



Department
for Education

Customer Journey: Building Your School

January 2022

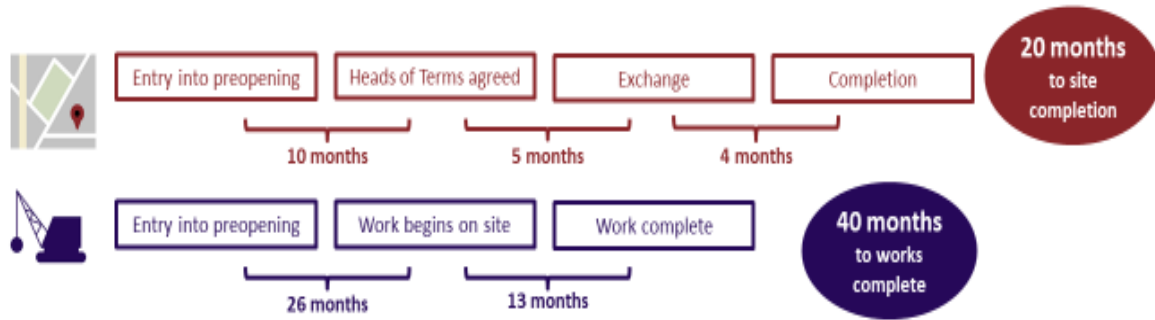
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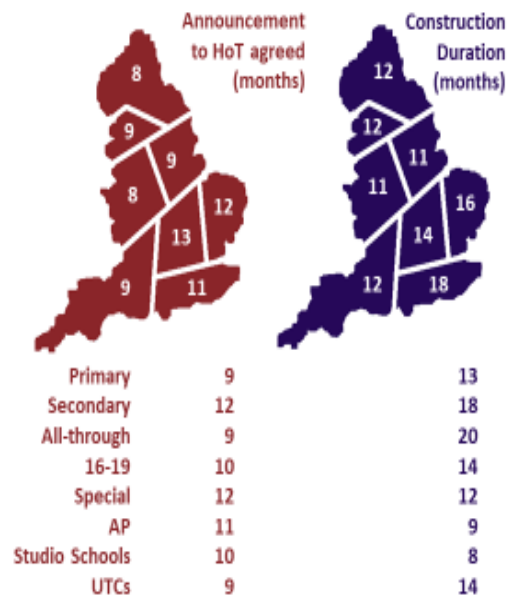
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Free School Average Timeline¹



It takes an average of 10 months to agree heads of terms. This varies depending on location with the shortest times in the North and the longest across London and the South East. Variations are also seen across school type.



Similarly, the average length of construction varies across regions, again taking longest in London and the South East. There is a large variation by school type, with the larger, all-through projects averaging 20 months compared with just 8 months for studio schools and 9 months for alternative provision.

Reasons for a longer build timeline might include the complexities of access to the site, whether there are heritage items in the build that need to be repaired/protected, ground conditions such as a uneven site or contamination and other reasons.

¹ Source, Store April 2017. Based on actual or forecast milestones of wave 4 to 9 projects. Average durations provided are medians.

Your Project Team



Children at Deer Park School in Richmond celebrate achieving an Ofsted Outstanding rating.

Once you have been approved as a free school, the project team for the school build will be appointed. This will consist of:

Project Manager

Your day-to-day contact for the build. They will work for the Department for Education (DfE), but is likely to have a background in the construction industry and will have a relevant professional qualification. They are likely to be employed by a contractor who works for the department. This should be your first point of contact if you have a query or concern about your build. They will meet with you very early on to discuss any sites you have identified and your vision for the school. Thereafter they should meet with you or make contact roughly every two weeks to keep you updated on developments. Although it is sometimes necessary to change personnel for various reasons over what may well be a two to three year project, ideally this person will be your lead contact from the start of the project until 'the keys are handed over'.

Project Director

They will most likely work directly for the DfE and will report into the department on the progress of the build. Although many have a background in construction, they may equally be a career civil servant. They will also make themselves known to you early on in the project. They should be the first point of escalation for any concerns about the progress of your build or the project team. They will take oversight of the budget for the build, provide strategic oversight and ensure that the trust is receiving the support it needs as the builds progresses.

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Technical Adviser/Contract Administrator

He or she will work for the DfE but is most likely employed by a contractor. They may have a surveyor background and will take a role in the detailed scrutiny of the designs and costings provided by the contractor appointed to deliver the building. Their role is to ensure that they are abiding by the department's standards and regulations on issues such as health and safety and design specifications for school buildings. It is also likely that an ICT technical adviser will be appointed for the project. The trust is unlikely to have much day-to-day contact with the technical adviser who will be mainly focused on ensuring that the contractor is abiding by DfE standards and requirements.

ICT Adviser

Your project will be allocated an ICT Adviser who works for the DfE in the Capital ICT Team. The team has a wide range of experience, including former teachers and head teachers, ICT Network Managers, suppliers, and local authority officers. Right from the start of the project, they will work with you to develop your ICT requirements and will ensure that the building is designed to support your EdTech approach. They will also work with you to find an ICT Supplier who will deliver all the ICT equipment and services for the administration, teaching and learning in your school. When it comes time to move into your new school building, they will ensure that the installed ICT solution is compliant with all requirements, and that it is successfully handed over to you and you are trained on its operation.

Planning Adviser

Once a contractor is appointed to build the school, the DfE will appoint a planning adviser who will take the lead in ensuring the design meets planning requirements. The contractor, once appointed, will then appoint their own planning adviser to submit the detail of the application.

LocatED Acquisitions Manager

LocatED is an arms-length body to the DfE; it provides the commercial and property market expertise to secure the required sites for free schools quickly, and at better value for the department.

LocatED has a multidisciplinary team with specialist skills and extensive property sector experience. Working directly with landowners, agents and developers across England, it has individual acquisition budgets to spend on sites for schools, and manages negotiation with vendors. A LocatED acquisitions manager will work together with the DfE project manager, project director and the free schools lead contact to secure the right site for the free school trust.

Generally, 'peppercorn' sites are dealt with by the internal DfE property team.

Regional Head

They will be the line manager for the project director and will oversee decisions on a number of schools in the region. They are an employee of DfE and likely to be a career

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civil servant of some experience. Trusts are unlikely to have much day-to-day contact with the Regional Head unless there is a particular issue that requires further escalation.

Deputy Director

This is the senior officer within the DfE who is responsible for the builds in either the south or north region of the country. As such, they are not able to meet with all Trusts to discuss their builds, but they are the senior point of escalation before raising any issues directly with the Minister. They are likely to be a career senior civil servant of substantial experience.

Contractor

Once a site has been secured, a procurement process will be run to appoint a contractor for the build. The tender for the scheme will be issued only to those who have already qualified to join the DfE's framework i.e. they have passed the assessment that they are a legitimate and skilled builder of schools or similar schemes. Given the sums involved, it is important that Government procurement rules are followed. The chosen contractor will then appoint their own project manager, perhaps one to manage the build through to design and planning stage and another who will take responsibility for the project once the contractor is actually on site.

Free Schools Lead Contact

During the assessment stage of your application, a free schools lead contact will be appointed to your appointed to your school. As you prepare to open, they will remain in contact and will liaise directly with you re the educational and legislative requirements that need to be completed in order to sign a funding agreement before the school can open. Other technical specialists may also be assigned to the project, i.e. an education adviser will assess the school's education brief and policies. He or she will be involved in the Principal Designate's recruitment process. Please refer to the [pre-opening guidance](#), which contains detailed information on all key pre-opening (non-site) milestones.

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Pre-Opening Stage	Open Stage
<p>You will work with your lead contact to complete key milestones ahead of the signing of the funding agreement. These are:</p> <ul style="list-style-type: none"> • Section 10 Statutory Consultation on whether to enter into a funding agreement completed and report provided to DfE. • Principal Designate appointed, recruitment of other staff underway. • Admissions policy agreed with DfE. • Governance policy agreed with DfE. • Suitable Chair of Governors appointed. • Draft Education Brief and policies submitted to the Education Adviser/agreed by the Education Adviser. • Articles of Association in line with latest DfE Model. • Financial Plan submitted that shows financial viability of the school. • Final version of detailed curriculum plans submitted and agreed with the DfE. • Marketing. • Disclosure and Barring Services (DBS) checks undertaken. 	<p>Your lead contact will hand the project to a link officer in the Education Skills and Funding Agency (ESFA). The ESFA and the Regional Delivery Directorate (RDD) will monitor the school's educational and financial viability once it opens.</p>

Other

Depending on the complexity of the build, others may join the team. For example, there may be a contamination expert or someone experienced in builds that meet the particular specialism of your school or a design adviser who specialises in buildings for those with special needs. The project manager will take the lead in securing such specialist input where required.

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Working Together

We hope you enjoy your experience of building a new school. It is an exciting opportunity to leave a lasting legacy in your community. People involved in the project are passionate about what they are trying to achieve. It can therefore be very frustrating when obstacles are encountered which delay the project or you may feel are unnecessarily hampering progress. It is highly likely that your DfE team will have built several schools already and will be familiar with the processes and legal requirements that must be followed. They will also have to work within the budgetary limits that will apply to all projects. They should be in a good position to advise on tackling issues as they arise. If you feel in need of a further opinion, please do raise the issue with the Regional Head allocated to your project in the first instance. We have had examples in the past of Trust leaders taking their frustration out on the project teams. We will not tolerate unacceptable behaviour towards DfE project teams. We are very understanding of the pressures involved in opening a new school. It is, however, also part of the role of the team to sometimes explain why processes must be followed or why something is not possible within the parameters of how the project must be delivered.

Working together is invariably the best way forward to deliver your new school. To help and clarify that best working relationship, this Booklet contains at Annex A an informal “Charter” enshrining our expected behaviours and the clearly defined roles of DfE and Free School Trust at each stage of the capital journey. We believe the positions of both bodies set out at Annex A encourage the very best delivery of, and outcomes for, a new Free School. We wish you every success for a positive and enjoyable experience.

Risk Register

There are many risks associated with the delivery of any large scale infrastructure project - a standard risk register of many of the common risks facing a new school development is attached as Annex B. Your project team will devise a specific risk register for your project that will be shared with you. This will identify the risk, an assessment of its likelihood and what mitigations have been put in place to try and limit any impact. This will aim to be as comprehensive as possible of the main risks. Nonetheless, there may still be unanticipated situations which can impact a project. The project team will work with you to try and overcome obstacles and are able to draw on a wide range of support and advice to help move a project forward, even where such risks materialise.

Site Selection (approx. 6-9 months)



A three-form entry primary near Manchester built using modern methods of construction

Site acquisition can be one of the most intense phases of the programme, particularly in areas such as the South East and London where sites can be hard to find. Even when a trust has identified a preferred site when submitting an application, it may not always be a straightforward process. The site might prove unsuitable for reasons such as transport, access or contamination. The Project Team will listen carefully to what the Trust wants to achieve/where it would prefer to be located but be prepared to be flexible and consider alternative options such as refurbishment of an existing building rather than a new build or locating slightly outside a preferred catchment area.

You can review some of the builds we have completed to understand the variety and innovative approaches that can be adopted to refurbish an existing building or develop a design that fits well into what at first appeared to be a challenging site at <https://www.gov.uk/guidance/school-design-and-construction>

The Search for a Site

In essence, DfE Capital acquire free school sites via two routes:

- Through Local Authorities (LAs); and
- Through the commercial property market.

DfE Property Team are responsible for a range of duties, one of which is engaging and working with LAs to acquire peppercorn sites for free school trusts (FSTs), LocatED, a partner of DfE's, acquire commercial sites and premises for the free school programme.

Sites provided by LAs are acquired at a nil capital charge (commonly known as a peppercorn acquisition). Peppercorn acquisitions are seen to represent best value for

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money option to the public purse. For schemes where the LA are unable to provide a site, or the site proves unworkable, or cost prohibitive, DfE Property Team will work with delivery teams and the FST in commissioning LocatED to undertake a site search and secure a site for the FST.

The DfE Property Adviser will work with the LA to agree Heads of Terms (HoTs). HoTs is a phrase the FST will need to become familiar with. HoTs can also be referred to as letters of intent, memoranda of understanding, heads of agreement, or even letters of potential interest. DfE's HoTs is not a legally binding document, it is a document which intends to clearly set out the terms of a site transaction agreed in principle between parties in the course of initial negotiations and, when agreed is the starting point for the FST entering into a long term 125 year peppercorn lease. FSTs may find it helpful to look at a typical free school peppercorn lease.

Your allocated DfE Property Team Adviser will work closely with the delivery team to determine what surveys will be required as part of the DfE's due diligence works needed to protect the FST and DfE.

As matters proceed, the DfE Property Team Adviser will work with the allocated Legal Manager who will instruct lawyers, undertake title searches and other related due diligence works to ensure all contractual protections are in place for both DfE and the FST.

LocatED will use your school brief to search for and secure a site. Your school specific brief will set out any particular requirements you may have for the build that stem for example from how you arrange your school day or the curriculum. In the case of schools for pupils with special needs, it is particularly important that the project team fully understand the needs of the pupils and what particular equipment and access arrangements they may need. The allocated LocatED acquisitions manager will provide regular updates on progress on your site search via your DfE project manager. Although it is always useful to have input from the Trust, it is important you do not enter into any commercial negotiations yourself; the LocatED team are property specialists and best placed to understand market value and agree the best deal for a site.

When LocatED has completed its search for sites, it will appraise the different site options and review these with the DfE and Trust. A shortlist will be agreed and technical and planning assessments will be completed by LocatED's in-house team to inform a decision on the preferred site with all parties.

The sites identified may have features or constraints that could impact the vision you have for your school build. For example, it may have listed buildings that need to be accommodated or limited acreage requiring off site sports provision. It is important to talk to your project manager about these issues early on so that you can adjust your vision and communicate them to your wider Trust team.

Very occasionally, in areas where land values are very high and/or there is high density of buildings; it can be a challenge to find and acquire sites for schools that demonstrate

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good value for money. In this circumstance the most viable option may be to acquire a site for mixed use development; typically delivering a school and homes on the same site. The capital generated from the sale of the homes in a mixed use development can then be used to subsidise the cost of the new school, making it viable.

In the case that the choice is made to proceed with a mixed use development, you will still be allocated a project manager who will be the day-to-day contact for your school build and who will liaise directly with LocatED and the contractor/developer delivering the scheme and provide progress reports.

Generally, 'peppercorn' sites or those acquired from the local authority are dealt with the DfE internal property team.

Guidelines about the typical provision for secondary, primary and special schools is available at www.gov.uk/government/publications/mainstream-schools-area-guidelines. Wherever possible, the project team will aim to meet the requirements set out in the guidance, but it is not always possible to do so.

Securing the Site

When a preferred option has been selected, the next step to secure the site is for LocatED to agree 'Heads of Terms' (HoTs) with the vendor, this is an in principle agreement for a sale. At this stage, your project manager will talk with you about possible opening dates and whether any public statement about the site acquisition is appropriate. Importantly, HoTs are not legally binding and there remains a risk that a seller could withdraw. You should follow guidance from your project manager in this phase about what to say publicly and when. We advise caution on announcing an opening date too early in the build process. There are risks associated with any build and it is often wise to delay announcing an opening date until a contractor is on board and all feasibility work on the build complete.

Other Key Considerations

You may hear the term 'peppercorn' lease. This is often land leased from a local authority or public body that is made available to build a school at a reduced price. Priority will be given to considering such sites; the DfE team often manages this process in-house.

In very rare cases, Ministers may consider opening the school in temporary accommodation before the permanent building is complete, for example, in cases of severe demographic need. However, temporary accommodation, often provided in modular buildings, is expensive so the policy is now to avoid opening before the permanent building is complete wherever possible.

If, over time, it becomes apparent that no sites are available in the specified search area but there remains demographic need, alternative solutions may need to be considered. For example, particularly for secondary schools where pupils can travel

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further, opening in a nearby borough or site outside the catchment area but making use of a nodal point for admissions.

Helpful web material at this stage is:

- LocatED: Details of its role and case studies of projects it is working on are available at <https://located.co.uk>
- The Government produces guidelines for the specification of school buildings at: <https://www.gov.uk/government/publications/mainstream-schools-area-guidelines>
- New Schools Network is a small charity established to provide support and advice to groups wishing to establish new free schools: <https://www.newschoolsnetwork.org>
- Guidance on design and construction is at <https://www.gov.uk/guidance/school-design-and-construction>

Capital Approval (approx. 1 month)



A six form entry secondary free school in North Somerset

Once Heads of Terms are agreed your project director will secure approval for the capital budget. This will set the initial budget. In most cases this process will be straightforward. In some cases, however, when the sums involved are unusually high or the deal is complex or controversial, wider clearances with Ministers and possibly across government may be sought. Once the budget is approved, the Trust will be required to sign a Memorandum of Understanding (MoU) prior to procurement of a contractor commencing. The MoU sets out roles and responsibilities of the Trust during the pre-construction stage. We will share the capital budget for the project with you and a draft timeline for completion of the build.

We publish costs of our builds when completed at www.gov.uk/government/publications/capital-funding-for-open-free-schools

Feasibility (approx. 4-6 months²)



The Reach Free School in Hertfordshire

Whilst some high level judgements will already have been made about the suitability of the chosen site, during feasibility stage, detailed and often intrusive surveys will be undertaken such as environmental, archaeological, and contamination. These surveys help inform any mitigations that need to be factored into the design and help inform the timeline.

During this phase, we also develop a high-level design for the school to check that the required accommodation can be accommodated on the site at reasonable cost. This work will be led by a DfE technical adviser, but again the project manager will advise you during the process. Once a feasible scheme is developed, procurement for a contractor to build the school will commence. You will be involved in initial design development (for example requirements of the school and adjacencies of classrooms).

Your ICT Advisor will work with you to develop your ICT strategy. This ensures that the feasibility report reflects all your ICT requirements.

The feasibility report will be shared with you. You will be asked to confirm that the feasibility reflects the school's education brief and vision wherever possible, given site and budget constraints.

² Depending on the complexity of the site

Procurement (approx. 3 months)



A sixth form entry secondary school in Swindon

Once the feasibility study is approved we will procure a contractor. The key activities in this stage include preparing tender documents, going out to market, assessing bids from contractors and appointing the main contractor. Importantly, the Trust must prepare its school specific brief to feed into the procurement package. This should set out how it would prefer its teaching spaces to work, what adjacencies of rooms and what curriculum/activities they wish to prioritise in their offer. DfE use a number of procurement 'frameworks'.

Contractors have already competed to be on these frameworks by demonstrating that they have a proven track record of building schools or major infrastructure projects etc. Only contractors that are already on these frameworks will be invited to bid. This ensures that any successful bidder has already been rigorously tested as being able to undertake the work. We will confirm a programme for procurement with you and provide regular updates on progress. DfE will score the tender returns and will confirm to you once a contractor is appointed. In some cases where a tender attracts several bids, two contractors will be selected to progress into Client Engagement Meetings with the Trust. During this phase, Trusts will be asked to set aside time to meet individually with each contractor and have six sessions to work with them on developing a detailed design for the build.

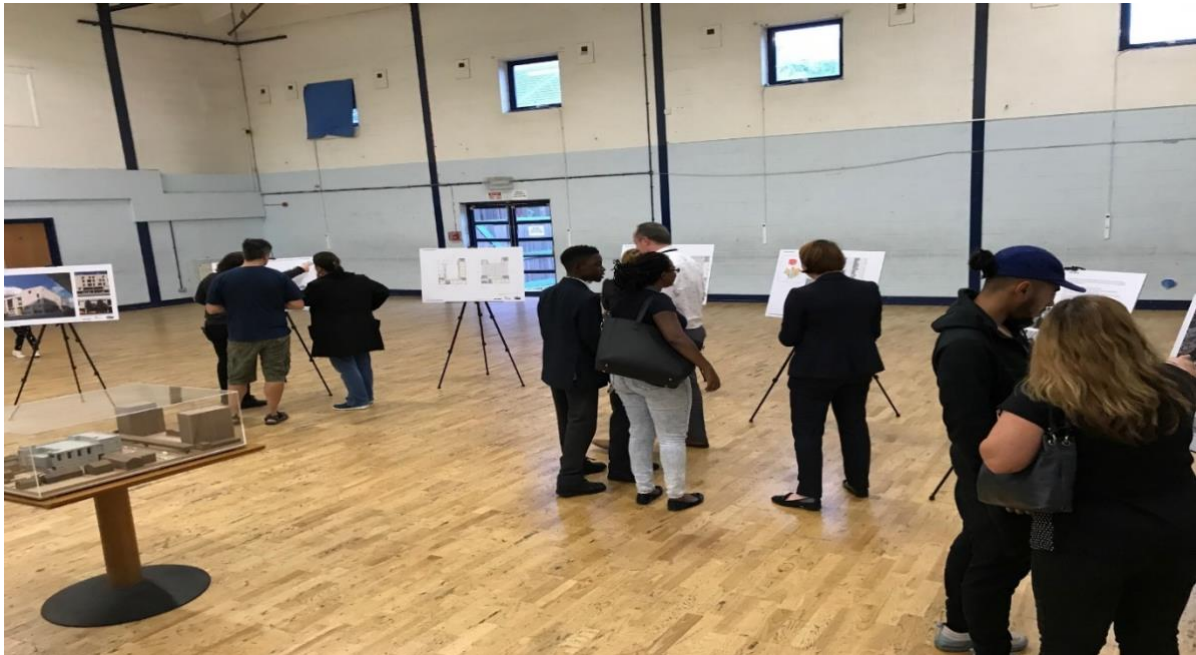
The Trust can share information on issues such as how they run their school day, configure their curriculum, and will make use of the communal spaces, which will all impact on design decisions. It is important to get this design right as this will form the basis of the contractor's final bid and ultimately any planning application. If you are part of a Multi Academy Trust it is important that you consider the compatibility of the

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ICT and other systems with other schools in the Trust. At the end of this process, the bidders will submit their final costed proposals for the build and a contractor will be selected.

DfE will lead on the appointment process but the project manager will keep you informed of progress and take on board your views wherever possible. Ultimately, the design chosen must meet the DfE's schedule of accommodation specification. Appointments must also be made in accordance with the DfE's procurement rules. As such, it is the project team that will take the final decision on which contractor to appoint.

Detailed Design Development, Secure Planning and Enter the Contract (approx. 7 months)



A free schools planning consultation event

Once appointed, the contractor is responsible for developing the detailed design and securing planning permission. This process is overseen by the DfE's Planning Team. Preparing a planning application for a school is a time consuming and detailed task. It is likely that there will be some input required from the Trust. For example, it is helpful for the school to have developed a travel plan to allay concerns about traffic or to have developed a community use agreement regarding use of the school's sports facilities by the local community. It can sometimes seem that preparation of the application is taking a long time but if an application is rushed, it is at greater risk of being refused or deferred leading to delays to the project.

You will also be invited to attend some public consultations where the plans are put on public display for local residents who want to know more about how your school will operate. These are good opportunities to promote your new school and engage with the community. You may also be invited to present at the planning committee. For some projects, planning may be a difficult time.

Residents may be unhappy about the perceived impact of the school and their critique may be vocal/make use of social media. Please take the advice of your project manager and the New Schools Network when managing these interactions with residents. In practice, we often find that fears raised by residents about a school in their neighborhood are allayed with further explanation or when the school is actually in operation. We aim to respond positively where we can to the concerns of neighbours and find compromises but this will not always be possible.

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There are certain policy presumptions in favour of schools but refusals or deferrals for planning permission can occur. In these cases, your project manager and contractor will liaise with you about whether to make some changes to the design/approach and resubmit, whether to submit an appeal against the decision or whether a new site must be acquired. If planning is secured, the final contract with the contractor will be signed and the Trust will be asked to sign a Memorandum of Understanding which is a legal document that sets out the requirements of the Trust during the construction contract. You will be required to confirm your acceptance of the detailed design and lifecycle costs as part of the Final Business Case. There may also be planning conditions and a legal agreement that will have to be discharged or complied with by the contractor and the Trust before works can commence. For example, there may be works required to adjacent roads or pedestrian crossings.

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Construction (approx. 12-18 months)



Once a contractor is on site, on average a 2FE Primary will take 12 months to construct and a 6FE Secondary School will take 18 months to construct based on a site with a low construction risk profile. There are variables, however, that will impact the time required, for example the weather, ease of access to the site of large lorries, whether demolitions are required etc.

During this phase, the contractor will appoint a site manager. They are likely to be a key point of contact for the Trust. Site progress meetings will usually be monthly. You will be required to finalise some of the detailed finishes of the building and make decisions relating to Fixtures, Fittings and Furniture (FF&E). It is worth you considering early on your preferences for the layout of toilets, classroom storage and desks etc. It is best to nominate someone in the school leadership team (preferably not the principle designate) and someone at working level to be the key point of contact for the build or it is easy to feel overwhelmed as the project progresses about the number of decisions about the build required. This is a good time to involve your site manager in design and discussion given that going forward they will be responsible for managing what may well be a complex building with multiple heating, lighting and electrical systems.

Fixtures, Furniture and Equipment (FF&E)

While this is an essential component for all schemes, how it is funded and how decisions are made can be quite complex. Trusts are advised to consider early in scheme development the various differences set out below and their own approach to services in the building that may have implication for FF&E. Preferably this would be as part of the School Specific Brief information that trusts provide for the

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scheme's Feasibility Study. In particular, early clarity on what FM services the trust may want to contract with for the school, such as catering and cleaning, will help in identifying the requirements for F&E in the scheme and avoid potential omissions or wasteful spending later in its development.

To define the various responsibilities for who should be procuring FF&E, it is categorised as follows in the DfE Output Specification:

2.1 FF&E Definitions

In this specification, FF&E comprises:

- fittings, including worktops, sinks etc;
- fitted furniture, which is fitted to the fabric of the Building, including an under-bench cupboard; fixed furniture and equipment (F&E) which is fixed to a structure for stability, including tall library shelving units;
- Loose F&E which is a moveable item, including a chair or table. All individual items of loose F&E, for all areas of the school, that are to be funded by DfE capital are now listed in Area Data Sheets (ADS) that are drawn up for Feasibility;

FF&E **does not include services** such as electrical outlets, public address and alarm systems, passive ICT Infrastructure such as cabling, built-in air extraction systems, or sanitaryware including cubicle partitioning. Also it does not include consumables like science equipment such as test tubes etc. These consumable items should be funded by the Trust from other sources such as Pre- and Post-opening Grant, and GAG funding.

2.2 Definition of Responsibilities

Each item of FF&E will be in one of four groups (most listed in the ADS for the scheme), which identify the responsibility for procurement, fixing and placing.

Group 1: New FF&E supplied and fitted by Contractor, including all fittings & fitted furniture.

Group 2: Legacy F&E provided by the School or others, which is the responsibility of the Contractor to ensure is working and safe when installed or fixed. For Free School schemes, this is applicable only to schemes moving from temporary to permanent accommodation, where legacy tables, chairs and any catering equipment has been purchased already.

Group 3: Loose F&E supplied by Contractor for the Free School as individually specified on the ADS, plus any loose F&E items provided by the Trust which it has procured and which should be accepted for delivery and then installed in the agreed location within the scheme by the Contractor.

Group 4: small items of loose equipment, not identified in the ADS lists, provided by the School or others, which shall be boxed by the School or others and moved by the

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Contractor. This can include small curriculum items such as science equipment and consumables such as test tubes, Bunsen burners etc. It may include items such as cooking utensils, knives and forks etc also but this will depend on the trust's preferred meals service (see below on Managed Services). These items cannot be funded from the F&E capital budget and should be funded by the Trust from other revenue grant.

All FF&E items that could be funded by DfE capital (budget permitting), in each group for each space, are listed on the generic Area Data Sheet (ADS) which are part of the DfE's Output Specification. FF&E is at the bottom of the spreadsheet. Project teams should share the ADS information with Trusts as part of the SSB information and Trusts should review these detailed entries in drafting their SSB.

Group 1 Fittings and F&E provided by Contractor		required quantity	
Worktop 600 deep (profit inclusive)	WT160VS		185
Shelving (set of 3)	SH100		7
Underbench cupboard (2 door)	CUB004		7
Underbench cupboard (1 door)	CUB009		5
Cooker hob electric (inset)	APP011		2
Mini oven	APP022		2
Noticeboard	BOA001		2
Oven housing unit	CUP014		2
SS single sink (right hand drainer)	SIN004		2
Belfast sink (large)	SIN001		1
Coat hooks (12)	STO002		1
Underbench paper unit	CUB012		1
Underbench tray unit (18 trays)	TRU002		1
Wall cupboard unit (2 doors)	CUP013		1
Whiteboard	BOV01		1
Group 2 Legacy F&E to be used or replaced by Contractor		Generic quantity (as FF&E library)	Required quantity (as FF&E area data)
Computer	472x450x500	1	1
Group 3 F&E provided by school		Generic quantity (as FF&E library)	Required quantity (as FF&E area data)
Classroom chair (size mark 3)	various350	30	30
Rectangular table (size mark 3)	1100x550x590	8	8
Semi-circular table (size mark 3)	550x450x590	6	6
Bin (large)	various	2	2
Adjustable table	1200x600various	1	1
Clock (wall mounted)		1	1
Microwave	500x400x300	1	1
Spring loaded drier (A2)	600x500x1000	1	1
Spring loaded drier (A3)	600x500x700	1	1
SS Trolley	1000x600x720	1	1
none			0

FF&E Funding

Fixed FF&E is included in the contractor's construction cost. Remaining F&E is funded separately using a costed FF&E calculator included in the ADS. This has a cap on the funding level of £1,000 per pupil for mainstream secondary schools (based on the intended capacity of the school) – but for primary schools the calculator is used - currently the calculator indicates a sum of £213,416 for a 2FE (420 place) primary school. For SEND schools, loose F&E is calculated using a more detailed approach with reference to a bespoke, costed schedule in the ADS for those schools, given their more specialist requirements of F&E.

The FSC programme's standard treatment for this loose F&E funding is to include it in the construction contract also, requiring the contractor to procure and fit all loose F&E agreed in design development with the trust as part of the scheme's delivery, so it is all installed at completion and handover. This is to ensure they are fully accountable for managing this installation as part of their completion works without

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clashes and confusions, and so it can offer best value due to its relative larger size and purchasing power.

Even the maximum £1,000 per pupil allowance is lean and will not usually stretch to specialist or exceptional items. Also, the Free Schools delivery programme requires that the F&E solution for every scheme covers a whole school fit-out at completion, so F&E spend must be spread across all year groups and spaces and cannot be targeted at only certain year groups to enhance the funding available for F&E on those at the expense of others.

The very specialist nature of SEND provision means that sometimes trusts will have an established specialist F&E supplier which may provide more suitable F&E solutions for the scheme if directly procured by the trust. However, the established process is for the appointed contractor to procure and deliver all F&E for a scheme, as it will have greater purchasing power than Trusts and will retain full responsibility for integrating and installing all the F&E for a scheme. Very rarely, trusts can be given some or all the allowance to procure F&E themselves but this is by exception only based on a sound rationale and formal approval within FSC. The earlier this is discussed and decided by trusts and the project team in the discussions at or before design development, the better. Any trust that has an interest in self-procuring is advised to raise this in completing its School Specific Brief for the scheme Feasibility Study, prior to the engagement with the chosen contractor, and identify any specialist F&E that it might want to ensure is included at this early stage also.

Common problems in considering FF&E on schemes

Omissions

Given the diversity of F&E considerations, on rare occasions some F&E has been overlooked in design development. Trusts should work with your contractors and FSC project team in design engagement to identify the right F&E for every area of the school. Some previous confusions include

- *AV equipment* for halls – sound and projection equipment is classed as ICT so must be funded by your ICT budget, not by F&E funds or by the construction contract. ICT allocations are similarly lean so would not be used for much bigger items such as a fully featured fixed speaker systems mounted on walls / ceiling and other equipment beyond the projector itself.
- *light fittings to the main hall* lighting rig (the latter is usually provided by contractors but not the lights themselves) are classed as F&E (as are curtains). For Priority School schemes, these are legacy F&E items which are decanted into new facilities, but for Free Schools they must be bought as new from F&E funds but installed by the contractor and are listed on the F&E ADS for those areas.
- *Electronic display boards* are classed as ICT, *whiteboards* are classed as F&E items to be bought as new, but installed by the contractor

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- *Sports equipment* – as with F&E generally, large items to be provided as part of the scheme by the contractor will be listed in the ADS, but smaller items such as bats & balls will be expected to be funded from Trust revenue grant sources.
- *Catering* – kitchen facilities are funded from the F&E budget but tills, and consumables such as pots, pans, cutlery etc are not; if there is no catering service bought in by the trust that would normally provide these as part of its service, they must be provided by the Trust funded from revenue grant sources.
- *CCTV cameras* – construction costs include minimal CCTV units for building line security only. Extensive site coverage, and internal CCTV units, are seen as M&E . not expected to be funded from the F&E budget, and if required by the Trust should be funded from revenue grant sources.

F&E for Temporary Schemes

For schemes which open in temporary provision, F&E will be required and this must be funded from the scheme's overall F&E budget allowance. There is no additional funding for loose F&E in temporary schemes, so any items purchased for the temporary site are expected to transfer to the permanent scheme once it is completed. Trusts working to open in temporary sites must bear this in mind or face a deficit to equip the permanent scheme later.

Delivery Arrangements

Delivery arrangements for F&E is also a common problem with trusts who have bought some bespoke items. Having it delivered and expecting it to be stored on site whilst the contractor is nearing completion, with numerous operatives and multiple trades on site, can cause difficulties unless planned properly. The F&E can then get damaged in these late stages. So good liaison with your contractor on delivery dates is key to avoid both damage to your F&E, lack of insurance cover for these items once delivered to site (as this will not be covered by the contractor's insurance) and disruption to the contractor's final efforts to complete the scheme. The site will remain the contractor's responsibility to manage until Practical Completion so close agreement and decent notice on all such arrangements by the Trust are very important.

Managed Services and FF&E

Some trusts may have different arrangements for the delivery of services to their schools that may bring with them F&E as part of the service, which therefore would not need to be included in contractor or trust procurement. These can include:

- catering services which may include provision of cashless or cash-based equipment, cooking and dining equipment;
- toiletry suppliers which may include F&E like toilet roll holders, hand dryers etc

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- cleaning services which may include specific cleaning equipment and materials.

SSBs should if possible specify if the above items are to be supplied by the contractor, or just fixed by them if they are to be sourced by a managed services provider, or neither of these options.

It is important that these decisions are made and conveyed as part of the design development discussions to avoid potential omissions to the F&E needed by schools at the point of opening. The earlier these details are made clear in a project, preferably at the point trusts are asked to complete a School Specific Brief, the less risk there will be of omissions or late complications to the scheme due to oversights on F&E.

ICT

Along with FF&E, the funding and development of the ICT for your scheme is a complex process.

Unlike most other elements of your scheme, the ICT is not delivered by the main building contractor, but by a separate ICT supplier. After working with you to establish all of your ICT requirements, your ICT Adviser will support you in the procurement of a supplier which you will enter into contract with.

Around 18 months before your school is set to open, your ICT advisor will contact you to explain the procurement process and will issue you with the Free Schools ICT Handbook.

If your trust has existing supplier arrangements, you may be able to extend that arrangement to provide the ICT for your new school, and your ICT adviser will be able to work with you to establish if this is possible and presents best value to the project.

ICT Funding

ICT funding is provided in two distinct parts, one for the passive network and one for your ICT equipment. Both of these are calculated using several different variables such as the type of school and number of students.

The funding for your passive network provides all required cables, data points, data cabinets and connections between buildings. This funding will be allocated to the main building contractor.

The funding for ICT Equipment is more significant and is allocated to your ICT supplier. It is calculated to provide the following, as a minimum:

- A functional active ICT network including servers, cloud services, switches and Wi-Fi

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- Pupil devices – 1 device per 4 pupils
- Staff devices – 1 device for each member of teaching staff
- Admin devices – 1 device for core administration staff (FTE)
- AV – 1 interactive display per classroom
- AV – 1 large projector + screen in a large space
- Peripherals - MFD, printers, device charging/storage
- A telephone system
- Curriculum software
- Go-live training and 3 months support
- Deployment, integration and project management

It's possible that your school will not open with a full cohort of staff and students in the first year, so you are able to spend your ICT funding as you grow, up to 10 years from when you enter into contract with your supplier.

If you are opening into temps and then later moving into a permanent building, additional funding will be allocated to your project to cover the cost of uninstalling, moving, and reinstalling your ICT equipment.

Broadband

Your school will require a broadband internet connection, and funding is allocated to your project to cover the installation of the incoming cables, associated e-safety services such as a firewall and filtering solutions, as well as VOIP services.

This funding also covers the first year of your internet service costs, and after the first year these will need to be paid out of the school's revenue budget.

You will be required to place the order for your broadband service around 6 months before the school is due to open and your ICT adviser will contact you before this to discuss the different procurement options available to you.

Handover and Post Occupancy (onwards)



Akaal Primary School Handover Ceremony

HANDOVER AND POST OCCUPANCY

Preparing for handover

The handover of the building is a significant technical project in itself and operating the building efficiently after handover can be a challenge. Understanding how the heating, cooling and lighting systems work and must be maintained is skilled work. **You should ensure that there is a suitably qualified or experienced colleague able to engage in discussions, preparation and training on the building's operation early on in the trust's engagement.** It is best to start talking to the contractor about this during design engagement, and critical to do that in detail during the lead-up to handover, which is a process set out in the Government Soft Landings procedures operated by your project team and TA. The Soft Landings procedures begin discussion about six months prior to the project's completion and are aimed at ensuring all aspects of the scheme are completed, compliant and in a condition that the trust can pick up the operation of the school immediately upon its completion.

The technical adviser will have final responsibility for signing off the building as safe for the school to occupy but the Trust must also have established its system and processes for taking responsibility for the building. This includes:

- Establishing your energy provider very early on in the build. Ensure, in discussion with the contractor, that they understand the deadlines the scheme is working towards. Similarly, early on in the build, establish your telecoms and broadband provider and ensure they are signed up to the timelines for handover you are working to. It is often very difficult or even not possible to open a school now without

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key services such as broadband being in place as so many pupil tracker and notification systems operate in this way now;

- Ensuring that insurance is place for both the building and the equipment arriving;
- Devising your fire strategy, ensure firefighting equipment is installed and ensuring that your staff know how to exit pupils from the building safely. A fire evacuation test is one of the first activities you should do when first occupying the building.
- Informing the fire services and other emergency services that you are now on site/provide them with your address and postcode. Their records may still be showing the site as an empty field/disused office building.
- ensuring you have your own security arrangements in place when the contractor hands over the site (this may mean simply understanding how to lock, alarm and secure the building and site).
- Making sure all keys are labelled. Undertake a practice run of opening and closing the school before final handover to ensure this is understood and manageable by the school alone;
- Informing parents, key services pupils of the address and telephone number;
- Undertaking a double checking on all safeguarding arrangements in the new build.

Your ICT adviser will also work with you and your ICT supplier to carry out User Acceptance Testing (UAT) to ensure all that the ICT solution is in full working order.

Preparing for managing the building in the Government Soft Landings process

At regular intervals in the countdown to handover, the contractor and project team will review its readiness to complete the scheme and this will include giving the trust information and training on operating all the key systems in the building, and its maintenance requirements. This information is included in a suite of documents called the Operations & Maintenance Manual (O&Ms) for the scheme. These are very important documents for your site manager and any contractors you may later use to service key elements of the building. You should make sure that the contractor and the project team give the most appropriate trust representatives a number of detailed training sessions on them. This should include the physical handover of the guidance packs but it should also be video captured to allow reference to these sessions post-handover. Site managers can move on and it is important that accessible handover packs are available for any new staff. Keep them safe, labelled and accessible.

Guidance on efficient building management is available at www.gov.uk/guidance/good-estate-management-for-schools (GEMS) and we strongly urge you to look over this guidance and make use of it before and after the handover of your new school.

One element of the information on building management, also detailed in depth on the GEMS site is energy and water management. How you buy your energy and water and manage the building's systems and services can make a dramatic difference to the financial position of the school/Trust. One of the most common areas for Trusts to identify defects in the building is often around the heating and air conditioning systems but it is often the case that these are not being managed properly. Double check with your contractor that your site manager fully understands how most efficiently to operate the complex Building Management Systems that are

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now standard in all new schools. Agree with your contractor what you should expect as a typical bill for the running costs of the building so that you can be alert to any significant deviations. Agree with your contractor to come back to the building three months in to check that the systems are balanced correctly now that the building is occupied.

Managing the building post-handover

Part of the Government Soft Landings process is to establish a snagging and defects protocol with your project manager and the contractor. This will ensure the school site team know how, and who, to contact within the contractor's organisation to work through any snagging/defect issues. It should also agree a series of meetings to review these snags and any defects in the build, and how these are being rectified. The project manager will be holding back a retention sum that will not be passed to the contractor until the building is in a satisfactory state and all these snags and defects are rectified. There is a standard 12-month defect liability period with the contractor where it remains their responsibility to address any problems identified with their build, during which the regular meetings with the contractor and school should happen, involving the TA and project manager where possible.

Beyond the first year of the defects period, if problems occur with key elements of the building, it will be the sole responsibility of the Trust to ensure the contractor rectifies any further defects and it may be that a warranty applies to these. It is therefore important that you keep records of such warranties so that your site manager knows who to contact if issues arise. All the relevant warranties should be in the O&Ms manual, and the pre-handover training should explain what these cover.

More generally, please do not under-estimate the task of managing a large, complex building. It is a senior role which requires skilled expertise. There are risks associated with not maintaining the systems in the building properly, particularly those associated with fire safety, water cleanliness and air conditioning units, and cost advantages to running the systems optimally.

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We Value Your Feedback

We value your feedback on our builds. Please do share your views with your project manager and others as the project progresses about what is working well and what can be improved. You will be issued with a Post Occupancy Evaluation questionnaire which provides you with an opportunity to provide feedback on your experience of the build, both in terms of the process and the resulting building. We use this information to further improve our services. Please do take the time to complete it so that things can be further improved for future schools.

Contractors are also required to undertake Building Performance Evaluation (BPE) of all new school buildings to improve the performance of school buildings (e.g. re energy consumption).

What to do if you have any concerns?

It is important that we provide you with opportunities to escalate any concerns you have about our service or the quality of your build. In the first instance, please do speak to your project manager and project director about any concerns. It is not helpful to immediately escalate issues to the minister on a routine basis. They are unlikely to be familiar with the detail of your project and hence are likely to ask advice of officials. If you wish to escalate your issue further, please contact the regional head for the area and from there the deputy director for the region. Although instinctively it may feel that writing to the minister is the best way forward, discussing your issue with officials may bring a more rapid conclusion to any issues of concern.

Glossary

HoTs

Heads of Terms are an agreement between the seller and purchaser about the basic terms of a sale agreement such as price, time lines, size of site etc. DfE routinely use these to agree the principles of a freehold sale or long term lease before entering into the final legal agreement which is often dependent on planning being secured for the site. HOTS are not legally binding. It is fairly common for a site for a school to be announced once HOTS are agreed as it is deemed, in most cases, to be a relatively low risk that a sale will not be secured thereafter. Your project manager will, however, advise you of the risk profile for your individual project, depending on variables such as a whether this is a competitive commercial sale, planning is high risk or there are complexities such as overseas ownership.

Freehold

DfE's preference is to secure freeholds of sites wherever possible as it provides surety of tenure, often best value and increased flexibility about the design of the build on the site. Many landowners, however, will not provide freeholds and adopt a business model of commercial leases.

Leases

DfE aims to secure 125 year minimum leases on its sites to provide surety of tenure. Leases are more common with commercial sales or where the site is part of a mixed use development. Leases may contain clauses about what services are to be provided by the freeholder e.g. cleaning or heating and what responsibilities are for the occupier and whether any service charge is due. It is important to take legal advice when signing the lease to ensure that the Trust understands its obligations.

CPO

A Compulsory Purchase Order can be issued whereby a Local Authority (DfE has no powers to issue CPOs) wishes to acquire land for an essential project such as a school build. Importantly this is not an 'easy fix'. The bar for acquiring land in this way is necessarily very high as it deprives the landowner of their land against their will, albeit at a cost agreed by a court, often a commercial market rate. This is only deployed as a last resort where no alternative suitable sites are available. It is also a lengthy process as due process of notification, right to appeal, and court representations are required. It is likely that the process will not take less than two years and the outcome is not guaranteed. No building on the site can commence before the site is secured.

Feasibility Study

Once a site is identified, an initial survey of the site will be done to see whether it is suitable for a school build in terms of size, access and likely planning issues. Once a site is secured, say under a HOTS agreement, a more costly and detailed feasibility study will be undertaken. This is likely to involve intrusive ground works to see whether a building might need piling, or if the site is subject to flooding or if contaminants or environmental factors such as tree roots will impact the build.

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Memorandum of Understanding

This is an agreement that Trusts are asked to sign between the Trust and the DfE about how they will work with the project team on the school build including fulfilling obligations such as signing appropriate legal work, making the leadership team available and approving designs in appropriate timelines.

Client Engagement Meetings (CEM)

Where a procurement for a school build is competitive, two contractors will be asked to progress to the CEM stage whereby they work with the trust to develop the best design possible given the constraints of the site and budget. The Trust will need to attend a number of meetings with the contractors over six weeks. It is best to 'pencil' these dates in the diary ahead of procurement so that, should these be required, time is set aside and delays are avoided.

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ANNEX A

A Charter for Trust -FSC Relationships

Principles

We work together as a team towards shared goals defined for the scheme, seeking to understand each other's perspectives to build positive relationships and clear visions of what success should be.

Relationships are built from kick-off around maximising partnership between FSC and Trust, no matter how the scheme is delivered, but establishing and respecting clear roles for both parties and clear lines on where the remit of each party ends in both central and self delivery schemes.

There is clear and regular communication to ensure all parties are aware of progress, but within a clear context of what is within and beyond the scope of each party, and the reasons for those limits.

Expected Behaviours

Operating relationships should reflect a mutual acknowledgement of shared professional competence and standards between FSC and Trusts - with each other and other partners such as contractors, Local Authorities, local third parties and communities - so that complementary respectful behaviours are exhibited and maintained throughout.

Aim to maximise teamwork with all parties – practically setting shared objectives at kick-off

Communication is full and open, preferably with an agreed routine from kick-off, with meetings fully documented to capture positions and decisions throughout.

There is mutual respect for the best intentions of all parties involved with all actions commonly agreed wherever possible

A commitment to resolve issues amicably within project teams before escalation or complaint; but where escalation is needed, a clear and agreed escalation route is used.

Escalation and Dispute Resolution

Within FSC - Set out any issues for resolution via an agreed route of (i) project team preferably in all issues, failing which (ii) FSC's Regional Head involvement, which if unresolved may finally result in (iii) referral to Deputy Director FSC for a final resolution.

Within the Trust – share a clear and effective escalation route within its governance structure to ensure all avenues of communication at project level are clear and understood by both parties.

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Roles and Responsibilities (For centrally-delivered schemes)

Stage	FSC role/responsibility	Trust role/responsibility
Site Selection	Property lead and/or LocatEd identifies and secures preferred site, maintaining <u>exclusive</u> contact with any landowner. Depending on timings for the acquisition the DfE legal manager or Located will lead on the instruction for completion of the acquisition.	None – updated by FSC /LocatED as and when progress is made; but Trust preferences noted and its outline brief on the school are considered in FSC search. Depending on the nature of the acquisition the Trust may need to consider appointing independent legal advisers and DfE will confirm the position in relation to this at the relevant stage in the acquisition process.
Capital Approval process	Secures approval for inclusion of the scheme with a notional budget in DfE’s capital programme (if necessary from Ministerial level); and commencement of work on the Feasibility Study on the site proposed for its development	Provides written support and agreement to the proposed site for FSC approval documentation Signs Memorandum of Understanding committing to working arrangements for developing the scheme
Feasibility Study	Instructs the external Technical Advisor (TA) to undertake and produce a report recommendation for the deliverability of the scheme and its cost. FSC maintains sole oversight and control of key tolerances of cost, quality (via its defined standard Output Specification for new Free Schools) and programme details for the Study, as client to the Technical Advisor	Works with an appointed DfE ICT Advisor on high level ICT strategy to include in the Study Confirms the Feasibility reflects the Trust’s vision and brief <u>once it is finalised</u> ; but content is not normally shared during the development of the Study (although some schemes may see greater engagement in this stage, depending on circumstances and subject to agreement when FSC instruct)
Procurement	Appoints a preferred construction partner to the scheme (sometimes involving competition. FSC retain sole authority for the choice of the contractor in all cases	Draws up School Specific Brief (SSB) for inclusion in the procurement documents on the preferred design and operational aspects of the school and site. If the procurement involves competition between two contractors, Trust engages in a series of design meetings with each contractor
Detailed Design development pre-contract	Oversees the TA’s management of design development, planning application and final contract	Works with the contractor’s design team in steering design development and site operation based on the Trust SSB
Construction	Oversees the contractor’s progress on site	Attends monthly meetings with contractor site team, FSC and TA, engages in detailed FF&E, ICT and finishes dialogue
Handover and post-completion occupancy	Ensures countdown and soft landings process, starting 6 months before completion, is applied. TA provides final sign-off	Ensures the appropriate Facilities Management staff are engaged in preparations for handover and subsequent operation of the new facilities. Ensures necessary insurance, utilities and other Trust responsibilities for completion are

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	to Practical Completion of the scheme and where applicable instructs solicitors to grant a 125 year lease to the trust on PC	undertaken. Participates in final snagging and handover procedures and uses post-completion defects processes once new build is operational. Where applicable completes the 125- year lease.
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