

SCRUTINY MANAGEMENT COMMISSION

7 DECEMBER 2010

Item 9

Consideration of events leading to the closure of school kitchens

At the request of the Chair, Members of the Children and Young People Commission have been invited for this item.

Background and history to the present problems

1. On 29 June 2010 Scrutiny Management Commission considered a report setting out the latest position in relation to the school meals service. It focussed on why the school meals service was making a loss, the impact of more profitable schools opting out of the service, the findings of the recent review and estimated future costs and implications of different meals preparation methods. It was noted that a full report would now be taken to Council Cabinet, setting out the options with aim of selecting a way forward.

The Commission resolved to:

- note the report and
 - arrange a special meeting of the Commission once the report for Council Cabinet becomes available. (Minute 11/10 School Meals Update)
2. On 26 July 2010 Scrutiny Management Commission considered a report on options appraisal for school meal provision in the city which would be considered by Council Cabinet at its meeting on 27 July 2010. It resolved to support the recommendations in the report but to request that Council Cabinet explore the potential merits of Option C. (Minute 24/10 Options Appraisal for School Meals Provision in the City)
 3. On 27 July 2010, Cabinet approved a full tendering exercise with the stated outcome of outsourcing the school meals service (the "Project"). It was further agreed that the outsourced service should deliver a "heat and serve" service to schools: existing kitchen facilities would be [mothballed] and electrical regeneration ovens would be installed in schools to facilitate the delivery of heat and serve meals.

Condition of School Kitchens

4. Many schools still have very old, obsolete gas appliances that do not have any flame supervision. On the 27 August 2010 a briefing note was issued by the new Service Director of Asset Management to senior officers, outlining gas safety concerns regarding manually ignited gas-fired appliances in catering (Catering Information HSE Sheet No23 (rev1).
5. The Council commission Derby Homes (but up to 1 June 2010 Environmental Services) to undertake annual GasSafe checks of equipment in all kitchens where the school buys into the School Meals Package.

6. At the end of July 2010, as a result of gas safety concerns regarding manually ignited gas-fired appliances in catering kitchens, Faithful and Gould were appointed by the Council to undertake a condition survey of school kitchens. (See Brief in Appendix A) They were specifically appointed to identify problems in relation to:
 - adequacy of ventilation;
 - provision of makeup air; and
 - lack of gas interlock equipment (a failsafe mechanism which prevents the continued use of gas when insufficient ventilation is present and stops gas flow in the event of failed ignition).
7. Faithful and Gould surveyed the kitchens of all schools currently buying into the Council's School Meal Package plus community schools in the City (schools with kitchens less than 10 years old were not surveyed); in total 60 school kitchens were surveyed. These surveys did not include a full GasSafe equipment check.

The survey classified school kitchens as follows:

Red	High Risk	35 schools
Amber	Medium Risk	22 schools
Green	No action required	3 schools

8. In September 2010 a School Catering Project Board was established to implement the Project. The Project Board established a number of sub-groups, each with responsibility for a particular aspect of the Project, and which report to the Project Board. (See details of members of project team in Appendix B)
9. It was agreed by Project Board's Technical Group that, subject to effective mitigation measures being identified, a programme for the systematic closure of the red risk kitchens would be put in place. This closure programme would run alongside a continuity plan to allow a schools meal service to continue to be provided at affected schools. Mitigation and risk management measures would be taken to allow amber risk kitchens to remain operational pending commencement of any outsourced service.
10. In order to further validate the findings of the Faithful and Gould survey, the Council commissioned William Freer Ltd in October 2010 to undertake inspections of the kitchen including appliance GasSafe checks in six school kitchens. This was necessary as the original brief did not include doing a full GasSafe check.
11. Appliances with gas leaks were discovered in five of the six kitchens, resulting in the issue of GasSafe notices and immediate kitchen closures. One further kitchen was found to have appliances with gas leaks; however, it was possible to isolate this equipment, cap-off the gas supply and for the kitchen to remain operational.
12. As the work conducted by William Freer Ltd validated the Faithful and Gould survey work and a decision had been taken to close red kitchens, it was agreed

that further expenditure should not be incurred in commissioning surveys to confirm the original survey results.

13. At the Technical Group meeting held on 3 November 2010, it became clear that the issue of gas safety was potentially far more critical than had initially been understood. A higher than anticipated numbers of schools were found to have problems with gas appliances which had been the subject of gas safety inspections.

School	Gas leak
Ravensdale Junior School	Yes – 1 leak repaired
Ravensdale Infant School	Yes – 4 leaks, 2 appliances disconnected and 2 repaired
Firs Primary School	Yes- 1 leak appliance disconnected 1 gas valve passing gas through pilot-disconnected
Lawn Primary School	Yes – 4 leaks and 1 Co levels above permitted levels, 5 appliances disconnected
Redwood Infant School	Yes – 2 leaks, 1 appliance disconnected and 1 repaired
Walter Evans Primary	No

14. The Technical Group agreed that whilst it is possible that an appliance may develop a leak in between checks, it would be statistically unusual for five out of six kitchens to develop leaks between inspections. The Technical Group therefore had serious concerns that needed to be risk managed, as the information continued to evolve, regarding:

- (i) the GasSafe checks that have been undertaken in catering package schools; and
- (ii) gas safety in all schools where they do not buy-in to the council's school meals package.

15. Similar concerns were expressed by Faithful and Gould, who were of the view that GasSafe checks needed to be undertaken in all kitchens. So the Technical Group agreed that these concerns should be promptly reported to the Chief Officer Group. Furthermore, it was agreed that John Tyler, Health and Safety Team Leader, review with Philip Derbyshire, Head of Maintenance, the terms upon which Derby Homes were engaged to perform GasSafe checks on school kitchens.

16. Officers met with consultants Faithful and Gould the following day to take independent advice. They confirmed the officer view that independent gas safety checks should be urgently undertaken in all at risk kitchens.

Decision taken to close red risk kitchens on Friday 5 November 2010

17. Officers prepared a report for Chief Officers who met late that afternoon of Friday 5 November and made the decision to close all of the at risk kitchens. 28 school

kitchens were closed with immediate effect, pending completion of further inspection work. This decision was not taken lightly. It was taken to protect the health and safety of all school children and staff.

18. Affected schools and catering staff were notified first thing on the morning of Monday 8 November.
19. As an interim measure the school meals service provided approximately 3,300 children who take school meals, with a cold lunch, whilst revised arrangements for the provision of hot meals are put in place. Unfortunately with this scale of emergency provision there were some initial difficulties. These included only being able to provide a limited range of fillings; some children not liking the offer; a small number of schools receiving delivered meals slightly later than they would ordinarily, albeit still in time for lunch period.
20. This was a huge logistical exercise and staff involved worked incredibly hard and by Thursday 18 November every child had the option of hot food. Although this decision has caused inconvenience and led to public concerns regarding the lack of hot school dinners, the Council's priority had to be the safety of pupils, school staff and kitchen staff.

Communication with schools

21. Jo Davidson, Interim Director of Children and Young People wrote to all schools at the end of October to invite them to attend a briefing session on 17 November or 22 November at the Deming Suite, Conference Centre, London Road. This was initiated prior to the closure of the kitchens in 7 November and in response to criticisms about communication around the initial kitchen closures and the planned changes to the school meals service. In particular, schools had expressed concerns that they did not feel informed about the proposals to outsource and a number were of the view that they did not wish to take the option of a heat and serve service. It is the responsibility of governing bodies to decide how they wish to provide school meals.
22. Following the decision to close school kitchens taken late on Friday 5 November, affected schools and catering staff were notified by the School Meals Service managers first thing on the morning of Monday 8 November.
23. Late on Monday 8 November, Jo Davidson, sent a personal letter to heads and Chairs of Governors of all affected school (via email) to inform them that the Council had taken the decision to temporarily close their school kitchens. The letter provided information about:
 - how the initial safety inspections had revealed problems
 - why the Council had taken the precautionary decision to close kitchens to ensure the safety of all children and staff; and
 - when their school kitchen was scheduled to be inspected
24. A second letter was sent to Head teachers of all affected schools on Tuesday 9 November providing a further update for staff, parents and children about:

- the timetable for undertaking the gas surveys and inspections;
- the contingency plans for the provision of a cold sandwich options until the full hot meals service could be resumed;
- the arrangement for credits to parents of any advance payments for school meals; and
- contact number for queries from schools or parents
- providing a suggested template for a letter to parents and guardians; and
- a reminder about the school engagement briefing sessions on 17 and 22 November which would provide an opportunity to discuss the current issues.

25. Over 150 School Heads, governors and school bursars attended these engagement sessions. There was a frank expression of views by schools and a resolution to work together to resolve what was recognised to be a very complex and difficult issue for everyone involved. There was a general agreement that Governing bodies need more information before they can make decisions about whether or not they want to opt into the new school meals contract in September 2011.

26. There was an honest and open discussion and the Council made a commitment to respond to requests for more information and advice and agreed to run a further engagement session for all schools.

27. In the meantime, the Council have established two procurement consultation groups and the attached letter and appendices were sent to all schools today with a commitment to supply further information over the next 2 weeks.

Health and safety

28. Health and Safety responsibilities of Local Authorities and school governors, for school staff, pupils and visitors are covered by the Health and Safety at Work Act 1974.

29. School Governing Bodies in Foundation, Voluntary Aided, Independent Schools and Academies are legally responsible for all Health and Safety matters in those schools. (This includes church aided schools).

30. The Local Authority has an overarching duty in relation to voluntary controlled and community schools; the Governing Bodies in those schools have day to day responsibility as they have control of the premises on a day to day basis.

31. As the employer, the Local Authority has health and safety responsibility for school kitchen staff in all schools which buy into the Council's school meals package, irrespective of the status of the school.

32. Furthermore, the Local Authority has overarching duties, with regard to the welfare of all children, under the Education legislation. The Council also has a wider duty to safeguard the welfare of all children under the Education Act 2002.

Procurement Process for School Meal Services

33. Council Cabinet have approved the decision to go out to tender to establish the means to provide the future meals service for those schools requiring a contracted service. The Central Procurement team, independently of the Catering Services team, will manage the tender process.
34. A tender process will be run in compliance with the requirements of the European Procurement regulations which will openly invite bids from suitably qualified organisations to provide either a supply of meals to the in-house catering service or to provide a full catering service directly to those schools that have chosen to use the service.
35. Bids will be evaluated against a range of criteria that will test the capacity of the provider to deliver the service against the specific requirements of the contract, the quality of the service and meal range and the cost of delivering the service. The contract will be awarded to the provider who achieves the highest score against the criteria.
36. A tender specification is currently being developed which will define the requirements of the contract for both options described above. Schools have been invited to comment and provide input to both specifications and particularly in terms of providing further information required by bidders on any site specific requirements. In order for schools to ensure that their needs are going to be met by the new contract it is therefore important that they engage with the Procurement team in the development of the specification.

Tender Timetable

Action	Deadline
Establish requirements of the contract and develop tender documents	End of December 2010
Issue tender documents	January 2011
Receive Bids	End of February 2011
Evaluate Bids	April 2011
Award Contract	May 2011
Contract operational	September 2011

Sarah Edwards, School Catering Project Manager
7 December 2010

1 Background

In the many schools, gas appliances are very old, obsolete and do not have flame supervision.

- 2 HSE Information Sheet: Precautions at manually ignited gas-fired catering equipment, Catering Sheet No 3, '**current at 2/95**' required that risks were assessed and a programme of retro fitting flame failure safeguards or replacing the equipment should be implemented. In addition, staff should be trained in safe systems of work and adequately supervised, in addition to regular servicing.
- 3 the HSE Gas safety in catering and hospitality, Catering Information Sheet No 23 (rev 1) first published 2/07 states, in respect of Flame Supervision...**In practice, as employers have now had many years to comply, ovens should only be operating without flame supervision devices in exceptional cases. Generally speaking, all ovens should have been upgraded or replaced by now.** Although the guidance talks in a later paragraph about the need to retrofit flame supervision devices to existing equipment in-use being subject to a specific risk assessment, the highlighted wording is considered critical. The Council has had 15 years to address this issue since the first guidance was issued.

Furthermore, there was an injury to the cook at St Clare's and this may bring into question the adequacy of training and supervision

Internal advice is that no equipment, even one appliance, in use without flame supervision should be left in use.

- 4 Council Cabinet approved, on 27 July, that school meals are provided by regeneration methods. This means that those schools which continue to have meals provided by the Council will have regeneration equipment fitted rather than replacement cooking equipment. However, in order to allow schools to make an informed decision, the extent of work necessary to maintain a 'cooking' kitchen needs to be established. In general terms, the purpose of this study is to:
 - Advise on the opportunity to allow existing non-compliant gas appliances in use and, if possible, what supplementary measures need to be implemented.
 - Ascertain the extent of the problem in terms of non-compliant gas kitchen appliances
 - The implications of replacing that equipment, including ventilation, service connections and any structural implications (including asbestos),
 - Provide budget costs
 - The capacity to house regeneration equipment rather than cooking equipment
- 5 The surveys need to be urgently completed to allow a decision to be made on the future of school kitchens before schools return in September. Information should be provided on a weekly basis with all information provided by 27 August.

Brief

- 6 Survey school kitchens to ascertain extent of work required and provide budget costs for remedial work:

	Action by consultant	Information provided by Council
1		List of schools to be surveyed in prioritised order Contacts for access
2	Appliances without flame supervision devices (FSDs)	List of known appliances
3	Whether these can be retro fitted with FSDs	
4	Adequacy of ventilation provision for existing appliances, including interlocking of ventilation and gas supply	
5	Whether appliances can be left in use (if, so what supplementary measures need to be implemented)	
6	Services installation requirements for new equipment, including <ul style="list-style-type: none"> • Gas • Electricity • Ventilation • water 	Replacement appliances required. Cost of new appliances
7	Structural/ builders work implications, including asbestos	Management (Type 2) asbestos surveys
8	Estimated costs of above	
9	Electrical capacity for regeneration equipment	List of regeneration equipment

- 7 Council Contact details:
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Members of School Catering Project Team

Project Name School Catering Service Project

Senior Responsible Owner Jo Davidson

Project Manager Sarah Edwards

Work stream leads	
Procurement:	Dawn Moran
Property and technical:	Phil Derbyshire and Gurmail Nizzer
Finance:	Michael Kirk and Jason Coupland
School Meals Service:	Sandra Cole
HR:	Alimun Nessa
Legal:	Emily Feenan
Health and Safety:	John Tyler
Project Support:	Andy Culshaw