

**Culture, Tourism, Europe and External Affairs Committee
The Glasgow School of Art
Committee Meeting on 15 November 2018**

The Glasgow School of Art: Written Submission

Introduction:

The Board of Governors and Management Executive welcome the opportunity to address Members of the Committee, as democratic representatives of the people of Scotland. This opportunity allows us to reach out to all of those affected by and concerned about the June 2018 fire in the Mackintosh Building and its impact on a Category A listed building of national and international importance, as well as to our community, staff and students. It also allows us to address the rumours, supposition and speculation circulating since the 15th June by setting out the factual position, albeit prior to the conclusions of the Scottish Fire and Rescue Service investigation.

We are in the midst of one of the most challenging periods in our history as we deal with this terrible event, which has shocked not only those within and connected with the School but also within the local community, Glasgow, Scotland and beyond. Our Board, management team and staff are now dealing with the daily consequences as we carry out our duties and responsibilities to our students and their educational needs. We are fully aware of the intense public interest in the situation and we have been fully engaged with that public interest since 2014 to explain our approach, our restoration intent and academic ambitions following the 2014 fire¹, and we have done our very best to engage openly since the 2018 fire.² We also have to be mindful of ongoing investigations and related statutory processes.

We wish to record our gratitude to the Scottish Fire and Rescue Services whose response and assistance with the fire and its aftermath have been exemplary, for the support provided by Police Scotland and the patience and understanding of our immediate and the wider community who have been affected so badly by the fire. We are also grateful for the expertise and input of both Historic Environment Scotland and Glasgow City Council, specifically Building Control, with whom we have been working closely and collaboratively since the events of 15th June 2018, the .

The Structure of the Submission:

1. To set the context for our submission, we wish to explain the functional role of The Glasgow School of Art (GSA) as a Higher Education Institution, our educational achievements and the importance of the Mackintosh Building to that educational function and to the local, creative and cultural community;

¹ <http://www.gsa.ac.uk/about-gsa/mackintosh-building-restoration/restoration-project-updates/>

² <http://www.gsa.ac.uk/about-gsa/key-information/mackintosh-building-fire-15-june-2018>

2. We will then respond to the main issues already raised in evidence before the Committee:
 - a. Is our Corporate Governance fit for purpose?
 - b. Is our estate management fit for purpose? With particular reference to the Mackintosh Building and addressing specific points made during the Committee sessions;
 - c. Is our Risk Management Framework fit for purpose;
 - d. Was the procurement process for the Mackintosh Building Restoration Project fit for purpose? With particular reference to the GSA internal project management and governance arrangement;
 - e. The lessons learnt from the 2014 fire.

3. We will then address a range of specific issues raised during the Committee hearings and in the press.

The Glasgow School of Art:

The Glasgow School of Art (GSA) is a Higher Education Institution³ and our core function is education. Our principal duty centres on teaching, research and knowledge exchange and that duty is underpinned by our history and shapes our future. In discharging our educational duties, we are proud of the School's achievements on:

Diversity: We have one of the largest percentages in Scotland of students from SIMD20 postcode, the most disadvantaged people of Scotland, and we remain committed to widening participation. The most recent national statistics available show that, in 2016-17 14.2% of Scotland-domiciled students at Scotland's universities came from SIMD20 areas. For the GSA this is 22.3%, the second highest in Scotland and already exceeding the Scottish Government targets for 2030 of 20%.

As an international art school which values diversity it is fundamentally important that our student community reflects this. There is immense educational, social and cultural value in this diversity with students from Dalrnarnock learning alongside those from Morningside, London, Berlin or New York.

Accessibility: Over 1,500 non-degree students attend our Open Studio annually, covering a range of pre-degree programmes, summer schools, leisure classes and CPD. These students are drawn from across Scotland and importantly for the GSA, Glasgow and the diverse communities of Glasgow.

We work with a number of Scotland's colleges and have formal Associate Student programmes with Glasgow Clyde College and Forth Valley College, providing an alternative route for learners to access GSA's creative education. We have recently signed a Memorandum of Understanding to develop academic activity with Dumfries and Galloway College and are working closely with Glasgow Kelvin, City of Glasgow College and West

³ Categorized as a Small Specialist Institution by the Scottish Funding Council

College Scotland on developing formal articulation routes to GSA undergraduate programmes. We have a unique relationship with Renfrewshire Council and Castlehead School in Paisley to develop teaching models using creative practice and we have a campus in Moray, working closely with Highlands and Islands Enterprise and Highland Council bringing creative education and research to rural and diverse locations.

Cultural Benefits: We contribute to and are central to the cultural life and standing of Glasgow and Scotland. Our cultural engagement programme is a central part of Glasgow's cultural offer with free international exhibitions, talks and events open to staff, students, the wider public and the creative and cultural community in the city. We participate in city-wide events and festivals including Glasgow International, the 2014 Commonwealth Games, (where we produced the medals and delivered a major exhibition), Doors Open Day and the recent European Championship 2018 Cultural programme. We provide loans from our archive and collections, most recently to Glasgow Life for the major Mackintosh 150 exhibition at Kelvingrove, which is now due to tour across the UK and USA which will include additional works from the GSA's collection.

Community Benefits: Many staff and students live within a short distance of Garnethill and a large percentage of staff, including senior staff, live in Glasgow and play an active part in the life of the city as responsible and engaged neighbours. Through our staff and student community, we contribute to the cultural and social diversity of Glasgow.

Economic Benefits: Economic benefits include the spending by students (c. 2,350 full-time plus c. 1,500 on short courses), staff (c. 375 employees from cleaners and janitors, technicians, professional services and academic staff) and the School (annual turnover of c. £37m). In addition, our graduates stay in Glasgow and contribute directly and indirectly to the economy by creating jobs in new creative and other businesses that contribute to Glasgow's standing as a creative capital with a diverse economic base.

Creative Capital Glasgow: The GSA is a core part of Glasgow's international ranking and standing as a creative capital, a European centre of contemporary art practice, a leading design city and a city of cultural production.

We are proud to have been part of Glasgow's economic and cultural regeneration since the mid-1980s and are committed to ensuring that Glasgow remains one of the largest creative centres in the UK and internationally significant. Central to this is the output, impact and international standing of The Glasgow School of Art, our heritage, our staff and students, with 35% from outside the United Kingdom and a further 25% from outside Scotland. 61%⁴ of our academics are engaged in research of international and national significance and they and our graduates are central drivers of not only Glasgow's creative and cultural industries but across Scotland.

Glasgow's Built Heritage: The GSA is central to Glasgow's built heritage. Apart from Mackintosh's impact, graduates of the School have made a significant contribution to the city's historic and contemporary architecture, place and public realm. The School is an active

⁴ Research Excellence Framework 2014

member of the City-wide Mackintosh Operations Group, established through initial funding from Glasgow Life, The Glasgow School of Art and the Hunterian Museum, University of Glasgow, which working collaboratively with other owners of Mackintosh heritage to manage and promote these unique assets and as a gateway to the Glasgow's exceptional architecture, art and design.

Creative Influence: The GSA's creative influence extends before and after Mackintosh. Charles Rennie Mackintosh was a product of what was happening in Glasgow at the turn of the 20th century, a result of the 18th century Foulis Academy and the 19th century Government School of Design.

We are presently in a similar defining moment – this is as much about Glasgow's global position as a creative capital as it is The Glasgow School of Art and the creative people we educate.

The Role of the Mackintosh Building.

The Mackintosh Building was commissioned in pursuit of our educational function at the turn of the 20th century. It was a response to a significant increase in student numbers and the growing importance to Glasgow's economy of design in its manufacturing base. The building's importance to our educational function cannot be overemphasised, and its design as a working art school is fundamental. A report⁵ on the School's Estate summarised the importance of the Mackintosh Building to the School, as follows:

“The Mackintosh Building (commenced in 1897) designed by Charles Rennie Mackintosh is an exceptional building, a universally recognised design icon and a very central part of the School's identity. Despite being the School's oldest building, RMJM's aforementioned study recognised it as the best within the Estate. Yet its significance is much greater than that. The Mackintosh Building stands as a symbol of an enduring central philosophy that has existed within the School since its early years: that artists and designers have relevant contributions to make in all aspects of life, and that students should be taught in a manner that will allow them to become successful practitioners once formal education is complete. Charles Rennie Mackintosh was a former student of the School and the building displays many of the ideas and art of that early 20th Century artistic movement known as ‘The Glasgow School’, most of whose members were once Glasgow School of Art students. The Building is recognised as the finest work of one of the 20th Century's great architects, not only for its striking and beautiful looks both inside and out, but for its technical and aesthetic innovation, its integration of decoration and structure, its spatial organisation and its delivery of highly practical studio spaces with high ceilings and excellent north lighting. The School finds it difficult to conceive of a future that would not include the Mackintosh Building.”

The fire of June 2018 has further strengthened our resolve to restore the Mackintosh Building both to its rightful place in the School's future and to its central position in the international standing of Glasgow as a creative city. The Mackintosh Building has functioned effectively as

⁵ GSA Document 1: The Glasgow School of Art, Estates Options Appraisal Draft, The Bond Bryan Partnership, February 2005

a working School of Art from the outset. Its design and structure are a central component of our students' creative education and creative practice.

The Glasgow School of Art and its Local Community:

Our Glasgow campus, including the Mackintosh Building, is located within Garnethill, a part of the city with its own community and identity. We want to record our gratitude for the forbearance of members of the local community as they dealt with and continue to deal with the impacts of the 2014 and 2018 fires and ongoing regeneration of the area undertaken by the GSA and others.

We fully support Glasgow City Council's aim to transform Sauchiehall Street/Garnethill as part of their City Centre Strategy. The restoration of the Mackintosh Building with improved public access can be an important component of the Council's strategy to revitalise this area and we will continue to work closely with the Council and other stakeholders to maximise the social, economic and creative benefits for our community and our city resulting from the events of June 2018.

Our Corporate Governance:

During the Committee Session on 20 September 2018, it was suggested that our Board of Governors and Management team were not 'fit for purpose'. A review of the official transcript demonstrates that this suggestion was based on personal opinion and speculation. It appears to make a causal link between our corporate governance and the occurrence of the second fire despite the fact that the cause of that fire is not yet known. There was no expert evidence provided on HEI corporate governance standards. Moreover, none of the witnesses had any direct involvement in the management of the School during 2014 or later. In particular, Eileen Reid's statement⁶ that "*I left the institution in November 2014*" is potentially misleading the Committee, if Members assumed she was directly involved in the School up until November 2014. Perhaps she could confirm the facts for the record.

As an HEI, we receive funding from both public and private sources⁷. We recognise our responsibilities to a wide range of stakeholders, including students and staff, alumni, employers of our graduates, partners in research and development, the Scottish and UK Governments and other funders and supporters. Our corporate governance structure aligns with that of the Scottish HE sector. We have a published Statement of Corporate Governance in place and we comply with the Scottish Code of Good HE Governance⁸ (2017). In 2016/17 we initiated an externally led governance review, which concluded that the School's governance was effective. We published the summary review and our response to the recommendations on our website.

⁶ Page 7 of transcript of 20th September 2018

⁷ In 2016/17 the GSA received 35% of its £40.7m income from the SFC, less in percentage terms than the universities of Strathclyde, Stirling, QMUC, RGU, Napier, GCU, Abertay, UWS, UHI and the RCS.

⁸ Full compliance requires revision of extant legal instruments, which is in hand, in common with the rest of the Scottish HE sector.

In relation to the composition of our Board⁹, we were the first Scottish HEI to appoint a female Chair and we have equal membership of male and female lay governors, as well as two trade union representatives in attendance. Our Governors have an appropriate range of skills, expertise and experience¹⁰ to enable them to discharge their duties effectively.

The GSA is subject to the same audit and performance management regulatory framework as every other HEI in Scotland and produces an annual Outcome Agreement approved by the Scottish Funding Council. There is no evidence from those processes to support the conclusion that our Board and Management Team are not fit for purpose. In the academic year up to the second fire, we were, inter-alia:

- Delivering the Mackintosh Building Restoration project, on-target for completion 2019 and within budget
- Reinvigorating our curriculum through the First Year Experience project which would have housed all Year 1 students within the restored Mackintosh Building;
- Delivering the Stow Building refurbishment as a new home for the School of Fine Art. We increased the scope of this refurbishment project to include the installation of a sprinkler system, a new heating system and replacement windows. It will be completed in Spring 2019 with formal opening in May 2019 for the Degree Show and entry for Academic Year 2019/20;
- Maintaining our high levels of student recruitment and the diversity of our student body as well as exceeding our Scottish Funding Council targets on widening participation and articulation;
- Continuing to comply with Scottish Code of HE Governance, holding an annual Board away day and appointing five new Lay Governors;
- Instructing an internal Audit review¹¹ of our Business Performance Management and Risk Management; approving a new Risk Management Framework, including a Risk Management Group and appointing new Internal Auditors;
- Achieving turnover growth and a small annual surplus
- Continuing to work collaboratively including the Universities Scotland Fair Admissions (including a leadership role in the Language Group through GSA's Innovation School delivering workshops); continued engagement with Glasgow Life; Glasgow Economic Leadership; city-wide Mackintosh Operations Group, Universities Scotland Branding Group, internationalisation activity including recruitment, research projects with other universities including the University of Strathclyde in drug manufacture, with the University of Strathclyde in teacher training and through our Enterprise Studio and the delivery of a collaborative Summer School programme with the Royal Conservatoire of Scotland.

⁹ GSA Document 2: Diagram of GSA Board and Committee Structure as at 1 November 2018

¹⁰ www.gsa.ac.uk/about-gsa/our-people/governors/biographies/

¹¹ GSA has in place an external auditor to undertake a planned programme of internal audit reviews. Prior to AY2018/19 this was BDO. Post AY 2018/19 Henderson Loggie

Our collective governance and management skills have helped us to deal with one of the most significant events in the history of the School whilst continuing to deliver for our students, staff and Scotland articulated through our Scottish Funding Council Outcome Agreement.

We are a successful higher education institution and it does not follow that, because we are experiencing a crisis, we must have caused the crisis.

Our Estate Management:

The submission to the Committee by Park\Page dated 17 October 2018 summarises work undertaken in relation to the maintenance, management and conservation of the Mackintosh Building from 1993 onwards and the consistent level of responsibility and care we have applied as custodians of this working art school building of significance. We confirm our agreement with their summary.

General Overview:

In 2005, the School commissioned an Estate Options Appraisal¹² in preparation for a new Estate Strategy. This 2005 appraisal report concluded that the existing estate required significant investment and upgrading but with "*one very noticeable exception: the Mackintosh Building*" which had been subject to a comprehensive phased programme of repair and conservation work since 1997. The GSA Board approved the Estate Strategy in 2007. It is a dynamic, ongoing process and remains the School's approach to Estate Management to date.

The Mackintosh Building:

In 2005, we commissioned a Conservation and Management Plan for the Mackintosh Building. A key objective was to improve public access to the building and to its collections and archives in line with huge public interest in Charles Rennie Mackintosh. This Plan supported successful grant applications to the Heritage Lottery Fund and Historic Scotland. With the funding secured, we developed the Mackintosh Conservation and Access Project, which started in 2007 and was ongoing until the 2014 fire. Major funders towards the Project included the Heritage Lottery Fund, ERDF, Historic Scotland, Glasgow City Council and the Monument Trust.

In parallel with the Mackintosh Conservation and Access Project, we reviewed our fire safety/prevention procedures for the Mackintosh Building. It is important to note that the fire prevention and safety measures in the Mackintosh Building were already compliant with what was permissible and suitable in listed buildings in general and in the Mackintosh Building in particular taking cognizance of its status as a working art school. Those measures included:

- Provision of automatic fire detection;
- Provision of CCTV in key areas;
- Provision of Alarm call points and alarm sounders throughout the building;

¹² GSA Document 1: The Glasgow School of Art, Estates Options Appraisal Draft, The Bond Bryan Partnership, February 2005

- Positioning of full fire extinguisher provision throughout the building;
- Provision of security staff within the building on a 24/7 basis.

In 2006, we commissioned a Fire Protection Strategy¹³ to review feasible options “*for the long term protection of the occupants, property and contents of*” the Mackintosh Building. This Fire Protection Strategy led to the Property Protection Feasibility Study¹⁴. The outcome of this Study was our decision to proceed with the installation of a ‘water mist fire suppression system’ within the Mackintosh Building as an additional measure to protect life, the building and its contents.

The installation of a ‘water mist fire suppression system’ in a Category ‘A’ Listed Building is far from straightforward. Our proposal involved the application of appropriate, highly specialist technology to the protection of a working Category A listed building from fire damage, for which there was very limited precedent. We sought and received the agreement of Historic Scotland, Glasgow City Council (GCC) Building Control and our Insurers.

At the Committee Sessions on 20 September and 25 October, three questions were raised on this matter:

1. Having decided in 2008 to install a ‘water mist fire suppression system’, why did it take so long?
2. Why not address compartmentation rather than install a ‘water mist fire suppression system’?
3. Was the GSA Fire Plan more about evacuating people rather than protecting the asset?

1. Programme for installation of ‘water mist fire suppression system’:

There were two main reasons for the time taken: funding and the discovery of asbestos in the Mackintosh Building.

Once we obtained approval in principle to install a ‘water mist fire suppression system’ from Historic Scotland, GCC Building Control and our insurers in January 2009, we had to secure funding. As approaches to Historic Scotland and the Heritage Lottery Fund were unsuccessful, we had to initiate an external fundraising exercise, which started in 2009 and lasted until autumn 2012, by which time we had raised £520,000. For the record, Historic Scotland were supportive of our proposal but they confirmed that they were only empowered to provide grant aid for repairs to listed buildings, not improvements.

The contractor started in July 2013, one month after the grant of listed building consent. In November 2013, the contractor discovered asbestos in a void space above the main entrance area. Works carried on in other parts of the building. The removal of asbestos from a void

¹³ GSA Document 3: Glasgow School of Art, The Mackintosh Building, Stage 3 – Fire Protection Strategy Options Summary, Buro Happold, FEDRA, July 2006

¹⁴

GSA Document 4: GSA Mackintosh Building, Property Protection Feasibility Study, Buro Happold, FEDRA, July 2008

immediately above the main entrance area posed an unacceptable health and safety risk when students, staff and visitors were still using the building. We had no choice therefore other than to re-programme the asbestos removal until the end of June 2014 during the summer holidays to allow for its safe removal and minimise impact on the student experience. The mist suppression system installation would have been completed subsequently ready for the commencement of the Academic Year 2014-15.

It was suggested to the Committee that the asbestos should have been previously removed specifically between 2007-2009. The position is that asbestos, where it was known to exist, was removed during those conservation works. However, the asbestos in the entrance hall was not discovered until this area was opened up for the installation of the mist suppression system. We assume that nobody is suggesting that we should have comprehensively opened up the entire building to search for asbestos, as that would have been contrary to best practice as well as causing damage to the building's interiors.

2. Why Not Compartmentation?

As Mr Paton explained to Members on 25 October, the Property Protection Feasibility Study considered compartmentation as follows:

“Wholesale application of such a policy would however be virtually impossible given the current structure and the amount of compartmentation and fire stopping which would be required. If funds were available to carry out these works, it is highly unlikely that permission could be obtained to carry them out given the buildings listed status. Even if compartmentation were applied, the Client would have to consider total loss of some of the larger spaces as the accepted outcome of this type of strategy.”

To have provided effective compartmentation would have meant deconstructing the interior of the Mackintosh Building to find where voids existed. Only by stripping it back to its masonry structure could we have been certain of stopping all these voids and providing compartmentation. This would clearly not have been feasible in any building let alone one of such significance. We did remove later mezzanines and voids where false upstands and partitions had been built in studios; but as the entire building, like so many historic buildings, was constructed of internally lined walls of timber or plaster standing off from the structure behind, comprehensive elimination would have meant stripping the building completely – thus destroying what we were aiming to protect and conserve.

The Property Protection Feasibility Study concluded:

“The configuration, use and condition of the existing Mackintosh Building means that all but one of the potential property fire protection options have been ruled out in terms of buildability, usability and fitness for purpose. The remaining option is that of water mist. This is a relatively new technology but offers advantages in terms of plant space (primarily), buildability and aesthetics. It also offers advantages in the way it suppresses fires over both sprinklers and suppressant gas.”

It should be borne in mind that our objective was to procure the most effective AND least damaging suite of fire protection measures that would also be approved under Listed Building Consent and by major utilities, such as Scottish Water (who have the power to refuse connection to the water main). We wanted to add another layer of protection on top of that which already met acceptable standards at that time and which is still the standard present in most historic buildings across the UK. We accepted FEDRA's professional advice, which meant that we had to commit time and effort to secure unprecedented approvals and funding. Given that professional advice, and taking into account other relevant factors such as the integrity of the building and operational requirements, our decision to pursue the water mist fire suppression system in 2008 was correct.

3. Was the GSA Fire Plan more about evacuating people rather than protecting the asset?

This question was asked during the Committee Session on 25 October. There is a distinction between the Fire Plan for the construction period and the one for the Mackintosh Building as a working art school. Above all, fire protection is aimed at preserving life and ensuring the safe evacuation of people from buildings.

The construction period:

It is a requirement of the Contract to comply with the Joint Fire Code, which requires a risk based approach to fire safety. It is also a requirement of the CDM 2015 Regulations that fire safety measures are in place and adopted during the contract works' period. In June 2016, Keir (Construction) Scotland Limited (at the point of their appointment) produced a 'Fire and Emergency Plan' in accordance with those requirements with their plan reviewed by Scottish Fire and Rescue Service, Glasgow City Council Building Control, our insurers and The Glasgow School of Art and was revised by Keir Construction (Scotland) Ltd in response to feedback as confirmed by Mr McQuade in evidence.

We note Mr McQuade's response on 25 October that GSA 'went a step beyond normal'.

Until we have the outcome of the SFRS investigation into the cause of the fire, we cannot usefully comment further on this matter.

Operational Periods:

In commissioning The Property Protection Feasibility Study in 2008, we were fully aware of the importance of the Mackintosh Building as well as the overriding prioritisation of safety for occupiers of the building and a Fire Risk Assessment, as is the case for all other GSA buildings, was in place in accordance with our responsibilities under the Fire (Scotland) Act 2005. The 2008 study contains a section entitled "Building/Client Requirements" which states:

"Important fire protection issues for this building are:

- *Life safety of staff, students and any visitors;*

- *Property protection is almost equally important given the nature of the building and its contents, and its continuing function;”*

These two criteria clearly demonstrate that the School equated the importance of the ‘building’ almost to the same level as ‘people’ at the outset of this project and that position has not changed. Any suggestion that we attached insufficient weight to protection of the building is unfounded. Our plans for the restored Mackintosh Building involved the installation of a fully engineered fire protection system, including a mist suppression system that goes beyond the L1 Life protections system (the highest category which is to all intents and purposes equivalent to a P1 Property protection system).

Our Risk Management Framework:

The School’s Risk Management Framework identifies strategic and departmental risk. The Risk Management Group considers risk management and mitigation for inclusion in the risk register. The risk register is submitted to the Audit Committee for detailed scrutiny before submission to the Board.

During 2014-15, our independent Internal Auditors¹⁵ carried out a review of our risk management framework against the School’s Risk Management Maturity Model and made a number of recommendations for improvement. In their report the internal auditors noted under the heading; Good Practice:

“We are pleased to report that a Risk Management Framework is in place which has been approved by the Board and clearly defines the structure, roles and responsibilities for risk management, including the respective roles and responsibilities of the Board, Audit Committee and Management. GSA has defined a process for identifying and evaluating risks within the framework, and mitigating controls and net risks have been defined for all risks identified on the Strategic Risk Register. Effective reporting arrangements are in place for risk management at a strategic level, which include review of the Strategic Risk Register at each Audit Committee.”

A separate risk management process¹⁶ in relation to the Mackintosh Building restoration contract works was embedded in the procurement process and project management systems.

Risk Management: The 2014 Fire

The installation and commissioning of ‘water mist fire suppression system’ was almost complete when the fire occurred on Friday 23 May 2014 as detailed above. The Scottish Fire and Rescue Service’s Fire Investigation Report concluded that the fire originated within a projector located in a basement studio. A number of causes were considered, namely deliberate act, defective appliance and accidental acts. Deliberate act and defective equipment were ruled out by SFRS. The fire was caused when flammable gas used as a propellant within a canister of expanding foam was discharged in close proximity to the

¹⁵ BDO UK LLP

¹⁶ See Procurement Section below

projector. The fire was caused by the accidental act of a student preparing for the Degree Show. This was confirmed in the Scottish Fire and Rescue Service report¹⁷. The publically available version of this report is highlighted as being a redacted version. The Scottish Fire and Rescue Fire Investigation Report into the 2014 Glasgow School of Art fire was fully compliant with Information Governance standards at the time of its publication with the only redaction relating to the identity of the individuals involved. We have taken necessary steps to protect the identity of the individuals and will continue to do so. Our insurance company settled our claim to fund the restoration of the damaged (west section) of the Mackintosh Building at £45m.

It was suggested at the hearing on 20 September 2018 that *“the failure was systemic and that there was a misjudged attitude to risk for such a hazardous and iconic building.”* It is understood that none of the witnesses are experts in this area.

We strongly rebut that allegation. We have always taken fire precautions seriously across our whole estate. Our decision to commission a water mist fire suppression system to enhance the protection of the Mackintosh building, and the installation of sprinkler systems within the Reid and Stow buildings demonstrates our approach.

One consequence of the 2014 fire was that it fundamentally changed the circumstances for installing fire prevention measures within the Mackintosh Building. We had a vacant building within which to install a sophisticated fire protection system based on modern technology and we had the funding to do so. In consultation with Historic Environment Scotland, Glasgow City Council Building Control, SFRS and our Insurers we agreed five key targets:

1. To improve fire compartmentation within the building;
2. To install fire stopping within all ducts and rises;
3. To install a ‘state of the art’ fire detection system;
4. To install ‘water mist fire suppression system’;
5. To install a smoke extract system.

These measures were included in the Schedule of Works when preparing the invitations to tender for the restoration contract.

The Procurement Process for the Restoration Contract:

The Procurement Process/Contract:

GSA’s Procurement Team working with our external consultants prepared the tender documentation for the restoration works, the scope of which included the fire precaution works listed above. In addition, the provisions of the tender placed responsibility on the contractor to prepare a detailed fire safety plan to protect personnel and building fabric during construction phase. The Fire and Emergency Plan was prepared in compliance with

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https://www.firescotland.gov.uk/media/708503/redacted_version_fi_wh_gc_006_14___21735141___mackintosh_buildin_g_167_renfrew_street_glasgow__redacted_.pdf

the Joint Code of Practice and the relevant provisions of the CDM 2015 Regulations, as previously explained.

The contract was awarded to Keir (Construction) Scotland Limited following procurement process in accordance with Contracts (Scotland) Regulations 2012. The form of contract chosen by GSA was a Traditional Contract “Standard Building Contract with quantities for use in Scotland”. This type of contract requires the Employer (here the GSA) to stay closely involved in the project throughout the construction process. Moreover, the contract was drafted specifically to include provision beyond those in the standard form “SBCC with quantities” contract. For instance, the undernoted condition in relation to Overriding Principle of collaboration:

“Overriding Principle

Clause 2.1A

The Overriding Principle guiding the Employer and the Contractor in the operation of this Contract is that of collaboration. It is their intention to work together with each other and with all other Project Team Members in a co-operative and collaborative manner in good faith and in the spirit of trust and respect. To that end the Employer and the Contractor agree they shall each give to, and welcome from, the other, and the other Project Team Members, feedback on performance and shall draw each other’s attention to any difficulties and shall share information

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openly, at the earliest practicable time. They shall support collaborative behaviour and address behaviour that does not comply with the Overriding Principle.”

In addition, there were provisions for the Contractor to:

- provide monthly reports;
- include his supply chain (sub-contractors) in project planning and risk allocation of the Project;
- provide Building Information Modelling (BIM), which is used to identify any design clashes and to provide a useful record for the maintenance of the building once operational; and
- maintain an early warning mechanism and risk register.

This management process operated to ensure that there was a forum where the GSA Mackintosh Restoration Project Team¹⁸ could meet the Contractor to identify, mitigate and eliminate risk. As Employer, and in advance of Scottish Government guidance, we required the employment of BIM in the project. This methodology assisted in reducing risks through virtual prototyping, clash detection and pre-empting impact to the aesthetics and fabric of a Category A-listed building through computer modelling and 3D design. We also included collaboration and risk reduction protocols into the contract. These provisions are additional

¹⁸ GSA Document 5: The Glasgow School of Art: Mackintosh Restoration Project, Project Governance and Management Structure

to standard contract wording and go well beyond the type of collaboration and reporting of the standard contract.

Site Control Timeline:

Date	Site Controller	Comments
Up to 22/05/14	GSA	Owner/Occupier
23/05/14 to 30/5/14	SFRS	Under statutory powers. Extensive consultation between GSA and GCC Building Control
w/c 26/05/14	Reigart Contracts Limited	Appointed by GSA as Principal Contractor
c. 11/14	Taylor and Fraser Limited	Under Multiworks contract let by GSA
28/06/16	Keir Construction	Under Restoration Works Contract
15/06/18	SFRS	Under statutory Powers
20/06/18	GCC Building Control	Assumes responsibility for cordon and Mackintosh and O2 sites. Reigart Contracts Limited given access to assess
10/07/18	Reigart Contracts Limited	Appointed by GSA as Principal Contractor for demolition under guidance of GSA, GCC Building Control, Historic and Environment Scotland and David Narro Associates (GSA appointed structural engineers)

Under the laws of Scotland the employer (GSA) is obliged to give possession of the site to the contractor (Kier (Construction) Scotland Limited) in accordance with the contract. The contractor takes over possession and responsibility for the contract site for the duration of the contract. The contractor needs full control of the site to comply with his obligations and duties under the contract and in terms of any relevant statutory requirements. The contractor controls the modus operandi on site and he prescribes and enforces a site entry procedure to which all parties must adhere, including the Employer/Owner, notwithstanding their legal rights in the site. Effectively, as part of the contract terms, the owner gives up their right to enter the site, without permission, for the duration of the contract. It does not preclude entry; it controls entry in accordance with the Contractor's procedures, which are based on security, health & safety (including fire safety) and site operation. It was a requirement of the contract that Kier (Construction) Scotland Limited provide office accommodation for the client Project Management Team. Until January 2018, this was provided in the former janitor's house inside the Mackintosh building.

Due to the schedule of work, the internal Project Management Team was relocated off-site (Blythswood Square). Keir (Construction) Scotland Limited elected to retain a site office in the eastern (undamaged) basement.

As Employer under a construction contract GSA had a role as client for the purposes of the CDM Regulations – the H&S regulations that apply to works. As client GSA must make suitable arrangements to manage the project and maintain and review those arrangements for the duration of the project. From the time the decision is made to go ahead with the project the Client has to comply the CDM Regulations. GSA as client did that. GSA made sure the other duty-holders are appointed at the right time and had the skills, knowledge and experience to carry out the work in a way that secures health and safety. Page\Park were appointed as Principal Designer with duties under the CDM regulations to plan, manage, monitor and coordinate health and safety in the pre-construction phase of a project. Kier were appointed as Principal Contractor with duties also under CDM to plan, manage and monitor construction work under their control so that it is carried out without risks to health and safety. GSA, as client, retained responsibility to ensure that sufficient time and resources are allocated and to make sure relevant information is prepared and provided to other duty-holders; the principal designer and principal contractor carry out their duties and that welfare facilities are provided.

Our design team, internal and external project managers, expert advisers and others were able to enter the site under the Contractor's due process. We retained responsibilities under the contract as Employer and our governance procedures demonstrate the close working relationship maintained during the contract period.

GSA Governance of the Mackintosh Restoration Project (MRP):

Given the importance of the Mackintosh Restoration Project to the School, GSA assembled a team of expert consultants to support and supplement its in-house project management team. The GSA Board wanted effective oversight of the project and to achieve that established a project governance structure. This included the establishment of a new Mackintosh Restoration Committee which reported directly into the Board. The Mackintosh Restoration Committee later became part of the Estates Committee.¹⁹

The governance arrangements included at Programme Board (Executive level) with quarterly reporting to the Estates Committee and regular updates to the Business and Estates Committee and the Board of Governors by management on the progress of the project. The Mackintosh Operations Group was set up to manage the project's operational matters and met every three weeks. A dedicated internal project management team was put in place comprising of experienced historic building professionals who had previously managed and directed numerous conservation and re-building projects on properties of similar significance plus expert finance, traditional skills training, research and archival staff to work with Kier (Construction) Scotland Limited and the design team to ensure the best possible project

¹⁹ GSA Document 6: The Glasgow School of Art, The Mackintosh Restoration Project, Project Governance Structure Committee Membership

results. The internal project management team were provided with monthly progress reports from Gardiner and Theobald LLP. Those reports provided updates on project risks, financial performance and any changes to the project, which were provided to the Estates Committee and other groups when required.

Other project meetings supporting the delivery of the project included technical site meetings, design team meetings with the project architects and GSA's internal project managers and regular one-to-one meetings involving the internal project team, Project Sponsor and Finance team and contractor. Gardiner and Theobald LLP maintained a risk register and change control log, which, together with the Contractor's detailed project plan, were provided in monthly client reports to the GSA.

An organisational chart is attached²⁰.

Members of our internal project management team were on site on a regular basis reflecting both our responsibilities under the contract and the CDM 2015 Regulations, as well as the importance of the project to the School. In addition, GSA appointed both a Construction and Mechanical and Engineering Clerk of Works who were on site at least twice a week and usually more often, to check on progress and provide weekly independent reports, including any incidents of site safety.

Lessons Learned from the 2014 Fire:

The accident that caused the 2014 fire occurred during an operational activity undertaken by a student in preparation for the Degree Show. The Management Team initiated a number of reviews of operations within the School and continues to do so. These reviews cover academic activities in addition to the estate (which would also cover the Mackintosh Building when returned as part of the operational academic estate. During the Mackintosh restoration project the Mackintosh Building was covered by the procedures detailed above):

1. Critical Incident Management;
2. Fire Procedures including evacuation procedures;
3. Health & Safety Procedures with external H&S officer;
4. Revised academic protocols
5. Staff/Student induction processes;
6. GSA opening hours;
7. Scoping the comprehensive fire protection system for the restoration works and informing our fire strategy for new buildings.

Since the 2014 fire, the Mackintosh Building has not yet been handed over to GSA and resided with the contractor. We are in the process of terminating the contract with Keir (Construction) Scotland Limited²¹ and the site has transferred from Keir (Construction) Scotland Limited to Reigart Contracts Limited. It is still not in the operational control of the

²⁰ GSA Document 5. The Glasgow School of Art: Mackintosh Restoration Project, Project Governance and Management Structure

²¹ Termination notice issued on 26th June 2018

GSA and therefore we have not yet had the opportunity to implement the outcome of our review work on operational activities within the Mackintosh Building. We have however implemented our new revised procedures in the rest of the Estate. We therefore rebut the claim that we have failed to learn any lessons after the 2014 fire.

After the 2014 fire our Board, Management Team and Staff faced significant operational challenges including:

- Continuing to deal with the governance and administration of a HEI
- Continuing to meet the educational and emotional needs of our students;
- Delivering on our commitments to the Scottish Funding Council through our 3-year Outcome Agreement.
- Undertaking a major stakeholder engagement exercise, both internationally and locally;
- Carrying out the operational reviews to ensure lessons were learned by all stakeholders;
- Putting together our own project management team to monitor the contract works after handover of the site to the Contractor;
- Engaging a Consultant team of experts to deliver the restoration project on the ground
- Carrying out a OJEU public procurement process to appoint a Contactor to undertake the restoration project;
- Responding where possible to requests for information about the fire and its impact;

Specific Rebuttals:

Our response to specific issues raised during the Committee Sessions on 20 September and 25 October are set out in our Rebuttal Statement²².

Conclusion:

The Board of Governors, the Management Team and the staff of GSA must also await patiently the outcome of the SFRS report on the 2018 fire. We have stated our commitment to restore the Mackintosh Building to its central role in the creative life of our students, staff, city and nation.

**For and on Behalf of
The Board of Governors
The Glasgow School of Art**

7 November 2018

²² GSA Document 7: Glasgow School of Art Rebuttal Statement

Appendix 1

List of Documents

GSA Document 1: The Glasgow School of Art, Estates Options Appraisal Draft, The Bond Bryan Partnership, February 2005

GSA Document 2: Diagram of GSA Board and Committee Structure as at 1 November 2018

GSA Document 3: Glasgow School of Art, The Mackintosh Building, Stage 3 – Fire Protection Strategy Options Summary, Buro Happold, FEDRA, July 2006

GSA Document 4: GSA Mackintosh Building, Property Protection Feasibility Study, Buro Happold, FEDRA, July 2008

GSA Document 5: The Glasgow School of Art: Mackintosh Restoration Project, Project Governance and Management Structure

GSA Document 6: The Glasgow School of Art, The Mackintosh Restoration Project, Project Governance Structure Committee Membership

GSA Document 7: Glasgow School of Art Rebuttal Statement

GSA Document 8: Protecting the GSA Heritage Guidelines for commercial use of the Mackintosh Building

GSA Document 9: Accessing the Mackintosh Building, August 2016

GSA Document 10: Estates - Site Rules

GSA Document 11: The Glasgow School of Art: Scottish Funding Council Museums, Galleries and Collection Grant, March 2018