

Responsibility For Health & Safety In Schools

Health and safety responsibilities derive from *the Health and Safety at Work etc. Act 1974* and associated regulations. Health and safety legislation is enforced by the Health and Safety Executive (HSE). The Act places overall responsibility for health and safety on the employer.

For community schools, community special schools, voluntary controlled schools, maintained nursery schools and pupil referral units the employer is the LEA.

For foundation schools, foundation special schools and voluntary aided schools the employer is the governing body.

For independent schools the employer is the governing body or proprietor.

The employer must ensure "so far as is reasonably practicable" the health, safety and welfare at work of all its employees. This includes providing:

- a safe place of work
- safe systems of work
- a safe working environment
- adequate information, instruction and training about health and safety issues.

The employer must also ensure, so far as is reasonably practicable, that other people apart from employees who are at the workplace are not exposed to health and safety risks.

Employees must take reasonable care for their own health and safety while at work and the health and safety of others who may be affected by their acts or omissions at work. They must cooperate with their employers in health and safety matters, carry out activities in accordance with training and instruction and inform the employer of any serious risk.

LEA responsibilities

The main role for the LEA is to establish and maintain an overall policy for its schools. A policy for security within its schools can be part of this policy. The LEA must monitor performance under the policy and provide support, including resources.

Governors' responsibilities

Governing bodies have health and safety responsibilities as a result of their powers and duties under education legislation, particularly in relation to staff employment and finance. The *Health and Safety at Work Act 1974* gives duties to those who have, to any extent, control of premises. Governing bodies are required to take all reasonable steps within their power to ensure that school premises are safe and without risks to health.

In LEA-maintained schools there is shared responsibility between the LEA and governing body which sets a more detailed strategy for the school and sets and

monitors its own health and safety objectives and performance standards. The governing body prioritises actions where resources are required and ensure actions are taken. The governing body is required to produce an annual report on health and safety. Under the *Occupiers Liability Acts 1957 and 1974* the governing body is responsible for the state of the school premises.

The governing bodies of foundation, foundation special and voluntary aided schools, and some independent schools, as employers have overall responsibility for health and safety.

School Funding Arrangements For Health & Safety Issues

LEAs' fair funding schemes should retain sufficient power to ensure they meet their health and safety responsibilities and that necessary work is carried out. The schemes should require governing bodies to:

- supply all financial and other information to enable the LEA to be sure that the school is managing its budget satisfactorily;
- have due regard to the LEA's responsibilities for health and safety;
- assess in advance where relevant the health and safety competence of contractors taking account of the LEA's policies and procedures.
- Schools may take advice on health and safety from other bodies but must heed the policy of the LEA.
- Schemes should allow the LEA to pay for (and recoup the costs for) health and safety work for which it is liable where funds have been delegated to schools for such work but where the work was not done.
- Schemes should also allow the LEA to recoup the costs of necessary health and safety training for staff from a school when funding for training is delegated but suitable training has not taken place.
- LEAs can hold back funds to cover strategic management of health and safety i.e. establishing policies and setting standards, providing competence at a strategic level, carrying out active and reactive monitoring, reviewing the policies and standards, and advising schools.