

Premises Guidance

9. Proposed premises governance and communications approach

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**New
Schools
Network**

Premises governance and communications

Introduction

Premises governance and oversight, throughout the founding period of securing and developing a site, depends on the clarity of roles and responsibilities, and the nomination of a single person into the trust's Premises Lead role.

This role is one of governance and oversight, it is not operational, but it is critical in ensuring the 'voice of the occupants' and the 'voice of the community' is represented in the final outcome achieved: the quality of the design and execution of your school environment.

All operational roles, such as project management, architecture and design, technical consultancy and construction management are fulfilled by professionals from a range of organisations and disciplines working together. The only roles the school has are:

1. Providing high-quality input to the designs
2. Keeping abreast of the progress being made
3. The understanding and management of risks arising from the premises programme.

However, there is often great value and potential for a school, or trust, to employ a site specific Project Manager (PM) to work Free Schools Capital (FSC) and design team to ensure project progression and the Trust's vision is maintained, as well as reporting back to the CEO and governors/trustees. In this instance, the site specific PM will also fulfil the Premises Lead role.

For most simple premises projects of small to medium, and even large, developments, the governance should be straightforward. A Premises Lead with the right capabilities and capacity will be able to fulfil a streamlined governance role.

Governance and the role of Premises Lead in more complex circumstances

In all projects the FSC PM and PD have a major role, acting as the primary owners of the outcome, but it is important to ensure your trust has full representation in the process. For straightforward projects, you can minimise complication and entrust this to the Premises Lead and the headteacher (or an equivalent experienced practitioner if you have not appointed your headteacher, such as the headteacher from another school within your MAT).

Some school development circumstances can be much more complex. They will require expanded governance and place more demands on the role of the Premises Lead. This expansion should only be pursued when the circumstances make it appropriate.

The Basics

For a premises programme to integrate smoothly with a trust (to ensure long-term outcomes are maximised and the risks are minimised) ensure to appoint a Premises Lead. This should be an individual with well-matched capabilities, and crucially with the capacity to undertake the role.

They should not carry other onerous oversight or operational roles related to the school. They should not be the headteacher or the lead proposer, and not be a governor or trustee managing the curriculum workstream, for instance. The intent and value of this separation is that premises oversight can become involved and should not become a distraction to all the other critical work involved in setting up your school.

The Premises Lead will report to the trust on a regular basis and will bring risks and key decisions to its attention. A working party or overall governance group for the new school should include the Premises Lead, who should act as the primary liaison point for the FSC project team. The trust may delegate as much or as little responsibility to the Premises Lead, as they deem appropriate, if the Premises Lead is not a trustee or member.

Complication: when the developer is not FSC

A development may be undertaken by an entity other than the FSC. These 'self-delivery' or 'self-build' projects may be led by the LA or by a developer of a mixed-use scheme that includes the school. You will have been advised if this is the case in your circumstances. These arrangements introduce an additional layer of disconnection between the school and the developer. For instance, you will be the occupier, running a school in the building. The FSC are the funder of the building, and the technical experts regarding education building development. They may agree a Development Agreement with a third-party developer for the building of your school, who may have much less direct experience of school builds.

This introduces risk from the trust's perspective, as you now need to be satisfied that the Design Team that gets appointed will deliver a high-quality design and that throughout the development process, you are able to influence the aspects that determine the quality of outcome. For instance, what is the process by which you ensure the design of a science lab or specialist equipment and spaces required is going to meet your needs? The FSC will only undertake a self-delivery project

when they are satisfied that the quality of outcome and risks involved make it an appropriate decision. Nevertheless, maintaining oversight of such arrangements is key.

In this instance, you may still require a simple governance model of a Premises Lead. Although you may want to ensure a relationship with your lead proposer, trust board chair or a trust member is in place between the FSC and the developer, for any future escalation needed to resolve issues.

Complication: where the site or end-state vision is complex

Some sites and projects have a range of complicating factors inherent to them, such as:

- A phased release of land from a current landowner, possibly connected to current occupation and dependencies on development elsewhere
- A phased programme of delivery of necessary infrastructure, for example, roads, utilities, telecommunications, broadband etc.
- Challenging refurbishment or partial refurbishment and where there is new build alongside refurbishment
- Split sites, where you may have specialist units or teaching space spread across multiple sites
- Contaminated brownfield sites, or where the current landowner and occupation makes it difficult to survey
- Sites with challenging layouts, for instance in dense urban environments or where the designs will need to take account of circumstance such that the build is made more complex (such as next to railways lines, airports, limited access, limited use of cranes etc.)
- Large and very large buildings or campuses, or where they need to incorporate specialist or non-mainstream operations
- Complex current ownership, for example, multiple owners, boundary negotiations through portioning of plots, current occupiers remaining as tenants etc.
- Sites of special interest or heritage

All such complications give rise to:

- Greater risks
- More challenging design, planning and delivery options
- Greater stakeholder expectation setting and management
- A greater number of interested parties to involve

- More opportunity for decisions being misinterpreted. (A long-term project will include multiple decisions that get made only after careful consideration of all the options. The context of these decisions may only be appreciated by those closely involved from the start of the project.)

These aspects all contribute to a more involved premises project and greater burden of work on the Premises Lead. Although none of the above, in isolation, would necessitate a more robust governance model, your specific blend of circumstances may make one appropriate. For instance, you might consider creating a formal reporting cycle for the Premises Lead to report progress to the trust and a process for the trust to formally make decisions, when any major decision is required.

It is advisable to keep this as streamlined as possible. For example, a premises risk register plus a major decisions list could be circulated monthly to a trust-level working party, with required decisions scheduled as agenda items for meetings.

Complication: where multiple parties and complex arrangements are required

Your development may be dependent on other complex arrangements such as:

- The delivery of other proximal developments
- The current landowner and occupier of the site making provisions in the Sale Agreement that are out of your control
- Where your development relies on a set of/chain of other major parties acting and committing (legally or otherwise) to acts that enable your development
- Where complex financial or other obligations exist, such as a LA underwriting a portion of the financial exposure (by, for example, offering to capital fund a portion of the build or guaranteeing operational funding of places)
- A dual site or co-development, where consolidation of existing sites is a catalyst for yours, or your design is dependent on another site's design. For instance, you can have play space only in the event that a neighbour's site chooses a specific layout etc.

Similar to site-specific complications, there are contract and third party specific dependencies that may arise. These may make it prudent to operate a more involved governance model for the period in which decisions and commitments are uncertain, until such time as a defined approach is set, the risks recede and the governance and stakeholder engagement requirement lessens.

Complication: a maturing MAT in flux

A new school is often either a catalyst or outcome of a maturing MAT entity, where a MAT is evolving from a single academy trust (SAT) or, the new school is the first new development undertaken as part of a MAT growth strategy. In these cases, it may be that the MAT has some experience of capital projects, even some sizable ones, and potentially a relatively mature business management function (in school or centrally), but has not undertaken a full-scale new school development. The extent of the Premises Lead role for a new build free school should not be underestimated. In addition, a MAT in transition will be addressing many other pressing challenges. As set out in the [NSN Site Advisory guidance](#), premises projects can become involved, with a sizable commitment required to achieve the best possible outcome. When this demand is faced by a MAT in transition, it becomes especially prone to organisational stress.

Ensuring high levels of clarity on the trust's expectations of the premises outcomes, overseen by the Premises Lead, is critical. Providing a clear governance model for the oversight of the premises work will help all parties ensure the best outcomes are achieved.

Complication: where all the above complications are present

School builds at their most complex can involve all the aspects above. There is some value in describing the kind of governance structure required for the most complex case, although the guiding principle should be to aim for the most simplified model *necessary* for your circumstances.

For illustration of where all these complications exist, the governance model in place for a secondary school build in London is provided as a case study.

The school is an 11-19 secondary school, admitting 8FE at capacity, to serve a total of 1,680 students when fully operational. It is developed on a site previously owned by NHS Property Services and has an operational, semi-occupied, Victorian built hospital located on it. The LA perceived the site to be one of community value and worthy of redevelopment. The planners perceived the site to be of historical importance. The NHS plan to develop a new health centre on the site to rehouse services currently being provided from the Victorian buildings. There is a war memorial on the site and a garden, planted and tended by local residents. The site had been being considered for redevelopment for at least two decades.

NHS Property Services agreed to a phased release of the site to the FSC, with a set of provisions in the Sale Agreement, including a phased release of parcels of the land and the requirement to have a new health centre developed prior to handover of the whole site. The NHS health centre is

developed under a PFI scheme, with multiple parties involved and was not at final approval prior to the first phase release of land.

The FSC agreed to the LA being the developer of the school. The planners required a masterplan for the whole site, including the new health centre and the school. The proposer group was a very successful SAT, who would transition to a MAT through a free school application being successful.

The site was partially demolished, partially occupied and partially derelict and there are complications with the path of utilities and services across the site. There exists an access right through a tunnel, under a railway line that runs alongside the site that must be retained, and there were unknown levels of contamination across the site, with limited opportunity to survey it.

Demand for the school was high and it was six times oversubscribed on opening. It was opened in temporary accommodation (in a partially refurbished Victorian primary school building 1.5 miles from the site).

Given these circumstances, the design process and the securing of the site was complex and a decision was made by the FSC, in partnership with the LA, to commission feasibility studies and develop a design, prior to tendering for the construction of phase one.

The governance model adopted by the trust, included:

A Premises Lead

The role was filled by one of the original proposers of the school and vice-chair of governors. He has a professional career in project and programme management, spanning multi-year projects in complex stakeholder environments of a similar scale, and experience in the commercial property industry. As a freelance consultant he was able to dedicate considerable time to the role as a volunteer.

An Operations Team

Made up of the Premises Lead and the headteacher – involved jointly in all the major programme level decisions and the joint 'face of the project' to the community for the school site. As specific design and delivery aspects were explored, the headteacher involved subject matter experts, such as the school's Business Manager, and Heads of Departments etc.

A Strategic Stakeholder Group

Made up of the Operations Team, the LA (Head of Regeneration and Project Manager), a technical consultant appointed by the LA, the FSC PD and PM. The SSG meets monthly, and is chaired by the Premises Lead. This is the meeting that tackles the major decisions, risks and communications of the critical parties and programme.

An Operational Stakeholder Group

Co-chaired by the Premises Lead and the NHS project's Programme Lead, this group includes members of the SSG from the school's project team and the equivalent from the NHS project team (including NHS Property Services and all parties involved in their new build).

A Senior Stakeholders' Strategy Group

The most senior stakeholders from the NHS, LA, and school meet infrequently on an ad hoc basis. This meeting ensures open lines of communication to resolve issues that are dependent on each of the parties, where they materially impact the project, should they arise.

The Premises Lead reports to the Local Governing Body of the school and to the trust on the overall progress of the premises project and at major milestones or decision points.

In the early stages of the project (pre-opening) a smaller Working Party was convened by the trust, that included the Premises Lead. As the project progressed, a trustee was involved in all the stakeholder groups and is now solely involved in the Senior Strategy Group. The Premises Lead has a written delegated responsibility from the trust.

Note, that this model was only necessary due to the complexities described above. It was considered the minimum necessary to ensure robust communication and risk management between all parties. In addition to this governance, there is thorough engagement operationally between all parties and the model has served the trust well for a ~seven year development project.

Your choice of premises governance model is an autonomous one, with no statutory requirement. The advice from the DfE, FSC and NSN is:

- To appoint a capable Premises Lead with capacity to execute the role
- Develop a clear governance model with an appropriate level of simplicity

It is important to limit any operational involvement of trustees/governors and for them to clearly delegate, allowing the Premises Lead, Project Manager and Project Director to execute the

operational project without the risks that come from multiple 'voices'. This can be hard for a trust board or governors to accept, but is a critical component to successful governance and project delivery.

The communications role of the Premises Lead

Communications, stakeholder engagement and stakeholder management are all intimately tied to the governance and oversight of the premises work stream, as the site is critical to your overall school project. A perception of risk to your site can impact the recruitment of pupils, potentially putting the school itself at risk.

The marketing of your school and its education proposition to prospective parents and pupils will have been well planned and structured. You may have considered the range of stakeholders required with which to engage and the best methods and channels of communication with them. The progress you make with premises offers both a vast range of opportunities to engage with stakeholders, but also poses some risks, as throughout a development programme there will be uncertainty.

Your Premises Lead, along with your headteacher (should they be appointed) should become the people your community recognise as the leaders of the project. The community will not see the FSC or any of the other parties involved, and they will be looking to you for the vision of what your school will be (physically) and the confidence that it can and will be delivered (on time).

Ensuring you 'speak with one voice' through someone who is well informed and a consistent presence helps to develop confidence in the school's vision. Look to sign your communications with the name of the headteacher and where possible ensure they are available to meet with your community and can be contacted directly. This can be jointly shared with the Premises Lead, who will be providing much of the input.

If your development project hits difficulties or faces major changes to previously communicated plans, you may find it advisable to 'shelter' your headteacher by your Premises Lead stepping in to carry the communication of bad news. This approach decouples the headteacher from any unavoidable issues or delays in premises and allows them to remain as the strong visionary for the new school.

Consider providing regular updates on progress. This can be especially valuable through the early stages of pre-opening, as designs and feasibility are being explored, while there is no certainty on securing a site. Once a contractor is engaged, they will take over regular communications, and

should have professional communications teams on hand. However, there will be a stream of communication necessary between the developing school and your parent community. For instance, if you are opening in temporary accommodation, communicate directly regarding your decant process and dates.

The nature of property-related negotiations and the excitement of a new school can interact, causing a great deal of community interest and potential misinformation. A misguided or misunderstood comment may be picked up and amplified online, on social media or in community meetings. It may morph away from the reality of the situation and you will need to be sensitive to this and have an authoritative voice in which to respond and make clear statements about your project.

Do not respond to the urge to clarify every point or minor twist in the road to your new school. It is often practical to wait out attention storms (where social media, and occasionally mainstream media, alights on a hot topic related to your development). Maintain communicating the end vision you proposed and were approved for. A consistent message of 'we seek to develop a school of X type to achieve Y for this community, in partnership with these stakeholders' will help provide stability and confidence through any turbulence.

Aim to calmly navigate what can seem to be treacherous waters. It can appear risky and emotionally difficult at times, for instance with delays to a site purchase or development, retendering of contracts, a development partnership breaking down or a planning application being refused, meaning you remain uncertain of your permanent site.

All of these and other risks have been experienced by others and will be again. Staying robustly focused on your outcome and even keeled throughout your communications will help make it happen. Resilience, persistence and grace under fire, with a robust commitment to your role of governance, will be most effective.

This document concludes the resource pack available with the NSN Site Advisory Service. We hope you have found the contents valuable and working with your NSN Advisers and NSN Associates has helped you deliver the best possible school. We actively encourage you to feedback your thoughts and comments on our service and resources directly to your adviser.

We look forward to visiting your new school in its inspiring buildings, having achieved the very best possible design and delivery to serve your students, staff and communities for the decades to come.