



CHILDREN & YOUNG PEOPLE'S SERVICES (CYPS)

Model Health, Safety, and Wellbeing Policy for Education Establishments

2007 Edition

Wording: Please note the term Education Establishment applies to all sites where pupils of any age are taught formally or informally.

Replace	Replace
<i>Education Establishment or other function</i>	<i>Establishment/ Function</i>
with the NAME of your	with the category
<ul style="list-style-type: none"> ▪ early years centre ▪ nursery ▪ infant/junior/primary school ▪ secondary school ▪ special school ▪ pupil referral unit ▪ children's home ▪ service eg Home & Hospital Education ▪ etc 	<ul style="list-style-type: none"> ▪ school ▪ centre ▪ unit ▪ home ▪ service ▪ etc
as appropriate.	as appropriate.

Replace	Replace
<i>Headteacher/Manager</i>	<i>Governors/Full Governing Body/ Management Board</i>
with	with
<ul style="list-style-type: none"> ▪ Principal ▪ Headteacher ▪ Unit Manager ▪ Centre Manager ▪ Teacher in charge ▪ etc 	<ul style="list-style-type: none"> ▪ Governing Body ▪ Interim Executive Board ▪ Management Board ▪ Supervisory Board ▪ Programme Director ▪ etc
as appropriate.	as appropriate.

Replace	Replace
<i>Head of Department/Lead Teacher</i>	
with	with
<ul style="list-style-type: none"> ▪ Head of Department ▪ Curriculum Lead Teacher ▪ Head of Faculty ▪ Pastoral Head ▪ Manager ▪ Supervisor ▪ Team Leader ▪ etc 	
as appropriate.	as appropriate.

FOOTNOTES: Please note these have been brought together in Appendix A of the document

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[Name of Education Establishment or other Function]

HEALTH, SAFETY & WELLBEING POLICY

This Statement of Health, Safety & Wellbeing Policy is produced in respect of *[Name of Education Establishment or other function]* only and forms the basis of future planning and implementation of Health, Safety & Wellbeing matters within the *[Establishment/Function]*. This Policy implements the Bristol City Council (BCC) Corporate Health, Safety and Welfare Policy¹ together with the Children and Young People's Services (CYPS) Health, Safety, and Wellbeing Policy².

1 Statement of General Policy

- 1.1 The *Governors/Full Governing Body/ Management Board* (where there is no governing body) accept(s) *their/its* responsibility for setting out the overall *[Name of Education Establishment or other function]* Health Safety & Wellbeing Policy.

http://intranet.bristol-cyps.org.uk/services/pdf/ee_pp_3.pdf

It is the policy of the *Governors/Full Governing Body/ Management Board*³ to take all reasonable steps within *their/its* power to prevent, or reduce the possibility of:

- harm and injury to pupils/students, employees, contractors, members of the general public, and
- damage to property, plant, machinery, equipment, tools, materials, and the environment

by providing protection from foreseeable risks by promoting continuous improvement in Health, Safety & Wellbeing standards.

- 1.2 The *Governors/ Full Governing Body/ Management Board* will ensure, so far as is reasonably practicable, that the *Establishment/ Function* budget reflects the finance necessary to implement Health, Safety and Wellbeing requirements.
- 1.3 The *Governors /Full Governing Body/ Management Board* accept *their/its* responsibility under the Health and Safety at Work etc. Act 1974 so far as is reasonably practicable to:
- 1.3.1 provide plant, equipment and systems of work which are safe and without risks to health
- 1.3.2 make arrangements for ensuring the handling, storage and transportation of articles and substances are safe and without risk to health
- 1.3.3 provide suitable and sufficient information, instruction, training, and supervision to enable all employees and pupils/students in the *Establishment/Function* to perform their work and studies safely and efficiently
- 1.3.4 promote the development and maintenance of sound health, safety and wellbeing practices ensuring that any actions taken are inclusive and non-discriminatory

- 1.3.5 maintain the premises in a condition that is safe and without risks to health and the maintenance of safe access to and egress from the premises
- 1.3.6 provide and maintain a working environment that is safe and without risks to health and adequate as regards welfare facilities for employees and pupils/students
- 1.3.7 provide as necessary personal protective equipment (PPE) to all employees and pupils/students in the *Establishment/Function*, for the safe use of plant, machinery, equipment, tools, materials, and substances
- 1.3.8 maintain a close interest in all health and safety matters insofar as they affect all activities under the control of the *Establishment/Function*
- 1.3.9 be kept informed of all developments relating to Health, Safety and Wellbeing matters by the clerks to the *Governors/ Management Board* who will include such matters on the agenda of regular meetings.
- 1.4 The *Governors/Full Governing Body/ Management Board* recognise/s the requirement to consult staff on health and safety matters which will be achieved by discussion through the *Establishment/Function* Safety Committee.
- 1.5 The *Governors/Full Governing Body/ Management Board* will agree one of their number to be designated the Health and Safety *Governor/ Board Member* who will attend meetings of the Safety Committee, and speak on Health, Safety & Wellbeing matters at the *Appropriate* sub Committee and *Full Governing Body/ Management Board*.
- 1.6 The *Governors/Full Governing Body/ Management Board* will delegate authority for the development and implementation of this Policy to the *Headteacher/Manager* who will ensure that arrangements will be made to bring this Policy to the notice of all employees (including new, temporary, and part-time employees), agency and other contract staff, and volunteer helpers, so that they fulfil their duties to co-operate with this Policy.
- 1.7 The *Governors /Full Governing Body/ Management Board* recognise their responsibility for monitoring Health, Safety and Wellbeing performance and will require the *Headteacher/ Manager* to present an annual report on health and safety performance including evidence of safety inspections carried out by representatives of the *Establishment/Function* at least three times a year.
- 1.8 The *Governors /Full Governing Body/ Management Board* will adopt, adapt and improve the Health, Safety and Wellbeing Policies, Procedures, Codes of Practice, and Guidelines developed and circulated by the Bristol City Council Department of Children and Young People's Services (CYPS).
- 1.9 This Policy will be reviewed by the *Governors/Full Governing Body/ Management Board* on a regular basis to confirm that the arrangements are still appropriate. The review will take place whenever there are significant changes in the arrangements and not later than 24 months from the previous review date. This Policy will be re-edited and re-issued within three months of the review date, where this is deemed necessary.

Signed: Chair of *Governors/Management Board* *Headteacher/Manager*

Name:

Signature:

Date:

Issue Date:

Review Date:.....

2 **ORGANISATION**

2.1 The *Governors/Full Governing Body/ Management Board* recognise the need to identify organisational arrangements in the *Establishment/ Function* for implementing, monitoring and controlling health, safety, and wellbeing matters.

The *Governors/ Full Governing Body/ Management Board* also recognise the need to consult individuals before allocating particular health and safety functions.

Individual duties including reporting arrangements and hence the organisation and accountability are as follows:

2.2. **Headteacher/Manager**

2.2.1 The *Headteacher/Manager* is accountable to the *Governors/ Full Governing Body/ Management Board* for implementing the *Establishment/Function* Health, Safety & Wellbeing Policy and for all matters relating to Health, Safety and Wellbeing within the *Establishment/ Function*.

2.2.2 The *Governors/ Full Governing Body/ Management Board* require the *Headteacher/Manager* to ensure that the *Establishment/Function* Health, Safety & Wellbeing policy is implemented effectively and understood at all levels and is effectively controlled, regularly monitored, and revised as necessary.

2.2.3 The *Headteacher/Manager* may delegate the day-to-day administration and management of Health, Safety, and Wellbeing matters to an appropriate competent member of staff who will be designated the Health and Safety Coordinator.

2.2.4 The *Headteacher/Manager* will delegate the coordination of off-site visits to an appropriate competent member of staff who will be designated the Educational Visits Coordinator.

2.2.5 The *Headteacher/Manager* will, together with the CYPs Management Group, be designated joint Asbestos Duty Holder for the *Establishment/ Function*, and will ensure compliance with the Control of Asbestos Regulations 2006 in so far as they relate to preventing the release of asbestos fibres in the *Establishment/ Function*.

2.2.6 The *Headteacher/Manager* will be designated the Responsible Person for the *Establishment/ Function* in accordance with the Regulatory Reform (Fire Safety) Order 2005, and will ensure that Fire Risk Assessments are regularly undertaken of the *Establishment/ Function* and its activities, and as a consequence appropriate Fire Precautions are put in place.

2.2.6 The *Headteacher/Manager* will ensure that competent contractors are employed and will oversee the planning and safe execution of construction, refurbishment, and maintenance work on buildings, plant, and equipment carried out by contractors or other third parties. The *Headteacher/Manager* will delegate the day-to-day co-ordination of all

contractual and maintenance work carried out on *Establishment/ Function* premises to the Premises/Site Manager, who will liaise with Heads of Department/ Lead Teachers and others to ensure safety procedures and policy agreements are observed.

- 2.2.7 The *Headteacher/Manager* is responsible for ensuring that all new, amended or updated documentation and information regarding Health, Safety and Wellbeing matters is brought to the attention of the relevant pupils/students, employees, contractors, and members of the general public.
- 2.2.8 The *Headteacher/Manager* must ensure that accidents and all other Health and Safety incidents including near misses are reported in accordance the CYPS Policy and Procedures for Reporting Incidents of Violence, Injuries, Diseases and Dangerous Occurrences at Education Establishments, and that the agreed procedure for reporting all defects, hazards and problems regarding health and safety matters functions efficiently and effectively.
http://intranet.bristol-cyps.org.uk/services/pdf/ee_pp_5.pdf
- 2.2.9 The *Headteacher/Manager* will actively seek Safety Representatives and will consult with them on all Health, Safety and Wellbeing matters and co-operate with them in the execution of their duties.
- 2.2.10 The *Headteacher/Manager* will be a member of, and participate in, the *Establishment/ Function* Safety Committee.
- 2.2.11 The *Headteacher/Manager* will, with the Safety Committee, review at least once a year:
- i) Fire and Evacuation procedures;
 - ii) First Aid provision both in the *Establishment/ Function* and on off site visits;
- and from time to time, according to a plan
- iii) all other Health, Safety, and Wellbeing policies, procedures, codes of practice, risk assessments, and guidelines
- 2.2.12 The *Headteacher/Manager* will seek advice, when appropriate, from outside agencies who are able to offer expert opinions.
- 2.2.13 The *Headteacher/Manager* will have the authority to stop what he/she considers unsafe practices, or the use of any plant, machinery, equipment, tools, materials, and substances which he/she considers to be unsafe.
- 2.2.14 The *Headteacher/Manager* will make arrangements, with appropriate members of staff, for improvements to premises, plant, machinery, and equipment which are the *establishment's/function's* responsibility.
- 2.2.15 The *Headteacher/Manager* will ensure that appropriate training has been or will be given to employees (including temporary and part-time employees), agency and other contract staff, and volunteer helpers, to enable them to fulfil their responsibilities. This must include newly appointed staff and staff transferred within the *Establishment/ Function* to

other duties.

2.2.16 The *Headteacher/Manager* will ensure that appropriate health, safety, and wellbeing information, instruction, training and supervision is in place for all schemes of work for pupils/students, including both internal and external work experience arrangements.

2.3 Health & Safety Co-ordinator

The member of staff designated as the *Establishment's/Function's* Health and Safety Coordinator will administer and manage day-to-day health and safety matters on behalf of the *Headteacher/Manager* by:-

2.3.1 Acting as the day-to-day link between the *Establishment/Function* and:-

- CYPS Health, Safety, and Wellbeing Team
- BCC Corporate Safety Advisors
- BCC Security Services
- BCC Occupational Health and Counselling Service
- other providers of Health, Safety, and Wellbeing services.

2.3.2 Working with personnel in the *Establishment/Function* who have a lead role in Health, Safety, and Wellbeing e.g. the Educational Visits Coordinator; Catering Manager; Heads of Department/ Lead Teachers (particularly those managing high hazard activities such as Arts & Drama, DT, PE, Science); Premises/ Site Manager; Special Needs Coordinator; by:-

- requesting inspections; coordinating inspection reports; reporting issues arising from inspection to the *Establishment/ Function* Safety Committee;
- requesting risk assessments; maintaining the Risk Assessment Action Plan; reporting issues arising from risk assessment to the *Establishment/ Function* Safety Committee. Holding the main Risk Assessment file and ensuring Risk Assessments are reviewed according to time scales.
- disseminating Health, Safety, and Wellbeing Information eg. passing on information from CYPS and professional bodies eg. CLEAPSS, to appropriate persons and the *Establishment/ Function* Safety Committee;
- arranging for Instruction and Training; ensuring a Training Matrix (or equivalent) is kept up to date; reporting training statistics to the *Establishment/ Function* Safety Committee;

2.3.3 Taking a pro-active interest in the Health, Safety, and Wellbeing aspects of all *Establishment/ Function* activities including:-

- joining with others to undertake inspections and risk assessments as appropriate;
- being involved in pre-start contract meetings with contractors;
- advising the *Headteacher/ Manager* of potential breaches of legislation and/or Bristol City Council/CYPS Policy;

- prohibiting activities which may, in the opinion of the postholder, cause harm, injury, or damage, pending the involvement of the CYPS Health, Safety, and Wellbeing Team/ Corporate Safety Advisors.
- 2.3.4 Organising the *Establishment/ Function* Safety Committee meetings as frequently as may be appropriate to give time and a full consideration of all aspects of *Establishment/Function* Health, Safety, and Wellbeing, and in so doing arrange for the:-
- attendance of permanent committee members
 - attendance of occasional contributors
 - management of the agenda to include:-
 - Accident and near miss incident monitoring
 - Receiving Risk Assessments & Safe systems of work
 - Receiving Inspection Reports and resultant Action Plans
 - taking and distribution of minutes
- 2.3.5 Recommending revisions to the *Establishment/Function* Health, Safety, and Wellbeing Policy to the *Headteacher/ Manager* and *Governors/ Full Governing Body/ Management Board*.
- 2.3.6 Referring irresolvable local matters via the *Headteacher/Manager* and the CYPS Health, Safety, and Wellbeing Manager to the CYPS Departmental Safety Committee.
- 2.3.7 Representing the *Establishment/Function* on CYPS Health, Safety, and Wellbeing Working Groups, professional bodies etc
- 2.3.8 Being familiar with the content of Bristol City Council CYPS Health, Safety and Wellbeing Policies, Procedures, Codes of Practice and all other guidance bringing appropriate information to the attention of the *Headteacher/ Manager* and *Heads of Department/ Lead Teachers* as necessary.

2.4 Premises/Site Manager

The *Premises/ Site Manager* will be responsible for co-ordinating all contractual work and maintenance carried out on *Establishment/Function* premises and must make the *Health and Safety Coordinator* aware of all contractors and/or third parties entering the school to undertake maintenance, service, or works contracts whilst also liaising with *Heads of Department/ Lead Teachers* and others to ensure safety procedures and policy agreements are observed.

The *Premises/ Site Manager* will have authority from the *Health and Safety Coordinator* to check that contractors have adequate safety procedures in force and that they are aware of the *Establishment/Function* Health, Safety & Wellbeing Policy as it affects them.

The *Premises/ Site Manager* will be responsible for:

- 2.4.1 ensuring that strict procedures are laid down for building work such as roofing, excavation and drainage, alterations to building structures, refurbishments and renovations or remodelling schemes.

- 2.4.2 Health, Safety and Wellbeing matters regarding Grounds Maintenance, Cleaning, and Catering Contracts and in particular ensuring that the catering/ cleaning/ grounds maintenance managers are aware of any implications of the *Establishment/Function* Health, Safety & Wellbeing Policy as it affects their work activities eg. the storage arrangements for materials, equipment, and substances.
- 2.4.3 compiling an *Establishment/ Site* 'Buildings Register' identifying known hazardous substances and materials (eg. asbestos, lead, flammable materials and substances etc).
- 2.4.4 ensuring that (i) a seasonal inspection is completed three times a year with defects reported accordingly and (ii) a property survey of the *Establishment/Function* buildings/premises is carried out annually.
- 2.4.5 keeping the Premises Log Book up-to-date with the results of repair & maintenance, taking action to organise work when equipment is overdue for attention.
- 2.4.6 establishing Emergency Procedures for the evacuation (eg. gas leaks, fire, bomb warnings) or lockdown (eg. severe weather, trespassers, industrial incident) of the *Establishment/ Site* premises.
- 2.4.7 ensuring that competent person(s) or specialists are consulted as necessary to advise on Health, Safety and Well-being matters and, in particular, technical issues, sampling, monitoring and auditing requirements.
- 2.4.8 ensuring that all plant, machinery, equipment, tools, materials, and substances etc. received from suppliers for *Establishment/ Function* use is accompanied by appropriate information, including in particular, Manufacturer's Data Sheets, COSHH guidance, Instruction Handbooks etc. prior to use.

2.5 Heads of Department/ Lead Teacher

- 2.5.1 Heads of Department, Curriculum Lead Teachers, Heads of Faculty, Pastoral Heads, and the Managers/Supervisors/Team Leaders of support sections, are accountable to the *Headteacher/Manager* for all matters relating to Health, Safety, and Wellbeing within their areas of activity. *Heads of Department/ Lead Teachers* will liaise on a day-to-day basis with the Health & Safety Coordinator and *Premises/Site Manager* regarding Health, Safety, and Wellbeing matters.
- 2.5.2 *Heads of Department/ Lead Teachers* must ensure that all staff under their control:
- receive information on their duties regarding H S& W matters
 - are appropriately inducted, instructed and trained to carry out their duties efficiently and effectively, and
 - are supervised appropriately according to their level of competence.
- 2.5.3 *Heads of Department/ Lead Teachers* must make themselves familiar with

Regulations and Approved Codes of Practice relevant to their specialist areas eg. by applying guidance from appropriate professional bodies for example:

- Association for Physical Education (previously BAALPE)
<http://www.afpe.org.uk>
- Design and Technology Association (DATA)
<http://web.data.org.yk/data/index.php>
- Consortium of Local Education Authorities for the Provision of Science Services (CLEAPSS)
www.cleaps.org.uk

(and in particular the Model Health & Safety Policy for Science Departments L223

- 2.5.4 *Heads of Department/ Lead Teachers* are responsible for carrying out all risk assessments and for producing their own *Departmental/ Section* safety procedures and safe working arrangements, and bringing them to the attention of members of staff including new entrants, supply teachers etc.
- 2.5.5 *Heads of Department/ Lead Teachers* must ensure that all Learning Support Assistants, Supply Teachers, School Meals Supervisory Assistants, and any other person or persons likely to work or be present in a classroom, laboratory, workshop or any other area for teaching and learning activity, are made aware of the *Departmental/ Section* arrangements and procedures, including risk assessments, relating to the work area, before commencing work.
- 2.5.6 *Heads of Department/ Lead Teachers* are responsible for consulting with Safety Representatives and Trade Unions on Health, Safety, and Wellbeing matters.
- 2.5.7 *Heads of Department/ Lead Teachers* are responsible for ensuring all statutory notices, placards, regulations and safety signs are displayed as appropriate to their workplace.
- 2.5.8 *Heads of Department/ Lead Teachers* must ensure that a copy of the Fire Evacuation Procedure and Assembly Point are prominently displayed in all rooms and areas for which they are responsible.
- 2.5.9 *Heads of Department/ Lead Teachers* are responsible for liaising with the Health & Safety Coordinator and making arrangements for facilities such as first aid equipment, protective clothing/equipment, registers, log books etc.
- 2.5.10 *Heads of Department/ Lead Teachers* are responsible for ensuring that all plant, machinery, equipment, tools, materials, and substances etc. received from suppliers are accompanied by appropriate information, including in particular Manufacturer's Data Sheets, COSHH guidance, Instruction Handbooks etc. so that appropriate risk assessments can be undertaken prior to use.
- 2.5.11 *Heads of Department/ Lead Teachers* must carry out a seasonal safety inspection of the department three times a year. Priorities must be given

to plant, machinery, equipment, electrical appliances and risk assessments for the use of substances and general facilities.

2.5.12 *Heads of Department/ Lead Teachers* must first isolate then report to the Premises Manager (verbally and in writing) all problems, defects and hazards as soon as they become apparent.

2.5.13 *Heads of Department/ Lead Teachers* will report and if appropriate make recommendations to the Health and Safety Coordinator on any practices, premises, equipment etc, which give rise to risks to health, safety and wellbeing concerns.

2.6 **Contract Managers**

Contractual requirements as part of a Catering/Cleaning/Grounds Maintenance Contract.

As a condition of contract the Catering/Cleaning/ Grounds Maintenance Manager

2.6.1 must familiarise him/herself with the *Establishment/ Function* Health, Safety and Wellbeing Policy and its implications for catering/ cleaning/ grounds maintenance activities and working arrangements for his/her staff.

2.6.2 work in accordance with both the *Establishment/ Function* Health, Safety and Wellbeing Policy and the Safety Policy of the Catering/Cleaning/ Grounds Maintenance Company, and other appropriate guidance issued by the *Establishment/ Function* and the Catering Cleaning/ Grounds Maintenance Company, bringing any inconsistencies to the attention of the *Premises/ Site Manager*.

2.6.3 The Catering Manager must be familiar with the Food Safety Act 1990 and the implications of other appropriate regulations as far as the *Establishment/ Function* is concerned.

2.6.4 The Catering Manager must provide the *Premises/ Site Manager* with a copy of all Environmental Health Hygiene inspection reports, the original of all repair and maintenance reports, and must inform the *Premises/ Site Manager* of any potential hazard or defects.

2.6.5 The Cleaning Manager must provide the *Premises/ Site Manager* with evidence that the repair and maintenance of equipment and the assessment of work activities is in accordance with Regulations relating to portable electrical equipment testing and the Control of Substances Hazardous to Health (COSHH).

2.6.6 New employees and other persons involved with catering/ cleaning/ grounds maintenance provision must be inducted into the health and safety practices and procedures for their work activity.

2.7 **Employees**

2.7.1. Every employee has a responsibility under the Health and Safety at Work

etc. Act 1974 to take reasonable care for the health and safety of him/her self and of other persons who may be affected by his/her acts or omissions at work and to cooperate with his employer in the performance of the employer's health & safety duties.

- 2.7.2 All employees will be given access to the *Establishment/Function* Health, Safety & Wellbeing policy and are required make themselves familiar with all documents relating to health, safety and wellbeing in the *Establishment/Function*. They should pay particular attention to the departmental policy and risk assessments as they relate to their particular work activities.
- 2.7.3 All employees must be familiar with the *Establishment/Function* Health, Safety & Wellbeing Policy, the implications of that policy, and any procedures, arrangements and practices relating to their department/section.
- 2.7.4 All employees are responsible and accountable to their *Head of Department/Lead Teacher* for the implementation of the *Establishment/Function* Health, Safety & Wellbeing Policy in the performance of their duties.
- 2.7.5 All employees must conform to responsibilities as laid down in their own departmental policy and safe working arrangements.
- 2.7.6 All employees must ensure that all pupils/students or persons under their control receive instruction and are provided with suitable training to enable them to operate in a safe and efficient manner.
- 2.7.7 All employees must first isolate then report, (verbally and in writing) all problems, defects and hazards to their *Head of Department/Lead Teacher* as soon as they become apparent.

2.8. Safety Representative(s)

- 2.8.1 The *Governors/Full Governing Body/Management Board* will encourage the appointment of Safety Representatives from both teaching and support staff.
- 2.8.2 The Headteacher will consult regularly with Safety Representatives on health, safety and wellbeing matters. Safety Representatives will be encouraged by the Headteacher to fulfil their role, including being released for any appropriate training.
- 2.8.2 Safety Representatives will be entitled to inspect the *Establishment/Function* in accordance with the agreed Trade Union procedures and agreements. The timescales for such inspection, monitoring and auditing procedures will be defined and arranged through the *Establishment/Function* Safety Committee.
- 2.8.4. Safety Representatives have the right to receive any reports arising from accidents, injuries and any investigations carried out by the HSE or other authoritative bodies.

2.9 **Specialist Advisers**

The *Governors/Full Governing Body/ Management Board* recognise there will be occasions when the *Establishment/ Function* will require specialist advice. The procedures to be adopted and recommendations to obtain outside advice will be clarified and decided at *Establishment/ Function Safety Committee* level.

3. ARRANGEMENTS

3.1 Emergency Procedures

These will comply with the CYPS 'Policy, Procedures and Guidance for Emergencies and Business Continuity Planning' working title or as subsequently titled

(Draft - April 2007) http://intranet.bristol-cyps.org.uk/services/word/ee_pp_20.doc

3.1.1 Fire Precautions

The arrangements for general fire safety will be in accordance with the outcome of an annual *Establishment/ Function* Fire Risk Assessment conducted by the *Premises/ Site* Manager in conjunction with appropriate *Heads of Department/ Lead Teachers*.

The *Establishment/ Function* Fire Log Book will be used to record weekly system tests, practice and unplanned evacuation drills, training on equipment, visits by the Fire Brigade, emergency crate inspections etc. The *Establishment/ Function* Premises Log Book will hold the Fire Log Book repair, maintenance, and servicing records for smoke detectors, fire alarms, extinguishing equipment, emergency lighting etc.

3.1.2. First Aid Provision

The arrangements for first aid in the *Establishment/ Function* will be in accordance with the policy as laid down in the CYPS 'First Aid at Work Policy for Education Establishments'.

http://intranet.bristol-cyps.org.uk/services/pdf/ee_pp_20..doc

First aid boxes must be located in high hazard areas eg. Science, DT, Sports and PE, Kitchens. The names of First Aiders and Appointed Persons must be posted on the *Establishment/ Function* Health, Safety, and Wellbeing notice board and at strategic locations within the *Establishment/ Function*.

Arrangements for the Administration of Medication in the *Establishment/ Function* will be in accordance with the policy as laid down in the CYPS 'Policy for the Administration of Medicines in Education Establishments'

http://intranet.bristol-cyps.org.uk/servives/pdf/ee_pp_15.pdf

3.1.3 Incident Reporting/Investigation

The reporting procedure will be in accordance with the policy as laid down in the CYPS 'Policy and Procedures for Reporting Incidents of Violence, Injuries, Diseases and Dangerous Occurrences at Education Establishments'

http://intranet.bristol-cyps.org.uk/services/pdf/ee_pp_5.pdf

This procedure must be brought to the attention of all employees.

All employees and pupils/students will be encouraged to report near misses so that potentially hazardous situations can be dealt with before an accident occurs.

3.2 Wellbeing

The Governors/Managing Body recognise the benefits of the Well Being programme being promoted by CYPS, which identify the links between improved staff well being and improved school performance in our Establishment. These are:

- Increased staff morale, helping to encourage staff retention and recruitment
- Lower supply costs and greater stability as a result of fewer staff absences
- Improved emotional wellbeing, which has contributed to a reduction in staff absence
- Improved standards through increased stability and motivation
- A contribution to self-evaluation processes through an online self-review of the organisation
- Improved communication and school effectiveness
- Strengthened relationships and mutual understanding, and
- A framework in which to monitor change.

A commitment is made to invest in the programme or take equivalent or better steps to, at minimum, meet the requirements of the HSE Management Standards addressing Stress.

3.3 Off Site Visits

3.3.1 Procedures for all Off-site Visits such as field trips and extra-curricular activities will comply with the 'CYPS Policy, Procedures and Code of Practice for Off Sites Visits/School Trips May 2006'
http://intranet.bristol-cyps.org.uk/services/pdf/ee_pp_6.pdf

3.4 Transport

3.4.1 The use of transport by the *Establishment/ Function* will be in accordance with CYPS 'Policy, Procedures and Guidance on the Use of Transport'
http://intranet.bristol-cyps.org.uk/services/pdf/ee_pp_22.pdf

3.5 Work Experience

3.5.1 *Heads of Department/ Lead Teachers* will be responsible for internal work experience placements in their areas of activity and will ensure that appropriate personal protective equipment (PPE), induction and training is provided as determined by a risk assessment, undertaken in advance of the placement by the trainee's supervisor, which relates the individual trainee to the working conditions which the trainee will experience.

3.5.2 The *Head of Careers (insert correct job title)* will arrange external work experience placements in accordance with the guidance contained within the resource pack issued by Connexions.
www.connexions-direct.com/

3.6 Unacceptable Behaviour

- 3.6.1 The prevention of, and the dealing with, unacceptable behaviour will be in accordance with the CYPS 'Policy and Procedures for dealing with Unacceptable Behaviour and Positive Handling'
http://intranet.bristol-cyps.org.uk/services/word/ee_pp_19.doc

3.7 Lone Working

- 3.7.1 The precautions to be taken in relation to lone working will be in accordance with the CYPS 'Lone Working Policy'
http://intranet.bristol-cyps.org.uk/services/pdf/ee_pp_7.pdf

3.8 Risk Assessment

- 3.8.1 The procedure for assessing risks will be in accordance with the CYPS 'Risk Assessment Policy'
http://intranet.bristol-cyps.org.uk/services/pdf/ee_pp_8.pdf

3.9 Contractors

- 3.9.1 All contractors entering or working on *Establishment/ Function* premises will do so only with the permission and authorisation of the *Headteacher/ Manager* and will be expected to arrange their work so as to avoid disrupting the primary purpose of the *Establishment/ Function*.
- 3.9.2 Health & Safety documentation including references, risk assessments, method statements, and safe systems of work, appropriate to the working circumstances will be examined when contractors are considered for a project.
- 3.9.3 All contractors must be informed in writing as to the point of contact at the *Establishment/ Function* and will be issued with a copy of the *Establishment/ Function's* 'Health & Safety Guidance for Contractors' and will be expected to follow that guidance.
- 3.9.4 The Health & Safety Coordinator will be responsible for liaising with contractors and ensuring safe working arrangements, and providing contractors with a copy of the *Establishment/ Function* Policies, Procedures, Codes of Practice and other guidelines, including the *Establishment/ Function* Asbestos Survey, appropriate to the working circumstances.
- 3.9.5 The Health & Safety Coordinator will also be responsible for setting out safe systems for maintaining the fabric of the buildings and making the *Governors/Full Governing Body/ Management Board* aware of any specific problems, through the *Headteacher/ Manager*.

3.10 Caretaking

3.10.1 The *Establishment/ Function* will adopt, adapt and improve the CYPS 'Safe Working Policy and Practice for Caretaking Personnel at Education Establishments and other sites'

http://intranet.bristol-cyps.org.uk/services/pdf/ee_pp_21.pdf

3.11 Lettings

3.11.1 The *Establishment/ Function* will ensure that its 'Letting Terms' are explicit regarding the respective roles and responsibilities of both itself and the Hirer for Health, Safety, and Wellbeing matters including:-

- Insurance arrangements
- Risk Assessments
- First Aid
- Emergencies

All hirers of the *Establishment/ Function* premises or grounds must be given instructions regarding all relevant procedures operating in the *Establishment/ Function*. All emergency exits must be unlocked, and a telephone must be available for emergency calls. The premises or grounds must be inspected and secured after use.

3.12 Extended Activity outside Core Hours

3.12.1 The *Governors/Full Governing Body/ Management Board* recognise the need to set down arrangements for Extended Activities such as Breakfast Clubs, Holiday Playschemes etc.

In addition to arrangements already in place for Lettings (see 3.2.7), and according to specific circumstances, there will be a Transfer of Control Agreement or similar documentation which clarifies handover arrangements, use of premises etc.

3.13 Plant, Machinery, and Equipment

3.13.1 The provision and use of Plant, Machinery, and Equipment in the *Establishment/ Function* will be in accordance with the policy as laid down in the CYPS 'Policy and Procedures for the Maintenance of Installations, Plant and Equipment'

http://intranet.bristol-cyps.org.uk/services/pdf/ee_pp_16.pdf

3.13.2 The *Governors/Full Governing Body/ Management Board* recognise that specialist advice is available to determine the safety requirements for the:

- adequate and correct guarding of machinery
- run-down and emergency stopping of machinery
- general inspection of plant, equipment and machinery
- storage and transportation of toxic substances, gases etc
- disposal of toxic and other waste substances and materials.

3.13.3 *Heads of Department/ Lead Teachers* will be responsible for ensuring that periodic checks are carried out of plant, machinery, and equipment within

their department. Maintenance and inspection reports will be kept with or near the equipment to which they relate and copies kept in the Premises Log Book held by the *Premises/ Site* Manager.

3.13.4 A thorough inspection of Departments will take place three times a year in the presence of the Safety Representative and other designated person(s) as decided by the *Establishment/ Function* Safety Committee.

3.13.5 New plant, machinery, equipment, materials, substances will be brought onto the premises only if approved by the *Establishment/ Function* Safety Committee.

3.13.6 *Heads of Department/ Lead Teachers* will be responsible for undertaking risk assessments and producing safe systems of work for cleaning and maintaining plant, machinery, equipment.

3.13.7 *Heads of Department/ Lead Teachers* will be responsible for selecting and providing the correct type of personal protective clothing and equipment (PPE) according to the needs of individual members of staff.

3.14 Portable Electrical Equipment

3.14.1 The procedure to be adopted is as specified in the CYPS Policy and Procedure for the Maintenance of Installations, Plant and Equipment. Inspection reports will be kept in the Premises Log Book which is held by the *Premises/ Site* Manager.

3.15 Utility services

3.15.1 The provision and use of utility services in the *Establishment/ Function* will be in accordance with the policy as laid down in the CYPS 'Policy and Procedures or the Safe Provision and use of Utility Services'
http://intranet.bristol-cyps.org.uk/services/pdf/ee_pp_18.pdf

3.16 Local Exhaust Ventilation

3.16.1 The *Governors/Full Governing Body/ Management Board* recognise there will be occasions when it will be necessary to refer to outside specialists for air monitoring and the checking of ventilation systems installed for the removal of dusts, vapours, gases etc (eg fume cupboards, woodwork extraction, heat treatment, soldering etc). Provision will be made to ensure this takes place at least every 14 months. A record of all such tests will be kept in the Premises Log Book held by the *Premises/ Site* Manager.

3.17 Noise and Vibration

3.17.1 The *Governors/Full Governing Body/ Management Board* recognise there may be several problems experienced with noise and vibration. *Heads of Department/ Lead Teachers* will report all such cases to the *Premises/ Site Manager*. If required, specialist advice will be sought to monitor the hazard.

3.18 COSHH (Control of Substances Hazardous to Health)

3.18.1 The *Governors/Full Governing Body/ Management Board* recognise the requirement for the *Establishment/ Function* to carry out risk assessments in accordance with the COSHH Regulations.

3.19 Housekeeping

3.19.1 Arrangements will be put in place to ensure that the *Establishment/ Function* is kept clean and tidy through good housekeeping. In particular, rubbish and other combustible materials will not be allowed to accumulate. Boiler rooms, battery rooms, the area under the stage, and all designated escape routes will be kept clear at all times. Rubbish bins, skips etc will be located away from *Establishment/ Function* buildings and secured to suitable fixed points.

3.19.2 *Heads of Department/ Lead Teachers* will make regular checks of their department, maintaining tidy work areas, arranging adequate storage and ensuring appropriate cleaning arrangements.

3.20 Playing Fields

3.20.1 An inspection of playing fields must be included as part of the seasonal three times a year inspection programme. This will be to look for physical defects to the grounds which may increase the likelihood of slips, trips, and falls, as well as checking that fields are free from broken glass and other sharps. A visual inspection of playing fields will also be carried out before organised games and contact sports and all debris removed.

3.21 Playground Equipment

3.21.1 All playground equipment will be installed in accordance with the current BS/EN standards, and will be maintained in a sound condition.

There will be:-

- an annual condition inspection by a competent person;
- a risk assessment at least annually by a competent person;
- an operational inspection to a frequency based on the risk assessment and agreed by CYPS;
- daily visual inspections in accordance with the risk assessment.
-

3.22 Manual Handling

- 3.22.1 The manual handling of loads, including when necessary the lifting and carrying of children, will only be permitted after a risk assessment has been undertaken by a competent person, and all the precautions identified put in place - including the deployment of appropriate equipment eg. hoists, the issue of personal protective equipment (PPE) eg. gloves, and suitable and sufficient training eg. in lifting persons.

3.23 Training

- 3.23.1 Training must always be viewed as a constant requirement, based on the ability to recognise who requires it and when. New employees, transferred staff and supply staff will require either a level of awareness relevant to their task or a more in-depth training programme.

New technology, legislation, regulations and standards are all factors which determine a fresh approach to training requirements and indeed a re-training programme for existing staff.

There are various categories of training requirements in *Establishments/ Functions*. They can be defined as induction training, informative/ awareness training and specific 'hands-on' training.

3.23.2 Induction Training

This will apply to new employees, employees transferred within the *Establishment/ Function* to other activities, contract & agency staff, and volunteer helpers all of whom will need to be shown over the *Establishment/ Function* and host department, and be issued with, and instructed upon, key information on policies and procedures, fire precautions, first aid and welfare arrangements etc.

3.23.3 Informative and Awareness Training

A more in-depth approach, in-house, showing employees what they must and must not do; providing supervision until they gain an understanding of what is required; making them aware of their tasks and providing written procedures and arrangements.

3.23.4 Specific Training

This is a hands-on training approach where it is recognised by the *Governors/Full Governing Body/ Management Board* that employees will require an accepted level of competence to perform their tasks.

- i) Design Technology (D&T) - Employees who use, and/or operate and instruct upon, machinery or equipment eg for woodwork, metalwork, heat treatment will be required to meet the Health & Safety standard as laid down by DATA.
- ii) Science, Microbiology - Employees will be trained in biological hazards and also in accordance with COSHH Regulations 2002.
- iii) Radiology - Employees will be trained to be competent in the use of radioactive sources. This will be in accordance with 'Ionising

Radiation Regulations'. The Head of Science, or other competent designated person, will act as Radiation Protection Supervisor for the *Establishment/ Function*.

- iv) First Aid - Employees designated as First Aiders will be trained in accordance with the CYPS 'First Aid at Work Policy for Education Establishments'
http://intranet.bristol-cyps.org.uk/services/pdf/ee_pp_4.pdf
- v) Administration of Medication - Employees designated as persons able to administer medication will be trained in accordance with the CYPS 'Policy for the Administration of Medicines in Education Establishments'
http://intranet.bristol-cyps.org.uk/services/pdf/ee_pp_15.pdf
- vi) Other functions - where employees will require a recognised level of competence

3.24 Communicating Information to Employees

3.24.1 The *Headteacher/ Manager* will be responsible for ensuring that any Regulations, information, guidance notes etc, received are passed immediately to employees who have a direct interest.

3.24.2 Information relating to a department's activities shall be passed on or highlighted in that department's safety policy or safe working arrangements.

3.25 Establishment/ Function Safety Committee

3.25.1 The *Governors /Full Governing Body/ Management Board* recognise that the way forward in achieving effective management of the *Establishment/ Function* Health, Safety and Wellbeing Policy and the arrangements necessary to fulfil the obligation is through the *Establishment/ Function* Safety Committee.

The Safety Committee will comprise:

The *Governor/ Board Member* holding the Health and Safety portfolio;
Headteacher/ Manager;
Health & Safety Coordinator;
Premises/ Site Manager;
Safety Representative(s);
and other persons as appropriate to contribute to matters under discussion eg the Educational Visits Co-ordinator, *Heads of Department/ Lead Teachers*, pupils/students, parents

3.25.2 The Safety Committee shall meet frequently so as to give time and full consideration of:

- * risk assessments, safety procedures and working practices;

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- * reports on premises inspections;
- * the resources required for training & development and other health, safety, and wellbeing matters

3.25.3 The Safety Committee shall in addition meet annually in order to exercise an overview of the *Establishment/ Function's* Health, Safety and Wellbeing performance and to produce a report for the *Governors /Full Governing Body/ Management Board*.

3.26 Arrangements for Safety Representatives

3.26.1 *Headteachers/ Managers and Heads of Department/ Lead Teachers* will liaise with and communicate to Safety Representatives about problems, hazards, or defects either arising from or relating to the Safety Representatives' sphere of activity. Problems other than sources of imminent danger will be discussed at the Safety Committee.

3.26.2 Specific issues that require immediate action will be taken after consultation with the *Headteacher/ Manager*.

4 Monitoring Health, Safety and Wellbeing Performance

- 4.1 The *Governors /Full Governing Body/ Management Board* will require the *Headteacher/ Manager* to provide an annual report on all health, safety, and wellbeing matters which will identify strengths and weaknesses, propose achievable remedies, and set objectives for continuous improvement.
- 4.2 The report will provide an annual overview of:
- i) reported incidents; incident investigations, bump book analysis lost time data; and resulting preventative measures;
 - ii) emergency procedures, including fire precautions and first aid arrangements;
 - iii) policies introduced, risk assessments undertaken, and procedures implemented;
 - iv) internal / external inspections and audits.
- 4.3 The *Governors /Full Governing Body/ Management Board* will forward a copy of the report and the minutes of their discussions to the CYPS Second Tier Health, Safety, and Wellbeing champion.

5 Specific Arrangements for particular types of *Establishment/ Function*

NB: These are in preparation with sector focus groups and will follow as quickly as possible in 2008

- 5.1 Early Years and Nurseries
- 5.2 Infant, Junior and Primary Schools
- 5.3 Secondary Schools
- 5.4 Pupil Referral Units and Centres
- 5.5 Special Schools
- 5.6 Home and Hospital Education Service
- 5.7 Outdoor Activity Centres

APPENDIX A

NOTES:

1. Bristol City Council Corporate Health, Safety & Welfare Policy 1st April 2005

http://intranet.bcc.lan/personnel/corporate_hands_policy.pdf

2. Children and Young People's Services Health, Safety, & Wellbeing Policy March 2007

http://intranet.bristol-cyps.org.uk/services/pdf/ee_pp_2-07.pdf

3. The *Governors /Full Governing Body/ Management Board* have the responsibility to ensure that all reasonable steps have been taken to reduce the possibility of personal accident or injury, either on *Establishment/ Function* premises or Establishment/ Function business and activities. It must be emphasised that individual responsibility cannot fall on individual members of the governing body / management board, unless there has been an element of negligence, fraud, or other criminal actions.

The Headteacher, Manager or employees cannot avoid responsibility by referring urgent matters to the Governors or Management Board for information and for decision.

See Appendix C - The Legal Position of Governors, Headteachers, Managers and CYPs

<http://www.teachernet.gov.uk/wholeschool/healthandsafety/responsibilities/>

4. An example organisation structure is shown in Appendix B.

5. Safety Representatives and Safety Committees Regulations 1977; Health And Safety (Consultation with Employees) Regulations 1996

6. The choice of Health and Safety Coordinator will depend upon the Establishment/ Function specific circumstances. It may be a person with a wealth of previous health, safety & wellbeing experience, and/or a specific post eg. Business Manager, Bursar, Premises/Site Manager, School Secretary, Deputy Head, Headteacher

7. Notwithstanding the statutory right of two or more Safety Representatives to request the convening of a Safety Committee at any reasonable time.

8. Health, Safety & Wellbeing issues may also be addressed as standing agenda items within eg. the Premises etc Committee

9. The extent of 'considering' could include some or all of the following:-

- Making recommendations on Health, Safety & Wellbeing via the Headteacher to the Full Governing Body
- Undertaking inspections and investigations
- Carrying out surveys and audits
- Initiating/designing/approving Health, Safety & Wellbeing documentation including Risk Assessments, Safe Systems of Work
- Communicating Health, Safety & Wellbeing information eg by newsletter, noticeboards
- Authorising expenditure on Health, Safety & Wellbeing training
- Authorising expenditure on Health, Safety & Wellbeing equipment

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- Authorising expenditure on non-capital Health, Safety & Wellbeing repairs and maintenance.

11. The choice of Premises/ Site Manager will depend upon the Establishment/ Function specific circumstances. In many cases the Premises/ Site Manager will also be the Health & Safety Coordinator.

In the case of an Establishments where facilities are managed under a PFI contract it will be for the contractor to satisfy the Establishment Headteacher/ Manager that the duties under 2.4 are being carried out to BCC CYPS Policy standards.

12. CYPS Policies, Codes of Practice, guidelines can be found on the CYPS intranet; the *Establishment/ Function* Health, Safety & Wellbeing policy can be found on the *Establishment/ Function* intranet and copies will be available at all times in the *Staffroom, Headteacher/ Manager's Secretary's office*.

Bristol City Council Corporate Health, Safety & Welfare Policy 1st April 2005
section 3.6

http://intranet.bcc.lan/personnel/corporate_hands_policy.pdf

Children and Young People's Services Health, Safety, & Wellbeing Policy March 2007
http://intranet.bristol-cyps.org.uk/services/pdf/ee_pp_2-07.pdf

Bristol City Council Joint Agreement on Safety Representatives and Safety Committees

Reference Material

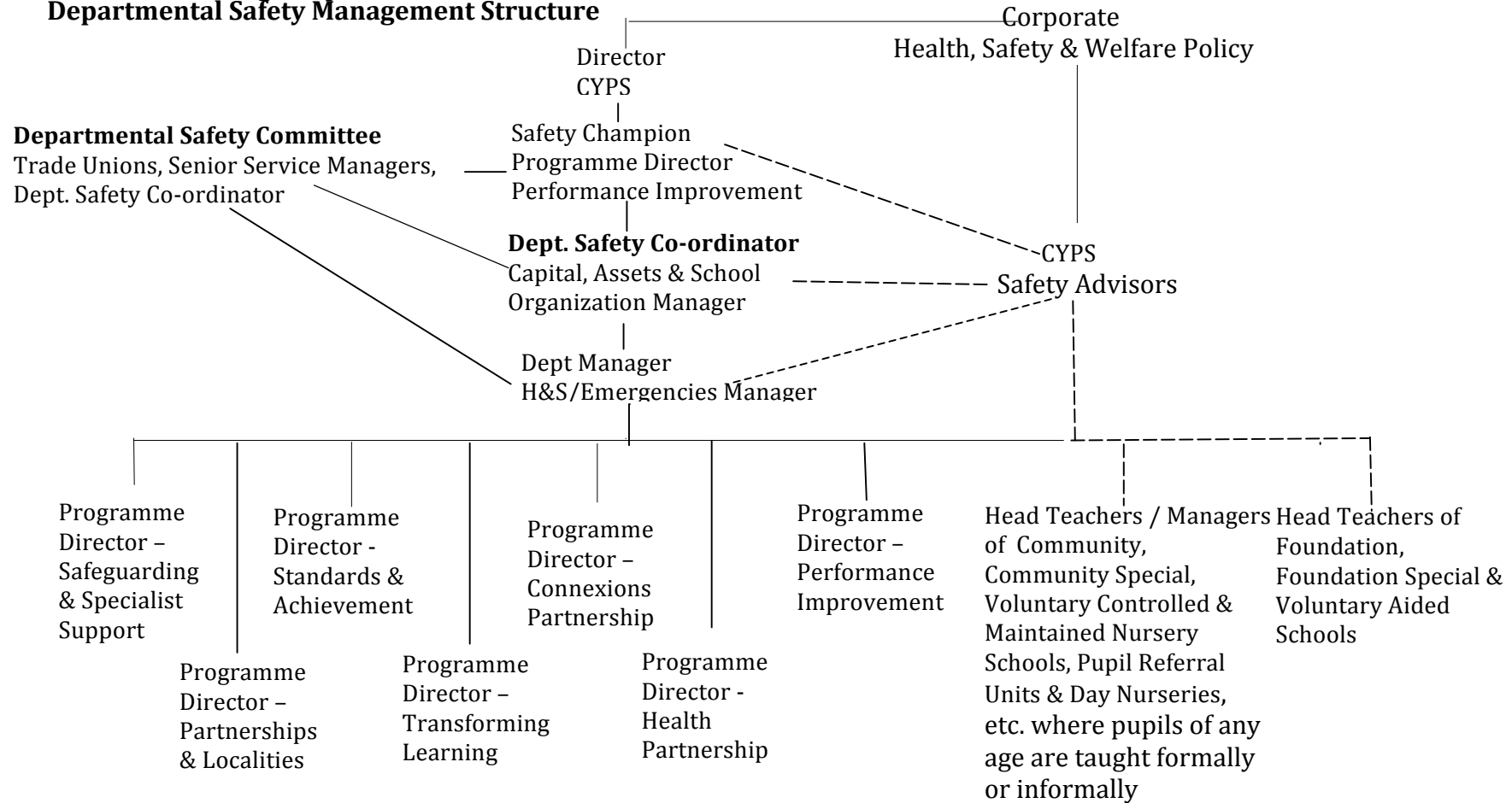
Heads of Department/ Lead Teachers are reminded that the most up-to-date issues of CYPS Policies, Procedures, Codes of Practice and other guidance are available on the CYPS Intranet under 'H' or 'S'. Further advice can be obtained from the CYPS Health, Safety & Wellbeing and Emergencies and Continuity Manager.

In the absence of specific CYPS Policy, Procedure, Code of Practice, or Guidance reference should be made to the appropriate Bristol City Council Corporate Health, Safety & Welfare Policies.

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Appendix B

**Children & Young People's Services
Departmental Safety Management Structure**



-- -- = Advisory Line of Communication & Responsibility
 ——— = Direct Line of Communication & Responsibility

APPENDIX C

The Legal Position of Governors, Headteachers/ Managers and CYPS

Health and Safety - The Legal Position of Governors, Headteachers, Managers and CYPS

1. Introduction

The relevant legislation is the Health and Safety at Work etc. Act, 1974. This sets out the general duty of every employer (eg CYPS and **Governors**) to ensure the Health, Safety and Welfare of employees and others, eg school pupils, so far as reasonably practicable.

This duty includes:

- Provision of systems of work that are without risk to health
- Provision of information, instruction, training and supervision
- A safe and healthy place of work and working environment.

Employees have to take reasonable care for the safety of themselves and others who may be affected by their actions or omissions at work. They must also co-operate with their employers regarding statutory obligations.

For Education Establishments, this means that it is either CYPS (for community and voluntary controlled schools etc.) or the governing body (for voluntary aided and foundation schools) who are primarily responsible for ensuring the Health, Safety and Welfare of Education Establishment staff and the Health, Safety and Welfare of pupils and visitors to the Education Establishment.

In practice, it will usually be the role of the **Headteacher** or **Manager** to ensure the safe day to day running of the Education Establishment and that the employer's (CYPS or governing body) policy is maintained.

The duty to provide a safe working environment is a qualified one, ie so far as is reasonably practicable. This means that resources (or the lack of them) can be taken into account. However, this should only be used in extreme cases where everything has reasonably been done to ensure a safe working environment.

2. Responsibilities

The main actions employers must take under the Health and Safety at Work etc. Act, 1974 are to:

- Prepare a written Health and Safety Management Policy
- Make sure that staff are aware of the policy and their responsibilities within that policy
- Make sure that appropriate safety measures are in place
- Make sure that staff are properly trained and receive guidance on their responsibilities as employees.

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Damaging anything used for safety purposes may also be a criminal offence. This applies just as much to pupils (those over the age of 10) as to adults.

The Education Establishment must have a Health, Safety and Welfare Policy and this must be kept up to date. This policy shall normally provide that the **Headteacher** or **Manager** is the person with overall responsibility for Health, Safety and Welfare within the Education Establishment. This means that the **Headteacher** or **Manager** could be seen as the most obvious person to prosecute for any breach of Health, Safety and Welfare requirements.

The Management of Health and Safety at Work Regulations, 1999 require employers to:

- Make an assessment of the risks of activities
- Introduce measures to control these risks
- Tell their employees about these measures.

The Health and Safety Executive is responsible for enforcing Health and Safety legislation.

3. Pupils

The employer (CYPS or governing body) is legally responsible for Health, Safety and Welfare matters. However, **Headteachers, Managers** and teachers have a duty of care towards the pupils in their care as they are acting *in loco parentis*.

It is the responsibility of the employer to make sure that safety measures cover the needs of all pupils at the Education Establishment. This may mean making special arrangements for particular pupils, eg those with special or medical needs.

4. Education Establishment Policy

The Health and Safety Executive recommends that all employers devise their own policy statements covering Health, Safety and Welfare issues.

A clear Education Establishment policy which is understood and accepted by staff, parents and pupils, provides a sound basis for ensuring pupils receive proper care and support at Education Establishment.

5. Curricular Health and Safety

CYPS and governing bodies must do all they can to ensure the Health and Safety of pupils in laboratories, studios and workshops as anywhere else in Education Establishments. The duty of care also extends to all Education Establishment sporting and other activities, whether on or off Education Establishments premises.

6. Community schools, community special schools, voluntary controlled schools, maintained nursery schools, day nurseries, early years centres and pupil referral units

The employer for these establishments is CYPS.

CYPS has responsibility for Health, Safety and Welfare in these Education Establishments and it has the power to ensure its Health, Safety and Welfare Policy is carried out in Education Establishments and on all Education Establishment activities.

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CYPS must provide Health, Safety and Welfare guidance to those Education Establishments and services where it is the employer. It must ensure that staff are trained in the Health, Safety and Welfare responsibilities as employees and that those who are delegated Health and Safety tasks (eg risk assessments) are competent to carry them out.

It is good practice for such Education Establishments to draw up their own more detailed Health, Safety and Welfare Policies based upon CYPS's general policy.

CYPS must monitor how its Education Establishments are complying with CYPS policy to ensure that the required standards are reached. CYPS must take action regarding non-compliance.

7. Foundation Schools, Foundation Special Schools and Voluntary Aided Schools

The responsibility for such Education Establishments falls to the governing bodies as employers. The responsibilities are the same as mentioned above for CYPS.

In some circumstances, CYPS employed staff may be working on the premises of foundation, foundation special or voluntary aided schools. CYPS, as employer, has responsibilities for their Health, Safety and Welfare as employees. However, the governing body also has responsibilities towards them as visitors.

8. Monitoring and Compliance

CYPS cannot fulfill its statutory duty unless it monitors how its Education Establishments are complying with CYPS policy. CYPS has to ensure that the required standards are reached and must take action regarding non-compliance.

CYPS's Fair Funding Schemes contains a number of provisions enabling CYPS to ensure that Education Establishments have regard to Health, Safety and Welfare requirements. Where CYPS believes that the Health, Safety and Welfare of anyone on-site, or of anybody engaged on Education Establishment activities off-site, is at risk it can make a statutory direction (see Section 39(3) of the School Standards and Framework Act, 1998) to the governing body and **Headteacher**.

A direction can specify action to be taken or it can require the governing body and **Headteacher** to comply with a specific aspect of CYPS's Health, Safety and Welfare Policy.

In the event of non-compliance with such a direction, CYPS can apply to the Secretary of State for a direction under Sections 496 and 497 of the Education Act, 1996.

As a last resort, compliance would be enforceable, by the Secretary of State, through the court. Substantial persistent non-compliance with scheme requirements is a ground for suspending delegation, subject to the governing body's right of appeal.

CYPS may need to obtain information in order to exercise any of its general responsibilities. It must be able to do this as employers or owners of Education Establishment premises. Where this is not reasonably possible, CYPS may use its reserve right of entry to any Education Establishment maintained by the Authority. For Health, Safety and Welfare purposes, this

enables CYPS 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).

9. Enforcement of Health and Safety Law

The Health and Safety Executive enforces Health and Safety law relating to the activities of CYPS and Education Establishments.

HSE Inspectors have the power to prosecute organisations, ie CYPS or governing bodies, or individuals breaking Health and Safety law.

If the Inspectors identify a problem, they may issue formal notices requiring improvements or prohibiting activities or the use of equipment. Recipients of such notices can appeal to an industrial tribunal.

The HSE will normally take action against the employer who is responsible for Health and Safety in the workplace and on work activities.

In some circumstances, eg where an employee has 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 as, or instead of, the employer.

In practice, employers may delegate specific Health and Safety tasks to individuals. For example, CYPS may delegate specific tasks to Education Establishments. However, the employer retains the ultimate responsibility no matter who carries out the tasks. The employer must therefore make it very clear who is doing what and confirm that these tasks are being carried out.

10. Personal liability of Governors

There is no clear statement of law establishing when or whether individual **Governors** can be held personally accountable for what happens in their Education Establishment.

There is a limited statutory protection in that the **Governors** of an Education Establishment are not liable for anything done in good faith in the purported exercise of their powers in connection with a delegated budget.

Generally speaking, the only liability that **Governors** would have under common law is a duty to act honestly and in good faith. A **Governor** would not automatically be personally liable for the Education Establishment's contractual obligations or other legal liabilities. There has to be an element of personal wrong-doing which is either negligent or fraudulent.

In terms of Health, Safety and Welfare responsibilities, this means that governing bodies must take all measures within their power to ensure that the Education Establishment premises are safe and not hazardous to staff, pupils or visitors. The governing body must make sure that there are procedures for carrying out CYPS's Health, Safety and Welfare Policy. The procedures must be reviewed regularly.

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A negligent **Governor** may be held liable for loss that arises. The negligence has to be significant and there has to be clear carelessness or recklessness in the way a decision was made.

Fraudulent **Governors** will be held liable.

All governing bodies should have insurance cover against personal liability claims. However, it is not possible to obtain insurance cover for criminal actions.

Genny Sénéque
Legal Services Division
Central Support Services Department
29 May 2002