

GUIDANCE NOTE
SCHOOL BUILDING HANDBOOK PROVISION
DEROGATIONS

Introduction

1. The Department has noted an increased number of requests from individual schools to vary and/or enhance school accommodation provision during the development of major capital projects. Such requests, if agreed, often incur additional costs to the project and the school and can also lead to delays in the programme and may result in an unfair imbalance in provision, with enhanced accommodation provision for one school over another.
2. Requests for derogations have been received from schools at various stages of design development, with various proposals for the funding of the requested enhancements being presented. Integrated Consultant Teams have also presented designs for review with proposed provision that is over and above the existing relevant Building Handbook.
3. Whilst the Department has considered, and in many cases agreed requests for deviation from the Building Handbook, the resulting impact on cost, programme and the need for additional funding approvals has necessitated a review of the current system for consideration of derogation requests.
4. The Department's position on derogation requests moving forward is that such requests will be agreed on an exceptional basis only. However, to ensure that all such requests are considered in a consistent manner the Department has reviewed its current guidance and developed this guidance note for immediate use on relevant capital and grant funded schemes.

5. The purpose of this guidance note is to set out the process that must be followed should a school and/or its Integrated Consultant Team (ICT) wish to make an application for a derogation from the School Building Handbook.

Derogation Request

6. Any request to deviate from Handbook provision should be submitted to the Department of Education in writing no later than the completion and submission of the RIBA Stage 2 design. Any requests received after Stage 2 design will not be considered. Please note if the request is for additional or enhanced accommodation over and above handbook provision, other than to address statutory or regulatory changes, it is unlikely the request will be approved.
7. Requests for derogation must be presented using the attached form, which should be supported with sufficient detail to enable the Department to fully consider the request. Supporting information should include, but not be limited to, the estimated costs, source of funding, impact on approved provision, statutory planning etc...
8. Schools should also be aware that if a decision to remove the requested additional provision is taken following approval being granted the associated cost to remove the provision from the plans, including Integrated Consultant Team fees, associated time delay, Business Case Addendum completion and approval process costs, plus any other associated costs will be borne by the relevant School Authority who will be directly invoiced for payment.
9. The following process should be followed for all enhancement requests, as well as derogations to Building Handbook provision.

Process for Applying for a Derogation

10. All requests, whether from the school or its Integrated Consultant Team, should be submitted to the Department for consideration via the Project Sponsor.
11. On receipt, the Department will seek advice from Education Advisory Branch and the Inspectorate (ETI), as necessary, regarding all received derogation requests.

12. The Department will provide a decision in writing to the school and Integrated Consultant Team within 10 days of receipt of all relevant request information.
13. If an application requires further information (e.g. further detailed cost information) the Department will request this from the Integrated Consultant Team and/or the school.
14. If the application is accepted, the school will be required to complete an Undertaking Form, as detailed in Annex 2 regarding the additional provision and funding.
15. If a derogation is requested by an Integrated Consultant Team, this request should be raised with the Department in writing, via the Project Sponsor and should not be incorporated within the design, or presented to the school, until Departmental approval has been granted.

Invoice Payment

16. Integrated Consultant Team costs associated with an approved derogation should be invoiced separately to the school at each design stage – Project Sponsor approval process for invoices will still apply.
17. Construction costs of an approved derogation should also be invoiced separately to the school – again Project Sponsor approval processes will still apply.

Conclusion

18. The decision to implement a derogation application procedure has not been taken to prevent schools from having input into the design process, but to bring greater adherence to the requirements of the DE Building Handbook and approved Schedule of Accommodation.
19. The DE Building Handbook has been designed to provide full delivery of all aspects of the school curriculum and adherence to the Building Handbook ensures equality of provision for all schools, regardless of type or sector.

20. Please note that this guidance document is one of several measures being taken by the Department to ensure that approved accommodation is delivered as expediently as possible, thus enabling schools to deliver the curriculum as fully and as efficiently as possible.

Application for Derogation from DE Building Handbook Provision

Name of School

Applicant Details

Details of Request

Rationale for Request

Funding Proposals

Signed

Print Name

Position

Dated

For Completion by Department of Education

Decision and Rationale

Signed

Funding Information and Form of Undertaking

School Name

Details of Approved Derogation

Integrated Consultant Team Cost Estimate for Associated Design Work (To include all necessary disciplines)

Construction Cost Estimate for Proposal

Details of Funding Providers

Note written proof of funding availability, to include bank statements if school funded items, are to be submitted with this undertaking.

If funding is provided by another government Department, confirmation of funding award is to be provided by the relevant Department.

I understand that by submitting the request for derogation from the Building Handbook that the School Representatives/School Trustees will be responsible for all costs associated with the request, including Integrated Consultant Team fees, any associated relevant statutory approval costs, and construction costs.

I understand that the estimated cost of the works may increase due to inflation and that any increase to the original estimate is to be funded by the School Representative/School Trustee.

I also understand that any increased accommodation provision may not be eligible for furniture and equipment funding by the Department and that additional buildings may not be counted in the school's floor area for LMS funding, and that the enhanced provision may not be included in the Education Authority maintenance and cleaning procedures.

I also understand that if the requested derogation has resulted in a shortfall in Building Handbook provision in another area, that the Department will not consider future applications to make up the shortfall.

Signed

Print Name

Position

Dated