



# Health and Safety

|                         |                       |
|-------------------------|-----------------------|
| <b>Named Person(s)</b>  | <b>COO</b>            |
| <b>Review Committee</b> | <b>Board</b>          |
| <b>Approved</b>         | <b>September 2019</b> |
| <b>Next review date</b> | <b>September 2023</b> |

|                         |     |  |
|-------------------------|-----|--|
| <b>Document History</b> |     |  |
| Version 1               | COO | Policy approved Sept 2019  |
| Version 2               | CEO | Policy reviewed and linked to changes in NCC H&S documents.<br><br>Approved: November 2022 |



## **Health & Safety Management Policy**

### **Policy Statement**

Tyne Community Learning Trust (TCLT) is committed to achieving a positive and effective health and safety culture throughout the Trust. This document sets out the policy for protecting the health and safety of its employees, pupils and other, e.g. members of the public, visitors and contractors etc who may be affected by the work and curricular activities of our schools. The breadth of the activities undertaken by the Schools in our Trust present many varied health and safety risks. It is essential, therefore, that the Board have effective health and safety management strategies throughout its services.

The Chief Executive Officer (CEO) is accountable for the health and safety arrangements throughout the Trust. The discharge of this duty is given equal priority with any of the other obligations in the provision of services.

The aim is to ensure, so far as is reasonably practicable, the provision of a safe and healthy working environment for all employees and the protection of others who may be affected by the Trust's activities, especially the young people who attend Trust schools.

The Trust will achieve this standard by practising good safety management techniques. Arrangements will be planned, prioritised and implemented through the policy manual and associated guidance, as required. The progress achieved and the effectiveness of controls will be monitored through measurement of performance and regular reviews.

In practice, each of us has a part to play in the promotion of safety as well as the prevention of accidents and ill health at work. By valuing our own safety and that of our colleagues we will each be able to participate fully in assisting TCLT in its commitment to safeguarding the health, safety and welfare of its employees and service users.

We recognise that for this policy to be effective, the management of health and safety must be fully integrated into the decision-making process, and given status at least equal to other areas of the Academy's activities and undertakings

Alice Witherow, CEO



Rob Moore, Chair of the Board



**This document should be read in conjunction with the Northumberland County Council School Health and Safety Policy. This is an online document found [here](https://www.northumberland.gov.uk/About/Staff.aspx#staffhealthsafety). (<https://www.northumberland.gov.uk/About/Staff.aspx#staffhealthsafety>)**

**Sections A to E5 of the NCC policy describe management arrangements and are replaced by the content of this document to reflect Learning Trust organisation and management structures. Sections E6 onwards of the NCC policy reflect H&S practice in the Trust and are adopted by the Learning Trust.**

**Contents of this policy:**

|  | Page |
|--|------|
| Introduction   | 4    |
| Statement of Policy on Health and Safety at Work Tyne Community Learning Trust | 5    |
| The Legal Background   | 7    |
| Organisation   | 10   |
| Safety Management  | 17   |
| Competence and Training  | 18   |
| Managing Services and Construction Projects Independently                      | 22   |
| Joint Consultation   | 23   |
| Health & Safety Information for Employees                                      | 26   |

## **Introduction**

The Health and Safety at Work Act places a duty on employers to publish a safety policy which details the organisational structure and arrangements for ensuring that adequate safety standards are maintained.

Each school should detail its own arrangements, prepare and monitor its own risk assessments and report its arrangements to the local governing body

## **Distribution and Amendment Service**

It is a legal requirement that the Health and Safety Policy Manual is brought to the attention of each employee within a school. During a period of unprecedented change in safety legislation it is crucial that staff have access to the most current information. To facilitate this, the policy manual is available on the Health and Safety Team's webpage at the link above. As changes occur, the relevant sections of the manual will be amended on the webpage. All staff should check this to ensure they are using the most up to date guidance.

Where staff do not have access to the webpage it is important that managers provide them with access to the information in paper copy form.

## **Statement of Policy on Health and Safety at Work Tyne Community Learning Trust**

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

#### **Our statement of general policy is to:**

- ensure the health, safety and welfare of all persons at work
- protect visitors, contractors and the general public who attend our premises/sites or who are affected by our undertakings, from risks to their health and safety which may arise from such activities.
- provide the necessary resources to comply with the Health and Safety at Work Act and all associated legislation concerning health, safety and welfare
- identify hazards and provide adequate control of the risks arising from our work activities
- provide and maintain safe plant and equipment
- ensure the safe use, handling, storage, transport and disposal of materials and substances
- provide information, instruction and supervision for employees
- ensure that all employees are competent to do their tasks, and to give them adequate training
- maintain safe and healthy working conditions and ensure that the means of access to and egress from workplaces are safe
- consult with our employees on matters affecting their health and safety
- prevent accidents and cases of work-related ill health
- monitor health and safety performance on a regular basis
- provide appropriate personal protective equipment, where necessary
- bring the approved Health and Safety Policy Manual to the attention of all employees and, where necessary, other persons affected by Trust activities. Health and Safety Policies will be reviewed and revised as necessary.

#### **Organisation**

The CEO has overall responsibility for all matters relating to the health, safety and welfare of every person employed by the Trust and for ensuring that members of the public who may be affected by any of its activities are not thereby exposed to risks to their health or safety. In turn, the delegations indicated below show who is responsible for all matters relating to health, safety and welfare within their respective area:

- Chief Operations Officer - H&S policy across the Trust
- Headteachers/Executive Head Teachers – for H & S matters in the schools they are responsible for.

All other Managers and staff with supervisory duties are responsible for ensuring that adequate health and safety management arrangements are in place within their area of responsibility.

All employees have a duty to exercise personal care and responsibility towards themselves and others, and to cooperate with the Trust in the execution of this policy.

### **Arrangements**

The Trust will take all reasonable steps to meet its responsibilities through appropriate and effective arrangements.

Safety policies, risk assessments and safe working procedures will specify health and safety arrangements in sufficient detail to enable individual employees to promote safe and healthy working practices.

The Trust is committed to the maintenance of high standards of workplace health and safety. The CEO and Trustees will monitor the health and safety performance of the organisation to ensure that targets are met.

Further detailed information on the Trust's health and safety arrangements is provided in the NCC Health and Safety Policy Manual. Sections up to E6 are replaced by this document and sections from E6 onwards provide detailed guidance that is relevant to the Trust.

## **The Legal Background**

### **Introduction**

Until the Health and Safety at Work Act was passed in 1974, the State's approach to occupational safety was based on legislation that had grown up during the previous 170 years in a piecemeal fashion. The Health and Safety at Work Act was the first comprehensive piece of legislation applying to all people at work with the single exception of domestic servants in private households.

Employers have always owed a common law duty of care towards those who are in their employment or who are affected by their activities. Furthermore, a considerable body of case law has been built up over the years, which has helped to define the extent to which employers must strive to discharge their duties adequately in this regard.

### **Summary of the Health and Safety at Work Act 1974**

The Act is based broadly on common law principles and places a duty of care on employers with respect to their employees and to members of the general public. It also places duties on employees towards each other and on manufacturers and suppliers with respect to any organisation which uses their articles or products at work.

It is important to note that the Act specifies certain principles, but unlike previous legislation on Factories, Mines, Offices and Agriculture it does not attempt to specify in any detail the safety measures or the safety standards which are to be adopted. Most of the duties are expressed in very general terms and it is in the regulations and codes of practice issued subsequently that the safety measures which employers are required to take are described in particular detail.

Before new regulations or codes of practice are issued, there is considerable consultation between the Health and Safety Executive, Governmental Departments, as well as employers' federations and trade unions.

### **The Principal Features Embodied in the Act**

#### **Duties of Employers**

All employers are required to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all their employees. This duty includes:

- the provision and maintenance of plant and systems of work that are safe
- arrangements for ensuring safety in connection with the use, handling, storage,



- transportation and disposal of articles and substances
- provision of necessary instruction, training and supervision so as to ensure health and safety
- the provision and maintenance of a safe place of work and access to it
- the provision and maintenance of a safe and healthy working environment and adequate welfare facilities.

The Act also requires employers to conduct their undertakings in such a way as to protect persons not in their employment who may be affected by their acts or omissions, such as the general public and pupils in schools.

Employers are required to prepare and distribute to their employees a written statement of their general policy with regard to health and safety at work. Employers must also consult with safety representatives with regard to health and safety.

### **Duties of Employees**

Employees have a duty under the Act to take reasonable care to avoid injury to themselves or to others by their work activities, and to cooperate with employers and others in meeting statutory requirements. The Act also requires employees not to interfere with or misuse anything provided to protect their health, safety or welfare.

### **Safety Policies**

Employers with five or more employees must produce a written health and safety policy and make satisfactory arrangements for distribution to all employees.

The policy must include three specific elements:

- A statement of intent, detailing the organisation's commitment to maintaining high standards of health and safety. Compliance with relevant legislation is the minimum standard to be achieved. The document must be signed by a company director or equivalent.
- Details of the organisational aspects of managing health and safety issues, specifying who will be responsible for what.
- Details of the arrangements that are in place to ensure compliance with health and safety legislation, thus reducing the risks to employees and any other persons who may be affected by the organisation's activities.

### **Enforcement Agencies**

The Act created two bodies, namely the Health and Safety Commission and the Health and Safety Executive. In 2008 these were merged into one organisation called the

Health and Safety Executive (HSE).

This body has general oversight of national health and safety policy, powers to initiate measures to reduce accidents at work and improve industrial health and safety generally. It also has responsibility for the preparation of health and safety regulations and codes of practice.

The HSE is the major enforcement agency with regard to 3RLT. HSE Inspectors have wide ranging powers available to them in the course of their duties; as a result Inspectors have the authority to:

- Enter premises at any reasonable time
- Obtain assistance from staff
- Be afforded any necessary facilities
- Seize articles or substances for testing or evidence
- Conduct investigations as deemed necessary
- Take statements from witnesses
- Take measurements and photographs as required
- Instruct that premises remain undisturbed for any reasonable time with regard to the completion of any examination or investigation.

In order that the Inspector can enforce the health and safety legislation the following can be imposed upon the employer:

### **Improvement Notice**

Where the Inspector considers that health and safety legislation is being contravened he/she may serve an Improvement Notice on the person or organisation. The Notice will detail the contravention(s) to which they are referring, the reasons why they believe an offence has been committed and the actions required in order to remedy the matter within a specified period.

### **Prohibition Notice**

Where the inspector believes conditions exist which present a serious and imminent danger to the health or safety of employees or other persons, he/she may serve a Prohibition Notice that requires that the activity must cease with immediate effect. The Notice will specify the matters that are presenting the risk and direct that the activity should not be resumed until the matters specified have been remedied.

### **Prosecution**

Criminal prosecution remains the ultimate sanction available to the Health and Safety

Inspectors. Should the HSE decide to pursue a prosecution the courts have considerable sentencing powers available to them for example in lower courts this has recently been increased to an unlimited fine, a maximum of 6 months imprisonment, or both. In extreme cases crown courts may impose an unlimited fine and/or up to two years imprisonment.

### **The Meaning of `Reasonably Practicable`**

The term “so far as is reasonably practicable” has special status when used within the context of health and safety legislation. `Reasonably Practicable` is a narrower term than `physically possible` and implies that a computation must be made in which the cost of preventative action is weighed against the probability of injury occurring and likely severity of the injury. Where safety hazards are slight and the cost of protection is disproportionately high, the means of protection can be shown to be not reasonably practicable. This principle has been well established in the past in civil cases and, in general, the greater the risk, the greater is the sacrifice that the employer is expected to make to guard against that risk.

## **Organisation**

### **CEO**

The CEO has overall responsibility for all matters relating to the health, safety and welfare of all staff employed by the Trust and for ensuring that members of the public who may be affected by any of its activities are not exposed to risks to their health or safety. The CEO is charged to review the statement of policy on health and safety at work and to sign an amended safety policy statement on at least a five-yearly basis.

### **Headteachers**

In a managerial role, Headteachers are responsible for ensuring that the Trust Health and Safety Policies are adhered to within the school. Headteachers will also co-operate with the CEO in order that they may discharge their responsibilities and fulfil the duties of the Trust, as an employer, as laid down by the Health and Safety at Work Act. In particular, Headteachers are responsible, so far as is reasonably practicable, for:

- Ensuring that all full and part-time employees under their control, including part-time youth leaders and adult education tutors, carry out their work so as to avoid, so far as is reasonably practicable, risk to the health or safety of pupils, students, employees, or any member of the general public.
- Ensuring that health and safety is an integral part of the management of the school. This will include setting of objectives as part of a planned approach to full legislative compliance. Producing and updating, as necessary, a school health and safety policy document which details arrangements with respect to implementing local policies and procedures in school.
- Ensuring that all staff are aware of any literature and follow any instructions or procedures issued by the Trust relating to health and safety.
- Where appropriate, nominating staff to be responsible for specific aspects of health and safety and ensuring that all staff are aware of such delegations.
- Ensuring that only appropriately qualified and experienced members of staff supervise potentially hazardous activities.
- Ensuring that there are adequate arrangements for the supervision of pupils at all appropriate times.
- Ensuring that adequate arrangements exist for the reporting of accidents and potential hazards, and that such reports are forwarded to the CEO and relevant statutory authorities (HSE).
- Ensuring that adequate arrangements exist for emergency evacuations and that all staff and pupils are aware of such arrangements.
- Ensuring that fire safety advice forwarded by the Trust is adhered to, and that all reasonable precautions are taken by staff to minimise the risk of fire. Fire Risk Assessments should also be completed.
- Procedures are in place to ensure that statutory maintenance and testing of

equipment and plant is undertaken by a competent contractor (the SLA with NCC arranges this)

- Carrying out procedures to ensure that only competent contractors are brought onto school sites to carry out works
- Making adequate arrangements for the site induction of any contractor brought onto the site so that the activities do not interfere or cause a risk to the safety of staff and children on site.
- Immediately informing the CEO of any unsafe practice or condition arising from the work of a contractor on the site, which may endanger the health or safety of staff, pupils or members of the general public.
- Ensuring that all staff are fully aware of any asbestos material in the school and make arrangements to ensure that no person brought onto site is exposed to risks from asbestos. Any asbestos that is disturbed should be reported to the SBM and staff and pupils removed from its vicinity.
- Ensuring that arrangements are in place for staff to report defects and unsafe conditions and that appropriate action is taken to remedy concerns.
- To consult with school safety representatives on all matters that arise relating to the health, safety or welfare of staff under their control and take appropriate action in response to reports received.
- Ensuring that members of staff receive adequate health and safety information, instruction and training with respect to their work activities. To ensure that induction and any training identified as part of the risk assessment process are included.
- Ensuring that risk assessments have been completed and are regularly reviewed for all activities on site as required by health and safety legislation.
- Maintaining appropriate safety records in accordance with Trust policy.
- Ensuring that all purchases have been assessed for suitability and compliance with the Provision and Use of Work Equipment Regulations 1998.
- Making suitable arrangements to ensure that all plant and equipment is maintained in safe and serviceable condition.
- Maintaining the routes for communication of health and safety issues, e.g. safety committees and/or safety groups. Maintaining the written communication routes for safety issues, for example distribution of notes of meetings, updating safety manuals and school safety policies.
- Ensuring that the health and safety standards and compliance with procedures are adequately monitored.
- Reviewing the health and safety performance of the school on a regular basis in conjunction with the local governing body.

### **Chief Operating Officer (COO)**

The COO is responsible for the Trust H&S policy and ensuring its implementation

across the Trust. They will check that Health and Safety processes are operating in schools as intended.

### **Staff with responsibility for caretakers/premises, eg School Business Manager**

For the school they work at, they should help the headteacher to:

- ensure that adequate arrangements are in place to protect, as far as is reasonably practicable, all employees and persons affected by the activities of the school with regard to their health, safety and welfare. This duty is to be fully implemented in accordance with the Trusts general statement of policy on health and safety at work.
- Maintaining the routes for communication of health and safety issues. Maintaining the written communication routes for safety issues, for example distribution of minutes of meetings, updating safety manuals and safety policies
- evaluate the safety performance of the school so that appropriate action may be taken as necessary and resources may be targeted in priority areas.
- recording all safety checks and maintenance records using the electronic EVER system

### **Local Governing Bodies (LGB) and the Trust Board**

The Chairs of the LGB's and the Trust Board should take steps to discharge their own responsibilities for health and safety performance in school. Details of the responsibilities of Boards is given in section D Safety Management' on the NCC link. However, some of the principle responsibilities are given below:

- Ensure that Headteachers have made adequate arrangements to discharge their responsibilities for health and safety within the school as detailed below.
- Take an active role in the development of the health and safety policy for the school that reflects local procedures and policies.
- In conjunction with the Headteacher, provide a monitoring role for the school for health and safety performance. Any inspection reports should contain the following:
  - o action allocated to individuals who are responsible for the function
  - o time limits set for action
  - o remedial action to deal with the problems identified
  - o identification of any long term action required in order to address underlying causes of problems
- Ensuring that health and safety issues are covered at meetings of governing bodies. This should include discussion of any safety reports or information issued to the Headteacher by the Trust.
- To provide information to the Trust Board or central team on Health and Safety matters when requested.

- To ensure adequate resources are given to safety issues.
- To review performance periodically.
- To ensure that safety training is given priority for both governors and staff.

### **Heads of Department**

The Health and Safety at Work Act requires all supervisors to accept responsibility for the safety of processes under their direct control. In order to achieve this objective Heads of Departments are responsible to the Headteacher, so far as is reasonably practicable, for:

- Ensuring that all members of staff in the department are aware of any safety precautions to be taken when undertaking potentially hazardous activities.
- Ensuring that the curriculum of the department includes instructions in the correct and safe methods of carrying out potentially hazardous activities.
- Ensuring that the curriculum of the department does not involve staff and pupils in procedures likely to cause accidents.
- Ensuring that all equipment and machinery is maintained in safe and serviceable condition, and defective equipment not used until the necessary repairs have been carried out.
- Ensuring that competent members of staff carry out risk assessments for all the activities within their control. These assessments should cover general risks as well as the specific risks involved with the teaching and supervision of children. Consideration should be given to the use of hazardous substances, provision of personal protective equipment and selection of work equipment.
- Ensuring that any best practice guidance available in relation to activities undertaken is adhered to e.g. CLEAPSS, AfPE, DATA.
- Ensuring that all members of staff under his/her control adhere to all relevant aspects of the Safety Policy.
- Reporting all potential hazards to health or safety and all accidents to the Headteacher.

### **Senior Technicians**

In respect of laboratory and workshop technical staff the Senior Technician is responsible for:

- Ensuring that all members of staff working in laboratories or workshops are aware of any safety precautions to be observed when undertaking potentially hazardous procedures.
- Ensuring that only appropriately trained members of staff use potentially hazardous chemicals, equipment or machinery.
- Ensuring that members of staff wear appropriate protective clothing.

- Reporting all accidents to the Headteacher or Head of Department and ensuring that the appropriate accident report form(s) are completed.
- Reporting any faulty equipment or machinery or potential safety hazards to the Head of Department.

### **Site Managers, Caretakers and Cleaners in Charge**

These personnel are responsible to the Headteacher for the safe organisation and work of the caretaking and cleaning services. They are responsible for reporting accidents, defects to the building or their equipment, and any other relevant matters to the Headteacher.

Where these services are provided by an external contractor, the Headteacher will then assume all client health and safety roles in relation to the contractor.

### **Kitchen Managers**

Kitchen Managers are directly responsible to the Headteacher for the safe organisation and work of the school kitchen, for reporting accidents, defects to the building or kitchen equipment and any other relevant matter to the Headteacher.

In all school managed services, it is the responsibility of the governing body to develop appropriate procedures to maintain effective Health and Safety compliance.

### **Employees**

Employees also have responsibilities under health and safety law. These are detailed below:

- To take care of the health and safety of themselves and of others who may be affected by their acts or omissions at work.
- To ensure there is no interference or reckless abuse of anything provided in the interests of health, safety or welfare.
- To comply with the provisions of specified statutory regulations so far as they relate to matters within an employee's control.
- To report to their line manager any hazard, accident or dangerous occurrence that has or might have caused injury or damage to persons or equipment and to co-operate in any investigation of an accident or dangerous occurrence.
- To notify their line manager if they have any of the 'notifiable diseases'.
- To adhere to the agreed procedures for safe working, observe any safety rules or instructions relevant to particular work or locations and to use protective clothing and safety equipment provided.
- To notify their line manager when personal protective equipment requires renewal or



repair.

- To assist officers of the Council in their audits, inspections and investigations.
- To assist Inspectors of the Health and Safety Executive to carry out inspections and investigations.

### **Safety Representatives**

Within the Trust, Safety Representatives are essentially Trade Union appointments which are entirely voluntary. Safety Representatives have the function of representing their fellow trade union members in consultations with their employer regarding health and safety, and may represent other trade union members by agreement between the Trade Unions involved. To this end there is an entitlement to carry out safety inspections of the workplace, receive information from visiting Inspectors of the Health and Safety Executive and to examine the cause of accidents.

The employer is obliged to allow such time off as is necessary, with pay, to allow Safety Representatives to fulfil their functions and to receive appropriate training.

### **NCC Health and Safety Team**

The Health and Safety Team has a service role with respect to the provision of health and safety advice. It has the following responsibilities through the service level agreement (if taken):

- To advise the Trust on the demands of existing and proposed legislation with respect to health and safety issues.
- To support management in the effective implementation of health and safety legislation, through assistance in the following areas:
  - workplace inspection
  - risk assessment (both workplace and personalised)
  - devising safe systems of work
  - sampling and measurement of workplace hazards, such as noise, vibration and fumes
- To assist Directors and Senior Managers to identify priorities to enable them to fulfil their Health and Safety obligations.
- To assist managers in the thorough investigation of accident and violent incidents and to advise on the appropriate course of remedial action to prevent recurrence. This is undertaken by scrutinising reports submitted through the corporate accident reporting systems or by carrying out full accident investigations, as appropriate.
- Liaise with the Health and Safety Executive on all matters regarding health and safety at work, as required

## **Occupational Health Advisors**

The role of the Occupational Health Advisors, in relation to Health and Safety, is to contribute to the prevention of occupationally related diseases and to monitor the health of the workforce.

Occupational Health Staff are responsible for:

- The assessment of all prospective employees on their fitness for work.
- Liaising with Managers and Health and Safety Advisers with respect to work activity risk assessments and personalised risk assessments.
- Assisting Managers and their staff with the management of sickness absence, offering advice on ill health and a person's medical capability to work
- Carrying out health surveillance, required by health and safety legislation, upon request by Managers.

## **Safety Management**

### **Relevant Legislation**

The Management of Health and Safety at Work Regulations 1999 Managing for Health and Safety (HSG65)

### **General**

The Management of Health and Safety at Work Regulations have far reaching implications for the management of health and safety in all Trust Schools and areas of service delivery and require that a thorough and modern system of safety management be adopted. The following summary provides relevant details and guidance on how the regulations should be implemented.

### **Health and Safety Arrangements**

The law requires that a written description is prepared detailing the arrangements for a structured scheme of safety management within the establishment, designed to achieve a progressive improvement in standards and performance. The aim of this is to create an effective 'safety culture' in which the commitment to health and safety is adopted at all levels and where all share a common goal of constantly improving the management of risk.

Page 5 onwards of section E1 in the NCC guide sets out a plan with responsibilities and explains how these change for academies.

## **Competence and Training**

### **Relevant Legislation**

Management of Health and Safety at Work Regulations 1999  
Safety Representatives and Safety Committees Regulations 1977

### **General**

If all employees are to make a meaningful contribution to health and safety, there must be proper arrangements in place to ensure that they are competent. This means more than simply training them. Experience of applying skills and knowledge is another important ingredient and this needs to be gained under adequate supervision. Managers need to be aware of relevant legislation and how to manage health and safety effectively.

Employees are to be provided with adequate health and safety training:

- on recruitment (usually in the form of induction)
- during both routine and non-routine activities
- on exposure to new or increased risks due to the:
  - transfer or change of responsibility
  - introduction of new equipment or a significant change therein
  - introduction of new technology
  - introduction of a new system or work
  - organisational changes.

The training is to:

- be repeated periodically, where appropriate (including refresher training)
- be adapted to take account of any new or increased risks
- take place during working hours.
- 

It is accepted that safety training taking place outside normal working hours should be regarded as an extension of time at work. It is not permitted for employees to be requested to pay for their own health and safety training.

### **Identification of Training Needs**

In conjunction with risk assessment, the following checklist can be used to help determine the health and safety training requirements for each person or for an occupational Trust. It is possible that some of the training requirements may fall into more than one of these categories:

| <b>Category</b> | <b>Examples of Training</b> |
|-----------------|-----------------------------|
|-----------------|-----------------------------|

|  |   |
|--|---|
| Statutory Requirements   | <ul style="list-style-type: none"> <li>• Chainsaw</li> <li>• Pesticide Use</li> <li>• First aid</li> <li>• Scaffold</li> <li>• COSHH</li> </ul>   |
| Policy requirements  | <ul style="list-style-type: none"> <li>• Line manager's health and safety</li> <li>• Foundation food hygiene (or higher qualification)</li> <li>• Outdoor activity training and assessment courses, including Leader training for educational visits</li> <li>• Training to comply with national vocational standards</li> <li>• Control and restraint</li> <li>• Minibus driver</li> <li>• Fire warden</li> <li>• First aid</li> </ul> |
| Needs arising from analysis of job descriptions (role mapping) and examining the nature of work activities in practice. This will involve gathering information from employees about how work is done. | <ul style="list-style-type: none"> <li>• Working at height (including ladder safety and the use of tower scaffolds)</li> <li>• Confined spaces</li> <li>• Woodworking equipment</li> <li>• Food hygiene</li> </ul>  |
| Needs arising from risk assessment. This may involve examining ill health and incident records.  | <ul style="list-style-type: none"> <li>• Violence at work/breakaway</li> <li>• Manual handling</li> <li>• Stress awareness</li> <li>• CDM and HSC1(Minor Works)</li> <li>• Risk assessment</li> <li>• Electrical awareness</li> <li>• DSE assessor</li> <li>• Asbestos awareness</li> <li>• Personal protective equipment</li> <li>• Lone worker</li> <li>• Traffic management</li> </ul>   |
| Needs arising from individual employees' circumstances.  | <ul style="list-style-type: none"> <li>• On the job training for safe systems of work in specific circumstances (for</li> </ul>   |

|  |   |
|--|---|
|  | <p>example, for an employee with a disability)</p> <ul style="list-style-type: none"> <li>• Training provision in different languages</li> <li>• Return to work familiarisation programmes</li> <li>• Responses to employees' self identified training needs</li> <li>• Health and safety for Heads and safety coordinators</li> <li>• Duke of Edinburgh Award Unit Leader</li> </ul> |
|--|---|

Training helps people acquire the skills, knowledge and attitudes to make them competent in the health and safety aspects of their work. It includes formal off the job training, instruction to individuals and Trusts and on-the job coaching and counselling.

A range of training is available to all staff through the EVERY system and Headteachers should contact the Central Team or request training through Jess Hoskings.

### **Funding Training**

It is essential to consider specific health and safety related training requirements when developing the establishment's budget plan. The provision of safety training should be given equal priority to other training needs.

### **Training Records**

Accurate records of all training and instruction that employees receive should be kept for reference purposes. A record should be kept confirming participation at both off the job training courses and supervisory training sessions (including induction).

### **The Relationship between Health and Safety Training and Competence**

A thorough analysis of health and safety training needs will not only identify formal training course requirements, it will draw out the essential competencies required in order to carry out a task. In order to demonstrate that the person is actually competent the initial training specification must be adequately detailed and there should be some way of validating the final learning outcomes.

Some training courses currently provided do not achieve these aims because they are more about raising awareness than developing skills. Skills-based training courses should be specifically designed to demonstrate competency. In these cases, there will be an ongoing need to monitor the performance of staff and the application of the training in a structured way in order to demonstrate competency in the longer term.

It should be explicitly stated in the objectives of the training whether the session is skills-based training or awareness training.

### **Monitoring and Review**

A mechanism for ensuring that the training plan is maintained and training needs are met must be in place as part of the employee performance and appraisal process.

### **Competencies of Training Providers**

All in-house trainers and assessors should have received suitable training and be competent to carry out these roles. External providers should also be vetted to ensure that they are suitably qualified and experienced to carry out training on behalf of the establishment.

### **Employees' Duties**

Every employee has a duty to:

- use any equipment or process in accordance with the training and instructions received from the employer
- inform the employer (in practice, the line manager) of any:
  - o work situation which a person with their training and instruction would reasonably consider to be a serious and immediate danger to health and safety
  - o matter which a person with their training and instruction would reasonably consider to be a shortcoming in the employer's protection arrangements for health and safety.

## **Managing Services and Construction Projects Independently**

### **Relevant Legislation**

The Management of Health and Safety at Work Regulations 1999 Construction, Design and Management Regulations 2015 (CDM 2015) Schools Standards & Framework Act 1998

### **General**

Property Services offer the following services to schools:

- A statutory maintenance, inspection and testing service
- A reactive repair and planned maintenance service
- An insurance fund which schools can buy into
- A Design and Project Management Service

There are two types of construction works that are undertaken in schools, as follows:

**Major Works** - these include significant refurbishment, maintenance work or any design and build project.

**Minor Works** - these include small-scale projects, for example commissioning a contractor to replace lighting in a school hall over a couple of days, or having a small section of roof repair work carried out.

Since all construction work falls within the scope of the CDM 2015, it is essential that colleagues consult section J1 of the NCC policy, where the requirements of that legislation are set out.

Where schools decide not to procure services through the Council and, instead, commission work themselves they become solely responsible for planning the safety of the work which they commission. The school must also vet its own contractors (see Section E3 of the NCC guidance) and, most importantly, ensure that their arrangements do not compromise the safety of staff, pupils, contractors or the general public. Before doing this the school should contact the Chief Operating officer for guidance and to agree a plan of what is required.

Commissioning construction work and managing contractors are not traditional roles for governors or Headteachers. In fact, it is often necessary to possess extensive experience and knowledge when agreeing safe systems of work with contractors. Some activities involve high risks, for example, the removal of asbestos, working at height or working in proximity to underground services. Before assigning the role of commissioning manager for construction works to a particular member of staff, schools should closely and carefully consider the competency requirements.



## **Joint Consultation**

### **Relevant Legislation**

Safety Representatives and Safety Committees Regulations 1977

Health and Safety (Consultation with Employees) Regulations 1996

### **General**

The functions of safety representatives are prescribed in the above regulations 1977. Only a recognised Trade Union may appoint safety representatives who should normally be employees, ideally employed continuously for the previous two years. The Trade Union should notify the employer in writing of the names of the persons appointed as safety representatives and the Trade Union they represent.

Safety Representatives have the function of representing their fellow Trade Union members in consultation with their employer regarding health and safety matters. To this end they are entitled to

- carry out safety inspections of the work place at quarterly intervals
- to receive information from visiting inspectors of the Health and Safety Executive
- to examine the causes of reportable accidents.

In order to avoid having a disproportionately high number of safety representatives in an establishment, it has been agreed that a safety representative may represent members of more than one Trade Union.

The employer is obliged to allow reasonable time off with pay to enable safety representatives to fulfil their functions and to receive appropriate training. In order to ensure that reasonable numbers of safety representatives are appointed, Teachers' Associations have given their approval for the appointment of safety representatives to be arranged by mutual agreement between staff concerned. This has been particularly useful in small establishments in maintaining a reasonable degree of representation. The Trust will cooperate so as to enable safety representatives to carry out those functions defined by the relevant statutory provisions.

The Health and Safety (Consultation with Employees) Regulations only apply to employees who are not being represented by safety representatives appointed under Safety Representatives and Safety Committees Regulations 1977

### **The Role of the Safety Representatives:**

The functions of safety representatives are detailed below:

- in general, to represent employees in consultations with employers which help to promote and develop the health and safety at work of the employees
- to investigate hazards and dangerous occurrences at the workplace and to examine the cause of accidents

- to investigate complaints by any employee he represents relating to that employee's health, safety or welfare at work
- to make representations to the employer on matters arising from their investigations
- to make representations to the employer on general matters affecting the health, safety or welfare at work of the employees at the workplace
- to carry out inspections
- to represent employees in consultations at the workplace with inspectors of the Health and Safety Executive
  - o to receive information from inspectors
  - o to attend meetings of safety committees

### **Inspections**

- Safety Representatives are legally entitled to inspect the workplace once every three months. However, in schools, once per term is usually more appropriate.
- Arrangements suitable for each workplace need to be devised. A formal programme of regular inspections may be appropriate. An inspection should be arranged to take place at a time mutually convenient to the Manager and Safety Representative.
- Written reports should be made in respect of unsafe or unhealthy conditions, poor working practices or unsatisfactory arrangements for welfare at work. However, minor matters may be reported orally.
- Normally it should be possible for the employer to take appropriate remedial action. When remedial action is not considered appropriate or cannot be taken within a reasonable period of time then the reasons should be explained in writing to the Safety Representative.

### **Information to be Made Available**

Employers should make available the information within the employees' knowledge necessary to enable safety representatives to fulfil their functions, and to enable them to play an informed part of promoting health and safety at work.

### **Reporting Procedure for Safety Representatives**

Safety representatives should use the existing channels of communication. Matters of concern should be reported to the manager who may be able to take appropriate remedial action. If, after the first investigation, the manager requires further advice or the matter concerns the provision of resources which is outside the control of the school, the matter should be referred to up through Trust. If remedial action is not considered appropriate or cannot be taken within a reasonable period of time, the reasons for this should be explained to the safety representative.

If a safety representative is not satisfied with the response of the Trust, he may refer the

matter to the representative of his professional association or trade union representative  
Safety representatives are entitled to request the advice of the Health and Safety Executive, though it is agreed that this should normally only be done after the Trust's normal channels of communication have been used.

### **Safety Committees**

If two or more safety representatives request the employer to set up a safety committee, the employer must do so within three months of the request.

Safety committees should:

- develop safe systems of work and safety procedures
- analyse accidents and causes of notifiable occupational diseases
- review risk assessments
- examine safety audit reports
- consider reports submitted by safety representatives
- monitor the effectiveness of health and safety training
- consider reports and factual information provided by HSE inspectors and Environmental Health Officers
- monitor and review the adequacy of health and safety communication and publicity within the workplace
- continuously monitor all arrangements for health and safety and revise them whenever necessary.

Managers and representatives should agree who chairs the meetings, how often meetings should be held, and what they hope to achieve.

It is important that safety committees actually review health and safety systems. They should not become reporting centres for matters that should be dealt with by managers.

## **Health & Safety Information For Employees**

### **Relevant Legislation**

The Health & Safety Information for Employees Regulations 1989

The HSE has published a new, simplified version of the Health and Safety Law Poster. It tells workers what they and their employers need to do in simple terms, using numbered lists of basic points. As an employer, 3RLT is required by law to display the HSE-approved poster prominently in each establishment where Trust employees are based.

In addition to the main poster, and as an alternative for peripatetic workers, a plasticised pocket card (ref ISBN 978 0 7176 6350 7) is available.

Managers should add the following information to the poster:

- the name and contact details of local union Health and Safety Representatives, if applicable.