



## See Tomorrow Grow

### HEALTH AND SAFETY POLICY

The role of a board of governors or board of trustees is to work with the school on strategic planning, developing policies and keeping the school under review. Its responsibilities and powers must be exercised in partnership with the headteacher and staff. Boards have specific legal responsibilities. This document covers health and safety.

The employer has the ultimate responsibility for pupil health and safety both on site and during off-site visits. The main legislation affecting schools are the Health and Safety at Work Act and Regulations 1974 and the Management of Health and Safety at Work Regulations 1999. Useful recent guidance can be found in the DfE advice on legal duties and powers for health and safety April 2022 entitled 'Health and safety: responsibilities and duties for schools'. Under the above Acts and regulations, it is also the duty of the school as an employer to take reasonable steps to ensure that staff are not exposed to health and safety risks.

Where the school is the employer, the local authority (LA) has no responsibility for and no power to intervene in pupil health and safety matters; the board of governors must therefore make sure that the school has a health and safety policy. In all other schools, liability for health and safety usually rests with the LA.

In academies, trust schools, foundation schools, foundation special schools and voluntary aided schools statutory health and safety responsibilities fall on the board of governors as the employer.

Where the board is the employer, in a school or academy, they have a duty:

- To institute a health and safety policy and advise employees of it.
- To ensure the health, safety and wellbeing of all staff and pupils as well as visitors to the school and volunteers involved in any school activity. This also applies to off-site visits involving staff, pupils or volunteers.
- To work to ensure the mental good health of staff and pupils.
- To assess risks of all activities both in school and off site and keep a record of significant findings of that assessment.
- To introduce measures to manage those risks and tell employees about those measures. To ensure that staff are trained in their health and safety responsibilities.
- To take reasonable steps to make sure that buildings, equipment and materials are safe and do not put the health of users and visitors at risk.

Even if the school is not the employer, the governors may wish to undertake their own risk assessments.

The sensible management of risk does not mean that a separate risk assessment is required for every activity. A good rule of thumb is that if something is a new activity or in a new venue, a specific assessment of significant risks should be carried out, but a repeated or infrequent, familiar activity may only need a review of an existing assessment.

A risk assessment in effect asks and answers the following questions:

- Is there a danger?
- How likely is it to happen?
- How serious would it be?
- How can we prevent or mitigate the risk?
- What are the priorities?
- What action should be taken and by whom?
- Is the risk acceptable?

The school must have a health and safety officer who is usually the headteacher. But the governors are responsible for setting the policy and agreeing strategy and procedures to implement it. The major issues are:

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- Accident reporting and investigation.
- Workplace safety for teachers, pupils and visitors.
- Proportionate control measures for health infections.
- Fire hazards and safety.
- Regular checking and maintenance of electrical installations and appliances.
- Control of hazardous substances.
- Maintenance of reasonable minimum indoor temperatures during working hours and the provision of clean and fresh air.
- Site maintenance and cleaning.
- Safety training and awareness.
- First aid and supporting medical needs.
- Occupational health services and managing work-related stress.
- Specifically, the board of governors needs to check and be assured that the school is monitoring safety in the grounds including any playground. This includes having an appropriate number of adults supervising pupils during lunch time and breaks.
- Fire drills.
- Emergency procedures, such as evacuation of buildings or lockdown.
- Security of the site.
- Violence to staff.
- School journeys; the board of governors should be consulted about school journeys and be satisfied that safety arrangements and supervision are adequate. Particular care should be taken when approving visits abroad and to field and sports centres.
- School transport.
- Vehicle movement and car parking on site.
- Contractors on site.
- Practical subjects, for example science, home economics etc.
- Waste disposal, for example fume cupboards, dangerous chemicals.
- Non-structural repairs.



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- Lettings.
- Asbestos sealing and removal.

Employees at a school are expected to:

- Take reasonable care of their own health and safety and that of others who may be affected by what they do at work.
- Co-operate with the employer on health and safety matters.
- Do their work in accordance with training and instructions.
- Inform the employer of any potentially dangerous situation, so that remedial action can be taken.
- Teachers have a common law duty to act as any prudent parent would do when in charge of pupils.

Schools very often include the duty to monitor health and safety in the terms of reference of the premises committee, or they may have one governor who has specific responsibilities for such matters.

### **Health and safety legislation**

There are specific issues, regulations and Acts of Parliament that are directly relevant to health and safety and of which governors need to be aware. There are a large number of these, and governors should ensure that the school has a full list of all relevant legislation. They may also wish to put certain additional policies in place, for example relating to the school site or to any particularly vulnerable children or adults at the school.

Among the more significant pieces of legislation affecting a wide range of areas are:

- The Education Regulations 1989 Regulation 7 deals with the use of low level radioactive products by school science departments. More recent useful advice is also provided by CLEAPSS.
- Section 89 of the Environmental Protection Act 1990 refers to the governor's responsibility for litter control on the school site.
- Schools must conform to seat belt legislation as stated in the Motor Vehicles (Wearing of Seatbelts) Regulations 1993 as amended in 2006.
- The Reporting of Injuries, Diseases and Dangerous Occurrence Regulation (RIDDOR) 2013 requires schools to report all accidents which result in death or serious injury to the health and safety executive. Employers must keep accident records for three years for social security reasons. It is good practice to record all incidents that befall pupils. The board of governors should receive a report at the next full meeting of all but minor accidents and injuries.
- Every LA will have its rules for the training of minibus drivers. The board of governors should ensure that all staff who drive the minibus have the correct training and have been tested. The regular servicing and testing of all school buses should be assured. The DfE issued new advice in 2013 about the driving of school minibuses to which governors should refer.
- Under statutory guidance issued in 2014, schools must have a policy in place that takes account of a duty under section 100 of the Children and Families Act 2014, which is to support children with medical conditions and ensure that these pupils have the same opportunities as their peers. Many such children will probably have an individual Education Health and Care plan.
- Governors must oversee the development of policies for pupils with additional health needs. The policy should address emergency procedures and set up a named member of staff to coordinate health care



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needs and to link with parents. Schools should only be prepared to manage prescribed medicines where it is absolutely essential to do so. Only trained staff should administer medicines to children on a regular basis. Since October 2014, it has been permissible for schools to hold a small stock of inhalers for emergency use by asthmatic pupils. Schools should never administer non-prescribed medicines without prior consent of parents.

- The board of governors of both maintained schools and academies must provide paid-for lunches for registered pupils, including nursery pupils, who receive education both before and after lunch. If a school has a delegated budget for free school meals, the board must provide a free meal at lunch time for all eligible pupils of compulsory school age. An additional requirement under the Education (School Lunches) (Prescribed Requirements) (England) Order 2003 includes free school meals for nursery pupils. Schools may choose to supply other meals, including breakfast and other snacks, to all pupils who wish to purchase them. In all cases, governors must ensure that meals provided by the school meet with the nutritional standards set out in the Minimum Educational Nutritional Standards Regulation 2000. Further guidance was then added by the then DCSF in July 2009 entitled Nutritional Standards in UK schools. In January 2012, the National Catering Association established compulsory nutritional standards applicable to schools in England. In 2014, revised food standards were issued. The same standards apply to schools in Wales. Facilities must also be provided for pupils to eat meals that they bring to school to eat. From September 2014, all reception and infant school pupils (years 1 and 2) in England have been given a free school lunch.
- Since 1 January 2015, schools must make milk available for every child who wants it in primary, secondary and special schools as well as in PRUs. The milk is free to all FSM children between ages 5 and 18. It is also free to all infant pupils where it forms part of the school lunch, but not if they have milk at another time in the day. Free milk must be provided to all children under five years of age attending a day care or early years setting for two or more hours per day. It is up to schools when they serve the milk and how it is paid for when served to non-FSM pupils.
- The board must reassure itself that the school prepares and implements an accessibility strategy to improve the physical environment of the school for SEND pupils.
- The board of governors should check that parents are aware of their obligation to notify the school if their child contracts an infectious disease and that parents know the school policy on quarantine. It is no longer considered appropriate to exclude a child from school because of head lice or other infestation.
- The Health and Safety (First Aid) Regulations 1981, as amended in 2018, state the requirements relating to employees. In this context, pupils should be treated as if they were employees. First aid provisions should be put in place based on risk assessment. A minimum first aid provision should be:
  - Suitably stocked first aid containers.
  - An appointed person to take charge of first aid arrangements.
  - Information for staff and pupils on first aid arrangements.
  - An appropriate number of trained first aiders.
  - Access to a telephone for emergency use.
- The board of governors should note government advice/guidance and have policies in place for:

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- Automated external defibrillators in schools (April 2016). All schools should have a defibrillator on site by summer 2023.
- Emergency planning and response to severe weather conditions (October 2022).
- Advice and risk assessment for managing outbreaks and incidents (October 2022).
- The board of governors should see that there is a school policy on protective clothing which is prominently displayed in laboratories, workshops etc. The relevant document is BS4163 Health and Safety in Workshops of Schools and Colleges. All such school departments should have comprehensive health and safety regulations which are made clear to pupils and preferably also to parents.
- The board of governors may wish to set up a road safety policy for the whole school in consultation with the headteacher, staff and parents. A school travel plan can cover this and other issues such as encouraging children to walk to school. This policy and/or plan are good practice and schools should produce their own.
- Where schools employ lunch time supervisors, governors should make sure that they have training for this role, especially in the context of child protection and DBS safeguarding checks.

### **Health and safety on educational visits**

Governors should note the advice given in The Adventure Activities Licensing Regulations 2004, DfE publications 'Health and safety: advice on legal duties and powers' (November 2018) and Health and safety on educational visits (November 2018) which cover:

- Standards for LAs on overseeing educational visits.
- Standards for adventure.
- Handbook for group leaders.
- Group safety at water margins.
- Reference should also be made to the HSE policy statement 'School trips and outdoor learning activities – tackling health and safety myths'. The HSE has also issued a paper of FAQs on school trips.

### **Drug and solvent abuse**

Schools should have a whole school policy on drugs and solvents which should cover alcohol abuse, smoking, solvents as well as controlled drugs and medicines. This policy should be discussed and agreed by staff, parents and the board of governors and may form part of the PSHE curriculum. The board of governors should be informed about all incidents of drug or solvent abuse. The DfE has guidance on these matters.

### **Child protection (safeguarding) and promoting the welfare of pupils**

The LA and the board of governors of both maintained schools and academies have a duty to have arrangements in place to ensure they exercise their functions with a view to child protection and promoting the welfare of children. This covers not only child protection but also the statutory obligations listed above.

The main legislative duties for governing boards are to be found in section 176 of the Education Act 2002 and subsequent legislation affecting academies is contained in the Education (Independent Schools Standards) (England) Regulations 2010 as amended in 2012 and 2014. In particular, boards need to be able to show that they have considered whether children, including individual children in their area or establishment, have any specific safeguarding needs.

Statutory guidance entitled 'Keeping Children Safe in Education' was revised and updated in September 2023. There is also a statutory guidance document entitled 'Working together to safeguard children' published in July 2018 and updated in July 2022 (this document is likely to be updated again in late 2023 or early 2024). Governing boards and proprietors must ensure that they have in place an effective child protection policy and that there is a designated safeguarding lead member of the leadership team and also a named governor with oversight of health and safety. Governors should undergo



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updated child protection training every two years. The headteacher can be nominated to liaise with the LA and/or partner agencies on issues of child abuse or allegations of abuse against staff.

Boards should make sure that the school provides effective support for a member of staff or volunteer facing an allegation of abuse. The school should have a designated officer who works with the headteacher to consider the nature, context and content of any allegation and agree an appropriate course of action.

The main safeguarding issues most commonly encountered in schools and colleges are:

- Bullying.
- Radicalisation.
- Sexual exploitation.
- Grooming.
- Allegations against staff.
- Incidents of self-harm.
- Forced marriage.
- Female genital mutilation.

In cases of suspected abuse of a child by someone external to the school, the school may be the first or indeed the only route by which abused children are identified, and any suspicions must be reported. However, the board of governors does not have a role in dealing with cases of alleged child abuse or a right to know details. It is important too, that school staff do not investigate such cases themselves. This is a matter for the police and social services. The schools should co-operate fully in the investigation of such allegations.

In January 2015, Ofsted inspectors were given additional guidance on inspecting safeguarding in maintained schools and academies. In addition to ensuring that the school has an effective child protection policy in place and designated lead, governors are expected to prioritise the welfare of children and young people and help create a culture where staff are confident to challenge senior leaders over any safeguarding concerns. They should ensure that children are taught how to take care of themselves. The statutory relationships, sex and health education curriculum is specifically designed to cover such issues at all stages of children's education.

Boards of governors should check that they have in place agreed safe recruitment procedures. These procedures should prevent people who pose a risk of harm from working with children by adhering to statutory responsibilities to check staff and volunteers who work with children. When appointing staff, at least one panel member should have undertaken recent safer recruitment training. Governors should ensure that the school keeps a single central record of staff, regular volunteers and all members of academy proprietor bodies. In maintained schools, boards must check that any new employee as a teacher must have qualified teacher status.

### **The prevent duty**

Since July 2015, all schools have been required to have due regard to the need to prevent people from being drawn into terrorism. Prevent applies to all types of school and they must have regard to the prevent duty statutory guidance. There is also DfE advice for schools on preventing children and young people from being drawn into terrorism. This can be found in 'Keeping children safe in education'

### **Mental health**

There is increased awareness of the importance of the mental health and wellbeing of children and young people. The government produced a green paper in 2017 entitled 'Transforming children and young people's mental health provision'. This has been followed by a number of reports and guidance documents of which the latest is 'Mental health and behaviour in schools' 2018. This looks at:

- Strategies to prevent mental ill health in pupils.
- Early identification and support to pupils with possible mental health issues.
- Access to specialist support for pupils who need mental health support.





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The additional mental health needs of children and young people as a result of the recent COVID-19 pandemic were addressed in a document for school leaders entitled 'Promoting and supporting mental health and wellbeing in schools and colleges (September 2021 updated in November 2022).

The DfE encouraged schools to identify a senior mental health lead to have strategic oversight of their school's or colleges' approach to mental health and wellbeing. The government aims to provide the opportunity for all state schools and colleges to access quality assured senior mental health lead training by 2025.

Another useful publication is from Public Health England, entitled 'Promoting children and young people's mental health and wellbeing' (September 2021).

Many schools are now producing a discrete mental health policy.

Governors should also ascertain that the leadership team pays due attention to the wellbeing of school staff.

### **School security**

All boards of governors have a responsibility under health and safety legislation to make sure that their school is a safe place in which to work, which includes protection against violent behaviour. Schools have always been wary of theft and intruders and there should be careful scrutiny and identification of all visitors to the school site. At the very least, a signing in book and visitors' badges should be standard procedure. Schools have a common law right to bar troublesome adults from the school premises. In community, voluntary controlled schools and community special school's responsibility lies with the LA. In other schools, a power under the Education Act 1996 authorises the school to ask someone to remove from the premises any intruder causing a disturbance or nuisance. Schools are advised to have a school security policy.

### **Teachers' powers to use force, search and screen pupils**

The powers of teachers and other staff who have lawful control or charge of pupils to use reasonable force to prevent pupils from committing a crime, or from causing injury, damage or disruption, are codified in the DfE guidance issued to schools.

Advice entitled 'Searching screening and confiscation' was issued by the DfE in September 2022. This reinforces the powers of teachers to search, without consent, pupils who are suspected of carrying an offensive weapon or banned substance. Schools can require pupils to undergo non-contact or low-contact screening for weapons using equipment such as a metal detector.

### **References**

- DfE governance handbook October 2020.
- All the legislation and DfE advice/guidance alluded to in this guidance should be noted.
- Boards of governors are required by law to have in place the following policies and documents relating to health and safety:
  - Accessibility plan.
  - Health and safety policy.
  - Child protection policy and procedures.

Reviewed: September 2024

Next review: August 2025