

CHILDREN'S SERVICE

Local Code of Practice 20

Policy for Health & Safety at Work

Issued July 2003

Author:	Peter Dempsey
Service:	Resources
Division	Health & Safety Unit
Intended Target Group:	Educational Establishments
Last Reviewed:	July 2003

**Children's Service
Local Code of Practice No 20
Policy for Health & Safety at Work**

Introduction

The following document is the Children's Service's policy for health & safety at work. This will be revised as and when necessary, with amendments made to reflect any changes in legislation.

The aim of the policy is to ensure a safe and healthy working environment for the employees of the LA and for other persons who use the premises or who may be affected by its work activities.

The policy outlines the organisation and arrangements set out by the Children's Service to fulfil this commitment.

The successful execution of this policy requires the co-operation and involvement of the workforce at all levels. It is therefore vital that all employees have access to this policy and any codes of practice associated with it.

The policy consists of three parts:

- | | |
|---|--|
| (A) The Statement of Policy: | stating the Children's Service's commitment to safety |
| (B) The Organisation for Safety: | laying down the organisation that gives effect to the policy and listing delegation of responsibilities |
| (C) The Arrangements for Safety: | those arrangements common within the Children's Service, the implementation of which put into effect the overall policy. |

**Children's Service
Local Code of Practice No 20
Policy for Health & Safety at Work:**

Part A General Statement

1. The Children's Service recognises and accepts its statutory responsibility as an employer (under section 2(3) of the Health & Safety at Work Act 1974 to provide a safe and healthy place of work, with adequate welfare facilities for its employees. Furthermore the Children's Service accepts its duty under the Act to ensure the safety of persons, not being its employees, but who use the Children's Service's premises or who may be affected by its activities.
2. The Children's Service will, as far as reasonably practicable, meet the duties and responsibilities placed upon it by ensuring the provision and maintenance of:
 - a) plant, equipment and systems of work that are safe and without risks to health
 - b) arrangements for ensuring the safe and healthy use, handling, storage and transport of articles and substances
 - c) sufficient information, instruction, training and supervision to ensure the safety of employees
 - d) all premises within its control remain in a safe condition and without risks to health, including adequate safe means of access and egress
 - e) a working environment for its employees that is safe and without risk to health, including provisions for adequate welfare facilities at work
 - f) arrangements for ensuring that persons, who are not employees are afforded the same level of safety and protection as those who are employees
 - g) arrangements for the consultation on health and safety matters via a safety committee and with appointed Safety Representatives of the Trade Unions recognised by the Children's Service

Emissions into the atmosphere

It is the responsibility of the Children's Service to use the best practicable means of preventing the emission into the atmosphere of any noxious or offensive substances as may be emitted by processes within the control of the Children's Service.

Duty with regard to change

The Children's Service cannot levy any charge or permit any charge to be levied on any employee of the council in respect of anything done or provided in pursuance of any specific statutory requirements with respect to health and safety at work

Duty of employees

Section 7 of the Health and Safety at Work Act 1974, places a duty on employees within the Children's Service to take reasonable care of the health and safety of themselves and others who may be affected by their actions. In so doing, employees must co-operate in ensuring that the Children's Service's policy, organisation and arrangements for safety, in so far as it affects them, are successfully implemented.

Duty not to cause damage

Section 8 of the Health and Safety at Work Act places a duty on everyone not to misuse or damage anything provided by the LA in the interest of health and safety at work

Part B Organisation

Part B is in accordance with the requirement by the Health & Safety at work Act 1972 section 2(3) to include with its policy document outlines of the delegation of responsibility for safety at all levels of management

It also outlines the Children's Service organisation made to comply with section 2(7) of the Act in regards to the setting up and maintenance of a safety committee structure to reflect employee representation.

Specific roles and responsibilities have also been included.

Delegation of safety responsibility

Direct Responsibility

The Executive Director for Communities and the Director of Children's Service are responsible to the Councils Chief Executive Officer for ensuring that managers in the Children's Service concerned with health and safety are aware of their responsibilities.

Delegated Responsibilities

Those with safety responsibilities delegated to them are:

Heads of Service
Governing Bodies
Head Teacher /Premises Controller
Safety Liaison Officer
Advisory Officers
Health & Safety Manager 020 8359 7960
Health & Safety Consultant 020 8359 7953

Health & Safety Responsibilities

The Children's Service has a responsibility to ensure that:

Plant & equipment

- A) Are to a recognised British or European Standard and are suitable for their purpose

- B) Any statutory regulations relating to the use or maintenance are enforced, and guidance from authoritative sources such as the Health & Safety Executive (HSE). The Department for Children, Schools and Families (formerly DfES), Manufacturers and recognised Trade Unions is adhered to.

- C) Instructions regarding installation, maintenance and use is in accordance with the manufacturers instructions or other relevant standard.

- D) Safe systems of working, including the use of safety devices and protective clothing are used.
- E) Sufficient, information, instruction, training and supervision is provided to enable all operatives to work safely.
- F) Safe working procedures, inspection and servicing details and results of monitoring as appropriate are recorded and communicated to employees and other persons concerned

Articles and Substances

- A) are safe and properly stored
- B) processes involving substances hazardous to health have been suitably and sufficiently assessed to identify the extent and nature of any risk to health. Controls are in place and records kept
- C) storing, labelling, handling and transporting is in accordance with any relevant statute and recognised good practice.
- D) safe systems of working, including the use of control measures are employed and all persons on the premises are sufficiently informed about the dangers and how to avoid any associated risk to their health & safety.

Children's Service Premises

Arrangements must be made to ensure premises are maintained and safe for the purpose for which they are intended. Where appropriate the following items should be implemented.

- A Premises Controller appointed
- Premises should comply with relevant legislation, eg Health, Safety and Welfare Regulations, Education (School Premises) Regulations etc
- There must be an appropriate means of controlling access to the premises to ensure the safety of persons on the premises and prevent loss or damage to property
- Fire and emergency procedures must be documented, notices displayed, escape routes and doors clearly marked and maintained to ensure they are free from obstruction and available for use at all times. Staff and all other persons should be given instruction and training in emergency procedures.
- Regular and systematic inspection of the premises, plant, articles, substances and systems must be conducted to monitor the effectiveness of the safety policy and its arrangements.

All inspections should be undertaken by a competent appointee of the H&S Unit and union appointed safety representatives. A written report will be presented to the Children's Service's Safety Committee.

Managers, Headteachers and Premise Controllers should carry out or arrange for routine inspections and monitor their health & safety performance. Annual Audits should be conducted.

Inspections, audits and policy documents will be periodically scrutinised according to the corporate policy on Safety Culture

Premises not in control of the Children's Service

The following instructions should be followed:

Council employees required to work on premises occupied by another employer (excluding domestic premises) should report to the Premises Controller and be briefed about safety arrangements

Employees who are required to enter domestic premises as part of their duties are to be advised of the fact that the Health & Safety at Work Act does not apply to these premises and they should be referred to local codes of practice relating to working in domestic premises.

Where the council has an obligation to provide a service to the public, the safety of staff is of paramount importance. In the event of a service versus safety situation, the safety of staff and pupils should take precedence.

Contractors

Any officer or governing body responsible for arranging a contract is to ensure that the contract includes adequate provision for health & safety. Arrangements must allow for the monitoring of the contractor's activities to ensure compliance with health and safety contractual and statutory requirements.

Training:

Line managers should ensure that the appropriate level of training is conducted to enable employees and other persons on the premises to work safely. Refer to Local Code of Practice No 3. Particular attention should be paid to:

New employees where there will be a need for induction training particularly in emergency procedures.

Plant/equipment operators who need specialist training, particularly where potentially hazardous plant/equipment is involved

Ensuring all levels of management are aware of their responsibilities and duties regarding health and safety, to enable them to make a positive contribution to accident prevention.

Consultation:

Safe working conditions can only be achieved with the full co-operation of governing bodies and employees in ensuring the efficient flow of information regarding health, safety and welfare in the workplace. The appointed union safety representatives are empowered to represent the employees in consultation with management. Management will consult with safety representatives on matters of joint concern. The names of the appointed safety representatives will be notified to the Children's Service by the recognised Trade Unions.

A Safety Committee will be established in accordance with the Health & Safety at Work Act and will comprise of an equal number of management and safety representatives. The implementation of the committee recommendations will be subject to the agreement of the Director of Children's Service.

Local Codes of Practice:

Local codes of practice (LCOP) are issued as safety instructions in accordance with section 2(3) of the Health & Safety at Work Act. They express the systems of work and safety precautions to be followed, to protect, so far as is reasonably practicable, the health, safety and welfare of all who may be affected by the condition or activity. Failure to comply with local codes of practice by an employee who has been properly informed may result in disciplinary action.

Guidance Notes:

Guidance Notes issued by the H&S Unit are for advice on safe working procedure. They do not replace or revoke any guidance given in a local code of practice. In the event of an accident the failure to comply with these guidance notes could be considered as negligence.

Supervision and Maintenance:

All levels of management in the Children's Service will ensure that a high level of supervision is maintained in the areas for which they have responsibility, and will pay particular attention to:

- Ensuring that hazardous situations do not develop in the operation of machinery and equipment and that all operators comply with the relevant codes of practice
- Ensuring that hazardous substances are handled, stored and inspected as agreed in the local codes of practice.
- Ensuring that where protective clothing/equipment is required to be worn, the relevant local codes of practice are strictly complied with.

Management has a responsibility for machinery and equipment and will ensure that systematic maintenance and inspections of all safety devices will be carried out.

Roles & Responsibilities

Safety Liaison Officer

Maintain the Children's Service's safety policy and advise the Director when revision is considered appropriate. Carry out the necessary amendments, and bring such amendments to the attention of the employees

Service the safety committee, be a member of the safety committee, prepare the agenda and publish the minutes.

Consult with safety representatives and governing bodies to maintain an overview of health and safety arrangements and administration in Children's Service establishments.

Advise and support governing bodies and premises controllers in maintaining positive attitudes to health and safety within their respective establishments.

Distribute safety bulletins, guidance notes and other relevant safety information throughout the Children's Service.

Liaise with and obtain information from the Health & Safety Unit on issues affecting the Children's Service.

Co-ordinate the safety training requirements of the service with the appropriate managers

Liaise with management to ensure service induction of new employees

Act as the responsible person (under the reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995) for the Service Area

Maintain the Service Area accident statistics and initiate any investigations into individual accidents if directed to do so by the Director.

Process the work that arises from the Safety Representatives quarterly inspections and other reports.

Ensure all health & safety records are maintained

Prepare the Service Area Annual Report to the JNCC (Health, Safety & Welfare)

Peripatetic Specialists

This occupational group represent the Children's Service in matters falling within their specialist areas and control. Their approval or consent in issues relating to health & safety could be deemed to imply consent on behalf of the Children's Service.

As employees of the Children's Service they act under a general duty expressed in the Health & Safety at Work Act 1974 section 7 therefore while they are at work they should:

Take reasonable care of their own health & safety and of other persons who might be affected by their acts and omissions.

Co-operate with the LA or any other person(s) who have a statutory duty or requirement, so far as is necessary, to enable that duty to be performed or complied with.

The Director of Children's Service considers inspectors and other specialist officers have an important role in monitoring and developing the policy for securing Health & Safety.

Their specific responsibilities include:

Keeping informed of health & safety information produced by the DCSF (DfES) and authoritative sources within their areas of specialism

Interpreting this information for the Children's Service and advising the Safety Liaison Officer when LCOPs or other health & safety information should be issued or revised.

Monitoring activities and arrangements in schools and departments within their subject areas and

Informing the governing body of any practices or conditions which are considered unsafe or below the LA's standard

Reporting all sub standard practices or conditions to the appropriate manager

Monitoring accidents within their areas of responsibility and drawing the attention of the premises controller and subject heads to any conditions of use

Auditing health & safety folders and information packs to ensure that department heads are fully informed of Children's Service arrangements and are adhering to current safe practice.

Liaising with the Children's Service Safety Consultant in developing local policy, codes of practice and notes of guidance. They may also be requested to advise and assist the safety consultant in producing accident reports, carrying out inspections and identifying training needs.

Attending Children's Service Safety Committees as co-opted members when items within their specialist areas are to be discussed.

Drawing any other matters that have come to their attention and are a cause of concern to the attention of the safety liaison officer/safety consultant.

Premises Controllers

The Premises Controller is the key safety manager and has responsibility for the day to day management of the premises and the health and safety arrangements. In the absence of the Premises Controller a senior member of staff is to be appointed to act as Premises Controller and assume their responsibilities as detailed below:

Primary Task: to be responsible for the ongoing management of the health & safety arrangements in establishments within their control. Take all reasonable measures to ensure the premises, all means of access and egress, plant, substances and processes provided for use are, so far as is reasonably practicable, safe and without risks to health.

Premise's controllers will have attended a mandatory London Borough of Barnet Premises Controllers Course.

Detailed responsibilities include:

Advising the H&S Unit and Governing Body of any matters of concern, and where necessary taking immediate action to prevent persons from being exposed to risk arising from the condition or use of the premises, plant or substances and activities within the control of the governing body.

Arranging for all relevant inspection, testing and thorough examination of plant and substances required by statute or as directed by the H&S Unit and checking that these have been conducted and recorded correctly

Ensuring that a programme exists to cover the systematic maintenance of all safety devices and any other items affecting the safe operation and maintenance of plant and substances.

Keeping informed of codes of practice and notes of guidance published by DCSF (DfES), HSE and H&S Unit, and bringing these to the attention of the governing body, union appointed safety representatives, members of staff and others persons to whom it may apply.

Maintaining the health & safety organisation and arrangements appropriate to the establishment as advised by the LA and other authoritative sources such as subject advisors, HSE, Local Fire Authority Officers, Environmental Health Officers and School Medical Officer.

Having day to day responsibility for:

Safety Arrangements: overseeing the health, safety & welfare for employees, pupils, students, contractors and visitors using premises or facilities in their control.

Safety induction of new staff: where all relevant codes of practice and guidance are brought to their attention within their first week of appointment.

Accident reporting: using the LA system for reporting of accidents and incidents as agreed in Local Code of Practice NO 4

First Aid: maintaining First Aid arrangements and ensuring that all employees, pupils & students are aware of the procedure to obtain First Aid and report an accident

Fire Precautions/Emergencies: ensuring that all persons on the premises are aware of the action to be taken in the event of an emergency and are briefed on fire precautions and the evacuation procedures.

Safety Representatives: consulting with trade union appointed safety representatives and arranging authorised absence to enable them to exercise their rights and functions as prescribed (Please refer to LCOP 1)

Defects: reporting promptly any defects or deficiencies and if warranted taking any immediate action to allay danger

Information: Drawing the attention of all personnel to all relevant safety policies, local codes of practice, notes of guidance and safety bulletins issued by the H&S Unit.

Heads of Department and Supervisors have their responsibilities for health and safety within their control. They must report any Health & Safety concerns, which are beyond their control to the premises Controller

Governing Bodies:

(i) Voluntary Aided Schools:

In the case of voluntary aided schools the Governing Body is the employer and controller of the premises and must account to the Health & Safety Executive for meeting the provisions of the Health & Safety at Work Act 1974.

The LA's legal obligation extends only to matters which are wholly in the control of the LA i.e any building or part of any building forming part of the voluntary aided school that is required as:

- A caretakers dwelling
- For use in connection with playing fields
- For medical inspection and treatment by the LA
- For use in providing milk, meals or other refreshments for pupils attending the school
- Equipment provided or maintained by the LA in accordance with the Education Act

The Children's Service will continue to offer support and advice to Governors of Voluntary Aided Schools and unless otherwise decided by an individual governing body, all health & safety measures introduced by or imposed on the LA will apply equally to employers and other persons in voluntary aided schools.

Where concern on a health & safety matter is communicated to the governing body by a representative of the LA, the governing body is required to co-operate with the LA in resolving the issue.

Failure on behalf of the governing body to comply with their statutory duties will result in the LA arranging for remedial work to be carried out and the school to be charged accordingly.

(ii) Community Schools

Governing bodies have a statutory obligation to ensure the health & safety of LA employees and other persons on premises or engaged in activities within the control of the Governing Body i.e to comply with the LA's directions and to co-operate with the LA so far as is necessary to enable the LA to comply with its statutory responsibilities.

The Health & Safety at Work Act 1974 section 4, states that persons who conduct an undertaking which involves control of premises, have to take reasonable measures to ensure as far as is reasonably practicable that the premises and any plant and substances provided for work are safe and without risk to health

Section 3 places duties on employers to safeguard the health, safety and welfare of persons not employed but who may be affected by work activities, such as pupils and visitors.

Section 36(1) states that where any person/body commits an offence under health & safety legislation that is due to an act or default of some other person/body that other person/body may be charged with and convicted of the offence.

Governing Bodies Generally:

The areas where governors are expected to take an active interest will include the following:

- Preparing a health & safety policy and where appropriate safe working practices for the premises and activities within the control of the governing body
- Being involved in the prevention of accidents and work associated ill health and promoting safety awareness in premises where they have managerial responsibility

- Keeping up to date on the activities of the service area safety committee and ensuring that information is passed on to employees who it may affect
- Monitoring and assessing the safety arrangements and supervision
- Advising the H&S Unit of any changes in a situation or problems that may affect health and safety
- Drawing up local arrangements with the premises controllers, in consultation with the H&S Unit, the union appointed safety representatives and department heads. Bringing these arrangements to the attention of the relevant employees and organising the relevant training and instructions necessary.
- Ensuring that an appropriate and satisfactory level of training is made available to employees and that
Arrangements have been made to release staff to attend such training.
- Liaising with the H&S Unit on any specialist training needs that may have been identified.
- Taking remedial action to address any faults identified by the premise's controller, the H&S Unit or the union safety representative.
- Monitoring the reports of all accidents in consultation with the union appointed safety representative and initiating remedial action to prevent any reoccurrence. Reporting accidents and incidents as specified in LCOP No 4.
- Monitor and support the Premises Controller in performing the various health & safety related tasks for which the premises controller has responsibility.
- Ensuring that extra curricular activities (e.g work experience, school journeys, field trips, breakfast/after school clubs and social and fund raising events) comply with existing codes of practice and any other limitations placed on the use of the premises.

Part C Arrangements for Safety:

- No 1 Safety Representatives and Safety Committees
- No 2 Inspection of documents and provision of information
- No 3 Information, Instruction, Training & Supervision
- No 4 Reporting Accidents, Injuries and Dangerous Occurrences
- No 5 First Aid Arrangements in Schools
- No 6 COSHH Control of Substances Hazardous to Health
- No 7 Control of Infectious Diseases*
- No 8 Health & Safety in School Swimming Pools*
- No 9 Contractors on School Premises*
- No 10 School Policy for Health & Safety
- No 11 Health & Safety of Pupils on School Journeys and Visits
- No 12 Fixed Agility Play Equipment
- No 13 Safety at Firework Displays (issued as a Safety Bulletin)
- No 14 Fire Precautions in Educational Establishments
- No 15 Personal Protective Equipment
- No 16 Portable Ladder Safety
- No 17 Visual Display Equipment
- No 18 Manual Handling
- No 19 Management of Health & Safety (Generic Risk Assessment)
- No 20 The LEA Policy for Health & Safety at Work
- No 21 Electricity at Work Regulations
- No 22 School Health & Safety Audits

No 23 Violence at Work

No 24 Health & Safety in the Teaching of Design & Technology

No 25 Generic Risk Assessments for Primary Schools