

Aberdeenshire Council
Freedom of Information (Scotland) Act 2002 ("The Act")
Decision Notice – Section 21(5)

Application by Mr. K. Forbes
Information Request: 44531

Dear Mr. Forbes,

In accordance with section 21(1) of the Act, the review panel of Aberdeenshire Council has considered your application for a requirement for review received on the 4th of September 2026..

In accordance with section 21(5) of the Act, the review panel herewith gives notice in writing that the decision complained about dated the 4th of September 2026, requires amendment to the effect that further information is provided herewith.

A statement of the reasons for the decision as required by section 21(5) of the Act is appended.

Application for a decision by the Scottish Information Commissioner:

By virtue of section 47 of the Act, a person who is dissatisfied with a decision notice issued under section 21(5) or (9) of the Act, may apply to the Scottish Information Commissioner for their decision as to whether, in any respect specified in that application, the request for information under section 1(1) of the Act, has been dealt with in accordance with Part 1 of the Act.

An application to the Scottish Information Commissioner must be made in writing (or in another form having some permanency e.g. a video / tape recording) within six months of receipt of a section 21 decision notice from Aberdeenshire Council's review panel. When applying to the Scottish Information Commissioner to make a decision with respect to a section 21 decision notice, you must state your name and address for correspondence.

You must also specify:

- (a) The request for information to which the requirement for review was made to Aberdeenshire Council relate.
- (b) The matter which gives rise to your dissatisfaction and your request for review; and
- (c) The matter which gives rise to your dissatisfaction pertaining to the decision given in the section 21 decision notice.

An appeal can now be made online at the following address:

<https://www.foi.scot/appeal>

Yours sincerely,

Clerk to the Review Panel
Aberdeenshire Council
5th October 2026

Further Information:

The Scottish Information Commissioner can be contact at: -

Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St. Andrews
Fife
KY16 9DS

Telephone: 01334 464610
Fax: 01334 464611
Email: enquiries@itspublicknowledge.info
Web: <https://www.foi.scot/appeal>

Appeals against a decision of the Scottish Information Commissioner:

Section 56 of the Freedom of Information (Scotland) Act 2002 ("The Act") provides an appeal on a point of law may be made to the Court of Session.

- (a) Against a decision of the Scottish Information Commissioner (under subsection (2) of section 49 – i.e. where the Commissioner determines that a decision does not require to be made) by the person who applied to the Scottish Information Commissioner to make such a decision (i.e. an applicant);
- (b) Against a decision of the Scottish Information Commissioner (under subsection 3(b) of section 49) by an applicant or by the Scottish Public Authority in respect of which the decision was made; or
- (c) Against a decision which resulted in the giving of an information notice or an enforcement notice to a Scottish Public Authority.

Statement of Reasons - 44531

The Review Panel had before it the initial request, the service response, the request for review and further submissions from both the requester and the service.

The Review Panel noted that the service involved has provided further information and agreed that that information should be conveyed to the requester. This information is appended hereto.

The Review Panel determined that the original decision notice required to be amended to reflect that further information had been provided to the requester in response to their additional queries.

1. Please review whether the Council holds any recorded information showing:

The calculation used to move from £439,722 to approximately £530,000;

The £439,722 referred to is from the condition survey carried out in 2021. The £530k takes into the current condition of the school and current construction market prices.

The approximate figure of £530,000 was not derived from a formal cost plan, detailed estimate, tender exercise or quantity surveyor's report. It represented a high-level budget estimate based on professional assessment and comparison with similar projects previously undertaken by Aberdeenshire Council. No separate calculations, cost plans, quotations, approval documents or detailed estimating schedules are held in relation to the figure provided. The estimate was derived using historic project costs, adjusted to reflect the scope and complexity of works anticipated at the property.

The date the £530k figure was calculated;

Considered on a regular basis as part of the maintenance regime, therefore no specific date.

Who calculated or approved the £530k figure;

Principal Building Surveyor.

What inflation or construction market uplift was applied;

None – The figure represented a high-level budget estimate based on professional assessment and comparison with similar projects previously undertaken by Aberdeenshire Council.

What additional condition issues were added;

Boiler and Heating System Replacement

The estimated cost was informed by comparable boiler replacement projects undertaken within the Council's estate. The allowance included:

- Decommissioning and removal of the existing oil tank, fuel lines, boiler plant and flue systems.
- Any associated asbestos removal where required.
- Conversion of the heating system from oil to LPG, considered at the time to be the most economically viable replacement fuel source.
- Provision of new boilers, heat exchangers, calorifiers, pumps, pressure vessels and associated controls.
- Replacement or significant upgrade of heating and hot water distribution pipework.
- Replacement of radiators and convectors where necessary.
- Installation of LPG storage tanks, a secure compound and any associated access arrangements that may be required depending on the final site layout.

Roof Replacement and Repairs

The roofing budget was based on costs from similar roof replacement projects and included:

- Replacement of existing flat roof coverings.
- Upgrading insulation levels to comply with current Building Standards and energy efficiency requirements.
- Enhancements to loft insulation to support wider net-zero objectives.
- Replacement or refurbishment of valley gutters, ridge and hip flashings.
- Repair or replacement of rainwater goods and associated drainage components.

Electrical Installation Works

The estimated allowance was based on comparable electrical refurbishment projects and included:

- Replacement of mains and sub-main electrical infrastructure.
- Renewal of wiring, containment systems and distribution equipment.
- Repair or replacement of sockets, switches and lighting installations.
- Replacement of extract ventilation systems, associated controls and ductwork where required.

Toilet Refurbishment Works

The estimate was based on similar toilet refurbishment projects and included:

- Removal and replacement of sanitary ware.
- Replacement of toilet cubicles and associated fittings.
- Renewal of floor finishes.
- Re-decoration of walls and ceilings following completion of the works.

Playground and External Surfacing

The budget allowance was informed by comparable external works projects and included:

- Resurfacing of the playground areas.
- Resurfacing of the associated car parking areas where required.

Legionella Compliance Works

The allowance included:

- Replacement of water storage tanks where necessary.
- Removal of redundant ("dead-leg") pipework identified during inspection or survey works.
- Associated remedial measures required to maintain compliance with legionella management requirements.

Any itemised breakdown of the £530k figure;

Flat roof replacement	£65,000
Rewire / emergency lighting and fire alarm upgrade	£150,000
Replacement water tank	£10,000

Toilet refurb	£75,000
Playground resurface	£50,000
Boiler replacement	£180,000

Any updated cost plan, estimate, surveyor note, property schedule, email, spreadsheet or briefing note supporting that figure.

These figures were intended solely as indicative budget estimates to inform the Council's consideration of future investment requirements. Actual project costs would be dependent upon detailed surveys, design development, specification requirements, procurement route, site conditions and prevailing market prices at the time the works were undertaken. More detailed information is not held.

2. Minimum expenditure to keep the school operational and compliant.

Please review whether the Council holds any recorded information showing:

- **The estimated cost of the replacement boiler;**
- **Any quotations or budget estimates for the replacement boiler;**
- **The specification of the replacement boiler works;**
- **Whether flue works, oil tank works, pipework, controls or associated works are included;**
- **The expected timescale to complete the boiler replacement;**
- **Whether replacement of the boiler would allow the school to reopen;**
- **Whether any other works are required before the school could reopen;**
- **Whether any updated health and safety assessment exists.**

At this stage, the complete picture was assessed to allow the Council to make an informed decision about the most appropriate route forward. In this case, the Council also considered the boilers and the oil tank and pipework. For a number of years now, the Council has been undertaking a programme of oil pipe replacement works across buildings with oil boilers – this is largely in light of three oil pipe leaks that we have had across the estate. Banchory Devenick is one of the last buildings the Council have to address. This involves replacing the underground pipework with new pipes and a leak detection system to prevent future oil leaks occurring. Due to its age and building regulations at the time, the oil tank is also now non-compliant so any work to the oil tank would also see it relocated to a compliant location. The cost for replacement flues, oil pipework and a new tank and relocation is around £65k.

The boilers themselves were installed in 1990 and are now 36 years old. The recommended lifespan of a boiler is 15 years. Given the age of the boilers and the fact that parts are obsolete, along with the work required to the flues, oil pipework and tank which would all ultimately become redundant if the boilers were to fail tomorrow, a complete boiler replacement and a move to LPG is recommended as it limits risks associated with oil storage and provides a more environmentally sustainable option. The budget cost for a move to LPG and replacement boilers is £180k.

The Council does not currently hold an expected timescale to complete the works required as per the above, should these be progressed.

The replacement of both the boiler and the tank would have had to be completed before the school could have reopened.

No updated health and safety assessment exists.

3. “Further areas of the school are failing”

The response states that there is knowledge that “further areas of the school are failing and require to be upgraded”.

Please review whether the Council holds any recorded information identifying:

Which further areas are said to be failing;

Please see above for other areas assessed to be failing.

Who assessed those areas as failing;

Principal Building Surveyor and Condition Surveyors.

When that assessment was made;

Considered on a regular basis as part of the maintenance regime.

What evidence supports that statement;

Professional assessment and comparison with similar projects previously undertaken by Aberdeenshire Council.

Whether these issues are urgent, essential, desirable or lifecycle works;

The highlighted issues above are a combination of the above categories of priority.

Whether any of these issues would prevent reopening if the boiler was replaced.

Information not held. The Council are aware that the boiler replacement is urgent. All others are essential and are overdue. The Council cannot know what and when the next component will fail.

If no such records are held, please confirm that the statement was not supported by any recorded assessment beyond the previously disclosed condition survey.

No further recorded assessment is held.

4. Political and ward member briefing records

Please review whether the Council holds, or previously held, any of the following:

- Teams meeting recording;
- Stream/One Drive recording file; o Transcript;
- Meeting recap;
- AI summary;
- Teams chat;
- Attendance report / export;
- Notes taken by any attendee;

- Briefing note used during the meeting;
- Screen-shared presentation or report;
- Follow-up emails;
- Emails circulating the recording;
- Records showing who accessed the recording;
- Records showing when the recording expired, was deleted, became unavailable or was removed;
- Retention policy or deletion record related to the recording.

If the recording existed but is now unavailable, please confirm:

- When it was created;
- Where it was stored;
- Who had access to it;
- When it became unavailable;
- Whether it expired automatically or was manually deleted;
- Whether it can be restored;
- Whether it existed at the date of my FOI request.

The meeting was recorded via the Teams feature and has now been automatically deleted as per the default retention settings. The meeting was explaining the briefing and informing members of the planned meeting with parents.

There was no PowerPoint and there was no script.

Officers did not take a minute or notes.

There were no follow up emails.

Attendance report held.

No emails circulating the recording held.

Retention policy – recordings expire automatically after 60 days.

The recording was created at the time of meeting, stored within Teams, all invited to the meeting had access.

Information not held by our team if it can be restored.

Searches were carried out via relevant systems by officers who attended and organised the meeting.

5. Adequacy of searches

Please also review whether adequate searches were carried out across all relevant systems, including:

- Outlook/email accounts;
- Teams;
- SharePoint;
- OneDrive;
- Stream;

- calendar records;
- meeting chat;
- records held by Learning Estates;
- records held by Education and Children's Services;
- records held by councillor support/governance teams;
- records held by officers who attended or organised the meeting.

The response does not provide sufficient detail to demonstrate that all relevant recorded information has been identified.

Council services are satisfied that all necessary and adequate searches have been undertaken.