

DEPARTMENT OF EDUCATION AND SKILLS
An Roinn Oideachais Agus Scileanna



To: Primary and Post Primary School Authorities

EMERGENCY WORKS SCHEME

Scheme of Capital Grants for Emergency Works



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Important information

This Circular Letter comprises four parts:

Part 1 Introduction

Part 2 Terms and conditions applicable to applications for funding for
Emergency Works Scheme

Part 3 Appendices

Part 1

Introduction

The main purpose of the Emergency Works Scheme is to ensure the availability of funding for urgent works to those schools that are most in need of resources as a result of an emergency situation or on receipt of an enrolment application from a special needs pupil.

An emergency is a situation which poses an immediate risk to health, life, property or the environment, which is sudden, unforeseen and requires immediate action and in the case of a school, if not corrected would prevent the school or part thereof from opening

Primary and post-primary schools requiring emergency works to be undertaken must apply under this scheme by completing in full the Emergency Works Application Form.

The purpose of this scheme is solely for unforeseen emergencies and to provide funding to facilitate inclusion and access for special needs pupils. It is not intended that this scheme will be used to supplement previous applications under other schemes that have not been successful in securing funding. All relevant and supporting information in relation to an Emergency Works application must be provided in order to support your claim for emergency grant aid. All applications will be dealt with on an individual basis.

In all of the circumstances, please read this Circular Letter carefully before completing an application form.

Part 2

Terms and Conditions Applicable to Applications for Emergency Works Scheme

1. Schools covered by the Scheme

The Scheme is open to primary and post primary schools with permanent recognition and *in non-rented accommodation*.

2. Making an application for Emergency Works

To make an application schools must complete the Emergency Works Application Form. This Form has 4 Sections:

Section 1: Important information in relation to the Scheme and completing and returning the application form

Section 2: To be completed by the school authority

Section 3: To be completed by an appropriately qualified Consultant

Section 4: To be signed by the Chairperson, Board of Management or CEO (as appropriate).

N.B. - Mandatory items

- **Photographic evidence of the affected area is mandatory and must be included with the Consultant's report.**
- **In relation to Projects to facilitate the inclusion and access of pupils with special needs, supporting documentation as outlined in Appendix B, is also mandatory.**

3. Works covered by the Scheme

The Scheme is solely to provide funding for unforeseen emergencies which if not corrected will result in a school, or part thereof having to close. Application under this scheme will also be accepted from schools seeking funding to provide facilities to enable special needs pupils enrol..

Works **not covered** by the Scheme include:

- Projects containing new build elements (i.e. extend the foot print of the existing building except toilet facilities for special needs pupils)
- Provision of additional accommodation
- Projects that have been funded under Summer Works Scheme or other schemes
- Projects which should have been addressed as part of a proper programme of ongoing maintenance of the school building

4. Application process for Emergency Works

It is unlikely that schools would have a number of emergencies in any year.

Schools should ensure that the works they are seeking funding under the Emergency Works Scheme is an absolute emergency which will result in the school, or part thereof, having to close if funding is not provided.

In cases where costs are recoverable from an insurance company the school must agree to refund the recovered amount to the Department.

5. Assessment process for small scale works

Applications will be assessed on the basis of the information contained in the relevant parts of the application form, mandatory photographic evidence of the affected areas and, where appropriate, the supporting documentation requested in Appendix B of this Circular Letter.

There will be 4 steps in the assessment process

- Validation of the application
- A determination as to whether or not the works are absolutely necessary or can be addressed by routine maintenance
- Approval/refusal of the application
- Allocation of funding for approved projects

Appeals will only be considered where additional relevant information is provided by the School Authority

6. Validation of small scale works applications

This is a pass/fail test and only applications deemed valid will progress to the determination of need stage.

You must be able to answer “YES” to **all** of the following questions for an application to be considered valid:

| | Yes | No |
|---|-----|----|
| <p>Is the project within the scope of the Emergency Works Scheme? (An emergency is a situation which poses an immediate risk to health, life, property or the environment, which is sudden, unforeseen and requires immediate action and in the case of a school, if not corrected would prevent the school, or part thereof from opening)</p> | | |
| <p>School or part thereof is closed or will be forced to close in the immediate future if emergency works are not carried out. (Not required in respect of applications to provide facilities for special needs pupils)</p> | | |
| <p>Grant aid being sought is the minimum amount required to correct the immediate problem. (i.e. repair the burst pipe, replace the boiler or repair the damaged roof)</p> | | |
| <p>Funding sought will not be used to supplement grant aid already approved under another Department Scheme.</p> | | |
| <p>Is the Consultant appropriately qualified/insured for the particular project? (see Appendix A Circular Letter 0018/2011)</p> | | |
| <p>In relation to applications to facilitate inclusion and access for special needs pupils has the supporting documentation outlined at Appendix B, Circular Letter 0018/2011 been attached to the application?</p> | | |
| <p>Has a Consultant’s report been fully and properly completed to include details of the minimum works required to correct the immediate problem?</p> | | |
| <p>Has the Consultant appended the mandatory photographic evidence?</p> | | |
| <p>Is the application signed by the Chairperson of the Board of Management or CEO (as appropriate)?</p> | | |

7. Determination of need for Emergency works

This determination will be based on the evidence provided by the Consultant's report, the mandatory photographic evidence and the supporting documentation required under Appendix B - in relation to projects to facilitate the inclusion and access of pupils with special needs. It is important, therefore, that the quality of the Consultant's report is such as to demonstrate clearly the absolute necessity for the project.

The Department will require the agreement of the school authority at Section 4 of the application form to have the project monitored by the Department or its agents and to allow access to its premises and records, as necessary, for that purpose.

In addition, Department staff will visit a number of schools to cross check applications with regard to determination of need.

8. Approval/refusal of applications for small scale works

Invalid applications will not be approved.

A valid application will be approved, if:

- the application clearly demonstrates that the works are absolutely necessary and if not carried out will force the school, or part thereof to close or prevent a special need pupil enrolling in the school.
- the works needed cannot be/could not have been addressed as a matter of routine maintenance.

9. Signing up to the Department's Energy Website

Successful schools will be required to sign up to the Department's energy website, www.energyeducation.ie (if not already done) and submit energy data for future years via the Display Energy Certificate (DEC) process.

10. Technical issues relating to applications for small scale works

Section 3 of the application form addresses technical issues.

This **must** be completed by a suitably qualified Consultant with adequate **Professional Indemnity Insurance and Employer's Liability Insurance**. Otherwise the application will be deemed invalid. **It is important that the Consultant has the appropriate qualifications for the works being considered as the use of a Consultant not appropriately qualified will also result in an application being deemed invalid.** Schools should retain copies of these insurances and qualifications.

The appointment of a Consultant is a matter for the school authority and any fees arising must be borne by it. A reasonable contribution towards fees incurred will be **included** in the overall grant amount for **successful applicants**.

No commitment should be entered into with a Consultant beyond the work involved in completing Section 3 of the application form.

Guidance on the procedures for tendering for the appointment of a consultant to oversee the completion of the successful projects will be issued to schools whose applications are approved.

The Consultant's report **must** comply in full with the Department's relevant Technical Guidance Documents with respect to format and content (see Department's website). It **must** also be accompanied by photographic evidence.

A Consultant's report is necessary:

- For a professional diagnosis of the full nature and extent of the proposed project.
- To verify the absolute necessity of the project relative to the impact of not doing it.
- To provide a range of cost effective solutions.
- To enable the prioritisation of projects on the basis of professional objective information.

Please see Appendix A of this Circular Letter for guidance on the appointment of a Consultant.

11. Keeping of project records and audits/inspections

- All records in relation to a project for which funding is approved must be kept for 7 years.
- The Department reserves the right to audit/inspect these records and the works carried out. In this regard, a percentage of projects will be selected for detailed audit and inspection.
- **The Department reserves the right to refuse to pay out grant aid on foot of an application with false information or where the administration of the project was not in accordance with the Department's guidelines.**

12. Grant details

Grant details, including conditions for drawing down the grant are set out in Appendix C.

13. Local contribution

A local contribution will not be required from successful applicants under the Emergency Works Scheme.

14. Fee Charging Schools

In line with current Government policy, fee charging post primary schools will be eligible for grant aid at a rate of 50%. Where schools are serving a particular minority community, exceptions will be made and the school will be eligible for grant aid at a rate of 100% of any works approved by the Department.

15. Freedom of Information Act

Persons signing application forms are reminded that the Department may be obliged to release any information supplied under the Freedom of Information Acts, 1997 and 2003.

Maria Grogan
School Planning and Building Unit
March 2011

Part 3

Appendices

Appendix A

Engaging Professional Advice for the Preparation of a Technical Report for Emergency Works Application

Important

The cost of engaging professional advice to prepare a technical report must be met in full from a school's own resources. Failure to procure a Consultant in the appropriate discipline or the procurement of a Consultant without adequate Professional Indemnity Insurance & Employer's Liability Insurance will result in an invalid application.

Before a Consultant is appointed:

- Refer to the Department's Technical Guidance Document [TGD 008](#) - Engaging Consultants for Devolved Grants Projects – Second Edition, Revision 1, April 2010. This document is available on the Department's website www.education.ie.
- As the onus rests with the school authority to ensure that the appropriate level and range of service is procured, it must ensure that the Consultant is in the **appropriate** discipline for the works concerned. If a project relates substantially or entirely to construction works, such as refurbishment or repair works, the engagement of a Building Surveyor or an Architect is appropriate. If a project relates to drainage, traffic management, external works generally or structural repairs, a Civil/Structural Engineer should be engaged. If a project relates substantially or entirely to Building Services i.e. mechanical/electrical works, a Building Services Consulting Engineer should be engaged.
- Examples of **unacceptable** qualifications for the purposes of a Consultant's report are:

Diploma in Construction Studies, Architectural Assistant, Agricultural Engineer, Building Contractor, B. Sc. (Environment), Estimator, Electrician, Plumber, Window Contractor, OPW architect (unless it is verified with the application that the report is carried out on the direction of the OPW acting on the instruction of the Department of Education and Skills.)

This list is not exhaustive. If you have **any** doubts in relation to the suitability of a proposed Consultant, please contact the Helpline. The Department's decision will be final as to whether or not a Consultant is appropriately qualified for the purpose of this Scheme.

- The Consultant will have a relevant degree or qualification and in all cases will either be a member of a professional body (e.g. RIAI for Architects, IEI/ACEI for Engineers and SCS for Quantity Surveyors or Chartered Building Surveyors) or be eligible for such membership. Equivalent qualifications from another EU member state and membership of an equivalent EU professional body will also be deemed acceptable.
- Be satisfied that the Consultant is competent and qualified to carry out the work. A minimum of four suitable Consultants should be identified for consideration and fee quotations and the one most suitable selected on objective criteria. While fee competitiveness is of first importance and should be weighted accordingly, these criteria should also include quality of previous work, the ability to perform against deadlines and the ability to assess the work and recommend solutions (i.e. completing Part 3 of the application form).

Appointment of a Consultant to carry out the Report:

- (a) The School Authority should refer to the Emergency Works Application Form for the scope of the technical report required.
- (b) When a School Authority engages professional advice to assist in the preparation of a report, the cost must be met in full out of the school's own resources.
- (c) When engaging professional advice for the preparation of a report, the School Authority must appoint the relevant consultant for that task only. The School Authority must not enter into any commitments regarding an overall appointment or fees for works other than the preparation of the report and must make this clear to the Consultant before the appointment is made.
- (d) The consultant should have appropriate professional Qualifications and previous experience in preparing reports of a similar nature.
- (e) To enable the School Authority to assess which firm to engage it is recommended that the following information be requested from the Consultants under consideration for the work:
 - (i) Experience in projects of a similar nature highlighting the scope of works, the timescale and how the Consultant ensures accurate cost information.
 - (ii) A brief summary of the scope of the agreed report and a timescale for its delivery.
 - (iii) Confirmation of appropriate professional Qualifications, Professional Indemnity Insurance and Employer's Liability Insurance.
 - (iv) VAT inclusive all-in lump-sum fee (including buying-in other services as required, and all expenses).
"Buying-in" means that the professional consultant engaged by the school undertakes as part of the overall fee to get advice as required from other professional disciplines (e.g. Quantity Surveyor, Structural and M&E)
- (f) The appointment of a Project Supervisor (Design) Process is not normally required for the preparation of a report.

- (g) In assessing the amount of work necessary to prepare the technical report the school authority should discuss with their Consultant(s) a realistic scope of works. Additionally, accurate professional cost advice is an essential part of the report. Accordingly, the cost of the work must be clearly identified alongside the cost of any associated planning fees and an estimate of the professional fees for managing the execution of the works should the project be approved.
- (h) The level of fee should be confirmed before the Consultant is appointed and should relate to the preparation of that report only. The School Authority should be satisfied that the agreed fee is a fair reflection of the time and resources required to carry out the task.
- (i) For a technical report (as above) a formal contract is not required. A simple letter of appointment summarising the agreed scope of work should suffice

Do not:

- Enter into any commitments regarding an overall fee for the remedial works and make it clear to the Consultant that the appointment is for the preparation of the Report only and **does not entitle** the Consultant to be appointed to carry out the works if the application is successful.

Appendix B

Projects to facilitate inclusion and access for or special needs pupils or staff members

The following supporting evidence is required, in addition to the information required in the Emergency Works Application form, in relation to applications for projects to facilitate inclusion and access for special needs pupils or staff members.

- Confirmation of the nature and extent of the special need.
- Suggestions as to how existing accommodation could be modified to accommodate the pupil or staff member.
- In the case of a pupil or staff member not yet attending the school, evidence of intent to commence at the school and proposed date of commencement.

Appendix C

1. Amount which will be approved

The grant payable by the Department (inclusive of VAT and fees) will be **whichever is the lesser of the following**:

The amount of grant-aid approved by the Department in its letter of approval

or

The lowest valid tender amount for the proposed project plus fees.

2. Funding shortfall

If there is a shortfall in funding, the options open to school managerial authorities are to:

- Reduce the scope of the works to stay within the limit of the grant.
- In the case of primary schools, use funds allocated by the Department under the terms of the Grant Scheme for Minor Works to supplement the SWS grant provided such funds are not required for more urgent and immediate works.
- Fund the balance of the works from own resources.

3. What the grant covers

The grant is intended to cover the capital cost of the project including VAT, associated planning charges, all consultants' fees incurred in the design and construction of the project, all fees for the Project Supervisor Design Process (PSDP) and all fees for the Project Supervisor Construction Stage (PSCS).

4. Payment of grant

The first payment will be for **70%** of the grant amount and this will be paid on receipt, through the school authority, of the following confirmation from the Consultant:

- That the works undertaken are in accordance with the scope of works for which the grant was approved.

That the tender process was carried out in accordance with the terms outlined in the letter of grant sanction. (The full details in relation to the protocol for devolved grants are contained in **Technical Guidance Document – TGD 007 Protocol for Devolved Grants, (later edition on www.education.ie)**)

- That the management authority has placed a contract for the proposed works with the successful contractor and the contractor is on site and has commenced the works.
- That the Consultant appointed to oversee the works is appropriately qualified and experienced.
- That the Consultant has obtained all relevant necessary statutory consents e.g. planning permission, fire safety certificate, disability access certificate etc.

- The Department, in compliance with public procurement, places a requirement on school authorities to use a standard Public Works form of contract for all school building projects. The school authority/Trustees will act as the “employer” of contractors on Summer Works Scheme projects in all cases.
- Under this contract, contractors are obliged to pay rates of wages and observe hours of labour and conditions of employment that are not less favourable than those laid down by the National Joint Industrial Council for the Construction Industry. The contractor is also responsible for the due observance by all sub-contractors of the provisions of this clause.

It will, therefore, be necessary for the Consultant to inform the Department, through a school’s management authority, of the tender amount for the proposed works, plus fees, before any payments can be made.

The second and final payment will be for the remaining **30%** of the grant amount. This will be paid on receipt from the school authority of:

- A copy of the certificate of practical completion from the Consultant.
- Written confirmation that a minimum of half of the stated percentage retention rate of the overall contract sum will be retained for a period of 12 months following completion of the works and that this sum shall not be expended for any other purpose. The reason for this retention is to ensure that any building defects which may become apparent during that period will be rectified by the contractor.
- The Consultant’s *Opinion of Compliance* of the relevant development with planning permission and or exemption from planning control.
- The Consultant’s *Opinion of Compliance* of the relevant development with the building regulations including the fire safety certificate.
- The Consultant’s *Opinion of Compliance* of the relevant development with the building regulations with regard to a Disability Access Certificate, or exemption from its requirements, as appropriate.
- Confirmation from the Consultant(s) that a safety file has been prepared and issued to the school managerial authority.
- Confirmation that the school authority has received from its Consultant copies of all relevant drawings and documents, if possible in an appropriate electronic format, together with the Consultant’s confirmation that the completed works are in accordance with these drawings and documents.

The Department reserves the right to withhold the payment of any or all grant aid in the event of a breach of any of the terms and conditions of this Scheme including where tendering procedures for the services of a Consultant or for the works have not been properly followed in compliance with TGD007.