

Schools Capital Projects and Building Maintenance Guidance for Schools in Hillingdon

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HILLINGDON
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Version History

Version	Date	Approved by	Next Review Date	Author
1	03/11/2025	Abi Preston	01/11/2030	Michael Naughton and Nav Mihas

1. Introduction

This document provides general guidance to all schools in the London Borough of Hillingdon on their responsibilities for ensuring annual building maintenance as Responsible Body.

It is mostly aimed at local authority-maintained schools (community and foundation schools) with some sections in this guidance highlighted in blue are more specifically aimed at schools where the Local Authority is the freeholder of the site. Those schools will be responsible for notifying the Education Team of any planned major works and sharing compliance documentation with the Council.

A colour coded key to help schools identify which sections they should review has been included

Community School	Community schools, community special schools and maintained nurseries
Foundation School	Foundation schools, foundation special schools
Academy	Academies, free schools and university technical colleges (UTC) where Hillingdon Council is not the freeholder of the site
Academy with LA as freeholder	As above where the Hillingdon Council is the freeholder of the site
Voluntary Aided	Voluntary aided schools

Where this document refers to Maintained Schools, this is defined as Community, Community Special, Foundation, Foundation Special, or a Maintained Nursery School.

2. School maintenance and health and safety responsibility

Community School

Foundation School

Academy

Academy with LA
as freeholder

Voluntary Aided

2.1 Responsible Body

The 'Responsible Body' in control of the school must manage the condition of its buildings and ensure they are safe.

The **Local Authority/the Council** (Hillingdon Council) is the Responsible Body for:

- community and community special schools
- maintained nursery schools

Note: Community and maintained schools receive an annual budget for maintenance and repair works at their schools, but the Council would like to receive compliance documents as outlined in 3.2. The Council manages school condition capital works as outlined in section 6.3.

The **governing body** is the Responsible Body for:

- foundation and foundation special schools
- voluntary-aided schools

The **school's proprietor** (the academy trust for academies and free schools) is the Responsible Body in:

- academies
- free schools
- other independent schools

3. Repairs, Maintenance and Compliance Works

3.1 Guidance and Resources

Community School

Foundation School

Academy

Academy with LA
as freeholder

Voluntary Aided

Information on Good Estate Management for all Schools can be found on the DfE website <https://www.gov.uk/guidance/good-estate-management-for-schools>.

3.2 Annual Maintenance Responsibilities information sharing

Community School

Foundation School

In accordance with the template provided at **Appendix 1**, all maintained schools are provided with an annual maintenance budget and should keep a yearly record of:

- a. maintenance works undertaken
- b. planned for the next year
- c. contractor details and costs

Maintained schools should regularly provide the Council with certification confirming compliance in these areas:

- Asbestos Safety
- Gas Safety
- Fire Safety / Fire Risk Assessments
- Water Safety (including Legionella checks)
- Electrical Safety
- Lift Safety / Life and Operations and Life Equipment Regulations

Updated information can be issued via email to:
schoolsmaintenance@hillingdon.gov.uk

3.3 Condition Surveys

Community School

Foundation School

Condition surveys are usually non-intrusive surveys carried out by suitably qualified professionals. They often cover 5 year planning periods for the purpose of strategic estate management. The Department of Education will often carry out these surveys and share findings with the school and Local Authority.

For maintained schools in the borough, in 2024 the Council's Capital Programme Works Service completed a programme of condition surveys and shared the reports with the school Headteachers (if a copy is required, please email schoolsmaintenance@hillington.gov.uk). The surveys can be used by schools to help plan what priority maintenance works are required in the school.

4. Major Building Works at Maintained Schools

Community School

Foundation School

There may be instances where repairs or minor works are no longer sufficient due to the scale or complexity of the issues. In such cases, a school may need to undertake major building works, which could include (but not limited to):

- window replacement
- replacement of boilers and pipework
- roof replacement works
- major electrical works
- extensions

Where major building works are deemed necessary, the Council will need to be informed of the planned works and the following information should be provided:

4.1 Pre-start commencement of works

1. Discuss the proposed works with the Council's Education Team.
2. Before any work (or design) commences, contact the Education Team and the Capital Programme team via email: schoolsmaintenance@hillingdon.gov.uk before instigating any project or design activities for an informal discussion.
3. Where permission is required, seek permission from the site's owner (freeholder).
4. Confirm that a competent Principal Designer under the Construction Design and Management Regulations 2015 (CDM) and Building Safety Act 2022 are appointed. These appointments ensure that health, safety, and building compliance responsibilities are properly managed from the design stage onward.

4.2 Legal issues and land ownership

Before commencing any major building works, schools must ensure a clear understanding of the legal status of the land and buildings involved. This includes verifying:

- **Ownership and Control:**
Identify who holds the legal title or has a controlling interest in the land and buildings.
- **Development Constraints:**
Assess any legal or planning implications that may affect the proposed use or development of the site.
- **Approvals and Restrictions:**
Determine whether there are any restrictions, required processes, or approvals related to land acquisitions, disposals, or changes in use. Determine if

proposed works required planning permission or fall under permitted development and ensure all appropriate planning approvals are in place.

- **Legal Rights and Obligations:**

Review any existing wayleaves, easements, or restrictive covenants that may impact the works.

- **Party Wall Matters:**

Consider any obligations under the Party Wall Act 1996, particularly where works may affect shared or adjoining structures.

4.3 Commencement of Construction Phase

Prior to the start of construction, the following must be confirmed and documented:

1. Design Scope and Agreements

- a. Designers have been fully briefed.
- b. A written agreement is in place outlining the scope of works.
- c. Copies of the designer's agreement, collateral warranty*, and professional indemnity insurance are provided.

2. Procurement and Contracting

- a. All suppliers have been procured in accordance with the Council's Standing Orders and the Public Procurement Act 2023.
- b. Formal contracts are in place with all suppliers (contractors and consultants, where applicable), signed as deeds.

3. Appointment of Dutyholders

- a. A competent Principal Contractor has been appointed under:
 - i. The Construction (Design and Management) Regulations 2015 (CDM)
 - ii. The Building Safety Act 2022

4. Regulatory Notification

- a. The F10 notification has been submitted to the Health and Safety Executive (HSE), where applicable.

** A collateral warranty is required where the agreement is not directly with the London Borough of Hillingdon.*

4.4 Final sign off of Building Works

- Provide a copy of the Practical Completion Certificate
- Provide a copy of the Building Control Completion Certificate
- Confirm that a Health and Safety File (incorporating as built information and Operation and Maintenance Manual) has been issued by the Contractor
- Maintain a record of invoices paid by the school to the contractor (and consultants if applicable).
- Provide a copy of all guarantees and warranties of works completed.

5. Responsibilities for Health & Safety and the Building Safety Act for all Schools

Community School

Foundation School

Academy

Academy with LA
as freeholder

Voluntary Aided

Estate-related health and safety should be part of wider school health and safety policies and procedures. Specific health and safety responsibilities for construction projects can be found in the Health and Safety Executive's (HSE) guidance on the [Construction \(Design and Management\) Regulations 2015](#).

5.1 Key areas for managing Health & Safety include:

- appointing a competent person(s) to support compliance activities
- managing risk and risk assessments and implementing any appropriate control mechanisms
- information and training
- ensuring site welfare is in place
- issuing the F10 Notice

The Health & Safety at Work Act (HSWA) is supported by other regulations with more specific requirements, including the Management of Health and Safety at Work Regulations 1999 (MHSWR).

5.2 Competent Persons Requirement

Employers / Dutyholders are required to appoint one or more competent persons to support compliance activities, such as day to day health and safety and activities relating to maintenance and construction work. They should have the skills, knowledge and experience to be able to recognise hazards and help employers put sensible controls in place to protect workers and others from harm.

5.3 Building Safety Act 2022

The Building Safety Act 2022 introduces a new regulatory framework for building safety in England and Wales. It places legal duties on those involved in the design, construction, and maintenance of buildings, including:

- Principal Designers and Principal Contractors, who must manage building safety risks throughout the project lifecycle
- Accountable Persons, who must demonstrate that proportionate safety measures are in place for higher-risk buildings

Failure to comply with the Act may result in **criminal liability** for individuals and organisations.

5.3 Implications for non-compliance with the Building Safety Act

Schools that undertake building works without complying with the Building Safety Act 2022 and related regulations face a range of serious risks including legal, financial, operational, and reputational and personal risks.

5.4.1 Legal and Regulatory Risks

Statutory Non-Compliance: While the Building Safety Act primarily targets high-rise residential buildings, its principles especially around accountability and risk management apply broadly. Schools must still comply with the Fire Safety Act 2021 and other statutory health and safety regulations.

5.4.2 Enforcement Actions: The Building Safety Regulator (BSR) can issue:

- Written warnings
- Legal notices requiring remedial action
- Orders to stop unsafe activities
- Prosecutions for serious breaches

5.4.3 Financial Risks

- **Fines and Penalties:** Non-compliance can lead to substantial fines.
- **Remediation Costs:** Schools may need to pay for corrective works.

5.4.4 Safety and Operational Risks

- **Increased Risk of Accidents:** Poor compliance can lead to fire hazards, structural failures, asbestos exposure, and other health risks.
- **Disruption to Learning:** Unsafe buildings may need to be closed or evacuated, disrupting education and daily operations.

5.4.5 Reputational and Personal Risks

Personal Liability: School leaders, facilities managers, and contractors may face personal consequences for actions considered to be gross negligence.

Compliance Challenges:

- **Record Keeping:** Schools must maintain a “Golden Thread” of safety information which is accurate, up-to-date records of maintenance and safety interventions.
- **Knowledge Gaps:** Without proper training or access to current guidance, schools may unknowingly fall short of compliance.

Guidance and Resources to consider:

- Department for Education: [School estate management standards](#) - Policies and processes required to manage the school estate effectively; April 2025.

- Department for Education: [Estate management competency framework](#)
Functions, skills, and knowledge required to effectively manage the school estate;
June 2023.
- [Management of school buildings | Department of Education](#)
- London Borough of Hillingdon: [Management of School Maintenance Projects](#)
- HSE: [Construction Design & Management Regulations 2015](#)

6. Process to inform the Council of Planned Building Works

6.1 Works Managed by Maintained Schools

Community School

Foundation School

Major capital projects being undertaken at schools might include the following:

- Construction of a new school building (either to meet an unmet demand for child places or to replace an existing school building accommodation)
- Building works to facilitate the rationalisation and/or amalgamation of schools
- Extension and/or refurbishment of existing school buildings
- Roof replacement works
- Demolition and installation of modular units
- New boiler and heating system works
- Structural works
- Fire safety works
- Major drainage works/ flood alleviation works
- Major landscaping / equipment installation works
- Any major works to building fabric; doors, windows, roof lights, emergency lights
- Any major works to kitchen and canteen facility upgrades, toilet and changing room facility works
- Installation of lifts

Schools intending to undertake major construction works must complete the [notification form](#) on the Council website and upload a signed copy of [Appendix 2](#) and submit it to the Council **prior** to committing to any works. to committing to any works.

Where the Council is the freeholder, schools—including both maintained and academy schools—are required to notify the Council through this process and obtain formal approval.

Please note that the Council do not need to be informed on any minor works such as:

- Day-to-day maintenance.
- Painting and decorating.
- Repairs to existing structures.
- If it relates to cleaning.
- Maintenance of equipment and/or facilities.
- If it comprises repair or replacement of existing items.
- Stopping a water leak

6.2 Works Managed by Academies

Academy with LA
as freeholder

Where the Council are the free holder and major works are proposed, the Council will need to be notified of any works requiring planning permission or are being developed under permitted development planning rules.

6.3 Works Managed by the Council

Community School

Foundation School

The Council delivers planned major capital works in maintained schools through the School Conditions Programme, which operates under a rolling five-year plan.

Urgent or critical capital works identified by maintained schools should contact the Capital Programme Works Service at: schoolsmaintenance@hillingdon.gov.uk

All proposals will be assessed for suitability.

Please note that a school contribution will be required, in accordance with the [Management of School Maintenance Policy](#).

7. Procurement

Community School

Foundation School

(Please refer to the Procurement Rules in the [Council Constitution 2024](#)).

Delegated Authority to procure goods, works or services is awarded to Local Authority maintained schools only where they abide by the Councils Standing Orders with respect to all procurement and contracting activity.

Schools with this authority must also follow:

- Best practice guidance, including the DfE '[Buying for Schools](#)' guidance.
- Ensure that staff involved in procurement are suitably qualified and experienced.

Governing Bodies:

- Have legal power (under the Education Act 2002) to enter into contracts, usually on behalf of the Council provided they seek the Council's approval in advance and before starting any procurement process where contract value exceeds £180,000. They must also obtain a counter-signature on such contracts, unless:
 - The procurement was handled by professional procurement specialists, or
 - A compliant framework was used.

The Corporate Director of Finance (or their delegate) is the designated counter-signatory for the London Borough of Hillingdon. There must always be compliance with the delegated authority and criteria for acceptance as set out in the Financing Scheme for Schools approved by Cabinet contained within the Council's Constitution (which may be amended from time to time).

Current arrangements are set out below, and it is the responsibility of the School/Governing Body to ensure compliance with the correct levels.

Value Range	Process to follow	Description	Approval
Up to £3,000	Best Value	Officers to demonstrate best value has been achieved	Headteacher
£3,001 - £10,000	Quotes	Two written quotes required*	Headteacher
£10,001 - £50,000	Quotes	Minimum of 3 written quotes*	Governing Body
£50,001 - £100,000	Quotes	Minimum of 5 written* quotes	Governing Body

£100,000 and above	Tender	Minimum of 5 tenders	Governing Body
£180,000 and above	Tender / FTS Notice	European tender (goods/services)	Governing Body and Local Authority

**Quotes should be invited from viable suppliers or use a 'mini competition' from compliant Framework. Where possible at least two quotations should be sought from local suppliers. Where a direct award via a compliant framework is proposed this should be undertaken with reference to Standing Order 4.1 c*

8. Funding

Community School

Foundation School

Academy

Academy with LA
as freeholder

Voluntary Aided

There is guidance on the Government Website on school capital funding: [School capital funding - GOV.UK](#)

The Department for Education (DfE) allocates funding each year to help maintain and improve the condition of school buildings and grounds.

In this financial year, eligible schools can access funding through either:

- school condition allocations (SCA), with funds paid to eligible bodies responsible for maintaining school buildings
- the Condition Improvement Fund (CIF) – a bidding round with funds paid directly to single academy trusts, small multi-academy trusts (MATs), small voluntary aided (VA) bodies and sixth-form colleges

In addition, devolved formula capital (DFC) is allocated for individual schools and other eligible institutions to spend on capital projects.

9. DEFINITIONS & INTERPRETATION

Term	Definition
Accountable Person	Under the <i>Building Safety Act 2022</i> , the individual or organisation responsible for managing building safety risks in higher-risk buildings. They must ensure that appropriate safety measures are in place and maintained.
Building Safety Act 2022	Legislation that reforms building safety regulations in England and Wales. It introduces new roles (e.g. Accountable Person, Principal Designer) and imposes stricter compliance obligations, particularly for higher-risk buildings.
CDM Regulations 2015	The <i>Construction (Design and Management) Regulations 2015</i> set out legal duties for managing health, safety, and welfare on construction projects. They apply to all building works, including those in schools.
Collateral Warranty	A legal agreement that allows a third party (e.g. the Council) to enforce obligations under a contract, even if they are not a direct party to it.
Competent Person	An individual with the necessary skills, knowledge, and experience to carry out health and safety duties effectively. Schools must appoint competent persons to oversee compliance in maintenance and construction activities.
Condition Survey	A non-intrusive assessment of a building's physical condition, typically conducted by qualified professionals to inform long-term maintenance planning.
Construction Phase	The period during which physical building works are carried out on site. It follows the design phase and includes all site-based activities.
Contract (executed as a deed)	A legally binding agreement signed with formalities (as a deed), often required for construction contracts to ensure enforceability and extended limitation periods.
Covenant	A legal obligation or restriction attached to land or property, such as limitations on development or use.
Easement	A legal right to use another person's land for a specific purpose, such as access or drainage.
F10 Notice	A formal notification submitted to the <i>Health and Safety Executive (HSE)</i> for notifiable construction projects. Required for projects lasting more than 30 working days or involving more than 500 person-days of labour.

Fire Safety Act 2021	Legislation that clarifies the scope of fire risk assessments in multi-occupancy buildings, including external walls and flat entrance doors.
Golden Thread	A digital record of building safety information that is accurate, up-to-date, and accessible throughout the lifecycle of a building. It supports informed decision-making and regulatory compliance.
Health and Safety File	A document prepared by the Principal Designer that contains essential health and safety information for future maintenance, use, or construction work on the building.
HSWA 1974	The <i>Health and Safety at Work etc. Act 1974</i> is the primary legislation covering occupational health and safety in the UK. It places duties on employers to protect employees and others.
Maintained school	A school funded through the local authority which can be a community, foundation or voluntary controlled school, a community or foundation special school, or a maintained nursery school or a pupil referral unit in England.
MHSWR 1999	The <i>Management of Health and Safety at Work Regulations 1999</i> require employers to assess risks, appoint competent persons, and implement appropriate health and safety arrangements.
Party Wall Act 1996	Legislation that governs works affecting shared (party) walls or structures between properties. It requires formal notice and agreement between adjoining owners before certain types of work can proceed.
Permitted Development	You can perform certain types of work without needing to apply for planning permission. These are called 'permitted development rights'. They derive from a general planning permission granted not by the local authority but by Government. There are specific permitted development rights in place for schools.
Principal Contractor	The contractor appointed to manage the construction phase of a project. They are responsible for site safety, coordination of works, and compliance with CDM and Building Safety Act duties.
Principal Designer	The person or organisation appointed to plan, manage, and coordinate health and safety during the design phase of a construction project, under both CDM Regulations and the Building Safety Act.

Professional Indemnity Insurance	Insurance that protects professionals (e.g. architects, engineers) against claims of negligence or errors in their work. Often required for consultants working on school projects.
Standing Orders	Internal rules set by the Council that govern procurement, contracting, and financial decision-making to ensure transparency and compliance with public sector regulations.
Wayleave	A legal agreement that allows a utility provider to install and maintain equipment (e.g. cables or pipes) on private land.

APPENDIX 1

Record of Maintenance works undertaken

Financial year	20____ / 20____
Maintenance funding received	£
Carry Forward of maintenance funding from previous year	£

Date	Maintenance Works Completed	Name And Address of Contractor / Supplier	Cost Of Works (£)	Guarantee In Place (Y/N)	No. Of Years on Guarantee

APPENDIX 2

Form to notify the Council of Planned Building Works

Schools Capital Projects Notification Form

Please firstly complete the [online form](#) for review by the Council prior to proceeding with any school initiated capital projects and upload this signed notification form to the online form when prompted. One form is to be completed & signed for each project.

PLEASE UPLOAD THE SIGNED FORM ON THE ONLINE COMPLETED FORM UNDER PART E

PART E – SCHOOL AUTHORISATION

Property/ School Name

Property Address

Project Name

	Print	Signed	Date
Headteacher / School Business Manager			
Chair of Governors			