



# **Health & Safety at Work Act 1974**

Date of Adoption: 1<sup>st</sup> September 2013

Date of Review: November 2014

This policy takes into account the Equality Act (2010) which highlights actions and behaviours which are unlawful such as: direct / indirect discrimination, failing to make reasonable adjustments for disabled pupils or staff, harassment related to a protected characteristic, victimisation.

## **THE HEALTH AND SAFETY AT WORK, ETC, ACT 1974**

### **INTRODUCTION**

1. The LEA remains the employer of staff in county controlled schools and therefore retains the principle health and safety duties under Section 2 and Section 3(1) Health and Safety at Work etc. Act (HASAWA). In brief, employers have a duty to safeguard so far as is reasonably practicable, the health and safety and welfare of their employees and the health and safety of nonemployees who may be affected by their work activities, e.g. pupils, visitors to school premises. The LEA will retain some control over school buildings and associated premises. It will therefore also have some responsibilities under Section 4 of HASAWA.

### **LEGAL RESPONSIBILITIES**

2. Management Committee Member have increased control over a large number and variety of activities at school level, some of which will have direct or indirect implications for health and safety. Although the LEA has legal responsibilities for health and safety conditions in schools as the employer, the provisions of section 4 of the HASAWA Act and Section 36(1) of the HSW Act have always allowed action to be taken against other persons. Section 36(1) of the HASAWA Act allows for the prosecution of any person whose action or inaction has caused another individual (e.g. the employer) to breach their statutory duties.

3. The increasing number of decisions taken at local level by Management Committee Member could mean that it is possible for individual Management Committee Member to be held liable under these sections of HASAWA for breaches of a statutory duty.

### **ROLE OF LEAs**

4. LEAs retain the primary responsibility as the employer for health and safety issues and will ensure that effective arrangements are made for achieving and maintaining satisfactory standards in schools.

5. Delegation means that in many cases an LEA has little or no direct control over activities for which it is legally responsible under HASAWA. DES Circular 7/88

provides for Management Committee Member to continue to be subject to LEA directions on health and safety matters.

6. Governing bodies are expected to comply with the LEA Health and Safety Policy (Headteachers and Management Committee Member should refer to any policy issued by the LEA which should be available in all schools. If there is any difficulty in obtaining access to this document you are advised to contact the Health and Safety

Officer). Where a Management Committee fails, or refuses to comply with the policy, Circular 7/88 allows for an LEA to arrange for work to be carried out and for the school to be charged accordingly.

7. Manchester will continue to issue and revise, as appropriate, an Education Department Health and Safety Policy Document, codes of safe practice, notes of guidance and other specific directives on health and safety provisions, as produced and issued by the Health and Safety Officer in line with legislative requirements.

8. Safet Start will continue to provide a source of professional advice and guidance via The Health & Safety Officer who can be contacted on Tel. **No. 234 7052.**

9. The LEA will provide training programmes for Management Committee Member and headteachers to include health and safety matters. Management Committee Member are advised to take advantage of any such available training.

## **THE ROLE OF MANAGEMENT COMMITTEE MEMBER AND HEADTEACHERS**

10. The Management Committee and the headteacher have a vital role in ensuring that health and safety standards are maintained in schools. It is essential that the Management Committee together with the headteacher develop a health and safety policy statement or plan for the school by utilising the Health and Safety Policy document produced for schools by the Health and Safety Officer. This document is to be read and used in conjunction with both the Manchester City Council and Manchester City Council Education Committee Health and Safety Policy Documents. The school statement or plan should include information on how the Management Committee together with the headteacher propose to provide for health and safety in the school, how they will liaise with the LEA and the arrangements for dealing with specific items for which they will have responsibility. The school statement or plan could be incorporated into the management plan which the Management Committee and the headteacher are expected to draw up under LMS.

11. It may be helpful to Management Committees and headteachers to consider their role in

achieving and maintaining satisfactory standards of health and safety before drawing up a school statement/plan. The most important points to consider are:-

- a. to co-operate with the LEA in its efforts to fulfil duties placed upon employers by HASAWA and to comply with health and safety regulations and directives. Also to set up systems for providing information to the LEA and for receiving information from the LEA;
- b. to establish arrangements for the monitoring of health and safety standards in the school and to include arrangements for regular inspections and a system of record keeping;
- c. to set up a system for reporting to the appropriate person hazards that have been identified and taking immediate remedial action where necessary e.g. removal from use of equipment with defective safety

devices;

d. to consult with the safety representative as and when appropriate;

e. to permit safety representatives to fulfil their functions as per the requirements of the Safety Representatives and Safety Committees Regulations 1977.

## **MAIN RESPONSIBILITIES OF MANAGEMENT COMMITTEE MEMBER AND HEADTEACHERS**

12. The following are items for which managerial responsibilities fall to management committees and headteachers. The list highlights some areas which are worthy of specific consideration in relation to the school health and safety policy statement/plan:-

a. Purchase of Equipment

Where appropriate new equipment should comply with any relevant British Standards. Where safeguarding is necessary, new machinery must be guarded to a satisfactory standard before being put into use. It would be advisable to seek specialist advice from the LEA on the guarding and suitability of certain types of equipment for use by pupils.

b. Maintenance of Equipment

Most equipment needs to be properly maintained so as to ensure it is kept in efficient working order. Safety devices on machines, protective clothing, portable electrical equipment, gym and playground equipment, fume cupboards and other local exhaust ventilation systems are just a few examples.

c. Non-structural Repair and Maintenance of Buildings

Premises need to be kept in a proper state of repair. However the carrying out of the work itself by incompetent contractors or contractors who do not appreciate the potential risk from having large numbers of children on the premises can create serious health and safety hazards, e.g. defective trailing electrical leads, unattended ladders or scaffolds in playgrounds. Health and safety aspects should always be fully discussed and appropriate provision made before contractors are allowed on site.

d. Fire Safety

The blocking of designated fire exits by furniture, locked fire escape doors during school hours and ineffective Fire Alarm and Fire Extinguishing equipment, understandably cause concern amongst school staff from time to time.

13. The primary responsibility for immediate actions on such matters would need to rest with the headteacher or a formally designated member of staff.

# **HEALTH AND SAFETY GUIDANCE NOTES**

14. Health and Safety Guidance Notes. (Handbook for Heads and LMS Notes) are produced and issued to heads of all educational establishments whenever new legislation is introduced or when existing legislation is amended. Whilst issued to heads these notes should be made known to all employed in establishments and also brought to the attention of Management Committee Member

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