The Glasgow School of Art Response

Introduction:

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) stated that it welcomed the opportunity to address rumours, supposition and speculation circulating since the June 2018 fire. Following the meeting of the Committee on 17 January 2019, the GSA considers that there is a need to address further rumours, supposition and speculation, in order to assist the Committee in its consideration of the evidence.

Comparisons:

Due to the unique nature of the Mackintosh Building and the nature of the GSA Estate, the GSA would urge caution in respect of comparisons made with other buildings and with other construction projects.

As Mr Stelfox stated in evidence, “every historic building is unique” and we are not aware that Mr Mackenzie had any particular familiarity with the building or its complexities.

The academic facilities forming part of the GSA Estate are also more limited in number compared to those of most other higher education institutions. The GSA operates a three semester academic year with the third semester, over the summer months, accommodating c.400 postgraduate students (one of the UK’s largest postgraduate communities in visual creative disciplines) and over 500 students on Open Studio programmes. Open Studio programmes are available to the general public and are central to delivering the cultural, community and economic benefits that are outlined in our earlier written submission, and maintaining Glasgow’s international status as a creative capital (see pages 2-4 of the original written submission).

Removal of Mist Suppression System Following 2014 Fire:

During the committee proceedings, Tavish Scott outlined the Committee’s understanding that the mist suppression system had broadly survived the 2014 fire and that they wished to understand why it was removed prior to the Mackintosh Restoration Project works being carried out. The GSA hopes that this submission will provide the explanation sought by the Committee.

In light of other evidence received by the Committee, the GSA considers it is important that the Committee understands that the pre-2014 fire mist suppression system was not fully installed. This system suffered widespread damage in the fire and was in need of substantial repair before it could be operational. The pumps, which were on site but not yet installed, suffered extensive water damage, and much of the mist pipework in the western half of the building was destroyed.
The system designer/installer also advised that the remainder of the system was not suitable for use because of smoke contamination. It is therefore not the case that there was a 95% complete mist suppression system following the 2014 fire.

Any repair, were it technically possible, would have been similar in time and extent to that of a replacement system. Following expert inspection and advice, the GSA therefore decided to take advantage of advances in technology since the original system was installed by including an up to date system as part of the Mackintosh Restoration Project.

Further suggestions were also made during the Committee meeting that a temporary system could have been put in place. The GSA has sought further input from experts following the Committee meeting and its position on this issue remains as set out at point 3 of its Statement of Rebuttals (GSA Document 7 accompanying the original written submission). To the best of the GSA’s knowledge, having sought expert advice, there is no temporary fire suppression system suitable for a building and project of the scale and complexity of the Mackintosh Building and the Mackintosh Restoration Project that could have been installed during the construction period.

It is considered that the extent of restoration works could not have been carried out with a live fire suppression system being present as it would need to have the coverage, certification and equipment equivalent to that of a permanent system. The significantly higher risk of accidental flooding/water damage is also likely to be too great for an insurer to accept. These are all reasons why it is highly unusual to have an operational fire suppression system present during construction works of this scale and complexity, as the Committee has heard from various sources. The GSA is not aware of any example of a system that has been used that would have been relevant to the Mackintosh Restoration Project.

As a responsible public body, and as explained in the original written submission (pages 7-8), the GSA sought professional advice in relation to its review of fire safety/prevention procedures for the Mackintosh Building. That review was undertaken in parallel with the Mackintosh Conservation and Access Project which commenced in 2005. The GSA has continued to seek professional advice on fire safety/prevention measures since then, including following the 2014 fire. Mr Mackenzie remarked that he did “not even see the appointment of a specialist fire engineer between 2014 and 2018”. However, as explained to the Committee by Ms Davidson on 15 November 2018, the GSA appointed Atelier Ten as a specialist fire engineers following the 2014 fire. Atelier Ten’s role continued up to the time of the 2018 fire.

Atelier Ten’s role involved designing an integrated suite of measures for the protection of the completed Mackintosh Building and the safety of those accessing the building. This suite of interventions included the mist suppression working in tandem with sophisticated detection systems, reinforced with physical measures including enhanced compartmentation. The design of the specific mist suppression system was handled by independent specialist sub-contractors Xcell Misting Systems Limited.
Compartmentation and Phasing:

Questions on compartmentation and the phased introduction of a fire suppression system during the MRP were again asked during the Committee meeting on 17 January 2019. The discussion appeared to focus on two distinct issues:

1. Fire stopping within ducts and risers.
2. Phased construction whereby works, including an installed and operational fire suppression system, would need to be completed in one part of the building before moving on to the next.

The GSA’s position on fire stopping within ducts and risers has already been addressed in its written submission (page 9).

Pre-2014 Fire

The difficulties with wholesale compartmentation of the Mackintosh Building, as set out in the Property Protection Feasibility Study (GSA 4 accompanying GSA’s original written submission), have also been covered in evidence by Page\Park and the GSA previously (columns 4 and 5 of each of the Official Reports of 15 November and 25 October 2018). Compartmentation had already been introduced where practical into the building prior to the 2014 fire. Further, the Mackintosh Building already met acceptable standards in relation to fire safety prior to the 2014 fire, but the GSA proactively decided to add an additional layer of protection, beyond that which is present in most historic buildings across the UK. In light of the professional advice received by the GSA, and other relevant factors, it is satisfied that the decision to pursue the water mist suppression system was the correct one.

The Mackintosh Restoration Project

Additional fire safety measures, including additional temporary fire doors, were installed during the construction works of the Mackintosh Restoration Project. The GSA also adopted enhanced protection for the building through its principal contractor, by requiring 24 hour security presence and an automatic fire detection system across the whole building. These measures were on top of the standard recommended by the Joint Fire Code. The scaffold was also covered by alarms and CCTV. Any suggestion that the Mackintosh Building was “unprotected” during the Mackintosh Restoration Project is therefore not borne out by the evidence.

Following consultation and expert advice, as noted above, it was not considered that a phased construction in the manner suggested by Mr Mackenzie was a viable option for the Mackintosh Restoration Project. There would be technical difficulties and potentially limited benefits for fire suppression. The phased approach would still require operational equipment for the system (such as pipework, pumps and tanks) in the unfinished areas. This would have complicated the works to be carried out in these areas at a later date and potentially created challenges for safe working. Furthermore, if a fire does start in the unfinished area, it has the potential to damage the equipment in these areas and undermine the effectiveness of the system in the completed areas. The phased approach would have left areas of the building unprotected and the functionality and effectiveness of the whole system would have been compromised.
The suggested phased approach would also have substantially increased the duration and cost of the Mackintosh Restoration Project. With the effectiveness of a mist suppression system being compromised, the 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.

In terms of the Joint Fire Code, there is a strong recommendation to bring fire protection measures that are to be in place in the completed building into operation as soon as possible in a construction project. This is the approach that the GSA and its contractor adopted. Once the mist suppression system was completed it would have been subject to early commissioning and would have been operational.

**Alleged HSE Notice of Deficiency:**

Mr Mackenzie stated that he had knowledge of, and had sight of, a notice of deficiency issued by the Health and Safety Executive (HSE) under the provisions of the Construction (Design and Management) Regulations 2015 (the CDM Regulations). The GSA has struggled to identify the notice that Mr Mackenzie claims to have seen, particularly as the process he outlined is not one which the GSA or its professional team recognise, as the CDM Regulations make no provision for the HSE to issue a notice of deficiency.

In light of the accusation that information has not been disclosed, it is disappointing that Mr Mackenzie could not have been more precise with the evidence to Committee. However, the GSA understands that Mr Mackenzie is intending to make a written submission following the Committee meeting and perhaps will clarify matters in such submission.

**Funding:**

Various members of the Committee have questioned why the GSA committed significant funds to development of the Reid Building while undertaking fundraising for the costs of the mist suppression system prior to the 2014 fire. The Reid Building was developed as a replacement for two buildings that were no longer fit for purpose and was therefore important to the continuing educational function of the GSA.

The Committee has acknowledged that funding for the Reid Building was provided by the Scottish Funding Council (SFC). The funding the SFC provides is restricted to the purpose for which it is provided. It was therefore not open to the GSA to divert SFC funds from the development of the Reid Building to the provision of a fire suppression system in the Mackintosh Building or to any other use. This was addressed by Ms Davidson in evidence to the Committee on 15 November (see column 14 of the Official Report). As set out in the GSA’s original written submission (page 7), the fire prevention and safety measures in the Mackintosh Building were already compliant with what was required for the building, and the installation of the mist suppression system was an additional measure.
Asbestos:

In response to the GSA’s explanation for the time period between deciding to install the mist suppression system and proceeding with the installation, Mr Mackenzie said “I do not buy the argument that there was asbestos.” His reasoning for this seems to be that there would have been an asbestos plan for the building that would have allowed the location of asbestos to be anticipated. As Mr Mackenzie will no doubt be aware, asbestos plans, surveys and registers will often not be able to identify or anticipate all asbestos in a building, particularly for an historic building such as the Mackintosh Building. Asbestos is often hidden with the construction and behind finishes and only comes to light when works are underway and areas are opened up. This was precisely the situation with the Mackintosh Building.

Mr Mackenzie has made an unsubstantiated allegation that the GSA submitted false information to the Committee. The GSA strongly refutes this allegation, refers to the explanation provided in its original written submission (see pages 8-9) and respectfully calls on Mr Mackenzie to withdraw this part of his evidence to the Committee.

PIR Insulation:

During the Committee meeting on 17 January 2019, there were various references to “cladding” used in the Mackintosh Building. It should be noted that there was no cladding used in the Mackintosh Restoration Project. The PIR was not only used as roof insulation in accordance with manufacturer’s instructions, but its use was fully within the regulations extant at the time and still current, and in line the Scottish Government’s ambitions to reduce energy consumption as part of its Climate Change bill. This complemented a suite of other energy efficient measures in the restoration. This was addressed by Ms Davidson in the GSA’s evidence to Committee on 15 November 2018 (see columns 25 and 26 of the Official Report) and by Mr Paton of Page\Park in his evidence on 25 October (see the bottom of column 10 and the top of column 11 of the Official Report).

Procurement:

Questions were also asked of witnesses during the Committee meeting as to whether or not there were flaws in the procurement process for the Mackintosh Restoration Project. As set out in the GSA’s original submission (page 13), the contract for the Mackintosh Restoration Project was awarded to Kier (Construction) Scotland Limited following a rigorous procurement process which received no challenges and was undertaken in accordance with Public Contracts (Scotland) Regulations 2012.

Mr Mackenzie correctly pointed out (column 19 of the Official Report) that, following the appointment of Kier (Construction) Scotland Limited, the GSA had an ongoing responsibility under the CDM Regulations to manage the project. As was made clear in the GSA’s original written submission (page 15), the GSA was and is fully aware of its responsibilities under the CDM Regulations and discharged those duties throughout the Mackintosh Restoration Project.
Alleged Absence of Information:

Mr Mackenzie stated in evidence that there are “significant gaps, errors and voids in the bundle of written submissions” and that he would “specifically encourage respondents to give full and appropriate disclosure to the Committee.” It is not clear to which respondents Mr Mackenzie is directing his criticism.

He has stated that he will provide a list of documents that he considers should have been submitted although he did specifically identify the “construction phase construction plan” and the “construction phase fire safety plan” as documents he considered should be made available. As previously explained to the Committee, these documents are authored and ‘owned’ by Kier (Construction) Scotland Limited and only they can authorise the release of them. The GSA has confirmed to Kier that it has no objection to the documents being released but the decision on whether or not to release them is a matter for Kier (Construction) Scotland Limited.

Events at the Mackintosh Building during the Restoration Project:

During the Committee meeting on 17 January 2019, further questions were asked of witnesses about events that took place in the Mackintosh Building during the Mackintosh Restoration Project. For the record, the GSA has been open and transparent about the events that took place (see page 4 of GSA document 7 that was submitted prior to the GSA’s appearance at the Committee on 15 November 2018) and, as both Mr Mackenzie and Mr Stelfox explained (columns 21 and 22 of the Official Report of 17 January 2019), there is nothing unusual about such events.