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Enforcing School Safety In The UK.

By Paddy Swan

"A Headteacher's Safety Management Toolkit Article"

The Health and Safety Executive(HSE) as the body responsible for enforcing safety laws in our schools believes that up to 80% of accidents and incidents can be attributed to what they are calling now "Human Factors". An indication of how Human Factors integrate with the HSE's Regulatory function can be seen in the where they emphasise such as contributory factors. The list below shows where HSE have identified Human Factors as problems in priority areas for their action. This list is extracted from the HSC's Strategic Plan to 2010 and beyond and appears on HSE's Human Factors website. * Prevention of musculoskeletal disorders and manual handling injuries * Management of work-related stress * Preventing falls from height * Preventing slips and trips * Preventing workplace transport accidents * Human factors in design (e.g. alarm handling in control rooms, vehicle cab design etc) * The design and effectiveness of procedures * Human reliability - human error and systems failures e.g. maintenance error * Assessing organisational change and its implications * Effects of organisational culture * Communications and their effects on health and safety * Staffing levels and workload * Fatigue from working patterns – shiftwork and overtime * Training and competence You may wonder why I've started off with Human Factors but just look at this list again.

HSE never rush into enforcement and making prosecutions without informing and reinforcing the public. Now add up all the functions where management can make improvements on what HSE say is 80% of accidents and where their priority areas are. Got it? What this tells us is where HSE will be focusing over the next period of time – managing safety. This is confirmed by work which I have done on Head teacher's Safety Management Toolkit user's behalf by revisiting HSE's Database of Enforcement and this and a subsequent article gives information and analyses the information.

You can see information on this Toolkit and get access to the Analysis at

<http://www.swaneducation.worksites.com>

This article looks at the raw data and makes some

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comments and observations on Enforcing School Safety. To be able to do this I have gone through HSE databases for the last 5 years and extracted all the Education related Enforcement actions.

These include : Enforcement Orders These are orders issued by Inspectors to: Prohibit an unsafe action or activity either immediately or within a specified time frame,(Prohibition Notice)

Or,

Improve an unsafe activity or condition again within a time frame.(Improvement Notice) These orders are the major part of HSE's enforcement activity;for example there were 214 Orders made against schools and employers over the time period of the Database,(approx. 5 years) whilst there were only 34 prosecutions. Enforcement Notices are Orders and need to be taken very seriously by anyone who gets one as HSE will prosecute if a Notice is ignored. Ignoring an Enforcement Notice is actually given as a criterion for prosecution in their Enforcement Policy document. Let us just look at what the situation actually is in schools as regards numbers of prosecutions and notices.

Prosecutions In 2004/5 there were 712 prosecutions in total made by HSE in which they secured about 95% success of conviction. The total number of prosecutions over the time frame for the HSE

Database is just over 4000, which shows that schools and education with 34 prosecutions account for less than 1% of all prosecutions. However, some extremely high profile cases from the education sector do not appear on HSE's database. This is always the case for any work related death which would be prosecuted by the Crown Prosecution(England and Wales) or the Procurator Fiscal(Scotland). Thus, a teacher prosecuted for a death occurring on a school trip falls outside HSE's database. However,they have reported two prosecutions where children have been injured on trips and HSE has followed the incident up with a prosecution. One of these was a prosecution of both the Employer(Council) and the Head teacher. Looking at the actual figures of breaches involved in prosecutions gives us some indication of where actions are occurring now and later we shall look at the breaches involved in enforcement orders which may give us a clue to future actions. HSE reports Breaches against each prosecution or notice. A Breach indicates the specific law(s) or regulation(s) which is cited in relation to the offence. I have indicated the singular and plural above because one offence can breach several laws and regulations and HSE will report all the breaches against the offence. Prosecutions

Primary Schools – Total 16

Secondary Schools – Total 18 Breaches in Primary Schools

HASAW Act Sect 2 – 3 HASAW Act Sect 3 – 6 Management of H&S Regs 4 Electricity at Work 1 Construction Design & Maint Regs 1 Construction H&S Regs 1 Gas Safety Inst &Use Regs Workplace (H&S) regs Control of Asbestos Regs Breaches in Secondary Schools

HASAW Act Sect 2 – 3 HASAW Act Sect 3 – 10 Management of H&S Regs 4 Electricity at Work Construction Design & Maint Regs Construction H&S Regs 1 Gas Safety Inst &Use Regs 1 Workplace (H&S) regs 1 Control of Asbestos Regs 6

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If you check the figures above the secondary figures do not add up to 18. This is because, as I explained above, often more than one breach is involved in an offence or a enforcement notice.

All Enforcement Notices in Schools

Primary Schools Total 77 Secondary Schools Total 137

Improvement Notices

Primary School Total 63 Secondary School Total 102

Prohibition Notices

Primary Schools Total 14 Secondary Schools Total 35 Made up of Breaches(Primary Schools) HASAW Act Sect 2 38 HASAW Act Sect 3 41 Management of H&S Regs 42 Electricity at Work 6 Construction Design & Maint 1 COSHH 4 Prov&Use of Work Equipment 4 Manual Handling 3 Workplace (H&S) regs 26 Control of Asbestos Regs 7 This may not mean a lot to a non- safety professional but we can look at this another way. What breaches occur in small numbers? Well it appears to me that emphasis on CDM, COSHH and Manual Handling must have been dealt with fairly well by schools. Alternatively relatively few accidents may have happened to be reported under the RIDDORs Regulations i.e there may have been accidents or incidents but not frequent or serious enough to appear on the HSE radar. What isn't there at all? There are absolutely no Display

Screen Equipment Regulations notices let alone any prosecutions. I think most of us would not be too surprised not to see any references to the Personal Protective Equipment Regulations or those covering Noise. However, since there has been so much emphasis on DSE Regs and schools are now crammed with PCs and ICT it seems that DSE Regs are not high on HSE's priorities.

NB this does not mean there will never be enforcement and there is a requirement for a Risk Assessment to be carried out against these Regulations even if the RA says minimal or no significant risk and Action: No action! What is there a lot of notices issued for? Health and Safety at Work Act Sections 2 & 3 are "catch all" breaches and essentially Section 2 says "not ensuring employees safety" and Section 3 "not ensuring the safety of others(non employees.i.e pupils and visitors/contractors)". The largest number of notices arise around the Management of Health and Safety at Work Regulations. This is relatively new and the focus is to make sure that dutyholders manage safety.This is where there is likely to be increasing emphasis for the future. There are also 26 notices around breaches of the Workplace(H&S) Regulations. This can be partly explained by a HSE initiative started in Kent to ensure regulation of site traffic and that pedestrians were separated from it.

So, quite a few of these Workplace Regs breaches are about site traffic, school buses whilst others are about unsafe structures in the school. Comments on Enforcement As I indicated above we can get inside the mind of HSE by looking at their Plans and Policies. They quite openly tell us that:
a) Enforcement will be used to drive Plans and Policy. b) Enforcement will be targeted at the most serious risks. c) Enforcement will be targeted to improve standards. d) Their evidence shows and

confirms that enforcement is an effective motivator and deterrent. e) They believe that enforcement plays an important role in securing compliance. f) That enforcement in the form of prosecutions comes about mainly from investigations into reports received on serious incidents.(about 90 –95%) We'll look at actual examples of all these in another article and see what specific offences are most and least common and what other lessons we can learned to maintain schools as safe learning environments and to ensure the health and safety of our children and staff.

Paddy Swan is a qualified teacher with senior management experience and also has almost 25 years safety experience in industry. He runs Swan Education which is an Accredited Centre of the College of Teachers. Open Learning materials for the College's Certificate of Educational Studies in School Safety (COES) at

<http://swaneducation.workzsites.com>

A New School Year

By Kimberly Chastain

Depending on where you live school will be starting this month or next month. A new school year is usually exciting and scary at the same time. Most children won't admit it, but they are ready to get back to school and see their friends. As much as I love not having a rigid schedule in the summer, I do miss the structure of the school year. We get up later in the summer and go to bed later as well.

When you think of a new School Year what are your first thoughts? Back to school shopping for clothes and school supplies. A big transition from elementary to middle school, or to high school, even college. A new teacher who you heard is strict or not strict enough? There can often be lots of anxiety with a new school year for parents as well as children.

Can I offer a few suggestions for your back to school list? Remember whose children they are. Yes they are our children, but they are God's children. He cares about them and loves them more than we ever could. Pray for your children. Pray for their academics, choice of friends, study habits, and wisdom to make Godly choices. Pray for their teachers. If their teachers are not Christians, pray that God can use you to be an example to their teachers. Pray for the administrators in your child's school. Pray for the safety of your child and all the children at their school. Pray that your children will see a Godly example in you, with how you handle school difficulties or problems with your children. Begin praying with other mothers for their children as well. We don't have to carry the burden alone. Above all remember God is in control. I often have a difficult time remembering that principle.

In closing, God is a mighty God and he cares about our concerns. I often pray on the way to taking my children to school. I pray when my children are having difficulties with friends. God cares about everything in our lives and He truly cares about our children. My mother is a prayer warrior for my children and myself. May we all become prayer warriors for our children. Take your problems to Him and leave them there.

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Kimberly M. Chastain, MS, LMFT is the Christian Working Mom Coach and a Licensed Marriage and Family Therapist who specializes in helping Christian women make the most of their lives. She is the author of the on-line course, "I Can't Say No" and Pearls of Encouragement for Christian Working Moms, a free e-book. If you suffer from "I Can't Say `No" Syndrome, visit Kimberly's site today for the details on an exciting email course that's sure to set you free!

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