

## RAAC: Frequently asked questions

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September 2023

### Technical questions

**Q: What is RAAC and why was it used in schools? Why has RAAC become an issue now?**

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**Barker Associates:**

RAAC is a cheap, lightweight construction material that was used predominantly in the 1950s and 60s, less so through the 1990s. RAAC is mainly found in precast roof planks but can be found in floor, wall and cladding panels. The concrete is between 25-35% of the weight of normal concrete and has around 25% of the strength of traditional concrete mixes. The design and detailing of the RAAC panels is such that they have a limited lifespan of circa 30-40 years, with steel reinforcement becoming susceptible to corrosion after this period. In addition, should the planks suffer from water ingress, the characteristic 'bubbly' concrete mix does not provide the same level of protection to the steel reinforcement as traditional reinforced concrete.

The issue more recently follows a number of collapses of roof planks in schools and public buildings, calling into question the safety of the construction, and the current [DFE guidance](#) is now to not use any spaces where RAAC has been confirmed.

**Q: How can schools identify if they have RAAC within their school estates? Do they need to commission a survey? If so, what level of survey is being funded, and how do you get funding? If a school has had a survey, how do they know if the survey was comprehensive enough to locate any RAAC?**

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**Barker Associates:**

The [DFE guidance](#) provides a number of details and photos of what to expect when looking for RAAC concrete,

however, if a school or trust is unsure, then suitably qualified structural engineers or building surveyors should be appointed to provide confirmation.

The DfE have confirmed that 'Responsible Bodies' should be undertaking and commissioning professional surveys when required to identify if RAAC is present within their buildings. Current guidance confirmed that any costs associated with the surveys would be reimbursed by the DfE if reasonable. To be refunded, surveys must have been completed by suitably trained and qualified people and cannot duplicate surveys that the DfE have arranged directly. To give members an idea of reasonable costs, Barker are charging £500-£800 per survey, plus travel costs/time.

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**Q: If we identify RAAC in our schools, what are the next steps for us?**

**Barker Associates:**

The current [DFE guidance](#) sets out the next step, which is to notify the DfE and they will assign a Project Case Worker.

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**Q: If RAAC is confirmed in the roof only can the floors below remain open?**

**Barker Associates:**

If RAAC is confirmed at roof level only and there are intermediate floors providing protection to lower floors, then an assessment by a structural engineer may allow the lower floors to remain in use subject to access etc.

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**Q: Are there examples of RAAC usage in pitched roofs; or is it always flat?**

**Barker Associates:**

RAAC in roofs is primarily found in flat roofs, but has been found in pitched roofs.

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**Q: Would RAAC be used between floors?**

**Barker Associates:**

RAAC is a structural product and can be used in roofs, floors, walls and cladding panels. We have not seen it used in any other instance.

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**Q: Do you need to vacate your building/area during a specialist survey?**

**Barker Associates:**

Typically, the initial surveys have been undertaken in live buildings. Barker staff are all DBS checked to work in live school environments.

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**Q: Our RAAC is in the ceiling/floor between two floors, what is the suggested short and long-term solution for this?**

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**Barker Associates:**

An assessment of the As Built situation would be required to assess the structural options.

**Q: We have read that RAAC can also be found in walls. The existing visual surveys we have had done did not look into walls – is this an issue OR is it only roof-related?**

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**Barker Associates:**

RAAC can be found in roofs, floors, wall panels and external cladding. The wall panels are quite distinctive, if they are not covered. It should be noted that the structural risks are primarily from roof or floor panels.

**Q: What if RAAC is found, but it is not structural, i.e. it sits underneath the structural bearing concrete floor? Would you still need to shut down that area, even if the surveyor says it shows no risk?**

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**Stone King:**

If you know you have RAAC, you need to carry out a risk assessment and take mitigation measures. Our advice is to inform the DfE urgently if you have not already done so, and agree a plan of action with the DfE regarding suitable mitigation measures. Even if you don't think the RAAC is supporting anything, you still need to take mitigation measures.

**Q: Can a room be used next to an area that has been confirmed to have RAAC, i.e. a corridor has RAAC but we have classrooms next to this corridor, i.e. on the opposite side of the wall? Can we use these classrooms?**

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**Barker Associates:**

Use of adjacent spaces will be subject to the robustness of the dividing structure and should be assessed by a suitably qualified structural engineer. In this example the corridor would be taken out of action, which may prevent access.

**Q: One of our schools has asbestos roofs and asbestos floors. What type of testing would the structural engineer potentially carry out?**

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**Barker Associates:**

If access is not available from the underside of a roof structure, then it is possible to undertake an intrusive survey from above, through the existing finishes, with suitable repairs completed upon completion of the investigation works.

There is also the possibility of getting a section of asbestos ceiling or the void cleared of asbestos to enable the visual survey to be undertaken, but this will attract additional costs. All such works should be undertaken by suitably qualified contractors.

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**Q: What is the current guidance on being able to access rooms with RAAC for collection of resources?**

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**Barker Associates:**

The current guidance (as of 21 September 2023) is that the Responsible Body may allow access, subject to completion of their own Risk Assessment Method Statements (RAMS), with appropriate mitigation measures.

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**Q: What are the current guidelines/DfE stance on repairs or replacement of the RAAC at this present moment?**

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**Barker Associates:**

The initial stance of the Department for Education (DfE) was to promptly implement remediation measures in order to facilitate the swift reoccupation of affected areas. However, recent instances have witnessed the approval of a strategy involving the removal of the RAAC and its subsequent replacement with a new roofing system, particularly if the affected space is able to remain out of use for an extended period.

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**Q: What's the process for removing RAAC and what are some of the issues that schools may face when they come to do this?**

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**Barker Associates:**

Removal of RAAC, primarily in roof construction, will require careful assessment of the void with respect to any asbestos issues and the existing services within that space. It is disruptive work that will impact school operations to some degree.

## Property and health and safety questions

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**Q: Who is responsible for repairs associated with RAAC?**

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**Stone King:**

If it is determined that RAAC is present, it will be necessary to consider whose responsibility it is to repair and maintain the property. There will, of course, be additional statutory duties and contractual obligations to consider.

Where the property is owned freehold and the property is not occupied by any third parties, it is likely that the responsibility for repair and maintenance will be with the owner and occupier of the building.

Where a property is tenanted, it will be necessary to look at the repairing obligations under the lease together with whose responsibility it would be under any health and safety legislation.

For all academy trusts who occupy their land under the terms of a 125-year lease, the initial advice is to look specifically at the terms of your lease, as there may be variations to the model DfE form. However, in the standard terms of the model form lease, there is a repairing obligation that states that the tenant shall make good any deterioration to the property (Clause 3.3.1 (b)). There are no obligations for the landlord to carry out

repair. Therefore, deterioration must have occurred before there is a positive obligation on the tenant to carry out repair. However, if the academy trust wishes to use the premises then it is clear under the terms of the lease that the responsibility for health and safety of the building has been contractually passed to the tenant (Clause 3.7.1). Therefore, if the academy trust is to use the property, it is clear that it will need to repair and maintain the property to conform with its statutory duties. Where the academy trust has tenants within its buildings, it will be necessary to review these leases to see whether repairing obligations can be passed on to any such tenant.

**Q: The DfE refers to academy trusts as “Responsible Bodies”. What does this mean? What are the health and safety responsibilities of academy trusts and the implications of RAAC?**

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**Stone King:**

Academy trusts are independent charitable companies funded by central government. They are responsible for the health and safety of their employees and students, which includes a responsibility for ensuring that the buildings from which they operate are safe. (Note: the responsibility for repair is a different, but related, point and is explored in more detail above).

As a Responsible Body, if you have concerns that there may be RAAC in your buildings or you are not sure, you should commission a structural survey from a competent engineer to carry out suitable checks to assess it, and then develop a risk management plan and take steps to control the risk if RAAC is found.

The [DfE guidance](#) note states that where you are able to commission a survey more quickly and by a suitably qualified structural engineer “you should send your request to [raac.awareness@education.gov.uk](mailto:raac.awareness@education.gov.uk). Our advisers will review your proposal, and unless unforeseen issues are identified, will fund your survey rather than sending in DfE surveyors”.

If asbestos is also present, a collapse or remediation activity related to RAAC could disturb it. As the Responsible Body, an academy trust must identify, assess and [manage risk from asbestos](#) in their premises. You must share any information on the location, type and condition of asbestos in a building with anyone who is liable to disturb it, such as contractors and emergency services.

The following guidance is helpful and explains your health and safety obligations:

[The Reinforced Autoclaved Aerated Concrete \(RAAC\) Investigation and Assessment – Further Guidance from The Institution of Structural Engineers \(istructe.org\)](#) contains guidance in sections 5 and 6 on what academy trusts, as responsible bodies, should do to manage the risk.

The Health and Safety Executive: [Our guidance on managing risks and risk assessment at work](#) contains practical steps for carrying out a risk assessment under health and safety law.

From a safeguarding perspective, academy trusts are responsible for safeguarding and promoting the welfare of pupils, as detailed in the Keeping Children Safe in Education statutory guidance and the Academy Trust

Handbook 2023. The DfE's expectation is that online learning should be a last resort and vulnerable children, children of critical workers and those undergoing exams should be prioritised for face to face learning.

**Q: What are the legal considerations that Responsible Bodies should consider when tendering remedial/mitigation works?**

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**Stone King:**

It is important to understand precisely what is being funded by the DfE, and we would advise that you work closely with your case worker at the ESFA should RAAC be identified in your building. The DfE expects that most local authorities and education settings will be able to manage (commission) the mitigation works themselves.

Where an academy trust is commissioning works, it is important to understand the manner in which they will be funded by the ESFA to ensure that contractual obligations are not entered into without the appropriate funding commitments from the ESFA.

Works should be procured in line with your procurement obligations and policies, and appropriate works contracts should be put in place to ensure that you benefit from suitable warranties etc.

At the moment, it is not clear what the ESFA will fund by way of remediation works, but where possible – and if funds permit – you should consider a solution with long term ease of maintenance in mind. As part of your strategic longer term estate strategy, you should also consider the condition of your school building that will support a new roof structure.

**Q: We have been looking for a structural engineer to commission a survey but no-one is getting back to me, and we are concerned there are going to be delays with getting surveys completed. In the meantime, we are concerned about our health and safety responsibilities and duty of care to our students.**

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**Stone King:**

Immediate action should be taken and the DfE needs to be informed. The current guidance is for bodies to vacate and restrict access. Further use of your buildings needs to be urgently discussed with a caseworker at the DfE and you also need to consider your Health and Safety obligations as detailed above.

**Q: We have followed the DfE guidance. We completed a series of independent visual surveys arranged via the county council. These surveys have suggested no evidence of RAAC, however, the surveys carry the caveat 'A visual inspection of the ceiling/roof void has been carried out only from ground level or via step ladder to isolated locations where practicable, with limited visual accessibility therefore we cannot confirm that RAAC have not been used elsewhere. Only roof voids have been inspected floors and walls have not been inspected as part of this survey / report. As such the only true way to ascertain no RAAC would be to complete fully invasive surveys. How do we arrange for these via DfE, having already completed the DfE portal info (which assumes no RAAC)?**

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Stone King:

We would advise that you speak to the DfE team to determine whether they will fund a more in-depth structural survey.

In terms of your health and safety responsibilities, health and safety law requires academy trusts to assess risks and put in place proportionate risk control measures. The law also requests you to record details of risk assessment and the measures taken to reduce those risks.

Please refer to the question earlier on, which sets out an academy trust's responsibility for health and safety.

**Q: What about C of E or Catholic owned school buildings where the academy trust does not own the building?**

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Stone King:

The advice is that each school must specifically check their land arrangements and documentation. The most common arrangement for church schools that have converted to an academy is that the academy will occupy under a Church Supplemental Agreement (CSA).

In the model CSA, there are no positive obligations on the academy trust to repair or to comply with the health and safety obligations, although it is clear that if the trustees facilitate maintenance it should be at the academy trust's cost. However, as set out above, if the academy trust wishes to occupy and provide education from the property, as the occupier having control of the building, it is likely that the statutory obligations will mean the academy trust is responsible for ensuring the building is safe, and also therefore responsible for repair and maintenance.

**Q: Does RAAC pose a health risk?**

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Stone King:

The concerns about RAAC are solely linked to its durability and structural performance. At present there is no evidence to suggest it poses any other health risk. Before any construction remediation of RAAC work takes place, there are legal procedures to follow to manage any asbestos risk. Remediation of RAAC will take into account asbestos identification on the specific site in the location of the work, and careful management if it is present.

Further detail from the Health and Safety Executive can be found here:

<https://www.hse.gov.uk/education/raac.htm>

## Education and pastoral questions

### **Q: What is the role of my board of trustees?**

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Stone King:

The duties of key people responsible for running academy trusts includes keeping trusts' estates safe and well maintained (Academies Trust Handbook 2023).

The Board of an academy trust is the decision-making body of the academy trust and is accountable and responsible for all the academies in the academy trust. The Board is responsible for ensuring that the academy trust complies with its contractual and legal obligations. The academy trust must comply with its funding agreements (including compliance with the [Academy Trust Handbook 2023](#)). Individual trustees have a legal obligation to exercise care, skill and due diligence, and this would extend to their responsibilities in respect of the premises that the academies occupy, especially in the context of the duty of care to pupils and staff on those premises. Trustees need to be satisfied that the executive leaders of the academy trust have carried out their responsibilities relating to the health and safety of pupils and staff on academy premises.

### **Q: If your school or trust is affected, your board may need to monitor the effect of disruption. What type of things should we be considering?**

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Stone King:

The Board will wish to ensure that the academy trust is complying with appropriate guidance and taking professional opinion where appropriate. Insofar as alternative arrangements need to be put into place for face to face education of the pupils, trustees will wish to ensure that robust arrangements are in place to secure a safe environment for the provision of education.

Executive leaders would be expected to put in place comprehensive risk assessments that are updated on a regular basis, and to maintain a close relationship with the assigned DfE Caseworker.

### **Q: If I need to partially or fully close both now or in the future due to RAAC what are my options? How will partial or full closure and potential move to online learning impact safeguarding?**

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Stone King:

The DfE has set a clear priority for face to face education to continue, and the updated RAAC guidance sets out further details on DfE expectations. Academy trusts would be expected to adhere closely to the published [DfE guidance](#).



Any implications for safeguarding will need to be carefully considered in line with Keeping Children Safe in Education. Any reliance on remote education will need to be as a last resort, and in line with published guidance.

**Q: We are starting to think about the impact of this on examinations. What should we be considering?**

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Stone King

Academy trusts will need to review and update their emergency plans if any examination halls are likely to be affected by RAAC. Existing emergency planning guidance will need to be adhered to. Further details are provided in the [DfE guidance](#).

## Financial questions

**Q: What costs will DfE cover? How do I contact DfE?**

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Stone King:

The DfE has stated that it will provide funding for all mitigation works that are capital funded. The requirements and remediation plan for each school will vary, and so far the government has committed to spending whatever it takes and offer what assistance it can to keep children safe. This funding includes propping and temporary units, but no further published detail has been provided about the process around this, and we advise that you contact your ESFA case worker to discuss this.

The ESFA is expecting, for the most part, that academy trust's will commission their own mitigation works rather than them being ESFA procured and managed. If you have not been allocated a caseworker, then please use the following contact email address:

[raac.awareness@education.gov.uk](mailto:raac.awareness@education.gov.uk)

Inevitably, there will be wider discussions within government about school estate strategy and capital funding, and we are working closely with academy trusts who have been impacted by RAAC on potential longer term, more strategic solutions.

For some, RAAC will also have a wider impact on revenue and the DfE has stated that academy trusts with RAAC who need additional help with revenue costs, like transport to locations or temporarily renting a local hall or office, should contact their ESFA caseworker. The [DfE guidance](#) states that its expectation is that all reasonable costs will be approved. We advise that you keep a suitable record of costs and loss of income, including evidence, but would advise where possible that you seek to mitigate any loss.

**Q: Who is taking the lead on remediation / replacement works? What should trusts be doing at this stage in relation to this (for buildings which have RAAC) or do we wait for the DfE to advise what options and funding are being considered?**

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**Stone King:**

Immediate action should be taken if RAAC is suspected. Please refer to the [DfE guidance](#) which sets out that there is an obligation to inform the DfE via the DfE Capital Portal 2. The Department will then add your education setting to the DfE Assessment Survey Programme. This guidance advises responsible bodies to vacate and restrict access to the spaces with confirmed RAAC. Spaces should remain out of use until appropriate mitigations are in place, even where they would have been deemed 'non-critical' previously.

In terms of funding, much is still unknown and where we are informed more detail will follow. Currently the only guidance that has been given is as follows:

- The DfE have stated that they will fund mitigation works, although it is unclear as to how these are likely to be refunded at this stage.
- If you can commission a survey more quickly than the DfE, the request should be sent to [raac.awareness@education.gov.uk](mailto:raac.awareness@education.gov.uk) to review the proposal and, unless any unforeseen circumstances are identified, the DfE will fund the request.
- Any revenue costs, such as transport or temporary rental costs, need to be discussed with a caseworker, so there are no guarantees that these will be covered in the first instance.
- Your caseworker will help you to apply for funding to cover the cost of capital works. No detail of what the application process will look like or what the criteria will be for the application have been made available at this stage.

**Q: At what point does the cost of removing the RAAC become too much and rebuild is more cost efficient?**

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**Barker Associates:**

The case for a rebuild would take into account factors over and above just the cost and RAAC. Issues such as asbestos, movement, fire risk, M&E service near life expectancy will all be factored into the DfE's decision if a rebuild is more appropriate.

**Stone King:**

RAAC was designed with a short design life. Unfortunately, RAAC has come to the end of that design life (and in some cases decades ago).

Replacing the roof is likely to be only part of the solution. Remediation works may involve removing asbestos and it would be counterproductive to put a new roof on a dilapidated building, so it would be reasonable to

assume that a full cost/benefit study needs to be undertaken. For many, this will involve factoring in the cost of bringing the school up to an acceptable condition for the long term.

For many, the immediate cost of remedial works will be cheaper than a rebuild. However, when undertaking a full Through Life Costing over the next 50 years, an energy efficient and maintenance-free new build may be a more sensible and ultimately cheaper solution.

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**Q: What is the longer-term solution for the RAAC issue? We are concerned about sticking plaster politics?**

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**Barker Associates:**

The options available are to provide remediation to the RAAC while leaving it in place, removal of the RAAC and replacement of the structure or the complete rebuilding of the building. All of these options are currently being considered on a case by case basis by the DfE.

**Stone King:**

The cost of a sustainable and fit for purpose school estate is great, but the cost of not having one is much greater. For some, there may even be an opportunity to redesign the roof of the school and, if the construction can handle it, construct additional floors on top of the existing school to increase usable space and pupil capacity. If a roof needs replacing anyway due to RAAC, there may be an opportunity to think creatively (going up is often cheaper than going out, for example).

## Estate strategy questions

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**Q: How can schools manage and mitigate operational risk? (For example, where partial or full closure or remodelling of space impacts on school catering (and catering contracts), lettings and the impact on solar PPAs, which many schools will have signed up to in recent years.)**

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**Stone King:**

We know that in some schools, RAAC has impacted on catering arrangements with school catering income falling in some schools and having a knock-on effect on the affordability of catering contracts. We know that leisure outsourcing has been constrained, leading to a reduction of valuable income for schools. Our advice is speak to your DfE caseworker to see what you can recover to support additional costs and lost income, but we advise that you also take all suitable and practical steps to minimise loss.

We are aware that in recent years many schools will have signed up to PPAs for solar panels. These may be impacted when remedial works are carried out to RAAC affected buildings. Each PPA will be different and will depend on the terms. It is advisable that they are checked so that you understand your contractual obligations should the panels need to be disconnected for a period of time, either to accommodate mitigation or later remedial works.

**Q: As a sector, is there anything we need to be asking DfE for in terms of its approach to remediation work and wider estate strategy?**

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**Stone King:**

What schools need are actionable longer term estate solutions, and there is an opportunity here to take a progressive approach to wider estate strategy and funding as, ultimately, many of the schools impacted by RAAC will need significant remediation works. We know that the cost of remediation works is going to be significant and schools that do not have RAAC will also naturally be concerned about the pressures RAAC will have on funding for capital projects. The entire sector will need to work collaboratively with the DfE on its approach to school estate strategy and funding.

The RAAC crisis has occurred in a climate where building safety is increasingly in focus, following the tragic loss of life during the Grenfell Tower fires, which resulted in private sector building developers and product manufacturers being criticised in the 'Hackitt' review for prioritising profits and the introduction of the Building Safety Act in 2022.

A list of approved and a list of outlawed materials, as well as a quality mark scheme for school contractors, might be something that could be considered by the government. The government could also look at potentially increasing contractual liability on contractors operating within the education sector, pushing the standard 12-year limitation period on contracts and warranties to 20 years, which may result in a cheaper to maintain education estate. The new Building Safety Act 2022 has increased the period of limitation for defects in residential housing from 6 years to 30 years, for example.

**Q: If an academy trust is midway through due diligence work with a school that is looking to join the trust, but the school looking to join has been confirmed with RAAC, should the academy trust pause the joining process?**

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**Stone King:**

We suspect that academy trusts taking on schools either from an LA or from another MAT as part of an academy transfer process may increase their property due diligence and may commission more invasive surveys to determine the true condition of the school estate rather than a condition survey.

We are aware that other projects are being delayed due to delays in capital funding decisions. We are already seeing the ripple effect of RAAC. It impacts not just those that have RAAC, but all schools in some way.

**Q: Is this likely to impact the School Rebuilding Programme? Are schools with RAAC likely to be prioritised over schools already on the programme without RAAC?**

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Stone King:

The following statement was published by the DfE on 19 September 2023:

*The requirements for each school or college will vary, but the government will spend whatever it takes and offer whatever assistance is needed to keep children safe. This includes capital funding for emergency mitigation work and supporting schools with additional revenue costs. The department will also fund longer-term refurbishment or rebuilding projects.*

*£1.8 billion has already been committed in capital funding this year to support schools to stay in good working order, as part of £15 billion allocated since 2015. In addition, 500 schools will also be transformed over the next decade through the school rebuilding programme. A further £1.5 billion has been made available for colleges through the further education capital transformation fund.*

What is clear is that the focus of the capital team at the DfE is on RAAC and they are prioritising safety. RAAC is therefore likely to have a knock-on effect in terms of capital funding decisions and estate strategy.

## Managing FOI and EIR requests

**Q: We know that state funded schools are subject to FOI and that requests are likely to increase. What should the school/trust do if it gets a request for information?**

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Stone King:

There is a statutory obligation for 'public authorities' to respond to requests for information, the definition of 'public authority' includes maintained schools, academies and government funded free schools.

There are two regimes that could apply to requests for information made to public authorities. The Environmental Information Regulations 2004 (EIR), which cover requests for environmental information, and the Freedom of Information Act 2000 (FOIA), which covers requests for other, non-environmental information.

If a valid request is received, public authorities will need to determine if the information is held, and if it is, which regime applies to the information. Some requests may be 'hybrid' and fall under both regimes. If this is the case, public authorities must separate out the information that is disclosable under EIR and information that is disclosable under FOIA. Disclosures made under FOIA must be made within the statutory time frame for response, which, for schools, is 20 school days or 60 calendar days, whichever is shorter.

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**Q: Is there anything the school/trust can do to prepare in anticipation of receiving requests?**

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**Stone King:**

Both FOIA and EIR oblige public authorities to proactively publish information about their activities. Schools are required to have a publication scheme which commits the school to make available certain information under FOIA and EIR.

It is important that staff are informed about the school's responsibilities under FOIA and EIR and that they know how to respond appropriately should they receive a request for information. Providing all staff with refresher training, and enhanced training to key staff will ensure requests for information are 'spotted' and handled compliantly.

It may also be appropriate to remind staff that 'internal' communications may need to be disclosed in response to a request for information.

Schools can also prepare by making sure they can easily locate and retrieve the information that they hold. Applying the Records Management Policy will mean that the risks of holding information beyond the specified timeframe are reduced.

Schools could also consider preparing template wording for responses to requests for information, for example, in the case the request for information is invalid.

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**Q: Do we have to disclose all the requested information? Are there circumstances where we do not need to make a disclosure?**

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**Stone King:**

Public authorities are only obliged to respond to valid requests for information, for example, a request is not valid if the requestor refuses to supply their real name.

In the case of FOIA, the Act recognises that requests place a demand on public authorities, and requests can be refused if to comply would exceed a specified cost limit (which is set at £450 in the case of schools).

Public authorities can also refuse where the request is vexatious or repeats a previous request from the same person.

For FOIA (and EIR) there are certain circumstances where an exemption (or exception in the case of EIR) is engaged, and the information may be withheld from disclosure. Most of the applicable exemptions are subject to certain tests – for example the public interest test.

**Q: The same request has been sent to lots of schools/trusts, do we need to respond?**

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Stone King:

In short, yes. Under FOIA, written requests for information trigger a requirement to consider properly the legal obligations in FOIA. If the information requested falls within the definition of environmental information, you need to consider the requirements of the EIR.

**Q: We have had a query from ITV, which our DPO claims should be answered as a Freedom of Information request. Their advice was to make the information available on our website so further requesters can be signposted there. They are asking questions such as were we aware we had RAAC, what disruption has been caused? How much of the school is affected?**

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Stone King:

The Freedom of Information Act 2000 (FOIA) places obligations on public authorities to proactively publish information about their activities and to respond to requests for information. FOIA does not oblige public authorities to publish the responses they have made to previous requests for information. However, some public authorities do voluntarily publish previous disclosures online where the disclosure meets certain criteria, for example, significant interest has been expressed by different requesters on the subject.

## Insurance questions

**Q: What is the position of the RPA and commercial insurers to RAAC?**

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Stone King:

Many academy trusts are part of the RPA, but there are others who continue to insure their land and buildings through commercial insurers.

The [DfE guidance](#) recommends that you contact your commercial insurer to understand the level of coverage. We suspect the position will be that most policies are unlikely to cover wear and tear or construction defects, but it may be worth reviewing to see whether any damage caused by sudden or unforeseen events is covered.

The RPA has now issued the following [guidance](#).

The RPA is unlikely to be responsible for the costs incurred due to the presence of the defective material or latent condition liabilities, and only resultant damage would be covered. For example, costs of repairing the roof because RAAC is found would not be covered, but if the roof were to collapse it is likely that any resultant damage caused by the collapse may be recoverable.

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**Q: If we discover RAAC, and undertake mitigation works alongside DfE, do we need to notify RPA?**

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**Stone King:**

No, there is no requirement or obligation to notify RPA of works, including RAAC mitigation undertaken on your buildings. However, if the mitigation works exceed £250k in value you will need to either obtain commercial insurance for the works or request your contractor to obtain all risk insurance with you as a named insured party for the full value of the works.

## Ofsted questions

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**Q: What has Ofsted said about RAAC?**

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**Stone King:**

As of 12 September 2023, Ofsted confirmed that they will not be inspecting institutions on the published list of schools affected by RAAC. Other institutions affected by RAAC issues may seek a deferral and Ofsted have updated [their guidance](#) to reflect this.

The law and practice provided in this FAQ document is for guidance only. It should not be construed or relied upon as legal advice in relation to a specific set of instructions.

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**Contact us:**

0800 111 4336 [stoneking.co.uk](https://www.stoneking.co.uk)

01279 647 111 [barker-associates.co.uk](https://www.barker-associates.co.uk)