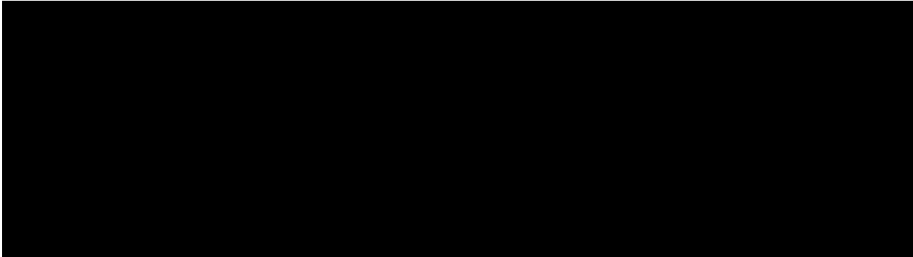




24 AUG 2018



Thank you for your email of 12 July 2018, to the Ministry of Education requesting the following information:

*I'm looking for yearly information from 2013 to 2018:*

- 1. How many schools have been reported to have leaky, mouldy or unsafe buildings? Please mention the name of the school, location, the nature and number of complaints filed since 2013.*
- 2. Of the schools that made complaints, how many have been fixed and how many have new buildings?*
- 3. How many complaints are yet to be resolved?*
- 4. Please mention the names of companies contracted that built these buildings.*
- 5. Over the years from 2013 to 2017, what was the amount liable to MOE for shoddy work?*
- 6. Are the same companies being contracted to build the new buildings?*
- 7. How does the ministry prioritise responding to these complaints? What is the timeframe to respond to complaints of a high priority?*

I have considered your request under the Official Information Act 1982 (the Act).

For the **first three questions** regarding the numbers and details of complaints, I am declining this request under 18(f) of the Act due to the need for substantial collation and research. This is because complaints and communications with the Ministry are not stored in one central database. These could be lodged at local, regional or National level and refer to either capital works or maintenance issues.

Though I cannot provide you the requested information, I am however attaching details of the weathertightness work that the Ministry has been undertaking. This has focused on remediating school buildings (built or modified between 1994 and 2005) where there have been failures (or risks of failure) due to poor workmanship, design issues, and/or defective building materials.

For **question four** seeking the names of companies that built school buildings, I am declining this request under 18(f) of the Act due to the need for substantial collation and research. This is because there are approximately 500 to 600 different companies contracted throughout New Zealand to build or maintain school buildings and the information on who built or modified which building is located across multiple Ministry databases.

In **question five** you have requested information on poor workmanship. I am declining to provide comment on this under section 9(2)(h) of the Act to maintain legal professional privilege as the Ministry is currently involved in legal proceedings in this area.

You have asked in **question six** about the Ministry's contracting process.

In order to provide fair opportunity to all potential suppliers and to get assurance of value for money, the Ministry of Education uses competitive tendering processes for both the design and construction of school property. Tenders are compared and evaluated and this includes consideration of the company's previous performance. Contract opportunities and award notices for projects with a value of \$100,000 or more, are published on the Government Electronic Tender Service. These contract opportunities and award notices are advertised on the following link [www.GETS.govt.nz](http://www.GETS.govt.nz)

In **question seven** you have asked about the Ministry's priorities in relation to weathertightness and property issues.

The health and safety of staff and students remains paramount in how we respond to weathertightness and property issues. Consistent with the property planning process, the Ministry prioritises infrastructure works in the following order:

- Priority 1: Health and Safety related;
- Priority 2: Essential Infrastructure (eg roof/boiler replacement);
- Priority 3: Projects to upgrade and enhance learning environments;
- Priority 4: Discretionary.

The Ministry has no predetermined timeframes for weathertightness or property issues as each situation is assessed on its circumstances. Where situations are identified to present a health and safety risk, immediate actions are taken to protect staff and students.

I have considered, as required under section 9(1) of the Act, the public interest considerations favouring release of information. I have identified no public interest considerations which outweigh the need to withhold information at this time.

If you are unsatisfied with my response, you have the right to ask an Ombudsman to review it. You can do this by writing to [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz) or Office of the Ombudsman, PO Box 10152, Wellington 6143.

Yours sincerely



Kim Shannon  
**Head of Education Infrastructure Service**



# **Weathertightness issues within school property**

The Ministry has been undertaking remediation work since 2009 and this has focused on buildings built or modified between 1994 & 2005. The aim of this work has been to address weathertightness risks and failures resulting from poor workmanship and design, and defective building materials.

Our number one priority has been to make sure our children and young people learn in safe, warm and dry classrooms that are fit for purpose.

In 2011, the Ministry undertook a large national survey of all risk factors leading to weathertightness issues in school buildings. This work identified around 2,400 school buildings and informed a programme of remediation and prevention strategies. There are around 1000 buildings with varying degrees of weathertightness issues remaining. We prioritise work so as to address health and safety issues first of all and we respond to these immediately.

## **Definition of weathertightness**

A weathertightness failure is where a build detail, feature, or attribute of a building element has failed and caused any of the following:

- Undue dampness and/or damage to building elements caused by the penetration of water;
- Undue dampness and/or damage to building elements caused by the absorption or transmittal of moisture;
- Adverse effects to building elements arising from moisture entering the space below suspended floors; and
- Condensation, fungal growth or the degradation of building elements caused by the accumulation or transfer of external moisture within concealed spaces and cavities.

## **Identifying weathertightness issues**

Potential buildings of concern are identified through existing information, information gathered during annual school visits, conversations with the school staff and condition assessments. These sources are used to determine if there is a weathertightness issue.

The next step involves the Ministry organising a remediation inspection by a registered building surveyor in order to ensure that weathertightness damage is correctly identified, the cause is established and that an appropriate scope for the remediation is developed.

This work uses a mandatory inspection report template to ensure that the remedial work fixes the proven weathertightness failure addresses any secondary damage.

In addition the Ministry works with schools to help them develop long-term property plans so they apply funding to protect and improve their school property, and get the best value from their investment decisions.