



Health & Safety Responsibilities in Schools



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The 3 Reasons:



Legal

HSE Action
Court cases
Criminal law
Imprisonment
Civil cases



Moral

Accidents
Fatalities
Ill health
Stress
Suffering



Financial

Fees for intervention
Fines
Compensation
Lost time
Loss of reputation

Legal Responsibilities as an Employer



“To protect the health and safety of your employees - and anyone affected by your activities”.

“To assess risks - and make sure that workers and others are protected from anything that may cause harm”

“To provide employees with H&S training, and instructions on how to deal with the risks”.

HASAWA - Section 2

- To ensure, so far as reasonably practicable, the Health, Safety & Welfare of employees
 - Safe plant and systems of work
 - Safe use, handling, storage and transport of articles and substances
 - Information, instruction, training and supervision
 - A safe place of work, including access and egress
 - A safe work environment with adequate welfare facilities

Corporate Manslaughter & Corporate Homicide Act 2007

New offence of which the key components are:

- the way activities are managed or organised
- causes a persons death
- amounts to a gross breach
- senior management is significant element in the breach

The H&S (Fees) Regulations 2012

- Fee For Intervention - From 1st October 2012
- Material breach £150 p/hr
- Dramatic increase in interventions





Responsibilities in Schools

ew

The Employer



Providing H&S Policy

Local Education Authority



Policy and Guidance

The Governing Body



All of the Schools Policies

The Head Teacher



Implementing Policy

Teachers and Staff



Following Policy In Loco Parentis

Visitors and Contractors



towergate
insurance



Case Study 1 – Brentwood School



Accident

Investigation

Court

Fine

Costs

Who was affected?



Fall from
bay window
roof



Inadequate
Edge
Protection



Chelmsford
Crown
Court



£40,000
fine



£6,477
costs



towergate
insurance



Case Study 2 – Plymstock School

ew

Accident



Fatal fall
from ladder

Investigation



Unsuitable
ladder
no risk
assessment

Court



Plymouth
Magistrates
Court

Fine



£18,000
fine

Costs



£11,359
costs

Who was affected?



towergate
insurance



What are the costs?



Cost of failure?

Legal

Court Cases
Imprisonment



Moral

Accidents
Death and Injury



Financial

Fines / Compensation
Lost time / Reputation



2 choices



Cost of success?

Time

Policy / Action plan / Samples
Guidance / regular updates



Money

Reduced pay outs / Lost time
Legal expenses insurance



Effort / Knowledge

Competence / training
Consultancy and support



towergate
insurance

Civil and Criminal Law

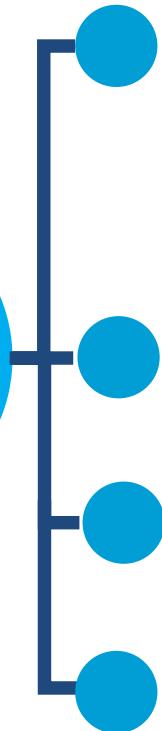
Civil Law	Criminal Law
Torts	Crimes
Offences against Individual	Offences against society
Mainly Common Law	Mainly Statute Law
Intended result: Compensation	Intended result: Punishment
Insurance can be obtained and must be obtained for employees	Insurance for legal fees only. No insurance for 'punishment'
Loss required	No loss required
Standard of proof: Balance of probabilities	Standard of proof: Guilty beyond all reasonable doubt
County or High Court	Magistrates or Crown Court



School Trips



Benefits of learning away from school



Key message from HSE: '*Well-managed school trips and outdoor activities are great for children. Children won't learn about risk if they're wrapped in cotton wool.*'

HSE fully recognises the benefits

Striking the right balance between protecting pupils from risk and allowing them to learn from school trips has been a challenge for many schools

getting this balance right is essential for realising all these benefits in practice

Striking the right balance means that:

- schools and staff focus on real risks when planning trips
- those running trips understand their roles, are supported, and are competent to lead or take part in them;
- the real risks are managed during the trip
- learning opportunities are experienced to the full
- Trips provide deeper subject learning and increase self-confidence.

Striking the right balance does NOT mean that:

- every aspect is set out in copious paperwork that acts as a security blanket for those organising the trip
- detailed risk assessment and recording procedures aimed at higher-risk adventure activities are used when planning lower-risk school trips
- mistakes and accidents will not happen
- all risks must be eliminated
- School trips should be avoided

The schools arrangements for trips

The school's arrangements for trips should ensure that:

- risk assessment focuses attention on real risks – not risks that are trivial and fanciful
- proportionate systems are in place
- trips presenting lower-risk activities are quick and easy to organise
- higher-risk activities (such as those involving climbing, caving or water-based activities) are properly planned and assessed
- those planning the trips are properly supported



If things
go wrong

Key message: '*Accidents and mistakes may happen on school trips – but fear of prosecution has been blown out of all proportion.*'

If an incident on a school trip leads to the death or serious injury of a pupil, HSE will normally investigate. Most serious accidents on school trips involve underlying management failures and HSE always looks for these underlying causes

provided sensible and proportionate steps have been taken, it is unlikely that there would be any breach of health and safety law involved, or that it would be in the public interest for HSE to bring a prosecution.



Policy and Culture



Health and Safety Policy



- Legal requirement for over 5 employees
- Must be communicated to all employees
- Reviewed annually to check suitability
- Provide Direction and Focus
- Legally Required under S2(3) HASAWA

H&S Policy Statement

- Commitment to Health and Safety
- Signed by Senior Management
- Commitment to Continuous Improvement
- Reference to consultation
- Reference to sources of expert advice

Policy - Organisation for H&S

- Identify Key Personnel
- Duties and Responsibilities
- Person responsible for Health and Safety
- Specific responsibilities
 - Training
 - Monitoring
 - Sources of advice

Policy - Arrangements

- How the policy is to be implemented
 - Specific responsibilities
 - Definitions and guidance
 - References to procedural documents if complex
 - Training required and Document retention
- Examples
 - Accident reporting, Asbestos, Fire, Driving, Manual Handling etc

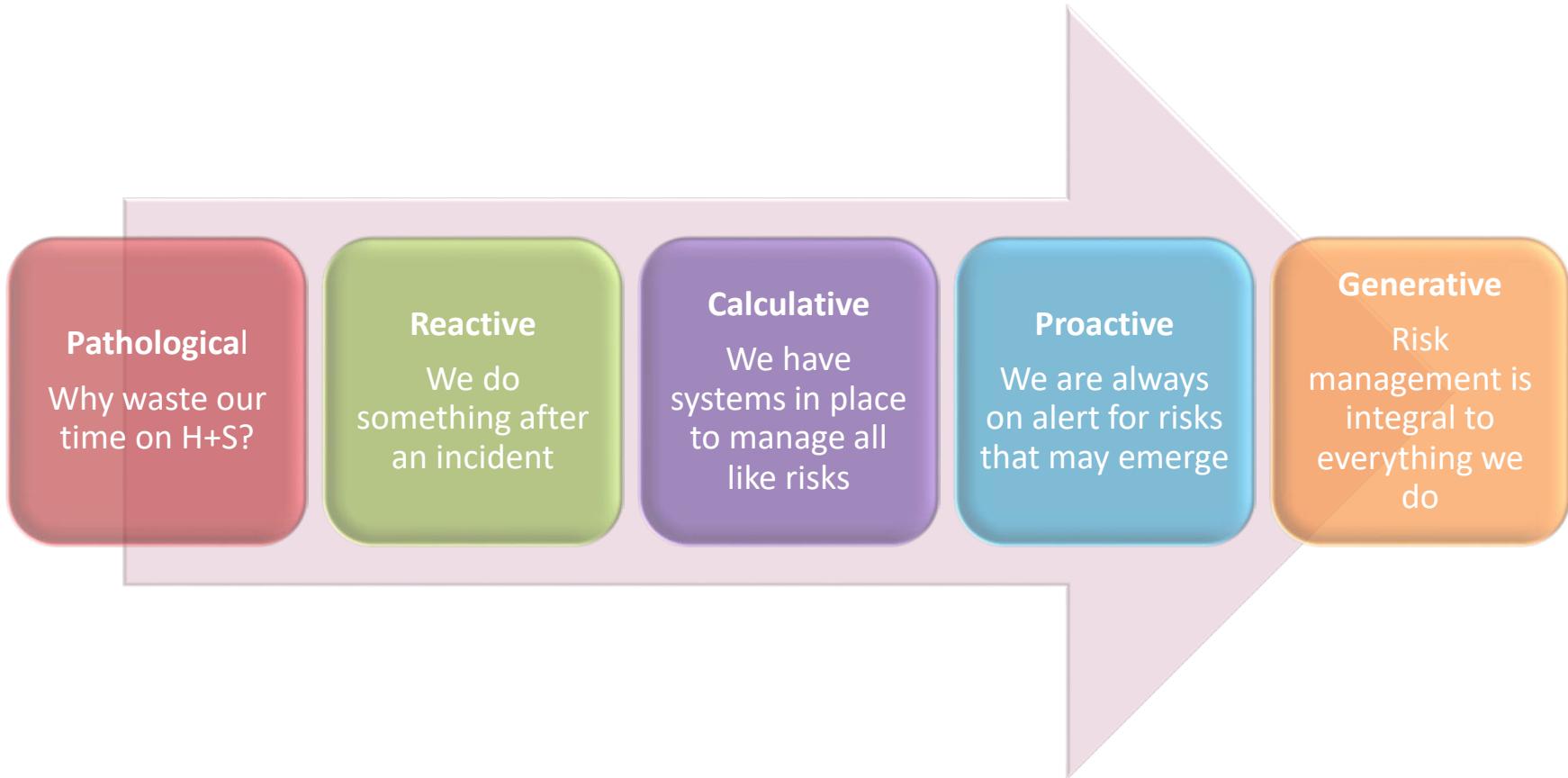
Safety Culture

“The product of individual or group values, attitudes and competencies and patterns of behaviour, that determine the commitment to and style and proficiency of an organisation’s health and safety programmes”

H&S Culture - Influencing factors

- Leadership and Commitment from Senior management
- Effective communication
- Shared view of risks and acceptable behaviour
- Open minded learning from experience
- Ownership and acceptance from all staff
- A balance between H&S and teaching

Safety Culture Maturity



Competent Person

- A competent person will enable you to meet the requirements of health and safety law
- A competent person has
 - relevant knowledge, skills and experience
 - the ability to apply these appropriately
 - the necessary training
 - and appreciation of their limitations
 - membership of a recognised professional body

School Leaders' Responsibilities

- Appropriate & effective H&S management systems in place
- Sufficient physical and financial resources to manage H&S
- Commit to comply with statutory requirements & continual health and safety improvement
- Competent person(s) to advise on H&S



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Any Questions?