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Head Teachers – Managing Health and Safety in your School

By Paddy Swan

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Head Teacher's Safety Management Toolkit Article

<http://www.swaneducation.co.uk>

Head Teachers – Managing Health and Safety in your
Primary/Infant School.

What you need to know.

If you read nothing else about Health and Safety read this.

It's about 1500 words long but it summarises what you need to know about managing Health and Safety to satisfy laws and regulations as they affect your school.

Changes to the Management of Health and Safety at Work Regulations(1999) (MSHW) as laid out in the Regulations and their Guidance have made specific requirements and laid a responsibility on School dutyholders to manage Health and Safety in all UK Schools.

They need to do this by managing within a system. This is the School Safety Management System(SMS) and every school should have one.

The head teacher as the person with responsibility for a school site is a dutyholder as described in H&S laws.

What actually are dutyholders?

·Dutyholders are people with control over school safety.

They are the people who face enforcement action in the event of anything going wrong.

oIn main these are the Employer

and the Headteacher.

o In any event the Headteacher is the person in control of the site and a dutyholder in any school.

The main duties of the Employer are to provide resources and a framework of policies and some specific procedures and then to monitor and audit how H&S is implemented and managed.

Governors in Community schools have control over budgets and need to support the head teacher, who is the person responsible for the site, and main site dutyholder but they are not dutyholders per se.

Who might action be taken against?

· The Employer, this is the LEA, the Foundation and/or the school whoever may be regarded as the employer under H&S law. The Employer can be an individual or like an LEA or school which is a Body Corporate for the purposes of safety law and its' enforcement.

o Non employer individuals as well as the school may be subject of enforcement if they do not carry out their duties. This could apply to some Governor, Directors and/or Trustees and any individuals who may be dutyholders, as far as they exercise the function of employer in Foundation, Private or Voluntary Aided Schools.

o Employees, Visitors and Contractors could also be subject of enforcement if they do not carry out their duties under H&S Law. This could apply to an individual who tampered with safety equipment or put someone at risk by negligence or incompetence. This could even be a pupil in a Secondary School who acts maliciously or in a grossly negligent way. So anyone on the school site might be considered liable, except for children below the age of criminal responsibility.

However, it is the Head Teacher who is the main dutyholder and their main duty is to implement the policies/procedures of the Employer and manage Health and Safety on their site.

What are the requirements to manage safety?

· The Management of Health and Safety at Work Regulations (1992 – 9) defined that all schools needed to manage safety. To do this any school needs to have a system for carrying out its' H&S duties and also for reviewing safety matters in case situations change within the school .

This is the School Safety Management System (SMS) and this a whole school issue and staff, governors and pupils need to be part of, and contribute to this system.

· The SMS needs to be used to manage safety actively as part of the School's normal operations. Having an SMS and operating it is part of the normal work of the school and

should be accommodated in resources and budgets within the school framework.

The SMS is the framework within which the school needs to address all its' Health and Safety duties.

What are the main H&S areas which the Head Teacher needs to consider as duties?

·Risk Assessment – The School needs assess all its' risks and put control measures put in place to reduce them. This means that a Risk Assessment System needs to be part of the school SMS. Risk Assessment need not be overcomplicated but the Risk Assessments need to be done by a COMPETENT Person. This means:

"A person with suitable, knowledge, skills, qualities and experience to carry out their tasks without risk to their own health and safety or that of others." (Lord Cullen – Piper Alpha Report).

This person could be a teacher who has been deemed competent by virtue of their experience, GTC registration and experience. So a Science qualified member of staff is the best person to carry out any

Risk Assessment based around Science activities.

Equally a staff member who has taken many trips can carry out a Visits Risk Assessment.

What counts as adequate experience?

How many trips is enough or appropriate?

This is a matter for your school SMS to define but, a competent person should always be appointed following a logical system and IN WRITING.

If you have not got in-house competence (a matter of judgement) you will need to call in outside assistance, applying the same criteria to any outside consultant.

Has someone from an industrial H&S background enough competence to help you carry out a Risk Assessment for a Educational Visit? Probably not.

Your SMS needs to define how and when you should review and change risk assessments and what criteria you need to adopt for various actions.

And remember, it is no earthly good adopting model Risk Assessments unchanged. All Risk Assessments must be pertinent and apply to your school and its' specific conditions.

·Training – H&S duties also mean that the School needs to train and give information /instruction to its' staff and some visitors. These H&S training duties mean that the school needs to be able to deem staff competent to play their part in the system.

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It also means that the school must deliver job specific training and/or instruction. The main areas of training defined by regulations and good practice include:

- * Induction for all new staff and for specified visitors and contractors

- * Basic Safety Requirement defined by your School SMS and which is sufficient H&S Training for staff to enable them to operate safely with awareness of duties, responsibilities, the main hazards and risks and to enable them to play their part in the School SMS.

- * Job specific Safety training and Instruction – Training to enable the member of staff to carry out their job role safely. e.g COSHH familiarisation for Cleaning Staff who use chemical cleaning agents. Instruction in a new piece of equipment and how to use it safely.

·Policies and Procedures - The school needs to have a School Health and Safety Policy and suitable procedures which should flow from the risk assessments made. It is expected that all policies and procedures will be developed with input from, and consultation of ,staff. The Policy and the Procedures need to be available to staff and should be reviewed regularly. The same criteria applies to Policies and Procedures provided as models for the school as to Risk Assessments.

- * They must be made school specific.

- * They need to form part of the School Safety Management System.

·Personal Protective Equipment (PPE) - Flowing from the school Risk Assessment System control measures will be identified and some of these e.g for school cleaning, will indicate that PPE needs to be used for some operations. The school needs to ensure that the PPE is available, in good condition and that employees and pupils wear it and use it properly. It should also be regularly inspected and inspections recorded and equipment updated and replaced as necessary. If PPE is provided to pupils for use in school or on visits e.g buoyancy aids for water based activities, or mountaineering gear for adventure based trips, the children need to be clearly instructed and know how to use it and it should be in good condition.

·Managing Safety - The Head teacher and any Governing Body, whether it is the Employer or not, has a duty to ensure that safety is properly managed in school and this means :

- §that a SMS is in place and it works.

- §that all Risk Assessments, Policies, Procedures etc are appropriate to the specific circumstances of the school.

Children and Safety:

Because of the intersection of laws like the Children Act and various Education and Medical Acts, H&S in schools is actually far more complex than it is in industry. The clear

imperative for any teacher or school is the primacy of the safety of the children.

This also brings into play the professional duty of care of the teacher and the school to do no harm through carelessness and/or negligence.

This taken in the round means that the level of care and supervision given to younger and more immature children needs to be greater than that given to older, more mature children. However, every teacher knows that some Year 5s can be more mature than Year 6s. This is where the teacher's professional competence intersects with Risk Assessment, Policies and Procedures. Every day in controlling the class teacher's are making ongoing Risk Assessments in maintaining discipline and adequate supervision. All that H&S does is to provide a framework in which to operate which allows them to justify their actions in case of an accident or incident. By providing this framework the school protects, itself, its' staff and its' children.

Staff and Governors and the SMS

· Whether or not the Governing Body is the Employer it still carries out its' duties by oversight of the SMS and actively checks by monitoring and auditing the School SMS and ensures that it fits the school's circumstances. The Employer Governing Body as a dutyholder would have the additional legal responsibility of providing policies and specific procedures together with resources to manage safety.

· The Regulations point out that it is good practice for a Governor to be appointed to have responsibility for Health and Safety and its' management in the school.

· There is a requirement under safety law and regulations for School Staff to be consulted in matters which affect their safety. At present this often done through the teaching Union Reps. This is fine but it tends to discourage the whole staff to participate in the SMS.

A good way for this to happen is to enlist staff and pupils in a School Safety Committee which helps to run, and is part of, the School SMS.

Accidents do happen?

Health and Safety compliance need not be a major burden. It simply needs to be put in place because accidents do happen and if they do they should be approached using a safety approach to learn from them and as opportunities to review Risk Assessment and reappraise control measures.

Accidents can be to pupils, staff or visitors/contractors and can result in litigation and/or prosecution.

Accidents

to children which have ended in litigation against schools have often been unsuccessful if the accident has been shown to be a result of play.

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The view taken by courts seems to be that play is necessary for a child's development and sometimes this can result in accidents but the school need not take undue or unreasonably costly action to avoid all accidents at all costs.

Even for accidents caused during horseplay the courts have indicated that negligence or extreme recklessness needs to be demonstrably proven.

Reasonable safety is the concept which is the benchmark to judge response to safety matters against and provided the school has reasonable systems in place which indicate that it is managing safety and using good practice it should be secure.

Prosecution and enforcing UK Safety Law.

HSE is the body which inspects and enforces the safety law.

Approximately 25% of all prosecutions for breaches which HSE made over the last 5 years were attributed to breaches of management duties under the Management of Health and Safety at Work Regulations.

Having said that action by HSE involving enforcement action against schools is rare and prosecution rarer still. There are approximately 80 breaches per year in Primary Schools.

Accidents are not so rare unfortunately and approximately 11,000 accidents were reported in Education under RIDDORS (3 day accidents) in 1999/2000 of which about one third were due to slips and trips.

Finally

Provided a school follows good practice and the rules no one is likely to be at risk from enforcement or legal action.

That the Staff, Governing Body and individual Governors need to support the Headteacher in carrying out their duty under the law and co-operate with any Employer is a given. The Head Teacher also needs to respond to the H&S requirements of the employer and the law.

They can do this by ensuring that safety is managed in the school under a Safety Management System. This ensures that the school is in compliance with the regulations.

The whole school needs to be seen to be playing its' full part in any school Safety Management System.

The Employer and Governors by oversight and target setting, monitoring, auditing and reviewing, and ensuring that resources are available to help the head manage school H&S.

The Head Teacher by managing and implementing and overseeing the SMS. The Staff by cop-operating, consultation and assistance in implementing the systems. By doing this and

everyone playing their full part that school overall safety will be improved and accident levels drop.

Dr. Paddy Swan is a qualified teacher with senior management experience in UK schools and colleges. He also has almost 25 years safety experience in industry. He has developed over 100 online and multimedia safe systems training solutions. Paddy is the author of School Basic Safety for Classroom and Support staff for UK schools and the Headteacher's Safety Management Toolkit at <http://www.swaneducation.co.uk>

Public-school Teachers Know Best ---- They Send Their Kids To Private Schools

By Joel Turtel

A study done by the Thomas B. Fordham Institute found that nationwide, public-school teachers are almost twice as likely as other parents to send their children to a private school. The study also found that more than one in five public-school teachers send their kids to private schools.

In the biggest cities across America, the statistics get even more startling. In Washington, D.C., Baltimore, and 16 other big cities, more than 1 out of 4 public-school teacher's kids attend private schools. In some cities, almost half the public-school teachers do this. For example, in Philadelphia, 44 percent, and in Cincinnati, 41 percent of public-school teachers sent their kids to private schools.

Yet, across America, only about 12.2 percent of all parents who are not teachers send their children to private schools.

Now, why is this? Public school authorities keep telling us that they give our kids a good education. Yet they send their kids to private schools?

Well, teachers know best in this case. They actually work in the public schools every day. They see the kind of 3rd-rate, often mind-numbing education children get in these schools. Public-school teachers love their children like all other parents do. They want the best for their kids. So, is it any wonder that so many teachers send their children to private schools?

These statistics should be a warning signal for parents, a red flag waving briskly in the wind. If your children's teachers are sending their children to private schools, should you be keeping your kids in public school? If the soldier-teachers in the public-school trenches tell you that there is something very wrong with these schools, you should, for once, be listening to them.

Actions speak louder than words. The fact that so many public-school teachers send their kids to private schools should be all the proof you need that it might be wise for you to look for education alternatives for your kids elsewhere.

If you think you can't afford an expensive private school, you're happily mistaken. Joel Turtel's book, "Public School's, Public Menace" tells parents all about quality, low-cost Internet private schools. These private schools are a great new resource for giving your children an excellent education at an affordable price.

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