

HEALTH AND SAFETY IN SCHOOLS

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1. SUMMARY OF MAIN POINTS

The Authority (or the Governing Body in the case of an Aided School) will retain the employer's statutory responsibility under Sections 2 and 3 of the Health and Safety at Work Act 1974. The Authority continues to have a similar statutory responsibility for school pupils and members of the general public visiting schools as they currently have for employees.

In this regard the Authority will continue to issue written information, directions and guidance on Health and Safety matters. Currently, this is contained in the LA Circular No. 88 now referred to as the 'CYPS Health and Safety information and guidance', a copy of which is already available in your school's Health and Safety Procedures File and from the CYPS intranet and RGFL portal.

Governing Bodies are required to comply with any Health and Safety directives issued by the Authority. The Authority has the power, and reserves the right, to arrange for work required to be carried out and for a charge to be made against the school's budget share for the work undertaken.

This will not apply if the failure of the Governing Body to comply is attributed to the inherited condition of the school.

The Authority in undertaking its health and safety responsibilities will establish a timetable of visits to educational establishments at which the Safety Officer, CYPS will meet Safety Representatives and School Governors. Such meetings will be held on a regular scheduled basis. Other meetings will be convened when circumstances require them at the request of Safety Representatives or School Management and Governors.

2. ADVICE TO HEADTEACHERS AND GOVERNORS

2.1 Responsibility of Governing Bodies: Education Act 1996

Sections of the Education Act 1996 which require the establishment of a scheme for local management of schools and for Governing Bodies to be responsible for their schools' budget share under such a scheme, the Authority has transferred responsibility for certain functions to Governing Bodies.

These functions are:-

- 2.1.1 Non-structural repairs (e.g. to doors and windows);
cleaning (both indoor and outdoor);
purchase and maintenance of equipment (including fire-fighting equipment).

When Governing Bodies assumed responsibility for such maintenance they also assumed responsibility for any health and safety matters which may arise from it.

Governing Bodies are required to ensure that in implementing these functions they acquaint themselves on a regular basis with their health and safety responsibilities and that staff at their schools are fully aware of their individual liability for any breaches of the Authority's duty. To assist in achieving this Governing Bodies are recommended to ensure that appropriate staff have a full working knowledge of the Health and Safety Procedures File and that they and such staff employ the lines of communication set out in the CYPS Health and Safety information and guidance.

2.2 Responsibility of Governors with Regard to Health and Safety

The Council (or the Governors of Aided and Special Agreement Schools) retains the primary responsibilities as employer, under Sections 2 and 3 of the Health and Safety at Work Act 1974. Section 2 requires employers to ensure the health, safety and welfare of their employees. Section 3 places a similar duty with respect to pupils and members of the public.

The Council has defined its Health and Safety Policy in a document which has been sent to all establishments and this has been further defined by the Children & Young Peoples Services Policy Statement in the CYPS Health and Safety information and guidance. The basic duties of the staff as outlined in the documents remain unchanged by the circumstances involving the delegation to Governing Bodies, in that they have a duty to take reasonable care for the health and safety of themselves and other persons who may be affected by their actions or omissions. Delegation of the budgets, however, brings Governing Bodies more clearly into the Health and Safety structure. The 1974 Health and Safety at Work Act places duties on any persons who have control of the premises or exercise any of the functions of an employer and clearly governors of schools having delegated budgets fall into this category. Such Governing Bodies, along with the Council and its employees, may be potentially liable under the Act. Under the system involving delegation of budgets it must be recognised that responsibility for health and safety matters, will be shared between the Council, its employees and school governors.

Formerly Governing Bodies have had the responsibility to inspect the school premises and draw to the attention of the Authority any defects. This duty continues but for schools with delegated budgets, Governors incur further

responsibilities for the health and safety of staff, pupils and visitors for the specific areas for which they have budget responsibilities.

Governors, so far as is reasonably practicable, will be responsible for:-

- 2.2.1 Monitoring the need for non-structural maintenance in the school and authorising maintenance for which it has budget responsibility
- 2.2.2 Advising the Buildings Facilities Management Section, EDS, of structural defects that could adversely affect the health and safety of staff, pupils and the public
- 2.2.3 The safe condition, installation, storage and maintenance of all equipment at the school, and ensuring that such equipment can be used safely in the normal running of the school.
- 2.2.4 Ensuring that the premises, the means of access and exit, and any plant or substance on the premises, are safe and without risks to health.
- 2.2.5 Ensuring that safety rules, concerning the use of premises and equipment, are displayed in appropriate locations within the school and are enforced.
- 2.2.6 The adoption of safe working practices by staff and pupils, and by contractors when on site
- 2.2.7 Acting to deal with potential hazards to health and safety, liaising where appropriate with representatives of the Council and contracting organisations.

Governing Bodies and staff should note that an inspection from the Health and Safety Executive or the Health and Safety Officer from CYPS, can at any reasonable time or immediately if there is a dangerous situation, enter premises to carry out any relevant statutory requirement

- 2.2.8 Ensuring that action is taken regarding defects in fire-fighting equipment reported by staff, Safety Officer or Inspector from the Fire Service.

3. **SAFETY REPRESENTATIVES AND SAFETY COMMITTEES**

Governing Bodies must recognise safety representatives of staff at the school and must offer facilities and opportunities for these representatives and the Authority's safety officers to perform their duties. The Safety Representative and Safety Committee Regulations 1974 provide for recognised trade unions to appoint safety representatives from among employees at an establishment. The Authority as an employer must permit such representatives time off with pay to carry out inspections and for training and must make relevant information available to them. If two or more safety representatives make a request for the establishment of a safety committee at a school the Governing Body must comply within three months.

Governing Bodies should make available time-off to safety representatives to carry out their duties in accordance with the Authority's agreed leave of Absence Regulations detailed elsewhere in this manual.

Any costs arising from the employment of relief staff to cover for safety representatives shall be met from the school's budget.