



Health and Safety Policy

*Updated: November 2023
Due for Review: November 2024*

General Statement

This policy statement supplements the health and safety policies which have been written by Bolton Metropolitan Borough Council and Children Services. The general aims of these policy statements are accepted and the arrangements set out below are designed to implement the general aims of Firwood High School. The Trust Board/Head of School recognises its responsibility to the health, safety and welfare of all staff, pupils and other persons visiting the school premises.

It is the policy of the Trustees/Head of School, so far as is reasonably practicable:

- To maintain all areas under the control of the Trustees and Head of School in a condition that is safe and without risk to health
- To establish and maintain a safe and healthy environment throughout the school
- To establish and maintain safe working procedures among staff and pupils
- To ensure that risk assessments are carried out by competent fully trained staff
- To consult with employees on matters affecting their health and safety
- To provide and maintain safe plant and equipment
- To provide and maintain means of access to and egress from that place of work that are safe and without risk
- To make arrangements for ensuring safety and absence of risks to health in connection with the use, handling, storage and transport of articles and substances
- To ensure the provision of sufficient information, instruction and supervision to enable all employees and pupils to avoid hazards and contribute positively to their own health and safety and to ensure that they have access to health and safety training as appropriate or as and when provided
- To prevent accidents and cases of work related ill health
- To provide and maintain safe, healthy and adequate welfare facilities

SCHOOL RESPONSIBILITIES

Head of School and Trustees

Head of Schools are responsible for the day-to-day Health and Safety management of schools and all staff directly employed by the school. This responsibility will include ensuring that staff are aware of the safety rules and procedures which apply and also that they have access to detailed and specific regulations affecting their work. In particular Head of Schools must be aware of the arrangements governing visits and general contractors whilst on the school premises.

The Local Authority may give a warning notice to any maintained school (community, community special, foundation, foundation special, voluntary aided or voluntary controlled) in its area where the safety (not the health) of staff or pupils is threatened by, for example, a break down in discipline.

Community Schools

In community schools the ultimate management of health and safety rests with the Local Authority, which is the employer and therefore has overall control of the premises. The Authority is responsible for health and safety in community schools but has delegated those responsibilities to the Trustees of each school. Trustees are therefore expected to comply with the Health and Safety Guidance of the Authority and the schools own Health and Safety Policy

Aided Schools

In aided schools, the Trust Board has similar responsibilities as employers to those set out above for community schools. They have total responsibility for all health and safety matters and control of premises. In some circumstances there may be staff employed by the Local Authority working on your premises, you

do have responsibility for these staff as visitors. The Local Authority will provide health and safety support and guidance.

Head of Schools/Trustees Roles

- Monitor the effectiveness of the safety policy;
- Make arrangements to ensure that all staff employed by the school, and all other persons working on the premises, are aware of all policies, risk assessments and all other relevant health and safety information;
- Understand Head of Schools' and Trustees' responsibilities under the Health and Safety at Work Act, in relation to the roles and responsibilities of Bolton Metropolitan Borough Council (BMBC);
- Ensure that staff are aware of and seek advice in the event of an unusual situation which is likely to be a health and safety hazard;
- Make arrangements and implement the Local Authority's accident reporting procedure and ensure that staff are aware of the system;
- Ensure accidents are reported and investigated where necessary, and ensure control measures are implemented;
- Develop and maintain safe working practices;
- Ensure that all staff are aware of the first aid arrangements and first aiders;
- Ensure the implementation of procedures in the event of fire and ensure that all staff are aware of their roles and responsibilities;
- Provide suitable induction training for all new staff;
- Identify health and safety training needs;
- Ensure all structural defects in contracted schools are reported to the Local Authority;
- Ensure staff have an awareness of relevant health and safety legislation and their responsibilities as employees;
- Where personal protective equipment is identified as necessary, ensure it is provided and maintained;
- Ensure there are suitable provisions for contractors working on site;
- Understand the organisation, role and powers of Health and Safety Executive Inspectors;
- Recognise that the policy, risk assessments and practices are not static, and ensure that the schools health and safety policies and procedures are updated and amended where necessary.

Employees

The Health and Safety at Work Act 1974 states -"It shall be the duty of every employee whilst at work -

- (a) To take reasonable care for the health and safety of him/herself and of any other persons who may be affected by his acts or omissions at work: and
- (b) As regards any duty or requirement imposed on his/her employer or any other person by or under any of the relevant statutory provisions, to co-operate with him/her so far as it is necessary to enable that duty or requirement to be performed or complied with".

The Act also states:

"No person shall intentionally or recklessly interfere with or misuse anything provided in the interest of health, safety or welfare in pursuance of any of the relevant statutory provisions".

All employees:

- Have a general responsibility for the application of the Local Authority's Safety Policy, and any School Policy, to their own department or area of work and are directly responsible to the Head of School for the application of existing safety measures and procedures within that department/area of work. Advice or instructions given by the Local Authority and the Head of School, including the relevant parts of this statement, shall be observed;
- Shall, where necessary, establish and maintain safe working procedures including arrangements for ensuring, as far as is reasonably practicable, safety and absence or risk to health in connection with the use, handling storage and transport of articles and substances, e.g. chemicals, boiling water, duplicating fluid, guillotines. They should also refer to documents produced for these products under the COSHH Regulations;

- Shall resolve any health and safety problems any member of staff may refer to them and refer to the Head any of these problems for which they cannot achieve a satisfactory solution within the resources available to them;
- Shall carry out a regular safety inspection of the activities for which they are responsible and, where necessary, submit a report to the Head;
- Shall ensure, as far as is reasonably practicable, the provision of sufficient information, instruction, training and supervision to enable other employees and pupils to avoid hazards and contribute positively to their own safety and health at work;
- Shall, where appropriate, seek the advice and guidance of the relevant Adviser or Officer of the Authority;
- Shall propose to the Head of School requirements for safety equipment and on additions or improvements to plant, tools, equipment or machinery which are dangerous or potentially so.

It is recognised by the Trade Union organisations that the disciplinary procedure would be relevant in circumstances where employees choose to disregard these responsibilities.

Class Teachers and Teaching Assistants

The class teacher is responsible for the safety of pupils whilst in classrooms, workshops and laboratories. This has been a statutory duty since 1987.

Where class teachers or teaching assistants have concerns regarding the various safety issues for example class sizes, condition of equipment, etc., they should discuss the problems with the Head of School or Head of Department before the lesson. Class teachers and teaching assistants should:

- Liaise with and recommend to the Head of the Department or Head of School any safety issues and hazards such as class sizes, condition of equipment and also recommend additions and discuss improvements that can be implemented.
- Ensure that before the lesson, by carrying out a risk assessment, that all protective clothing, guards, screens, etc., plus any special safety procedures are available and will be used;
- They personally should follow safe procedures and working practices;
- Know the various safety procedures in their teaching areas including the location of any safety equipment, they should ensure that all the procedures are followed:
- Control and supervise the pupils and ensure that safety rules and protective equipment are followed and used:
- Ensure that safety instructions are clear and understood and check frequently that they are being followed:

Caretakers and Site Managers

Caretakers and Site Managers are key members of the school staff in that they are often the first person to notice health and safety hazards and are, in a large number of schools, the 'contact person' for reporting faults and liaising with contractors on site.

Their role within the schools safety arrangements should be clearly defined and **all** staff made aware of this role.

Caretakers should follow the health and safety and methods of working detailed in the Section 3 of this health and safety manual.

First Aiders

All schools must have at least one First Aider who can provide trained support in the event of an accident or illness to any employee, and non-employee. Where the risk of injury is identified as significant, such as during PE lessons and within DT Workshops and Science labs, access to a First Aider and first aid equipment must be readily available (including provision of a wash basin or sterile water).

Pupils

Pupils are expected to:

- Exercise personal responsibility for the safety of self and class-mates;
- Wear the correct clothing consistent with safety and/or hygiene (this would preclude unsuitable footwear, knives and other items considered dangerous);
- Follow all the safety rules of the school and in particular the instructions of teaching staff given in an emergency;
- Only use, and not wilfully misuse, neglect or interfere with things provided for his/her safety.

NB: It is essential that all pupils and parents are made aware of the requirements of this section.

Visitors

The Health and Safety at Work Act, 1974, imposes a general duty of care on most people associated with work activities. Everyone employed in educational establishments is protected by the Act and employers have an obligation to ensure, as far as is reasonably practicable, that persons NOT EMPLOYED by them who may be affected by their activities are not exposed by their actions to health or safety risks within the school premises (Health and Safety at work Act, 1974 Section 3).

Visitors should report to the Head of School or School Office on arrival at the school. They should be required to observe the safety rules of the school, in particular parents helping out in school should be made aware of the health and safety arrangements applicable to them through the teacher to whom they are assigned, and should not be asked to carry out tasks for which they are not 'competent', trained or authorised for.

In addition the 'Occupiers Liability Act 1957' introduced a 'common duty of care' which an occupier owes to all visitors other than trespassers. This duty required him/her to see that visitors were reasonably safe in using the premises for the purpose for which they were invited, or permitted to be there. In 1984 the Occupiers Liability Act was updated and occupiers must also take reasonable care to see that trespassers do not suffer personal injury whilst on the premises.

Contractors

Contractors should report to the Head of School or School Office on arrival at the school. Outside contractors working on educational premises are required to ensure safe working practices under the provision of the Health and Safety at Work Act. They must pay due regard to the safety of all persons using those premises in accordance with Section 3 and 4 of the Health and Safety at Work Act. They should also inform the school of any hazardous operations they intend to carry out and liaise with the appropriate person on site regarding this work. They should also have available COSHH assessments for any substances they intend to use.

In instances where the contractor creates hazardous conditions and refuses to eliminate them, the Head of School must take actions as are necessary to prevent persons in her care from risk of injury and inform Corporate Resources. If the work has not been procured through Corporate Resources the Head of School should speak to their planning officer. For further information please refer to See Section 3 of this manual - Contractors in Schools.

Arrangements

The arrangements section of the health and safety manual has been designed for educational establishments/departments to complete with the relevant health and safety information for staff, visitors and contractors.

3.1 Roles & Responsibilities	
The Senior member of staff in the establishment/department with responsibility for Health and Safety matters, the Health and Safety Coordinator is:	Dawn Evans (Head of School)
The committee appointed for health and safety is:	Finance, Resource & HR
Consultation with staff, regarding health and safety is provided via:	Staff Meetings/Training
Members of the Health and Safety committee are:	
Trustees – Finance, Resource & HR Committee Mike Sidebottom - CEO Jennifer Moore - CFO	
3.2 Risk assessment	
The person responsible for ensuring risk assessments are carried out is:	SBM
Copies of risk assessments are located :	SBM H&S Folder
Staff who have undergone training and are competent to carry out risk assessments are:	
All teaching staff & School Business Manager	
Any hazards noted within the establishment/departmental environment must be reported to:	SBM and Site Team
The person responsible for initiating risk assessments of hazard reported and for ensuring that control measures are implemented is:	SBM
Risk assessments will be reviewed at least every 2 years <i>(NB this should be carried out at LEAST every 2 – 3 years)</i>	Head of School SBM
The educational visits co-ordinator is:	L Howarth
Educational visits risk assessments and paperwork are located in:	Staff Shared Area and the EVOLVE system
3.3 Emergency & Fire Arrangements	
The person who discovers the emergency will raise the alarm immediately by the most appropriate means and ensure that the Head of School/Deputy Head of School/Business Manager, or in their absence, a member of the Senior Leadership Team is informed immediately and that where appropriate the emergency services are summoned. He/she will liaise with the emergency services when they arrive and take advice from them.	
The priorities in an emergency situation are as follows:	
<ul style="list-style-type: none"> • To ensure the safety of all persons including those pupils with Personal Emergency Evacuation Plans (PEEPs) and their removal from danger, • Their care and the application of first aid and medical treatment where appropriate; • To call the emergency services when appropriate; • To safeguard the premises and equipment, if this is possible without putting persons at risk. 	
The competent person responsible for monitoring the fire risk assessment and liaising with the fire risk assessor is:	SBM
Fire drills will be carried out by:	Head of School SBM
Fire drills will be held on a termly basis by:	Head of School SBM

Fire alarm points will be tested on a weekly basis by:	Site Team	
Means of escape will be checked on a weekly basis by:	Site Team	
Fire fighting equipment will be checked on a weekly basis by:	Site Team	
Emergency lighting will be tested on a monthly basis by:	Site Team	
Records of tests, checks and drills will be held in/by:	Site Office / Site team	
Fire extinguishers will be serviced on an annual basis by:	Site team	
3.4 Accident, Dangerous Occurrence, Violent Incident and Near Miss Reporting and Investigation		
<i>Any employee who witnesses an accident, dangerous occurrence, verbal abuse or actual or threatened violence or near miss, or to whom one is reported, will complete an accident report as soon as possible after the event for both employees and non-employees (including pupils, visitors, etc.)</i>		
Location of accident forms:	Main office Head's office Reprographics Room	
Persons responsible for accident forms:	Head of School	
Persons responsible for carrying out accident investigations is:	Head of School Delegated to SLT	
<i>Accident forms must be completed and returned to Health & Safety Team, Office 4, Ashburner Street Market, Ashburner Street, Bolton, BL1 1TD</i>		
The person responsible for monitoring and reviewing accidents and incidents to identify trends and patterns is:	Head of School SBM	
<i>Where accidents are found to be caused by faulty plant, equipment, premises or unsafe systems of work action must be taken to remove or isolate the hazard and warn people until the necessary modifications or repairs can be made.</i>		
3.5 First Aid - the following have received first aid training		
Name	Location/Extension	Date of expiry of certificate
Cassie Devereux 17.6.24 Danny Evans-Tomkinson 7.6.25 Fiona Hauka 17.6.24 Lucy Leach Mel Aldred 17.6.24 Lyndon Haworth 17.6.24 Barbara Kunik 17.6.24 Tracey Laycock 17.6.24 Catherine Leeson 17.6.24 David Longworth 17.6.24 Katie Mann 17.6.24 Phil O'Neill 17.6.24 Karen Wood 17.6.24	KS4 KS5 KS5 KS4 Medical Room	Refer to CPD records
Trained nurses: Anna Pimblett – Paediatric Nurse Shelley Higham – Paediatric Nurse Lucy Leach – Healthcare Assistant	Ext 3607 and Ext 3608	N/A
The person responsible for ensuring first aid qualifications are maintained is:	Head of School	
The person responsible for ensuring that first aid cover is provided for staff working out of normal school hours is:	Head of School	
First aid boxes are kept in the following points in the education establishment/department:	Medical room, Bistro, Food Tech room, KS4 Resource room, Science room,	

	Main office, Reprographics room, Staff room, Site Office
Travelling first aid boxes are located:	Medical room
The location and contents of all first aid boxes will be checked on a:	Half termly basis
The person(s) responsible for the checks is: - Deficiencies of first aid materials should be reported to	First Aider – C Devereux Main Office
The address and telephone number of the nearest medical centre/NHS GP is:	Brightmet Health Centre Thicketford Road Tonge Moor Bolton BL2 2LW 01204 462500
The address and telephone number of the nearest hospital with accident and emergency facilities is:	The Royal Bolton 01204 390390
<i>Occupational health provisions are available from Healthcare Management Limited (HML); please speak to your Head of School/SBM regarding accessing this service.</i>	
3.6 Pupils with medical/ special needs (please see Section 4 Health & Safety Manual – supporting pupils with medical needs)	
The person(s) responsible for undertaking and reviewing the healthcare plans of pupils with medical needs is:	Head of School
The person responsible for ensuring staff are fully trained in moving and handling of children is:	Head of School
The person responsible for ensuring pupil specific risk assessments are conducted is :	Head of School
The person responsible for the supervision and storage of pupils medicines is:	Head of School
3.7 Maintenance and premises	
All employees and Trustees must report any hazards that could be a cause of serious or imminent danger, e.g. damaged electrical sockets, broken windows, suspected gas leaks, wet or slippery floors immediately, by telephone to:	Head of School SBM Site team
A person encountering any damage or wear and tear of the premises which may constitute a hazard should report it to:	Head of School SBM Site team
Defective furniture or equipment should be taken out of use immediately and reported to:	Head of School SBM Site team
The person (and their deputy) responsible for unlocking and locking, dealing with emergency call outs for the building, and arming and disarming security alarms etc. is:	First Keyholding Service BMBC
	Deputy Site team
3.8 Health and safety training	
The person responsible for drawing to the attention of all employees the following health and safety matters as part of their induction training is:	Head of School
Induction training should cover: <ul style="list-style-type: none"> • Health and Safety Policies: BMBC Departmental, and School. • Education Visits Policy • Risk Assessment • Fire and other Emergency Arrangements • Accident Reporting Arrangements • First Aid Arrangements • Safe Use of Work Equipment • Procures for Hazardous Substances 	

- Good Housekeeping
- Moving and Handling of Children Training for appropriate staff.
- Training to meet specific pupil medical needs, e.g. medication administration, peg feeding, catheterising and intimate care (for appropriate staff)
- Hazard Reporting and Maintenance Procedures
- Special Hazards/Responsibilities Associated with their Work Activity
- Special Needs of Young Employees, e.g. Work Experience Placements

The person responsible for organising health and safety training is:

Head of School

3.9 Work Equipment

The following equipment has been identified as likely to involve a specific risk to health and safety and its use, inspection and repair is therefore restricted.

- Ladders Person responsible for selection, inspection, maintenance, training, supervision, safe use and risk assessment is :	Office Staff Training – Site Team
Person(s) authorised to use:	Trained staff
- Equipment for pupils with special educational needs The person responsible for ensuring that all hoists, both ceiling mounted and mobile, used for moving people are inspected and serviced every six months by a competent contractor and kept in good working order is:	Head of School SBM
Person responsible for regular (daily) visual inspection of equipment including hoists is :	Teaching Assistants Teachers
Person responsible for regular(daily) visual inspection of wheelchairs/standers is :	Teaching Assistants
Person/s responsible for maintenance of wheelchairs is/are:	Occupational Therapist team
- Lifts The person responsible for ensuring that lifts are inspected and serviced every six months is:	Site team School Business Manager
- Caretaking and cleaning equipment (including powered cleaning equipment, power and hand tools, etc.) Person responsible for selection, inspection, maintenance, training, supervision, safe use and risk assessment is:	Site team School Business Manager
Person(s) trained and authorised to use are:	Site team
- Laboratory Apparatus and Equipment Person responsible for selection, inspection, maintenance, training, supervision, safe use and risk assessment is:	Not Applicable
- Design and Technology Equipment Person responsible for selection, inspection, maintenance, training, supervision. Safe use and risk assessment is:	Class teacher Curriculum Coordinator
Person(s) authorised to operate and use is/are:	Class teacher Teaching Assistants
The person(s) responsible for instructing pupils in the safe use of equipment before they use it and checking they use it correctly is/are:	Class teacher
The person(s) responsible for ensuring that all machinery is adequately guarded and that the guards are in position when the equipment is in use is:	Class teacher
The person responsible for taking out of use any equipment which is inadequately guarded is/are:	Class teacher
- Art and Design Equipment Person responsible for selection, inspection, maintenance, training, supervision, safe use and risk assessment is:	Class teacher Curriculum Coordinator
Person(s) authorised to operate and use is/are:	Class teacher Teaching Assistants
- PE Equipment (indoor and outdoor) Person responsible for selection, inspection, maintenance, training, supervision, safe use and risk assessment is:	Curriculum Coordinator Class teacher Site Team

	SBM
Person(s) responsible for regular (daily) visual inspection is/are:	Class teacher
Contractor responsible for annual full inspection and report is:	Sportsafe UK Ltd
3.10 Portable Electrical Appliances	
The person responsible for ensuring portable electrical appliance testing is carried out at appropriate intervals and recorded is:	SBM Site Team
Person(s) responsible for carrying out formal visual inspection and testing is/are:	PAT Master
Staff must not bring onto the premises any personal portable electrical appliances unless authorised to do so	
3.11 Personal Protective Equipment (PPE)	
<i>Suitable PPE will be provided free of charge, where identified as necessary in a risk assessment. All employees are responsible for informing their manager as soon as they become aware of a need to repair or replace PPE, which they use.</i>	
The persons responsible for inspecting PPE termly and replacing personal protective equipment when it is worn out are as follows <ul style="list-style-type: none"> - Caretaking and cleaning - Catering - Grounds maintenance 	Cleaning Firm / Site Team BSCA Site Team / BSCA
3.12 Hazardous substances	
Copies of all the hazardous substances inventories are held centrally in:	Site Managers Room
The person responsible for undertaking and updating the COSHH risk assessments is:	Site team School Business Manager
The person responsible for ensuring that local exhaust ventilation (fume cupboards, dust extraction equipment on woodworking machines, etc.) will be examined annually is:	Not Applicable
The Radiation Protection Supervisor is:	Not Applicable
3.13 Asbestos	
The person responsible for making arrangements for dealing with asbestos in compliance with the BMBC's policy, and ensuring that the premises asbestos plan is consulted by visiting contractors and other relevant persons is:	None on site
The asbestos management plan is held:	N/A
The person responsible for ensuring that the plan is updated, annually and as appropriate following work on the fabric of the building is:	N/A
3.14 Legionella	
The Duty Holder as defined in the Control of Legionella Bacteria in Water Systems ACoP is:	Head of School
The responsible person (as defined in the Control of Legionella Bacteria in Water Systems ACoP) is:	Head of School
3.15 Work Experience	
The person responsible for co-ordinating work experience placements, ensuring risk assessments are completed, ensuring students are visited, is:	Head of School
3.16 Visitors	
On arrival all visitors should report to: where they will be issued with: <ul style="list-style-type: none"> • an identification badge • relevant health and safety information • On entry into Firwood visitors will be issued with an information booklet 	Firwood Reception

3.17 Contractors	
The person responsible for selecting contractors and vetting contractors health and safety, policies, procedures, risk assessments, method statements and past health and safety performance is:	Site team School Business Manager
The person in control of contractors whilst on site is:	Site Team
3.18 Noise	
Any employee concerned about the noise levels at work should report the matter to the SBM who will arrange for remedial action or for an assessment to be made by the Health and Safety Team	
3.19 Cleaning Arrangements	
All members of staff are responsible for arranging to clear up spillages, which occur whilst they are in charge of the area concerned. Other spillages, leaks or wet floors should be reported to who will arrange for them to be dealt with.	Cleaning Contractors
3.20 Display Screen Equipment	
The display screen equipment assessor for the establishment is	Bolton Council
3.21 Miscellaneous	
The Health and Safety Law Poster is sited:	Reprographics room
The person responsible for updating it is:	Office

Smoking

The Trust Board has prohibited smoking in the school and in vehicles under its control.

Appendix One

Responsibility for Health and Safety in Schools

Health and Safety at Work Law

Health and safety responsibilities derive from the Health and Safety at Work Act 1974 and associated regulations. Health and safety legislation is enforced by the Health and Safety Executive (HSE).

Employer

The Health and Safety at Work Act 1974 places overall responsibility for health and safety with the employer. Who this is varies with the type of school.

- For community schools, community special schools, voluntary controlled schools, maintained nursery schools and pupil referral units the employer is the Local Authority.
- For foundation schools, foundation special schools and voluntary aided schools, the employer is usually the Trust Board.
- For independent schools, the employer is usually the Trust Board or proprietor.

The Local Authority is the employer for statutory youth groups (note: those in charge of non-statutory youth groups may also find this document useful).

Education employers have duties to ensure, so far as is reasonably practicable:

- The health, safety and welfare of teachers and other education staff;
- The health and safety of pupils in-school and on off-site visits; and
- The health and safety of visitors to schools, and volunteers involved in any school activity.

Employees

Employees have responsibilities too. The Health and Safety at Work Act 1974 and the Management of Health and Safety at Work Regulations 1999, apply to them as well. Employees must

- Take reasonable care of their own and others' health and safety;
- Co-operate with their employers;
- Carry out activities in accordance with training and instructions; and
- Inform the employer of any serious risks.

Enforcement

The HSE enforces health and safety law relating to the activities of LAs and schools.

Because the employer is responsible for health and safety in the workplace and on work

activities the HSE will normally take action against the employer. However, in some circumstances, for example where an employee failed to take notice of the employer's policy or directions in respect of health and safety, the HSE may take action against the employee as well or instead.

- **Responsibility – All Schools**

The employer must have a health and safety policy and arrangements to implement it. The Health and Safety at Work Act 1974 applies. Key elements of a health and safety policy are listed in the annex (note: this is not a comprehensive list).

Employers must assess the risks of all activities, introduce measures to manage those risks, and tell their employees about the measures. The Management of Health and Safety at Work Regulations 1999 apply.

In practice, employers may delegate specific health and safety tasks to individuals (LAs may delegate specific tasks to schools). But the employer retains the ultimate responsibility no matter who carries out the tasks. The employer should therefore maintain an audit track, making clear who is doing what and confirming that these tasks are being carried out.

Community and Voluntary Controlled Schools etc.

Responsibility

As the employer, the LA has responsibility for health and safety in community schools, community special schools, voluntary controlled schools, maintained nursery schools, pupil referral units and the statutory youth service. It has the power to ensure that its health and safety policy is carried out in-school and on all school activities.

The LA must provide health and safety guidance to those schools and services where it is the employer. It must ensure that staff are trained in their health and safety responsibilities as employees and that those who are delegated health and safety tasks (such as risk assessment) are competent to carry them out. If an LA risk assessment shows that training is needed, the LA must make sure this takes place.

The LA can direct schools to release staff for health and safety training where the scheme for financing schools contains such a provision. If it does not, LAs may wish to consider the need for an amendment to their scheme. If the scheme allows, the LA can charge the school for any training the LA has provided.

It is good practice for community, community special and voluntary controlled schools etc. to draw up their own more detailed health and safety policies based upon their LA's general policy.

Monitoring and Compliance

The LA cannot fulfil its statutory duty unless it monitors how its schools are complying with the LA policy. The LA should monitor this robustly to ensure required standards are reached and should take action where they are not.

LAs' statutory school financing schemes can be expected to contain a number of provisions enabling the LA to ensure that schools have regard to health and safety requirements. Such schemes are made under section 48 of the School Standards and Framework Act 1998. They

are commonly known as Fair Funding Schemes.

Where an LA believes the health and safety of anyone on-site, or of anybody engaged on school activities off-site, is at risk it can make a direction to the Trust Board and Head of School.

A direction can specify action to be taken (e.g. remedy a health and safety failing). Or it can require the Trust Board and Head of School to comply with a specific aspect of the LA's health and safety policy. Section 39(3) of the School Standards and Framework Act 1998 applies.

In the event of non-compliance with a section 39 direction, the LA can apply to the Secretary of State for a direction. Section 497 (general default powers) or section 496 (power to prevent unreasonable exercise of functions) of the Education Act 1996 applies.

Ultimately and rarely, compliance would be enforceable through the courts. Substantial or persistent non-compliance with scheme requirements is a ground for suspending delegation, subject to the Trust Board's right of appeal.

Can an LEA intervene in Foundation or Voluntary Aided Schools?

Under section 15(2)(iii) of the School Standards and Framework Act 1998 an LA may give a warning notice to any maintained school (community, community special, foundation, foundation special, voluntary aided or voluntary controlled) in its area where the safety (not the health) of staff or pupils is threatened by, for example, a breakdown in discipline.

But the HSE and the Department for Education and Skills share a view that the intervention power in section 15, as set out above, is not normally an appropriate means of enforcing health and safety requirements in schools. This is subject to any ruling by the Courts.

Reserve Power of Entry

LAs may need to obtain information in order to exercise any of their general responsibilities. They should normally be able to do this as employers or owners of school premises. Where they cannot reasonably do this they may use their reserve right of entry to any school maintained by them. For health and safety purposes, this enables them to enter the premises of any community, community special or voluntary controlled school to obtain the information needed. Section 25 of the School Inspections Act 1996 applies.

Code of Practice on Local Education Authority-School Relations

This does not address LAs' duties as employers under the Health and Safety at Work Act 1974 and other relevant statutory duties. The guidance in the Code is not intended to override any of those duties.

School Funding Arrangements

LAs' fair funding schemes should retain sufficient power to ensure they meet their health and safety responsibilities and that necessary work is carried out. The schemes should require governing bodies to:

- Supply all financial and other information to enable the LA to be sure that the school is managing its budget satisfactorily;
- Have due regard to the LA's responsibilities for health and safety;
- Assess in advance where relevant the health and safety competence of contractors

taking account of the LA's policies and procedures.

Schools may take advice on health and safety from other bodies but must heed the policy of the LA.

Schemes should allow the LA to pay for (and recoup the costs for) health and safety work for which it is liable where funds have been delegated to schools for such work but where the work was not done.

Schemes should also allow the LA to recoup the costs of necessary health and safety training for staff from a school when funding for training is delegated but suitable training has not taken place.

LAs can hold back funds to cover strategic management of health and safety i.e. establishing policies and setting standards, providing competence at a strategic level, carrying out active and reactive monitoring, reviewing the policies and standards, and advising schools.

Foundation, Voluntary Aided and Independent Schools, etc.

Responsibility

The Governing Bodies of foundation, foundation special and voluntary aided schools have similar responsibilities, as employers, to those set out above for LAs.

In independent schools the employer may be a Trust Board or proprietor. The employer also has similar responsibilities.

In some circumstances there may be staff employed by the LA working on the premises of foundation, foundation special or voluntary aided schools. The LA, as employer, has responsibility for their health and safety. The Trust Board also has responsibilities towards them, as visitors. See also next paragraph.

Some foundation, foundation special, voluntary aided or independent schools may have links with the LA through such activities as the Duke of Edinburgh's Award. Or some of the staff in some of these schools may be employed by the LA. Where either of these apply, the school should refer to the section **Community and Voluntary Controlled Schools, etc.** above.

LA Advice

Many LAs provide health and safety advice to foundation, foundation special, voluntary aided or independent schools. The Department encourages this. However, LAs are not responsible for the health and safety of pupils in these schools or of staff employed by these schools. This does not conflict with the LA's duties with regard to Asset Management Plans.

List of other sources

HSE Website www.hse.gov.uk

HSE Five Steps to Risk Assessment - <http://www.hse.gov.uk/pubns/indg163.pdf>

- HSE A Guide to Risk Assessment Requirements - <http://www.hse.gov.uk/pubns/indg218.pdf>
- Health and Safety Commission (HSC) Managing health and safety in schools £5.95
- HSC Health and safety guidance for school Trustees and members of school boards £5.95
- A Guide to the Law for School Trustees (DfES 2001)- Community Version - Voluntary Aided Version - Voluntary Controlled Version- Foundation Version. website <http://www.dfes.gov.uk/governor/info.cfm>
- DfES School Security website www.dfes.gov.uk/schoolsecurity
- DfES Health and Safety of Pupils on Educational Visits: A Good Practice Guide http://www.dfes.gov.uk/h_s_ev/index.shtml
- DfES/DH Supporting Pupils with Medical Needs: A Good Practice Guide - <http://www.dfes.gov.uk/medical>
- DfES Guidance on First Aid for Schools <http://www.dfes.gov.uk/firstaid>
- DfES/Home Office School Security: Dealing with Troublemakers - <http://www.dfes.gov.uk/schoolsecurity/dwthome.shtml>
- DfES video "Can you see what they see?"
- DfES Code of Practice on Local Education Authority-School Relations - <http://www.dfes.gov.uk/lea/>
- Guidance on Standards for School Premises (ref DfEE 0029/2000).
- DfES/CEDC Safe Keeping: A good practice guide for health and safety in study support (Ref DfEE 0197/2000)
- HSE publications (priced and non-priced) are available from HSE Books Tel: 01787 881165
- DfES guides are free from DfES publications Tel 0845 6022260
- HSE's infoline is 08701 545500

Legislation referred to in this document

Health and Safety legislation

- *The Health and Safety at Work Act 1974.*
- *The Management of Health and Safety at Work Regulations 1999*
- *Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR)*

Education legislation

- *Education (School Premises) Regulations 1999 (SI 1999 No.2)*
- *School Standards and Framework Act 1998*
- *School Inspections Act 1996.*
- *Education Act 1996*