

**School premises regulations - updating proposals:
consultation
31 March 2026**

NASUWT welcomes the opportunity to comment on the proposals to update the School Premises (General Requirements and Standards) (Scotland) Regulations 1967 (the Regulations).

NASUWT is the Teachers' Union, representing teachers and school leaders in all sectors of education and across all 32 local authorities in Scotland.

GENERAL COMMENTS

The NASUWT welcomes the comments made in the consultation document that: *'The Scottish Government is committed to delivering equity and excellence in Scottish education so that all our children and young people can succeed. The buildings and facilities in which children learn have a key role to play in achieving this ambition. Modern, state-of-the-art learning environments are recognised as having a role in improving children and young people's educational outcomes.'*

Whilst the NASUWT agrees wholeheartedly with this statement, the Union would also state that these ideals can only be achieved through applying robust and fit-for-purpose regulations that are enforced fully.

The problems that surfaced with newly built schools in Edinburgh provided a prime example of the dangerous results of regulations not being enforced appropriately.

The NASUWT is also concerned that several of the proposals appear to seek to weaken important safeguards. This is incompatible with the statement quoted above.

Lessons should be learned from England, where school-premises regulations have been substantially weakened and have resulted in a decline in standards.

The statement in paragraph 23 of the consultation document, that the proposals that regulations '*have the effect of minimising bureaucracy on education authorities and grant-aided schools*', should support rather than undermine the other stated objective of ensuring '*our learning environments are fit for purpose and a high standard*'. While the Union is in favour of streamlining procedures, this must not be at the expense of the rigour applied to the construction and maintenance of school premises.

Numerous times throughout the consultation documents, reference is made to perceived duplication between the Regulations and other legislation concerned with the construction of buildings. However, it must be noted that whilst the general building legislation applies to all workplaces, there are significant differences between schools and other workplaces that general legislation does not appreciate. In recognition of this fact, school-specific regulations must be maintained.

NASUWT notes that in the updated regulations it is proposed '*there will be parts of the new regulations that will need to apply to the whole estate once in force, and others that may likely need to apply from a future date or only be appropriate when new schools are built or substantially modernised*'. However, no criteria are proposed to inform these decisions. This has the

potential to cause confusion in schools about which regulations apply, especially where schools are building onto existing sites to increase capacity.

NASUWT further notes that whilst non-statutory guidance is to accompany the updated Regulations, draft guidance is not included in the consultation document. The Union asserts that any guidance must be subject to a further consultation process.

Regulations that are proposed to be retained

NASUWT generally agrees that the Regulations listed as unchanged adequately cover the requirements.

Question 1: Do you agree that adding a link to Building Bulletin 93 for Regulation 24 (Acoustic Conditions) adequately covers the requirements for acoustic conditions? If not, why not?

With regard to Regulation 24, although the Regulation sets out the basic requirements, there is a need also to provide substantial guidance. The NASUWT would expect this guidance to be no less stringent than 'Building Bulletin 93'.

The NASUWT notes that the guidance attached to Regulation 24 will be non-statutory. Given the importance of correct acoustics in the context of a learning environment, the NASUWT urges the Scottish Government to publish statutory guidance on this matter.

Question 2: Do you agree that Regulation 25 (Water supply) adequately covers the requirements for water supply? If not, why not?

Sufficient facilities should be provided to enable everyone at work to use them without undue delay. This minimum workplace provision must be improved upon in situations where workers are obliged to use the facilities during

breaks at set times, such as in schools. NASUWT is in agreement that regulation 25 should be maintained.

Question 3: Do you agree that the new Regulations should apply to grant-aided schools? If not, why not?

Yes, the Union agrees. NASUWT also supports the application of the Regulations to independent schools in order to ensure they are fit-for-purpose buildings. There is simply no logical rationale for permitting independent schools to occupy inferior buildings

Question 4: Do you agree that Regulation 14 (Kitchen Premises) can be retained? If not, why not?

NASUWT prefers that this regulation remains.

NASUWT Scotland has a longstanding campaign calling for universal free school meals, which would have significant benefits to pupils' health, wellbeing and educational attainment. We have taken an active role in the STUC Women's Committee Food for Thought campaign. Through this campaign, the Committee is calling for a stigma-free, dignified and universally free school meals provision approach that meets the needs of all children and young people's right to food, education and fun.

The issue of child hunger and universal free school meals was explored in a Cost of the School Day report published by CPAG. The findings showed that 97% of young people say food is very or quite important in feeling ready to learn at school. Hunger has a serious impact on learning and concentration: it makes pupils tired and unwell, leaving them feeling embarrassed and left out. This is an entirely unacceptable situation. Given the importance of continuing the roll out of free school meal policy and breakfast clubs, it is very important to retain this regulation.

Regulations that are to be updated

Question 5: Should Regulation 20 (Outdoor education and recreational areas) be retained and be updated to require schools to have a mix of outdoor environments to further support the delivery of learning, play, sport and access to nature? If not, why not?

As there is no other legislation which prescribes that recreational outdoor space is required adjacent to the school building, it is necessary to retain this Regulation. With an increased emphasis on outdoor learning and learning for sustainability, it is foreseeable that the current requirements which have been developed collaboratively for the SG/COSLA school building programme, the Learning Estate Investment Programme, may still in time prove insufficient.

While a mix of outdoor environments to further support the delivery of learning, play, sport and access to nature is important, the Union would not wish to see unintended consequences leading to schools losing sight of the importance of biodiversity and sustainability for example by replacing grass with synthetic grass.

Question 6: Do you agree that if there is a mixture of grass pitches and synthetic pitches then the area required in some circumstances can be less than that currently defined for grass pitches? If not, why not?

Although the NASUWT notes that the use of synthetic pitches (SP) can increase the playing capacity, the Union believes the consultation document is misleading. The document presents an argument that where SP is present, the amount of playing fields can be reduced. This represents a major reduction in space and lacks any form of real justification. They appear to be aimed at cutting costs rather than improving educational provision.

The sportscotland-recommended provision is far in excess of the minimum levels stipulated and in their guidance state:

'The regulations are not, perhaps, the best guide to determining the appropriate playing field provision at a school. They are now rather dated and

take no account of the growth of small-sided games (of particular relevance to primary school provision) nor to the development of SGPs.'

While it is noted these sportscotland recommendations will be referred to in non-statutory guidance this provides no incentive on schools to conform.

NASUWT urges the Scottish Government to ensure that all primary school pupils have access to at least minimum recommended playing field areas, and therefore the minimum areas in the updated Regulations should be increased.

Whilst the Care Inspectorate regulates the quality of outdoor areas, its expectations are not set down in legislation and therefore could conceivably be altered at the whim of Government without proper scrutiny.

Furthermore, NASUWT has longstanding concerns about rubber crumb, which is manufactured by shredding end-of-life vehicle tyres into small granules used as infill on synthetic sports surfaces.

Evidence continues to emerge about the potential health and environmental risks associated with materials derived from tyres, including exposure to chemical compounds and the release of microplastics into the wider environment.

While research is still developing, the Union believes that a precautionary approach is necessary to protect teachers, pupils and the wider school community.

NASUWT's National Executive has resolved that the Union will oppose the construction of new 3G pitches using rubber crumb infill and will campaign for existing surfaces to transition towards safer alternatives where reasonably practicable.

European regulatory bodies have increasingly recognised concerns relating to intentionally added microplastics, including rubber crumb infill used on synthetic sports pitches.

Following assessment by the European Chemicals Agency, the European Union (EU) adopted measures restricting microplastic materials, with a transition period allowing continued use before a full ban takes effect in 2031. This means that the placing on the market of rubber crumb infill within EU jurisdictions will be prohibited after that date.

While the UK is no longer bound by EU law, these developments demonstrate a clear direction of travel in international regulation and reflect growing environmental and public health concerns.

NASUWT supports calls on the Government to ban the use of rubber crumb infill on all new 3G artificial football pitches, and to require clear health information notices to be displayed at existing 3G pitches that use rubber crumb infill. Also to require the removal of rubber crumb from all existing 3G pitches.

Question 7: Do you agree that accommodation metrics is an appropriate method to calculate the educational accommodation required? If not, why not?

NASUWT urges the Scottish Government to ensure that all pupils have the opportunity to attend spacious, well-designed schools. It would be welcome to have larger minimum areas for most schools, given that this allows more space for activities.

Question 8: Do you agree that the number of appliances per pupil as set out in Regulation 15 (Sanitary accommodation for pupils) are still appropriate? If not, why not?

NASUWT welcomes the recognition that schools are unique workplaces and that the minimum requirements arising from general legislation are not appropriate.

The NASUWT is, however, concerned that nursery schools are to be removed from the Regulations, noting these will be regulated by the Care Inspectorate. NASUWT would wish to see minimum numbers continue to be stated in the updated regulations.

Question 9: Do you agree that these proposals cover the modern requirements for toilet and washing facilities? If not, why not?

NASUWT believes it is important that trans pupils are allowed to use the toilets and changing rooms that match their gender identity and that non-binary pupils can use those they feel are most appropriate. Teachers have told us how toilet provisions can impact pupil wellbeing at school and that restrictive toilet access policies for trans pupils can increase stigma, discrimination, self-esteem and result in a lower quality of life. School toilets should be places where everyone feels safe, has privacy and is treated with dignity. A system where trans pupils or staff could be singled out and have their identity shared without their consent would not be appropriate.

School buildings should be designed to ensure that toilets, washing facilities and changing rooms provide enough privacy, safety and dignity for everyone.

Promoting period dignity and eliminating period poverty are key campaigning and bargaining priorities for the NASUWT. It is essential that there are adequate facilities for both staff and girls who are menstruating or have other related health conditions that require clean and hygienic spaces for such purposes and provision to guarantee this should be incorporated into the provisions on washing facilities and accommodation for staff. The Union recommends that a gender sensitive health and safety approach should be adopted to all these provisions set out within the consultation.

Question 10: Do you agree that Regulation 18 (Medical inspection and rest room accommodation) covers the requirements for medical inspection and rest room accommodation? If not, why not?

The NASUWT supports the update to Regulation 18, which will improve minimum requirements compared to the current Regulation, especially in respect of pupils with complex needs.

Question 11: Do you agree that wellbeing spaces, including nurture spaces, should be included in the regulations? If not, why not?

Yes, NASUWT welcomes the reference to wellbeing spaces and these must be designed using trauma informed principles. For pupils and staff who are survivors of gender based violence, abuse or other forms of trauma, access to safe and supportive spaces within the school environment can be critical. Applying trauma informed design principles within school premises can support recovery, wellbeing and a sense of empowerment for those who have experienced trauma.

Question 12: Do you agree that the updated regulations should include a principle based requirement for digital infrastructure and connectivity in all schools? If not, why not? Please provide examples of how digital provision supports educational outcomes in your context.

Yes, all too often teachers are unable to rely upon reliable digital connectivity within schools to support learning, inclusion and access to education. Yet this must be accompanied by sufficient safeguards to tackle covert recording or photographing, and the misuse of digital tools to create abusive or sexually explicit material.

Question 13: Do you agree that Regulation 21 (Lighting) covers the requirements for lighting? If not, why not?

Appropriate lighting and lighting levels, including controlling levels of glare, are absolutely key to effective teaching and learning.

Due to the critical nature of lighting, substantive regulations are required. The proposal to change the Regulation merely to requiring 'appropriate' lighting, with further guidance being non-statutory, seriously weakens this Regulation. The NASUWT opposes such changes and urges the retention of specific minimum standards.

The NASUWT further considers that guidance required to keep up to date with technological advances and lighting regulations should ensure learning and teaching is supported in the context of a multitude of electronic devices being used in the classroom.

Question 14: Do you agree that Regulation 22 (Ventilation) should be retained and updated? If not, why not?

Not only is it the law to provide sufficient fresh air, but studies have shown that good ventilation is associated with:

- improved health
- better concentration
- higher levels of satisfaction with an environment
- lower rates of absence from work
- better quality of sleep
- reduced exposure to a wide range of air pollutants
- enhanced educational outcomes

Ventilation improves the air quality in rooms, improves comfort levels and decreases the levels of any pathogens and allergens. With regard to pathogens such as cold, flu or Covid-19 viruses, adequate ventilation reduces the levels of viruses in the air. It helps reduce the risk from aerosol transmission, when someone breathes in small particles (aerosols) in the air after a person with a virus has been in the same enclosed area.

The risk of transmission of viruses is greater in areas that are poorly ventilated. Poorly ventilated areas will normally be hotter and stuffier than areas with good ventilation, and will have higher levels of carbon dioxide (CO₂).

Adequate ventilation is not just a health and safety issue, but is also a teaching and learning issue. There is a scientifically proven link between levels of CO₂ and the brain's ability to learn. Adequate ventilation is therefore vital for effective learning to take place.

Identifying poorly ventilated areas is very important and can be done using carbon dioxide (CO₂) monitors, which were distributed during the Covid-19 pandemic and should still be in use.

Where CO₂ levels rise above 800ppm occasionally, this should be viewed as a sign that ventilation needs to be increased. This is usually achieved by opening doors or windows.

Whilst opening doors can be effective, internal fire doors must not be propped or wedged open unless fitted with automatic closing devices. External fire exit doors can be opened and propped or wedged open, provided they open into a secure location and do not pose a safeguarding risk.

Where a room has levels consistently above 800ppm, this should be reported to school management, as if normal opening of windows etc. is not effective, other measures such as mechanical ventilation, limiting the numbers of people in the room, or repairing windows that no longer open will need to be considered.

Where levels exceed 1500ppm, this is indicative of poor air quality and the air in the room should be purged. School management should be informed if levels cannot be lowered sufficiently, as additional measures such as detailed above may be required. If the levels cannot be quickly lowered to acceptable levels, school management should be informed and an alternative room

should be provided. The room should also have an additional risk assessment carried out.

Irrespective of the availability of CO₂ monitors, rooms without sufficient natural/mechanical ventilation, where there is a feeling of 'stuffiness' or bad odours, or where there are any other concerns about ventilation will require measures to be taken.

Where ventilation is poor, air filtration units should be used to purify the air, although these will not reduce CO₂ levels.

Air pollution due to traffic etc. is also a major issue in some schools. HEPA filters will remove these pathogens, allergens and contaminants and make a better learning experience with reduced absence.

Achieving sufficient ventilation can present challenges in some rooms, especially in winter, where a balance with thermal comfort is required.

In these circumstances, air filtration units provide a supplementary measure, although it must be stressed that they should be in addition to, not instead of ventilation.

Portable, plug-in and used air filtration units typically use high efficiency particulate air (HEPA) filters to remove microscopic particles from the air. This will include viruses and other pathogens.

Some also employ ultraviolet (UV) light to kill pathogens, but this is not proven to be necessary or to be effective in portable HEPA units. UV may, however, be useful inside mechanical ventilation systems and professionally installed upper room UV C Germicidal Irradiation systems.

HEPA filters are a long-used and proven technology removing all types of airborne particles, guaranteed to remove 99% of 0.3 micron particles, and have been proven to effectively remove aerosols containing virus particles from the air.

In one recent study at Addenbrookes Hospital in Cambridgeshire, virus levels in the air of a ward treating Covid-19 patients were reduced to undetectable levels when HEPA filters were employed.

HEPA filtration systems clean the air without adding dangerous chemicals to the air that other devices, such as ionisers and ozonisers do. These types of purifiers should be avoided.

Each year, hundreds of thousands of school days are lost due to absence because of other respiratory infections, such as cold and flu.

In addition, many pupils and staff have conditions such as asthma and hayfever made worse by airborne allergens and contaminants.

It is likely that a filter would pay for itself very quickly by reducing absence rates, as well as improving learning. Given the evidence above, NASUWT would also support extending the regulation to include provisions around air filtration units

Question 15: Do you agree Regulation 23 (Heating) can be retained and updated? If not, why not?

Insufficient temperature regulation is a common complaint made by teachers which impacts adversely upon teaching and pupils' learning. Removal of this Regulation would exacerbate this issue. The Regulation must be retained.

Regulations that are to be removed

Question 16: Do you agree that Regulation 4 (General Requirements) can be removed? If not, why not?

The NASUWT agrees that, given the autonomy that local authorities now enjoy, the requirement that all building works over a cost of £1million be referred to Ministers is obsolete.

Question 17: Do you agree that Regulation 7 (Sites for primary and secondary schools) can be removed? If not, why not?

The NASUWT notes that the Regulations regarding the overall floor area of a school and the minimum size of school playing fields will be retained. The Union agrees that Regulations for the overall area of the site would appear superfluous.

Notwithstanding this, the Union asserts that there must be sufficient additional area for car parking etc that would not be covered under existing regulations. Therefore, there should still be statutory guidance or regulation on the overall size of the site.

Question 18: Do you agree that Regulation 11 (Educational accommodation in schools providing both primary and secondary education) should be removed? If not, why not.

NASUWT is content this is a duplication and can be removed.

Question 19: Do you agree that Regulation 12 (Playroom accommodation in nursery schools and classes) is no longer required and can be removed, and that ELC settings, including those housed within school buildings should be specifically excluded in the updated Regulations? If not, why not?

The NASUWT agrees that having two systems of regulation with regard to playrooms in nursery schools is not desirable and could lead to duplication and confusion.

However, the Union believes that whatever system of regulation is retained, a minimum size for playrooms etc. should be explicit. Sufficient protections need to be in place to ensure the Care Inspectorate continues to apply the necessary requirements set out in 'Space to Grow' guidance, for example.

Question 20: Do you agree that Regulation 13 (Educational accommodation in special schools) should be removed? If not, why not?

NASUWT is concerned that cost saving will be a driver in agreeing local provision. The Union would prefer a protection to be maintained within legislation to ensure that all children and young people whose educational needs are best supported in a special school are able to have those needs accommodated.

Question 21: Do you agree that Regulation 16 (Washing accommodation for pupils) is no longer required as it is met within the revised toilets and washing facilities Regulation? If not, why not?

The NASUWT agrees that it is logical to include these provisions in a revised Regulation 15.

Question 22: Do you agree that Regulation 17 (Accommodation for staff) can be removed? If not, why not?

The NASUWT believes that the current regulation is not fit for purpose, but instead of removal, the Union considers it requires strengthening.

The Welfare Regulations do specify requirements for rest facilities and workstations etc. However, in a school setting these regulations are insufficient, as they do not specify that separate accommodation for pupils should be provided, with dedicated staff areas also provided.

The NASUWT wishes to see updated regulations to include requirements that schools should have rest areas (staffrooms), facilities for both staff who are menstruating or have other related health conditions that require clean and hygienic spaces for such purposes (including accessible facilities) and food consumption areas that are separate to the pupil areas/facilities. Women also make up the majority of the school workforce, particularly in pastoral, support

and care related roles. Premises standards therefore have implications not only for pupils, but also for the working conditions, health, and wellbeing of a predominantly female workforce.

In fact the following motion on School Toilets was passed at NASUWT Scotland Conference 2025:

Conference notes that:

(i) Inadequate access to clean and private toilet facilities can lead to significant health issues, including infections and stress, as well as negatively impact staff morale;

(ii) Sharing facilities with pupils compromises privacy and dignity, undermining professional boundaries and leaving staff vulnerable to allegations of misconduct.

Conference believes that staff toilets should be of adequate capacity, be of easy access, meet hygiene and accessibility standards and be separate to pupil facilities.

Conference is concerned that there is no explicit provision in the School Premises (General Requirements and Standards) (Scotland) Regulations 1967 for staff toilets to be separate from those for pupils in schools.

Conference is in fact appalled that some new school builds have no separate toilets, raising serious concerns about dignity at work for teachers and other members of the workforce.

Conference therefore calls upon the Scotland Executive Council to:

(a) promote the NASUWT School Toilet Facilities Campaign Toolkit to all reps;

(b) campaign for the School Premises Regulations to be amended to include the requirement for separate provision for staff toilets;

(c) write to all local authorities requesting specific training for managers and employees on gender-sensitive health, safety and welfare policies and procedures, including risk assessments

Question 23: Do you agree that Regulation 19 (Storage accommodation) can be removed? If not, why not?

The NASUWT believes Regulation 19 should be retained.

The Union's experience in jurisdictions where no such requirement exists is that storage areas are often overlooked in the design stage, or are woefully inadequate for their purpose.

Although the consultation papers cites the Welfare Regulations as a reason for withdrawal of this Regulation, the Welfare Regulations are concerned with the flow of pedestrians and vehicles, not with storage. Therefore, the reference to these is irrelevant.

The requirement to have facilities for the storage of pupils' belongings and hanging and drying of outdoor clothing is not covered by the Welfare Regulations and should be retained.

Question 24: Please tell us about any potential equality impacts, either positive or negative, that you consider the proposals in this consultation may have, with reference to the 'protected characteristics' listed above. Please be as specific as possible.

Minimum premises standards, and the guidance that accompanies them, continue to play a crucial role in shaping real world experiences. Without explicit attention to gender and intersectional impacts, there is a risk that reliance on linked standards or local interpretation could lead to inconsistent outcomes that undermine safety, dignity and wellbeing. Poorly designed or inadequately maintained spaces can contribute to anxiety, avoidance behaviours and reduced participation.

The NASUWT believes the changes to the Regulations may benefit many with protected characteristics, particularly disabled people, where the current Regulations are lacking.

Trans pupils and pupils perceived to be trans are protected under the Equality Act 2010 and schools have a responsibility to make sure policies do not lead to discrimination or harm.

Question 25: Are there any aspects of a child's rights or wellbeing that you think might be affected either positively or negatively by the proposals covered in this consultation?

Given recent events across the UK where the pursuit of deregulation has had catastrophic effects, the NASUWT urges the Scottish Government to ensure the updated Regulations provide sufficient safeguards and do not rely on terms such as 'appropriate' and 'reasonable' which are subjective and open to wide interpretation.

The NASUWT believes that whilst most of the revisions may be positive, there is the potential for negative impact, particularly around the reduction in some facilities and the movement of some Regulations into non-statutory guidance.

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