

Council settles with Edinburgh Schools Partnership over building failures

The city council has settled with Edinburgh Schools Partnership the company at the centre of the schools closures in 2016.

This cost the authority more than £3 million and led to the closure of the 17 schools involved.

The Chief Executive then instructed an independent inquiry headed up by Professor John Cole CBE who reported to the council that there had been defects in construction mainly due to lack of supervision. Professor Cole reported to the council at a meeting of all councillors in 2017.

The Edinburgh Schools Partnership (ESP) signed up to an agreement with the city council in 2001 to design, construct, refurbish and provide facilities management services at 19 “PPP1” schools.

The constructions defects which arose included the safety of walls, roofs and fire protection and Professor Cole stated that the issues were likely to be more widespread than Edinburgh.

Since the schools closure in 2016 the city council has been in negotiation with ESP over its liability and future arrangements – with contracts still to run until 2033.

ESP has agreed to pay for all structural repair work and an additional independent inspection and reporting system will be set up.

The company will also agree to open some of the school buildings for extended hours at no cost to the council, for

sport and other activities.

The settlement amount has not been disclosed but the money will be used to carry out any further remedial works identified on buildings across the council's estate including schools.

Council leader Adam McVey said: "This has been a lengthy and complex process but I'm pleased that we've been able to reach an agreement with ESP.

"This settlement provides significant benefits to our schools and local communities and crucially means the works carried out on the PPP1 schools came at no cost to the council.

"There will now be additional inspections on the PPP1 buildings and increased opening hours for those facilities. Reaching this agreement also means we can avoid potential lengthy and costly legal proceedings for both parties and return to our focus of providing world-class facilities for our young people."



Oxgangs PS was one of the 17 schools in Edinburgh affected by building design flaws which led to their closure.

In January 2016, the external gable wall of Oxgangs Primary School collapsed following high winds – and an investigation “identified a number of underlying structural defects” at the school. Further checks revealed that similar building defects existed across the PPP1 estate. In April of this year, more problems with the roof at Oxgangs Primary School were discovered, leading to further inspections.

The council incurred approximately £3.1 million of direct costs in relation to the temporary closure of the schools and other facilities constructed through its PPP1 programme. The council has withheld more than £5 million of unitary charges to ESP due to the unavailability of the facilities during this period.



Cllr Gavin Corbett

Green Cllr Gavin Corbett, said: “Almost three years after the first serious wall collapse, we can never lose sight of the huge upheaval and stress which the PPP schools fiasco caused. On top of that, ESP has failed to be available and answerable to the school communities affected. So whatever ESP now agrees to do, there’s a huge gulf in trust that I don’t see

ever being fully bridged.

“On the face of it, the draft settlement looks like progress, meeting the costs faced by the council, introducing tighter inspection and reporting arrangements for school buildings and including a modest increase in opening hours for out of school use.

“ESP and their on-site school company Amey have to be squeaky-clean in managing and maintaining these schools, they have to be 100 per cent transparent with parents and school staff and the buildings themselves need to be kept in excellent condition before they are handed over to the council at the end of the contract.”

Next week, the council’s Finance and Resources Committee is set to authorise chief executive Andrew Kerr to enter into a settlement agreement with ESP and approve the terms of the new inspection and monitoring strategy in place throughout the PPP1 estate.



Councillor Jason
Rust

Conservative Cllr Jason Rust who represents Colinton/Fairmilehead Ward said: “While we obviously need to review the detail of the agreement, on the face of it this is a positive report and for the sake of the school community I am pleased that progress has been made.

“The council has incurred significant expenditure and it was therefore vital that structural and other defect rectification works have been carried out at the sole expense of ESP or their subcontractors.

“I am also interested in the agreement to open the building for longer for activities. Going ahead the additional inspection and reporting system ought to offer parents, staff and pupils much needed reassurance.

“We will inspect the detail, but if honoured this seems a large step in the right direction.”

A spokesperson for Edinburgh Schools Partnership said “This is a significant and positive development for all of the schools impacted by the closures in 2016. We have made strenuous efforts to reach an agreement that reflects our commitment to work in partnership with the council and avoids the need for difficult and expensive legal action.

“In particular, the contractual enhancements to the existing monitoring framework provide the basis for ESP and our suppliers to continue the process of restoring confidence to pupils, parents and staff. We would like to reiterate our apologies to all those affected by the closures and say again that the safety of the children and staff throughout the PPP1 school estate remains our primary concern.”