

**Culture, Tourism, Europe and External Affairs Committee
The Glasgow School of Art
Report Published on 8 March 2019**

The Glasgow School of Art Response

Introduction:

As noted in its written submission ahead of its appearance at the meeting of the Committee on 15 November 2018, The Glasgow School of Art (the GSA) welcomed the opportunity to address the Committee and reach out to all those affected by and concerned about the June 2018 fire in the Mackintosh Building. The GSA has carefully considered the Committee's report, published on 8 March 2019 (the Committee Report). The Committee Report contains various requests for clarification from the GSA and, consistent with its approach throughout this process, the GSA is responding to those requests to assist the Committee. This response will also clarify the GSA's position in relation to other points raised in the Committee Report and address matters which the GSA considers to be errors or omissions.

Committee Report Main Conclusion, page 54, paragraph 165:

The GSA notes the main recommendation contained in the Committee Report that the Scottish Government should establish a public inquiry with judicial powers. As noted in its rebuttal document, the GSA considers that the decision on whether or not a public inquiry is necessary is one for the Scottish Ministers.

However, the GSA considers that such a decision would be premature in the absence of the final Scottish Fire and Rescue Service (SFRS) report. In addition, prior to making any decision on whether or not to hold such a public inquiry, the GSA would also emphasise the importance of exploring and interrogating the expertise, knowledge and credibility of all parties involved in the production of the evidence on which the recommendation is based, to ensure that any decisions are based on best evidence. It will also be important to understand whether any party involved in the production of the Committee Report has any interest for which a declaration of interest should be made.

Committee Report General – Control of the Mackintosh Building

At the time of the 2018 fire, the Mackintosh Building was within a redline boundary of a construction site under the possession and control of the contractor, Kier (Construction) Scotland Limited (Kier), as is required under the law of Scotland. Further explanation of this is contained in the GSA's original written submission (pages 14 and 15). While this is acknowledged at paragraphs 74 and 75 of the Committee Report, it is not clear throughout the Report which party was in control of the site at the times of the specific matters considered by the Committee. This is an important factor in understanding the context of the 2018 fire and should have been clear throughout the report.

For clarity, the site control timeline contained in the GSA's original written submission is repeated here:

Date	Site Controller	Comments
Up to 22/05/14	The GSA	Owner/Occupier
23/05/14 to 30/5/14	SFRS	Under statutory powers. Extensive consultation between the GSA and GCC Building Control
w/c 26/05/14	Reigart Contracts Limited	Asked by the the GSA to maintain their site presence and provide – in the first instance - ongoing building security and access control services
c. 11/14	Taylor and Fraser Limited	Under Multiworks contract let by the GSA
28/06/16	Keir Construction	Under Restoration contract as Principal Contractor
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 the GSA as Principal Contractor for making safe works under guidance of the GSA, GCC Building Control, Historic Environment Scotland and David Narro Associates (the GSA appointed structural engineers)

Committee Report General – Treatment of Evidence

Throughout the Committee’s consideration, the GSA has sought to be open and transparent to assist the Committee. The GSA has answered all questions asked of it and provided comprehensive submissions to the Committee. In return, the least that the GSA expects is that its evidence will be treated fairly.

Unfortunately, there are a number of instances in the Committee Report where some qualification has been added to the introduction of the evidence provided by the GSA, which has the effect of suggesting that there is some doubt on that evidence. This is in contrast to the treatment of the evidence provided to the Committee by other parties. The following are highlighted by way of example:

- “According to the GSA’s written evidence...” (paragraph 28).
- “According to the GSA...” (paragraph 36).
- “Dr Muriel Gray appeared to indicate...” (paragraph 38).
- “the GSA suggested that...” (paragraph 50).
- “According to the GSA’s written submission...” (paragraph 76).

The GSA has provided documentation and information in writing to support all its evidence, demonstrating a rigorous approach to the provision of an open and full response to the Committee's enquiries. Indeed, the Convener of the Committee remarked at the start of the Committee meeting on 15 November that the GSA had provided an "extensive written submission". The same cannot be said of all witnesses who gave evidence to the Committee. It is therefore disappointing that the Committee Report has taken this approach to the GSA's evidence.

Committee Report page 7, The Mackintosh Building: Timeline:

The GSA considers that the timeline provided is selective and that this should be noted in the timeline. For the purposes of the Committee Report, it should be acknowledged that Page\Park were first appointed as conservation architects for the Mackintosh Building in 1993. The timeline also appears to suggest that no actions were taken between 2008 and 2014, which is not supported by the evidence of Page\Park or the GSA. The GSA refers to the written submission from Page\Park for the meeting of the Committee on 25 October 2018, which includes a more detailed summary of the timeline and highlights the works that were undertaken prior to the 2014 fire. It would also have been helpful to incorporate the site control timeline into this timeline.

Committee Report pages 8 and 9, introduction:

The GSA considers that it would have been beneficial to acknowledge in the introduction that the 2014 fire was caused by the accidental act of a student preparing for the Degree Show, and that this was confirmed in the associated Scottish Fire and Rescue Service report. It would also be helpful to acknowledge that, at the time of the 2018 fire, the Mackintosh Building was under the control of Kier (see comments above).

These details are crucial to understanding the context of the fires therefore it would be helpful to set these matters out at the outset.

Committee Report page 11, paragraph 14:

It was not simply an "assurance" from the GSA that the building was compliant with the relevant fire safety standards. The Mackintosh Building was a functioning art school at the time, which would not have been possible had the fire prevention and safety measures in the Mackintosh Building not been compliant with what was permissible and suitable in listed buildings in general and in the Mackintosh Building in particular. As set out in the GSA's original written submission, the fire prevention and safety measures included:

- provision of automatic fire detection;
- 30-minute resistant fire doors on each level in the building;
- provision of CCTV in key areas;
- provision of Alarm call points and alarm sounders throughout the building;
- positioning of full fire extinguisher provision throughout the building; and
- provision of security staff within the building on a 24/7 basis.

This matter is also addressed in the documents provided with the GSA's original written submission (see the GSA Mackintosh Building, Property Protection Feasibility Study, Buro Happold, FEDRA, July 2008) which confirmed that the building met the requirements of the regulators in terms of life safety.

Committee Report page 13, paragraph 21:

The GSA would highlight that it was fully aware of the level of fire risk in the Mackintosh Building prior to the 2014 fire, having commissioned expert reports and taken professional advice on measures to enhance the level of protection over and above the already compliant measures. At the time of the 2014 fire, the GSA was in the final stages of installing a mist suppression system in accordance with the professional advice received.

Committee Report page 14, paragraphs 24 to 26, together with pages 21 and 22, paragraphs 48 to 51:

The Committee has stated that it did not obtain evidence to support the GSA's position that fire safety measures were implemented beyond the standards required prior to the 2014 fire. The Committee has also sought clarification in relation to the GSA's response to the Buro Happold reports aside from the installation of the mist suppression system.

These matters were addressed in the GSA's evidence to the Committee on 15 November (evidence of Ms Davidson, columns 4 and 5 of the Official Report) and in its response to the evidence given to the Committee on 17 January (at page 3).

As that evidence demonstrates, compartmentation had been introduced into the Mackintosh Building where feasible prior to the 2014 fire. Page\Park also confirmed in their evidence that, as part of the Conservation & Access Project, "[w]here access to run services was taken through existing ducts, these were fire stopped as part of the installation process".

It is also stated in the Committee Report that it is not the role of the Committee to judge whether the Mackintosh Building was compliant with relevant fire safety standards. The GSA would highlight that prior to the 2014 fire, when the GSA had control of the Mackintosh Building, it was an important component of an operational art school. This would not have been possible if the Mackintosh Building had not been compliant with relevant fire safety standards (see comments above).

The GSA is in the course of preparing a more detailed report on the compartmentation measures undertaken by the GSA prior to the 2014 fire and will provide that to the Committee in due course.

Committee Report page 15, paragraphs 28 and 29:

The GSA notes the summary of the evidence in relation to the advice of Historic Scotland on the mist suppression system. For the avoidance of doubt, the GSA wishes to clarify that the advice of Historic Scotland, now Historic Environment Scotland, was not that a mist suppression system could not be installed, but rather it was advising on the form of system that would be acceptable (and unacceptable) in relation to its historic environment interests.

Committee Report page 16, paragraph 32:

In this section of the report, it is noted that the Committee sought to obtain evidence of alternatives to a mist suppression system and quotes the evidence of Mr Mackenzie in relation to his experience of alternatives. The GSA would highlight the dangers of comparisons between the Mackintosh and other buildings (see the GSA Response to the Committee Meeting on 17 January at page 1). As Mr Stelfox stated in his evidence to the Committee on 17 January, “every historic building is unique”.

The GSA would also refer to the Buro Happold report (see Committee Report paragraph 20), which demonstrates that the GSA had considered alternatives, including a gaseous system as suggested by Mr Mackenzie, and maintains that it was the correct decision to pursue the mist suppression system in light of the professional advice received and other relevant factors, such as integrity of the building and operational requirements. The conclusions of that report were clear in relation to the options available to the GSA:

“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.”

Committee Report page 16, paragraph 33:

It is not correct to suggest that compartmentation had not been undertaken. As has already been confirmed, compartmentation was undertaken in the Mackintosh Building where feasible and the decision to install a mist suppression system was only made following the receipt of professional, expert advice which explored a range of fire suppression systems. Contrary to the suggestion by Mr Stelfox (see paragraph 40 of the Committee Report), it was therefore not a case of “all or nothing” and other improvements and enhancements had been undertaken to the Mackintosh Building which would have complemented the mist suppression system.

Committee Report pages 17 and 18, paragraphs 35 to 38 and 44:

Various questions were asked of the GSA in relation to its use of funds (e.g. from Scottish Funding Council) for other purposes, such as the construction of the Reid Building, while fundraising for the costs of the mist suppression system. This is highlighted in the Committee Report and the GSA would like to emphasise that public funding received by the GSA can only be used for the specific purposes for which it is given.

It was not open to the GSA to divert funds from other purposes towards the costs of installing the mist suppression system. As a responsible public body with obligations in relation to how it manages its funds, it would have been wholly inappropriate and unlawful for the GSA to use funds for the installation of the mist suppression system when those funds had been provided for a separate purpose.

Committee Report page 18, paragraph 40:

As noted above, the Mackintosh Building was compliant with relevant fire safety standards prior to the 2014 fire. The installation of the mist suppression system was an enhancement to the building to take it above and beyond the necessary standards but the installation of the mist suppression system was not “safety critical”.

Committee Report page 20:

The GSA is disappointed that the Committee Report has repeated Mr Mackenzie’s unsubstantiated allegation that the GSA submitted false information to the Committee. The GSA had commissioned asbestos surveys for the Mackintosh Building, obtained asbestos survey reports and held an asbestos register. The GSA has asbestos survey reports from 2003 and 2012 that it would be happy to provide to the Committee.

The matter of asbestos, and how these documents operate, was addressed by the GSA in its submission to the Committee ahead of the meeting on 15 November (pages 8-9) and its response to the Committee Meeting on 17 January (pages 4-5). Asbestos surveys will generally be unable to identify all asbestos in a building, as it is often located behind construction and finishes. This is particularly the case in historic buildings. It is therefore not unusual for asbestos to only come to light when works are underway and areas are opened up, which was precisely the situation with the Mackintosh Building.

The GSA notes that Mr Mackenzie has not provided any evidence to support this statement, or any other statements made in his evidence to the Committee on 17 January.

Committee Report page 26, paragraph 62:

For the avoidance of doubt, in referring to the SFRS reviewing Kier’s ‘Fire and Emergency Plan’, the GSA was not suggesting that SFRS had a role in approving the document. The production of the document was the responsibility of Kier. In producing the document the GSA understands that they engaged with SFRS in an entirely advisory role and that a walk around the building took place on 16 August 2016.

Committee Report page 27, paragraph 65:

On the issue of phased installation of a suppression system, the GSA’s position is clearly set out in its response to the Committee Meeting on 17 January (pages 3 and 4). The suggested phased approach would have substantially increased the duration and cost of the Mackintosh Restoration Project while the functionality and effectiveness of the whole system would have been compromised in the event of a fire in an unfinished area. As the GSA previously stated:

“With the effectiveness of a mist suppression system being compromised in the event of a fire in an unprotected area, GSA could not, as a public body with obligations to manage its funds efficiently and effectively, have justified the additional time and cost of a phased approach.”

This position is consistent with professional, expert advice received by the GSA from consultants who were extremely familiar with the Mackintosh Building. The GSA is not aware of Mr Mackenzie having such knowledge of the building or the Mackintosh Restoration Project.

Committee Report pages 28 to 30, paragraphs 69 to 73:

The GSA strongly refutes Mr Gibb's claim that the GSA did not comply with the Joint Fire Code and maintains its position as set out in its response to the Committee Meeting on 17 January (pages 1 and 2) that there was not a 95% complete mist suppression system following the 2014 fire. Under the terms of the Mackintosh Restoration Project contract, it was the responsibility and obligation of Kier to comply with the Joint Fire Code.

Committee Report pages 33 to 35, paragraphs 83 to 90:

The use of the phrase "the remnants of the Mackintosh building not destroyed by the 2014 fire" suggests a misunderstanding of the 2014 fire. 90% of the fabric of the building and 70% of the interior were viable after the 2014 fire. The GSA maintains that access to the construction site during the Mackintosh Restoration Project, explained in the GSA's rebuttal document which accompanied its written submission (pages 4 and 5), was entirely in accordance with common practice, appropriate safety protocols and the requirements of Kier who were in control of the site. The GSA refers to section 9 of its rebuttal document and the "Accessing the Mackintosh Building" document dated August 2016, which were submitted with the GSA's original written submission.

The "Accessing the Mackintosh Building" document made it clear that *"it will (almost certainly) not be possible to approve all applications for visits, due to the conditions on site and the need to protect the works programme"* and that Kier and *"GSA Project Management has the authority to refuse access or cancel visits on the grounds of safety and security and/or if they may interfere with programmed works"*. It should be noted that a number of requests for visits to the Mackintosh Building during the period of Kier's possession and control of the building were refused for the reasons outlined above.

The GSA has been made aware of claims around the occurrence and frequency of site visits which do not accurately reflect what did happen. The GSA is disappointed that this was not acknowledged in the Committee Report.

Committee Report page 35, paragraph 91:

The GSA is currently awaiting the SFRS report on the 2018 fire and, with respect to that process, considers it unhelpful to speculate about whether the fire alarm operated on the night of the fire in the absence of the SFRS report. As set out elsewhere, Kier was in possession and control of the site at the time of the 2018 fire.

Committee Report pages 36 and 37, paragraphs 96 to 101:

The heading of this section and its reference to "cladding" suggests a continued misunderstanding of the Mackintosh Restoration Project, despite the confirmations by Mr Paton of Page\Park (see the bottom of column 10 and the top of column 11 of the Official Report of 25

October), Page\Park's response to questions posed following the Committee meeting on 25 October¹, Ms Davidson (see columns 25 and 26 of the Official Report of 15 November) and the GSA in its response to the Committee Meeting on 17 January (see page 5) that there was no cladding involved in the project. PIR was used as roof insulation in accordance with the manufacturer's instructions and was encapsulated.

This inaccuracy is particularly disappointing given the emotive connotations of this word in light of other events.

Contrary to the evidence from Mr Mackenzie and Mr Stelfox quoted in the Committee Report that PIR insulation "appears" or "seems" to comply with the relevant requirements, it is still a legal and approved/certified material for use in construction.

Committee Report pages 38 and 39, paragraphs 105 to 107:

The GSA disputes any suggestion that there was a lack of specific expertise at Board level. As stated in our original written submission, our Governors have an appropriate range of skills, expertise and experience to enable them to discharge their duties effectively. The Committee's conclusion appears to be largely based on the evidence of Mr Billcliffe who suggested that the administration was not dependent on people who had been trained at the GSA and had specific knowledge of the Mackintosh Building.

It is in the interests of good governance that there is separation between the members of the governing body and the operation of the institution. Members of the board who have not been trained at the GSA should not therefore be seen as a negative. The Scottish Code of Good Higher Education Governance states that members must be independent of the day-to-day executive management of the institution (excepting any staff members). This enables them to provide independent scrutiny of the body's performance and hold the relevant officers to account.

While details of Governors' biographies are included within annual accounts (available at <http://www.gsa.ac.uk/about-gsa/key-information/annual-accounts/>), over the period from 2010, the GSA's Estates Committee included a number of people with extensive experience of matters relevant to the management of the GSA's estate, including:

- Douglas Brown – a chartered architect who spent most of his professional career with international strategic design consultancy DEGW;
- Christa Reekie – a commercial property lawyer who joined Burness in 1996, where she specialised in construction law before concentrating on PFI/PPP large infrastructure projects, becoming a partner in 2000. She was appointed as commercial director of the Scottish Futures Trust in November 2009;
- Eleanor McAlister – an economist and town planner, Eleanor McAllister has managed a number of urban regeneration projects throughout her career. She retired in March 2012 from her most recent post as managing director of Clydebank re-built, designated as one of the Scottish Government's Pathfinder urban regeneration companies and a member of the Heritage Lottery Fund, Scotland Committee and a member of the Advisory Committee for Historic Scotland;

¹ https://www.parliament.scot/S5_European/General%20Documents/3.2.2_PPIInsulationQuestions.pdf

- Tom Elder – an architect who worked in private practice in England and Scotland and co-founded the award-winning practice of Elder and Cannon Architects;
- Janice Kirkpartick – director of Graven, a Glasgow based design consultancy;
- Ken Ross – qualified as a Surveyor in 1972. He was President of the Scottish Housebuilders Association in 1987/1988 and was a founding Director when Homes for Scotland was formed. He went on to become Chairman of the Scottish Property Federation during 2007; and
- Sir Muir Russell – the first Permanent Secretary to the Scottish Executive following devolution and then Principal and Vice-Chancellor of the University of Glasgow from 2003 to 2009.

Committee Report page 41, paragraphs 116 and 117:

The GSA refutes the suggestion that it has not been able to articulate lessons that were learned from the 2014 fire. The 2014 fire was found to be accidental. As explained in its original written submission, the GSA initiated a number of reviews of operations within the School, and continues to do so to safeguard against a similar accidental fire happening during the operation of the School. These reviews covered the whole of the GSA’s estate and its academic activities. The GSA had not yet had the opportunity to implement its operational safeguards in the Mackintosh Building as the construction work was still ongoing, so it had not yet been handed over to the GSA as an operational building following the 2014 fire. Revised procedures have been and are being implemented across the rest of the GSA’s estate.

It should also be noted that following the 2014 fire the GSA and its professional team, in consultation with Historic Environment Scotland, Glasgow City Council, SFRS and insurers, agreed 5 key targets in relation to fire protection for the Mackintosh Building for when it was returned to the GSA by the contractor and came on stream as a fully functioning art school. These were included in the Schedule of Works for the Mackintosh Restoration Project. This was set out in the GSA’s original written submission and included in the evidence of Page\Park to the Committee on 25 October (see column 5 of the Official Report). Those 5 key targets were:

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.

The GSA does not understand how the dual purpose of the Mackintosh Building, as a functioning art school and a museum, increases the risk of fire occurring. As set out in the GSA’s original written submission, the importance of the Mackintosh Building to the educational function of the GSA cannot be overemphasised. The importance of the building is encapsulated in a report on the School’s Estate that was submitted with the GSA’s original written submission. It stated:

“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."

Public access to the Mackintosh Building is also important to delivering the cultural, community and economic benefits that are at the heart of the GSA's activities and outlined in its original written submission, as well as maintaining Glasgow's international status as a creative capital (see pages 2-4 of the original written submission).

Committee Report page 44 to 46, paragraphs 126 to 136:

Contrary to the suggestion that the GSA was increasing its estate, the GSA refers to page 7 of its original written submission. A 2005 Estate Options Appraisal 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. New buildings provided by the GSA were therefore replacements for buildings that were no longer suitable for the operation of the art school.

The GSA understands the scale of any future restoration project and, in line with the approach taken to date, will ensure that the GSA takes into account all relevant matters and options, has sufficient expertise to provide advice and has adequate resources to deliver the project.

Committee Report page 48, paragraphs 144 to 146:

The GSA notes that Mr Mackenzie's evidence, in which he refers to statements with no substantiation or evidence underneath them, has been quoted in the Committee Report. The GSA has sought to provide the Committee with information and documentation to support its evidence throughout this process. It is disappointing that Mr Mackenzie's criticisms in relation to substantiation have been relied upon in the Committee Report, when Mr Mackenzie has failed to provide any documentation or support for the various claims and statements made in his appearance in front of the Committee on 17 January.

The GSA notes the Committee's recommendation to review how it disseminates information and has undertaken to review its approach.

Committee Report page 51, paragraph 153

As part of the GSA's review of how it disseminates information, it has committed to improving engagement with the local community. The local community will also have statutory rights to engage as part of any future planning process.

Committee Report page 53, paragraph 161

The GSA has stated its intention to rebuild the Mackintosh Building but, as confirmed by the Chair of the GSA during the Committee meeting on 15 November, "decisions on how we move forward are in their infancy" and that the GSA "will look at every option". In doing so, the GSA will listen to, and take on board viewpoints from a wide range of stakeholders, including the local community.