath or shower for every ten boarding pupils and at least 25% of the minimum number of such fittings shall be baths.*

*Regulation 9(5) Fittings required by this regulation are in addition to those required by regulation 3 save that where the fittings required by regulation 3 are reasonably accessible to the sleeping accommodation and in an appropriate location having regard to their use by boarding pupils they may be taken into account for the purposes of this regulation.*

*Regulation 9(6) Wherein paragraphs (2) to (4) of this Regulation the number of pupils to be used in the calculation is not an exact multiple of three, four, five or ten as the case may be, then it shall be rounded up to the next number which is such a multiple.*

53. Boarding schools must have water closets, washbasins, baths and showers which
- i. are distributed throughout the school buildings so as to be reasonably accessible to the sleeping accommodation
  - ii. are in an appropriate location for use by boarders
  - iii. are adequate for the ages, sex and numbers of boarders
  - iv. meet any special requirements which boarders may have, and
  - v. are never fewer in number than that prescribed.
54. The requirement that water closets, washbasins, baths and showers must be distributed throughout the school buildings so as to be reasonably accessible to the sleeping accommodation is designed to ensure that pupils can reach them without undue difficulty, for example, by not being too far from them. The requirement that water closets, washbasins, baths and showers must be in an appropriate location for use by boarders is designed to ensure that proper account is taken of the added vulnerability of children moving to and from these facilities, and using them. Boarders may have added vulnerability for a variety of reasons, for example, because staffing levels may be relatively low, or because those staff who are available may not be within sight or calling distance, or even in the immediate vicinity of all parts of all routes to these facilities, or of the facilities themselves. Boarders may have added vulnerability for other reasons, such as wearing only night attire, when use of some kinds of route may be unacceptable.
55. There must be at least one water closet for every five boarding pupils and at least one wash basin for every three of the first sixty boarding pupils, every four of the next forty boarding pupils and for every five further boarding pupils.

56. The number of pupils must always be rounded up to the next multiple of 3, 4, 5 or 10 as appropriate. So, for example, a school with 30 boarding pupils would need 6 water closets and 10 washbasins. But a school with 31 boarding pupils would need 7 water closets and 11 washbasins.
57. Sanitary fittings provided in washrooms for pupils may be counted towards the minimum number of sanitary fittings to be provided for boarders if they are
- Reasonably accessible to the sleeping accommodation, and
  - In an appropriate location having regard to their use by boarding pupils.
58. The minimum number of baths or showers is one for every 10 boarding pupils, the number of pupils being rounded up to the next multiple of 10 if it is not a multiple of 10. At least 25% of that minimum number must be baths. So, if 25% of the minimum number does not produce a whole number, the answer should again be rounded up. A school with 30 boarding pupils would, therefore, need 3 fittings, at least one of which must be a bath, while a school with 31 boarding pupils would need 4 fittings, at least one of which must be a bath.

#### **Living accommodation for boarding pupils**

*Regulation 10(1) A boarding school shall include living accommodation (both for the purposes of private study outside school hours and for social purposes) for the boarding pupils at the school of an aggregate floor area not less than 2.3m<sup>2</sup> for each pupil.*

*Regulation 10(2) In the case of a school where either –*

- a. some or all of the sleeping accommodation comprises study bedrooms or cubicles; or*
- b. the boarding accommodation is adjacent to other school accommodation which is appropriate for use outside school hours as living accommodation for boarding pupils,*

*then such accommodation may be taken into account for the purposes of this regulation.*

59. All boarding schools must include living accommodation for the boarding pupils (both for private study outside school hours and for social purposes) with a total floor area of at least 2.3m<sup>2</sup> for each pupil. Any social areas such as common rooms, games rooms and TV rooms should be included in the calculation, as should areas set aside for private study outside school hours. Other areas in which pupils socialise also count as living accommodation. These will vary from school to school, but may include kitchens where pupils may prepare themselves hot drinks or snacks and other, informal meeting areas.

60. The following rooms may also be taken into account in calculating the minimum area:

*Study bedrooms' cubicles, if some or all of the sleeping accommodation comprises these; and*

*Any part of the school that is adjacent to the boarding accommodation and which pupils can appropriately use for social purposes or private study outside school hours.*

#### **Accommodation for preparation and consumption of meals**

*Regulation 11(1) A boarding school shall include accommodation –*

- a. for the preparation of meals for boarding pupils; and*
- b. in which such pupils may eat meals.*

*Regulation 11(2) If the boarding accommodation is adjacent to other school accommodation which is appropriate for use as mentioned in paragraph (1), that other accommodation may be taken into account for the purposes of this Regulation.*

61. All boarding schools must have somewhere to prepare or serve meals for boarding pupils and also somewhere for pupils to eat meals. It does not have to be within the boarding accommodation, providing it is part of the school, is adjacent to the boarding accommodation and appropriate as a place for the preparation of meals for, and the consumption of meals by, boarding pupils.

#### **Sick rooms**

*Regulation 12(1) A boarding school shall include, as part of the boarding accommodation –*

- a. one or more sick rooms;*
- b. if the school has more than 40 boarding pupils, one or more separate isolation rooms; and*
- c. associated facilities by way of baths, washbasins and water closets,*

*which satisfy the requirements of paragraphs (2) and (3).*

*Regulation 12(2) In the case of a school with both male and female boarding pupils, any of whom have attained the age of 8 years, separate sick rooms shall be provided for male pupils and for female pupils.*

*Regulation 12(3) The floor area of a sick room or isolation room shall not be less than 7.4m<sup>2</sup> for each bed and there shall be a distance of not less than 1.8m between any two beds in a sick room or isolation room.*

*Regulation 12(4) A cubicle for a single pupil shall have its own window.*

62. A boarding school must have one or more sick rooms – and if the school has more than 40 boarding pupils, one or more separate isolation rooms – and associated facilities such as baths, washbasins and water closets. In a school with both male and female boarding pupils who are 8 years old or more, sick rooms for boys must be separate from sick rooms for girls.
63. The minimum floor areas of sick room and isolation rooms are larger than those in ordinary dormitories, and so is the minimum distance between beds. There should be at least 7.4m<sup>2</sup> of floor area for each bed, and a distance of at least 1.8m between any two beds. If cubicles are provided to accommodate boarding pupils who are sick each cubicle must have its own window. The requirement to have associated facilities “by way of baths, washbasins and water closets” does not prevent the provision of additional facilities such as showers.

#### **Staff accommodation**

*Regulation 13 – The accommodation provided for persons employed as residential staff at a boarding school, shall be separate from that provided for the pupils and include in particular –*

- a. accommodation in which meals are taken;*
  - b. sleeping accommodation; and*
  - c. associated facilities by way of water closets, washbasins, baths and showers.*
64. Accommodation for residential staff, whether teachers or otherwise must be separate from accommodation for boarding pupils. The staff accommodation must include somewhere for the staff to eat, somewhere for them to sleep and an appropriate number of baths, showers, washbasins and water closets. The Regulations do not define what is an “appropriate” number for residential staff.

#### **Storage facilities**

*Regulation 14 A boarding school shall include adequate storage facilities for pupils’ belongings and adequate facilities for the storage and care of linen.*

65. Bodies responsible should bear in mind modern expectations that pupils should have a place for secure storage of belongings. This might include, for example, a lockable part of a locker.

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## PART IV – STRUCTURAL REQUIREMENTS & HEALTH AND SAFETY

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66. The Regulations prescribe standards for a range of structural and related matters and DfEE Building Bulletin 87 *Guidelines for Environmental Design in Schools (Revision of Design Note 17)* provides practical guidance on meeting these, particularly those relating to acoustics, lighting, heating, ventilation and water supplies. The DfEE Building Bulletin 83 *Schools' Environmental Assessment Method* also includes advice on ventilation, lighting, water quality and health and safety. For those designing new accommodation, DfEE Building Bulletin 79 *Passive Solar Schools: A Design Guide* may also be helpful. Building projects are also required to comply with educational building legislation as set out in National Assembly for Wales Circular 54/97 *Constructional Standards for School Buildings*.

### Load bearing structure

*Regulation 15: Any load bearing structure in a school building shall be capable of safely sustaining and transmitting the dead load and imposed loads, and the horizontal and inclined forces, to which it is likely to be subjected.*

67. In effect this simply means that school buildings must at all times be structurally sound.

### Weather protection

*Regulation 16: A school building shall provide reasonable resistance to penetration by rain, snow and wind and to moisture rising from the ground.*

68. This means that school buildings should in general be weathertight. The question of what constitutes “reasonable resistance” falls, in the first instance, to the LEA or GM school governors to determine.

### Health, safety and welfare

69. As well as the Regulations, legislation made under the Health and Safety at Work etc Act 1974 applies to schools.

*Regulation 17(1) Every part of a school building and of the land provided for a school shall, having regard in particular to the matters mentioned in paragraph (2), be such that the safe escape of the occupants of the school buildings in case of fire is reasonably assured.*

*Regulation 17(2) The matters referred to in paragraph (1) are -*



- *The likely rate at which flames would spread across the exposed surfaces;*
- *resistance to fire of the structures and of the materials of which the structures are made and their properties; and*
- *the means of escape in case of fire.*

*Regulation 17(3) Every part of a school building and of the land provided for a school shall be such that the health, safety and welfare of the occupants in aspects other than those referred to in paragraph (1) are reasonably assured.*

70. The body responsible must make sure that the condition of school buildings and land, including surface finishes, provides reasonable assurance of occupants' health, safety and welfare. This means, for example, that there should be sufficient space to avoid overcrowding, good hygiene should be possible and safety surfaces should be provided where appropriate.

#### **Asbestos**

71. The very act of moving or disturbing asbestos which otherwise is in a sound condition can cause a health hazard. The Department's long-standing advice, based on specialists' opinion, is to leave asbestos in place, unless it is in a dangerous condition. Our advice can be found in Administrative Memorandum 1/86 *The Use of Asbestos in Educational Establishments*. Legislation limits who may remove asbestos and employers have a duty to ensure that contractors are aware of its presence. The Health and Safety Executive publish a number of guidance leaflets, including *Contractors in Schools: Information for Head Teachers, School Governors and Bursars*.

#### **Exposure to sunshine**

72. The very act of moving or disturbing asbestos which otherwise is in a sound condition can cause a health hazard. The Department's long-standing advice, based on specialists' opinion, is to leave asbestos in place, unless it is in a dangerous condition. Our advice can be found in Administrative Memorandum 1/86 *The Use of Asbestos in Educational Establishments*. Legislation limits who may remove asbestos and employers have a duty to ensure that contractors are aware of its presence. The Health and Safety Executive publish a number of guidance leaflets, including *Contractors in Schools: Information for Head Teachers, School Governors and Bursars*.

#### **Exposure to sunshine**

73. The Regulations do not prescribe standards about exposure to sunshine, an issue of growing concern to parents and others. But again, given the general duty placed on bodies responsible that the school buildings and land provided for the school must be such that they provide reasonable assurance of occupants' health, safety and welfare, bodies responsible should bear this issue in mind.
74. The provision of protection against sunshine in the form of head wear falls outside the scope of the Regulations and this guidance, which deal with

premises. But there are both temporary and permanent measures which can be taken. Our Building Bulletin 85 *School Grounds: A Guide to Good Practice*, elaborates on the role which trees and the like might play in this matter.

### Practical areas

75. The Regulations do not set specific standards for practical areas. It is for the body responsible, having regard to more general requirements, to ensure that the facilities provided for pupils are satisfactory. However, there has been a certain degree of concern in recent years about safety within rooms provided for practical activities. For new accommodation, non-statutory guidance is available in DfEE Building Bulletin 81 *Design and technology Accommodation in Secondary Schools: A Design Guide* and in Building Bulletin 80 *Science Accommodation in Secondary Schools: A Design Guide*. For practical activities in primary schools, some design guidance is provided in *Area Guidelines for Schools*. DfEE Building Bulletin 89 *Art Accommodation in Secondary Schools* may also be helpful.

### Health and Safety at Work etc Act 1974

76. Section 3(1) of the Health and Safety at Work etc Act 1974 provides that:
- “It shall be the duty of every employer to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in his employment who may be affected thereby are not thereby exposed to risks to their health and safety.”
77. The conduct of a school is the conduct of an undertaking and so section 3(1) will apply. This means that employers must take care to ensure the health and safety of pupils and any other persons who might be affected by the conduct of the school. Under the schools framework effective from 1 September 1999, the LEA will be the employer of staff at community, community special and voluntary controlled schools. The governing body will be the employer of staff at voluntary aided, foundation and foundation special schools.
78. Section 4(1) and 4(2) of the same Act also impose duties upon those who control non-domestic premises, in respect of the health and safety of people who are not their employees but who are using the premises as a place of work or as a place where they may use plant or substances provided for their use. From 1 September 1999, Schedule 13 to the School Standards and Framework Act 1998 will clarify that the governing body of all maintained schools have control of the premises for most of the time. Pupils are unlikely to use school premises as a place of work, but they might have access to plant and substances as part of their schooling and the courts have, in the past, treated play equipment and substance used in science lessons as plant. Pupils generally have access to play equipment and substances for science and so governing bodies controlling school premises should be mindful of their duties in this regard under health and safety legislation.
79. The Health and Safety Commission leaflet *Workplace (Health, Safety and Welfare) Regulations 1992: Guidance for the Education Sector* explains the Key issues of relevance to LEAs and school governors in respect of employees at the school arising from the health and safety at work legislation.

### Accoustics, lighting and heating

80. The combined effect of the requirements in Regulations 18 – 23 should be to ensure that schools have appropriate noise insulation, heating, lighting and ventilation in all occupied areas, adequate supplies of water (including drinking water) and proper drainage.

#### Accoustics

*Regulation 18 – Each room or other space in a school building shall have the acoustic conditions and the insulation against disturbance by noise appropriate to its normal use.*

81. The acoustic conditions and noise insulation of rooms and other spaces in a school must be appropriate for their normal use. In addition to DfEE Building Bulletin 87 *Guidelines for Environmental Design in Schools (Revision of Design Note 178)* mentioned above, for specialist accommodation, guidance is provided in DfEE Building Bulletin 86 *Music Accommodation in Secondary Schools: A Design Guide*.
82. Nothing in the Regulations prevents rooms where noise is likely to be generated from being insulated so as to prevent that noise from causing a disturbance to people in other parts of the building, where a body responsible wishes to take such measures.

#### Lighting

*Regulation 19(1) Each room or other space in a school building –*

- a. shall have lighting appropriate to its normal use; and*
- b. shall satisfy the requirements of paragraphs (2) to (4).*

*Regulation 19(2) Subject to paragraph (3) the maintained illuminance of teaching areas shall be not less than 300 Lux on the working plane.*

*Regulation 19(3) In teaching areas where visually demanding tasks are carried out, provision shall be made for maintained illuminance of not less than 500 Lux on the working plane.*

*Regulation 19(4) The Glare Index shall be limited to no more than 19.*

83. Each room or other space in a school building must have lighting appropriate to its normal use and which satisfies any more specific requirements. The maintained illuminance of teaching accommodation must be 300 Lux or more on the working plane. Teaching accommodation where visually demanding tasks are carried out

Must have a maintained illuminance on the working plane of not less than 500 Lux. Light fittings may not produce a glare index of more than 19, where glare index measures the direct glare from light fittings which might be seen, for example, by someone looking up from their work.

### Heating

84. All schools should provide heating in every room or other space appropriate to the normal use of that room or space. Regulations 20(1) and (2) prescribe minimum standards for heating systems. Regulation 20(3) concerns the use of those heating systems to maintain an appropriate temperature.

*Regulation 20(1) Each room or other space in a school building shall have such a system of heating, if any, as is appropriate to its normal use.*

*Regulation 20(2) Any such heating system shall be capable of maintaining in the areas set out in column (1) of the Table below the air temperature set out opposite thereto, in column (2) of that Table, at a height of 0.5m above floor level when the external air temperature is -1 °C:*

*Regulation 20(3) Each room or other space which has a heating system shall, if the temperature during any period during which is occupied would otherwise be below that appropriate to its normal use, be heated to a temperature which is so appropriate.*

**Table 1: appropriate temperatures for different areas**

(1)	(2)
Areas where there is a lower than normal level of physical activity because of sickness or physical disability. These areas must be taken to include sick rooms and isolation rooms, but never other kinds of sleeping accommodation.	21°C
Areas where there is a normal level of physical activity, such as classrooms, exam rooms, libraries and areas for private study.	18°C
All washrooms, sleeping accommodation and circulation spaces. This temperature standard applies also to areas where there is a higher than normal level of physical activity, perhaps because occupants are engaged in physical education. Such areas might include, for example, gyms and drama workshops.	15°C

### Minimum temperatures

85. If a part of the school is:

- Occupied; and
- Has a heating system; and
- Is colder than the temperature appropriate to its normal use (see the table above);

then it must be brought up to the temperature appropriate to its normal use while it is being used for its normal use.

86. In the past, questions have arisen as to how the occupants might know whether the temperature actually being achieved meets the minimum temperature requirements. The Regulations do not prescribe detailed arrangements in this matter but, clearly, bodies responsible should have in place sensible arrangements. A thermometer in every room may be unnecessary, but a prudent body responsible might ensure that thermometers are reasonable accessible.

### Maximum temperatures

87. The Regulations do not prescribe maximum temperatures for school premises, although they do set standards for ventilation (see “Ventilation” below). Uncomfortably high temperatures can cause a hindrance to effective teaching and learning and to the health, safety and welfare of the occupants. Given the general duty placed on bodies responsible that the school buildings and the land provided for the school must reasonably ensure the health, safety and welfare of occupants, they should bear this issue in mind.

### Hot Surfaces

*Regulation 20(4) In a special school, nursery school or teaching accommodation used by a nursery class in a school the surface temperature of any radiator, including exposed pipework, which is in a position where it may be touched by a pupil shall not exceed 43 °C.*

88. Certain pupils are judged to be more at risk than others from hot surfaces. In special schools and nursery schools, and in teaching accommodation used by nursery classes, the surfaces of radiators and exposed pipes should not be hotter than 43°C where they are within pupils’ reach. Pipework and radiators in such situations should be enclosed, or their temperature restricted to 43°C or lower.

## Ventilation

*Regulation 21(1) All occupied areas in a school building shall have controllable ventilation at a minimum rate of 3 litres of fresh air per second for each of the maximum number of persons the area will accommodate.*

*Regulation 21(2) All teaching accommodation, medical examination or treatment rooms, sick rooms, isolation rooms, sleeping and living accommodation shall also be capable of being ventilated at a minimum rate of 8 litres of fresh air per second for each of the usual number of people in those areas when such areas are occupied.*

*Regulation 21(3) All washrooms shall also be capable of being ventilated at a rate of at least six air changes an hour.*

*Regulation 21(4) Adequate measures shall be taken to prevent condensation in, and remove noxious fumes from, every kitchen and other room in which there may be steam or fumes.*

89. The Regulations set out standards for:

- A normal level of ventilation in all occupied areas; and
- The capability of a higher level of ventilation in certain areas, which might be needed under particular circumstances.

### Normal level of ventilation

90. All occupied areas must have ventilation controllable at a rate of at least 3 litres of fresh air per second for each of the maximum number of persons the area will accommodate. IN effect, this simply means that rooms should not become too stuffy in normal use with doors and windows closed. In many newer buildings, the background ventilation can be controlled by opening or closing small air vents to take account of different numbers of occupants. There should normally be no difficulty in meeting this requirement without using mechanical ventilation. In older buildings there may be sufficient air infiltration to meet the requirement, even when doors and windows are closed. The prescribed rate of 3 litres per second per occupant, is in fact, equivalent to the normal circulation of air in an ordinary room with doors and windows closed.

### Extra ventilation when it is needed

91. Over and above this background level, there should be the capability to ventilate certain areas at a higher rate of 8 litres of fresh air per second for each of the usual number of people in these areas when they are occupied. It will only be necessary to use the higher rate of ventilation under certain circumstances (for example on a very hot, sunny day, or to clear fumes if solvent has been spilt in a

Practical area). In most rooms this additional level of ventilation can be achieved simply by opening windows, doors or air vents. Only if this is not possible should schools consider using mechanical ventilation.

92. This additional capability to provide at least 8 litres of fresh air per second for each of the usual number of occupants, is required for:
- All teaching areas;
  - Medical examination and treatment rooms;
  - Sick rooms;
  - Sleeping accommodation; and
  - Living accommodation.

### Washrooms

93. For washrooms a different standard applies: this is because the “usual number” of occupants of a washroom can be so variable. All washrooms should be capable of being ventilated at a minimum rate of 6 air changes an hour.

### Condensation and noxious fumes

94. Adequate measures must be taken to prevent condensation in, and to remove noxious fumes from kitchens and any other room where there may be condensation or fumes. Fumes might arise during science lessons in classrooms for which fume cupboards will be appropriate. Guidance is available in DfEE Building Bulletin 88 *Fume Cupboards in Schools* (Revision of Design Guide Note 29).

### Water supplies and drainage

*Regulation 22(1) A School shall have a wholesome supply of water for domestic purposes, including a supply of drinking water.*

*Regulation 22(2) Water closets and urinals shall have an adequate supply of cold water and washbasins, sinks (including deep sinks), baths and showers shall have an adequate supply of hot and cold water.*

*Regulation 22(3) The temperature of hot water supplies to baths and showers shall not exceed 43°C.*

*Regulation 23 A school shall be provided with an adequate drainage system for hygienic purposes and disposal of waste water and surface water.*

95. Schools must have a wholesome supply of water for domestic purposes. The Regulations state that “a wholesome supply of water for domestic purposes” is

a supply which meets the requirements of the Water Supply (Water Quality) Regulations 1989 (as amended). Water supplied for domestic purposes means water supplied for washing, cleaning floors and washing up crockery and for drinking.

96. The Regulations do not specify precisely how drinking water should be delivered to the consumer but, in the case of new premises, the Department advises against the use of water fountains. Water fountains are prone to damage and, once damaged, they typically are not then repaired. The provision of drinking cups or beakers falls outside the scope of the Regulations, which deal with premises, but bodies responsible should be aware that the lack of drinking cups or beakers, and the absence of adequate facilities for washing non-disposable cups, has caused some concern among parents in recent years. Nor do the Regulations specify the distribution of drinking water outlets throughout school premises, but bodies responsible will need to consider the nature of demand within schools, which can be concentrated within quite short breaks.
97. The Regulations do not require drinking water outlets to be labelled. But bodies responsible should consider the potential benefits of labelling drinking water and non-drinking water outlets.
98. Water closets and urinals must have an adequate supply of cold water and washbasins, sinks, baths and showers and must have adequate supplies of both hot and cold water. To minimise the risk of scalding, the temperature of hot water supplies to baths and showers must not exceed 43°C.

### **Drainage**

99. Schools must be provided with an adequate drainage system for hygiene purposes and the general disposal of waste water and surface water.



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**PART V – PLAYING FIELDS**

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*Regulation 24(1) This regulation shall apply in the case of a school for pupils who have attained the age of 8 years (whether or not the school also has pupils who have not attained that age) other than a pupil referral unit.*

*Regulation 24(2) In the case of such school to which this Regulation applies, team game playing fields shall be provided which satisfy the provisions specified in Schedule 2.*

100. The Regulations require that minimum areas of “team game playing fields” must be provided for schools with pupils who have attained the age of 8 years. This requirement does not apply to schools where no pupil has attained the age of 8 years or to Pupil Referral Units.

**Definition of “team game playing fields”**

101. Team game playing fields are playing fields which
- Having regard to their configuration, are suitable for the playing of team games, and which
  - Are laid out for that purpose.
102. The grassed part of team game playing fields must be capable of sustaining the playing of team games by pupils for 7 hours a week during term time.
103. The minimum area of team game playing fields to be provided for schools depends on the number of pupils at the school and their ages. The Table in Schedule 2 to the Regulations which sets out the detailed requirements is reproduced here.

(i)	(ii)	(iii)
Total number of pupils who have attained the age of 8 years	Schools with pupils aged under 11 years	Schools with no pupils below 11
100 or fewer	2500	5000
101 to 200	5000	10000
102 to 300	10000	15000
301 to 400	15000	20000
401 to 500	20000	25000
501 to 600	25000	30000
601 to 750	30000	35000
751 to 900	35000	40000
901 to 1050	40000	45000
1051 to 1200	45000	50000
1201 to 1350	50000	55000
1351 to 1500	55000	60000
1501 to 1650	60000	65000
1651 to 1800	65000	70000
1801 to 1950	70000	75000

104. The minimum area of team game playing fields required for schools with more than 1,950 pupils who have attained the age of 8 years is calculated by:

- Choosing column (i) or (ii) above which is appropriate to the ages of the pupils
- Selecting the largest figure in it, and
- Adding an extra 5,000m<sup>2</sup> for each complete 150 by which the number of pupils who have attained the age of 8 years exceeds 1,801.

105. So, for example, a school with no pupils aged under 11 years, but with 2,000 pupils who have attained the age of 8, would need 75,000m<sup>2</sup> + 5,000m<sup>2</sup> = 80,000 m<sup>2</sup> of team game playing fields.

#### Shared team game playing fields

106. Where playing fields are shared by schools and any shared parts of those playing fields count toward more than one school's prescribed minimum area of team game playing fields, those shared parts must be capable of sustaining the playing of team games by pupils from each of those schools for at least 7 hours during term time weeks.

### All-weather surfaces

107. The definition of team game playing field provided in the Regulations is “any playing fields within the meaning (in relation to both England and Wales) of Section 77 of the School Standards and Framework Act 1998 which, having regard to their configuration, are suitable for the playing of team games and which are laid out for that purpose.” Nothing in the Regulations requires that team game playing fields could include all-weather surfaces, which the Regulations define as including hard porous, synthetic and polymeric surfaces. The Regulations themselves do not define these terms. But DfEE Building Bulletin 82 *Area Guidelines for Schools* explains our view that:

**Hard porous surface** means a finely crushed surface of clay bound material, stone or blaes, on a base of course clinker, ash or crushed stone (for which under pitch drainage is usually provided).

**Synthetic surface** means coarse plastic pile, usually sand-filled, on a plastic or rubber shockpad backing, laid on a prepared base of concrete, macadam or unbound stone (for which under pitch drainage is usually provided), and that.

**Polymeric surface** means shredded rubber, wood fibres, or granules of cork, rubber and plastics bonded with bitumen, latex or polyurethane, on a base of concrete or macadam laid to fall.

108. Even though the Regulations do not specify that the prescribed minimum area of team game playing fields must include grass, bodies responsible should bear in mind that not every type of all-weather surface is suitable, or even safe, for the playing of all the kinds of team games which safely can be played on grass. Bodies responsible should therefore take steps to ensure that the games played at the school are catered for through the right balance between all-weather surfaces and grass.

### All-weather surfaces counting twice

109. All-weather surfaces may sustain somewhat more use than can grassed land. Therefore, where there is an all-weather surface forming part of the playing fields and where that surface is both suitable for the playing of team games and laid out for that purpose, the Regulations allow it to be counted twice its actual size when calculating the area of team game playing fields provided for the school.

### Location

110. The Regulations do not specify requirements as to the relevant location of playing fields to a school, but guidance on likely issues is offered below.

**Mainstream schools**

111. Nothing in the Regulations requires playing fields to be provided on the site of the school or adjacent to it but, clearly, they must be close enough for the pupils to reach them with sufficient ease, whether on foot or using such reasonable transport as it can be certain will be available to them.

**Special schools**

112. The Regulations discontinue the earlier requirement that playing fields provided for special schools must be adjoining, or in the immediate vicinity of, the school buildings. In this respect, they bring team game playing field requirements for special schools into line with those for mainstream schools. They do so because, as with team game playing fields provided for mainstream schools, it should be assumed that playing fields will be located so as to take into proper account any characteristics of the pupil population which might affect pupils' ability to reach them.

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**PART VI: REVOCATION AND SAVINGS**

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113. As described above, the Regulations replace the Education (School Premises) Regulations 1996. In the case of prescribed minimum areas of team game playing fields to be provided for schools, some significant changes have taken place.

**When 1996 standards meet 1999 standards**

114. Before 1 February 1999, certain alternative supporting facilities could count toward the minimum team game playing field standards. Bodies responsible may still do this, but only in two circumstances. The first is where they have secured a relaxation of the minimum area standard from the Secretary of State. The second is where arrangements which met the 1996 standards continue to be in place.

**Mainstream schools**

115. Under the 1996 Regulations, it had (before 1 February 1999) been possible to count certain facilities toward the prescribed minimum area of what now are called team game playing fields for a mainstream school. These facilities were:

- Regular instruction in swimming, whether at the school or elsewhere
- Indoor instruction team game, whether at the school or elsewhere
- Outdoor instruction in team games available elsewhere than at the school or on synthetic surfaces at the school.

116. It was for the body responsible at the local level to decide by how much the minimum area of team game playing fields could reasonably be reduced to reflect access to these alternative facilities. One of the effects of the Regulations is that the local direction previously allowed has been revoked.
117. However, in those cases where the prescribed minimum area of team game playing fields had – as of 1 February 1999 – been reduced in accordance with the local flexibility described above (under paragraph 5 of the Schedule to the 1996 Regulations) those arrangements are treated as satisfying the minimum area requirements of the 1999 Regulations. They do so for as long as:
- The school continues to enjoy the benefit of the same facilities (which means the very same facilities, not just equivalent facilities) if they had them on 1 February 1999, and
  - The total area of team game playing fields is no smaller than it was on 1 February 1999, and

- The school continues to enjoy the benefit of the same facilities (which means the very same facilities, not just equivalent facilities) if they had them on 1 February 1999, and
  - The total area of team game playing fields is no smaller than it was on 1 February 1999, and
  - There has not, since then, been a step increase in the number of pupils (to the extent that a larger prescribed minimum area of team game playing fields must be provided).
118. If any one or more of these conditions ceases to apply, then team game playing fields must be provided which meet, in full, the minimum area standards of the Regulations. This would be so unless the minimum area standard has been relaxed by the Secretary of State under Section 543 of the Education Act 1996 (as amended).

### Special schools

119. In the case of special schools, the minimum area of playing fields to be provided was not quantified under the 1996 Regulations. The body responsible could decide how large an area to make available, provided that that area was adjoining, or in the immediate vicinity of, the school buildings and took account of the pupils' needs to participate in physical activities, including team games.
120. The Regulations discontinue the assumption that pupils attending special schools have a lesser need for team game playing fields. Instead, they promote equality of access to facilities by applying to special schools the same minimum team game playing field areas as apply to mainstream schools. Just as has always been the case for mainstream schools, a smaller area may be provided only if the Secretary of State relaxes the minimum area requirement under Section 543 of the Education Act 1996 (as amended).
121. However, in those cases where the area of playing fields had – as of 1 February 1999 – met the requirements of paragraph 4(2) of the Schedule to the 1996 Regulations, those arrangements are treated as satisfying the minimum team game playing field requirements of the 1999 Regulations. They do so for as long as:
- The team game playing fields are exactly the same ones as were provided on 1 February 1999, and
  - There has not, since then, been a step increase in the number of pupils (to the extent that a larger minimum area of team game playing fields must be provided).
122. If any one or more of these conditions ceases to apply, then team game playing fields must be provided which meet, in full, the minimum area standards of the

Regulations. This would be so unless the minimum area standard has been relaxed by the Secretary of State under Section 543 of the Education Act 1996 (as amended).

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**RELAXATIONS OF PRESCRIBED STANDARDS IN SPECIAL CASES**

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**General**

1. Section 543 of the Education Act 1996 empowers the Secretary of State, in special cases, to give a direction deeming a school to conform to one or more prescribed standards when, in fact, it does not do so. The circumstances in which a direction may be given are set out in the 1996 Act itself. These are described below;

**Maintained Schools**

2. There are four broad circumstances under which the Secretary of State is empowered to give a direction relaxing requirements.

**Nature of existing site or buildings or other circumstances**

3. First, a direction may be given where the Secretary of State is satisfied that it would be unreasonable to require conformity with any given prescribed standard, because of
  - a. the nature of the existing site
  - b. any existing buildings on the site, or
  - c. other special circumstances affecting the school premises

**Shortage of suitable sites**

4. Secondly, a direction may be given where the Secretary of State is satisfied, having regard to any shortage of suitable sites, that it would be unreasonable to require conformity with any prescribed standards relating to sites in those cases where the school is to have a new or additional site.

**Control of public expenditure**

5. Thirdly, a direction may be given where the Secretary of State is satisfied, having regard to the need to control public expenditure in the interests of the national economy, that it would be unreasonable to require conformity with any prescribed standards relating to buildings, in those cases where:
  - a. the school is to have additional buildings, or be transferred to a new site.
  - b. existing buildings not previously part of the school premises, or temporary buildings, are to be used as school buildings.



**Team game playing fields**

6. Section 543 of the Education Act 1996 was, with effect from 1 February 1999, amended by paragraph 159 of Schedule 30 to the School Standards and Framework Act 1998. The amendment means that the Secretary of State may give directions relaxing prescribed standards (covering minimum area and quality) for team game playing fields.
7. A direction may be given where the Secretary of State is satisfied that, having regard to other facilities for physical education available to the school, it would be unreasonable to require conformity with any prescribed standard relating to playing fields: that is, minimum area and quality standards.

**Non-Maintained Special Schools and Approved Independent Schools**

8. The Secretary of State has similar discretionary powers, but derived from different legislation, for non-maintained special schools and approved independent schools, but there are differences in detail. The premises of such schools must conform with those parts of the Regulations which apply to maintained special schools. However, the Secretary of State has the power to direct that a non-maintained special school or an approved independent school meets all or some of the Regulations where, in fact, it does not. In this case the Secretary of State may make a direction when of the view that it would be unreasonable to require the school to conform to any of the prescribed standards.

**Conditions Applying to Relaxations**

9. Directions relaxing prescribed standards in special cases have force
  - i. until they expire or are withdrawn, and
  - ii. provided any conditions forming part of the direction are being met

**Applying for a Relaxation of Prescribed Standards**

10. Applications for a relaxation of prescribed standards should be made in writing and will be considered on their merits. Prospective applicants should refer to section 543 of the Education Act 1996 (as amended), and the paragraphs above, before submitting an application, to check whether any of the circumstances apply under which the Secretary of State has the power to give a direction.
11. Applications – in writing only – for relaxations of prescribed standards should be addressed to:

Mrs Jen Keeling  
 Schools Administration Division 1  
 National Assembly for Wales Education Department  
 Cathays Park  
 CARDIFF  
 CF10 3NQ

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***DETERMINING THE NORMAL NUMBER***

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1. The requirements of many of the Regulations depend on the normal number of pupils at the school. So it is necessary to determine, or “set”, the normal number of pupils – including boarding pupils if there are any – in any given academic year. The Regulations state that the normal number is “the normal number of registered pupils at the school of the specified age, or who are boarding pupils, taking one year with another” which those responsible for setting it determine is the case. The use of a constant number prevents a minor or temporary “bulge” in pupil numbers from putting a school in breach of those standards which vary according to the number of pupils at the school.
2. The normal number of pupils in a school should not be confused with measures of a school’s capacity such as the More Open Enrolment formula, Standard Number or the published admission limit.

**Who sets the normal number?**

3. For any time

Between 1 February 1999 and 31 August 1999 inclusive

- For a county school, nursery school or pupil referral unit or a special school established by an LEA or a former LEA, the normal number is set by the maintaining LEA
- For a voluntary school in agreement with the maintaining LEA the normal number is set by the governing body, and
- For a grant-maintained school or a grant-maintained special school, the normal number is set by the governing body

From 1 September 1999

- For a community school, a nursery school which is not a special school, a community special school or a pupil referral unit, the normal number is set by the maintaining LEA
- For a foundation school voluntary aided school or foundation special school, the normal number is set by the governing body, in agreement with the maintaining LEA

4. Whoever is responsible for setting the normal number must have regard to any numbers specified in, or inferred from, any relevant statutory proposals, such as those to open, close or otherwise to reorganise the school. Between 1 February 1999 and 31 August 1999, these would be proposals published under section 35, 41, 211, 212, 339 or 502 of the Education Act 1996. From 1 September 1999, these would be proposals published under section 28 or 31 of the School Standards and Framework Act 1998 or paragraph 5 of Schedule 7 to that Act.

### Setting the normal number

5. The normal number remains constant until the body responsible changes it. They should consider doing so if the number of pupils on roll at the beginning of the autumn term in any year exceeds the normal number in force at that time. The Regulations do not provide a definition of what is a “significant increase”. This will usually be decided locally. But bodies responsible should pay particular attention to year on year increases in roll which, while small in themselves, might add up to a significant increase over time.

### Part-time attendance

6. Two pupils who attend only for half a session each day are counted as a single pupil when setting the normal number.

### Ages of pupils

7. For the purposes of the Regulations, the ages of children aged 5 and older are defined as their ages on the day before the start of the autumn term and apply for the whole of that academic year. So a child who is eight years old at the start of the autumn term will count as 8 throughout that academic year.

### Children under 5 years old

8. However, two different rules are used to determine the ages of children under five, when setting the normal number.
  - Children who reach the age of 5 during an academic year, and then who start school, are treated as though they were 5 immediately before the start of that academic year. In other words, they are treated as though they are 5 for the whole of the academic year.
  - Children admitted to reception classes (not nursery classes) at 4½ or older are treated as though they were already 5 on admission.

### Disregarding small numbers outside an age range

9. Some standards in the Regulations depend on whether a school has pupils of a given age. Small numbers of children outside the age limits in question may be disregarded when deciding for what age range the school caters. If up to 2% of the total – or 2 pupils, whichever is the greater – are outside the normal age range for the school, they do not count for the purposes of the Regulations. So, for example, if a 500 pupil “11-18” Secondary school had a few 10 year olds who started secondary school a year early, this would not affect its designation as an 11-18 school for the purposes of the Regulations, as long as the 10 year olds made up less than 2% of the school’s pupils.