



HEALTH AND SAFETY:  
GET COMPLIANT, GET  
CONFIDENT



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# HEALTH AND SAFETY: GET COMPLIANT, GET CONFIDENT

**We know that preparing for a Health and Safety inspection can be a stressful time but it doesn't have to be. This guide is designed to help your school not only feel ready for your inspection- but confident.**

## FIRST, THE BAD NEWS:

- There is some confusion between statutory requirements (which you are legally obliged to meet) and what your local authority has adopted as good practice.
- There are various types of statutory regulations, controlled by different organisations.
- Different companies (E.g. PAT testing firms or fire extinguisher suppliers) give contradictory advice, which may lead you to believe you need to undertake work more frequently than is the case.
- Different local authorities recommend different frequencies of review for risk assessments, and require records to be kept for varying periods.
- In some schools there may be reluctance on the part of the caretaker to participate in record keeping and reporting activities.
- Health and Safety is just one small part of the complex school business manager role.
- Schools becoming academies may face new guidance from their multi-academy trust.
- Some statutory regulations are the direct responsibility of the school leadership team whilst others are of indirect relevance, such as the Construction Design and Management Regulations (CDM) 2007 regulations, which consultants and contractors have to comply with during building works.
- In some areas, reduction in staffing levels or other resources at the LA can make obtaining the information you need time consuming.
- If you are new to your role and record keeping was haphazard prior to your appointment then it can be difficult to establish when compliance work is due.
- The differing time periods involved (with some tasks needing to be performed weekly, and others, such as fixed wire testing, as infrequently as every five years) can make it difficult to remember what needs doing when.

The government is seeking to restore a simpler, more sensible, **proportionate and practical approach to health and safety regulation**. The Health and Safety Executive (HSE) themselves, acknowledge that health and safety has become unnecessarily bureaucratic and an excuse for not doing anything by some organisations. Some over-zealous and misinformed advisers and enforcers have tarnished compliance with health and safety statutory regulation and sometimes add unnecessary cost to this process for schools.

### IT'S NOT ALL BAD...

The government is seeking to restore a simpler, more sensible, **proportionate and practical approach to health and safety regulation**. The Health and Safety Executive (HSE) themselves, acknowledge that health and safety has become unnecessarily bureaucratic and an excuse for not doing anything by some organisations. Some over-zealous and misinformed advisers and enforcers have tarnished compliance with health and safety statutory regulation and sometimes add unnecessary cost to this process for schools.



### SELF REVIEW

Working through the following checklist can help you prepare for an inspection.

- Are your **records** (certificates, invoices and statements, photographic evidence, reports, recommendations from previous inspections, accident logs) up to- date, relevant and accessible?
  - If not, contact suppliers, your LA or your site team to track down missing records. Give a time limit for them to respond to you and of course keep records of your communication
- Have you actioned **recommendations** from previous inspections, or is there a reason why not?
- What method of **alerts** are you using to flag up compliance work that needs to be done?
  - E.g. Outlook or a school management system
- What is the process for building users to raise issues? E.g. Paper log book, emails, system devised by your IT team, school management system

- How quickly are issues **resolved**?
- Are **governors** and **heads** aware of their statutory responsibilities?
- Do governors and the head have access to the **data** needed to ensure these responsibilities are being met?

## BEST PRACTICE

It is helpful to be aware of best practice, though beware of unnecessarily exceeding the expectations of inspectors from Ofsted or the local authority in complying with statutory requirements, and therefore spending more time and money than is necessary.

Best practice in health and safety management includes:

- A method of accessing up to date **legislation** and **guidance** on this legislation
- A method of **recording** when compliance work is done
- Records (certificates etc. as above) which are stored **securely** off-site
- The logging of **issues** that cannot be deleted from whatever logging system is used, either by accident or maliciously
- A system for communicating issues swiftly to the relevant people responsible for remedying faults, including the school **business manager**, **site team** and **suppliers**
- **Audit** logs
- A system to raise overdue issues or activities to governors and **senior leadership**
- **Reports** produced for the head and governors at regular intervals



## THE ADVANTAGES OF A SCHOOL MANAGEMENT SYSTEM

Paper-based record keeping is increasingly less acceptable to inspectors, meaning that many schools are moving to technical and more secure management systems that offer the following advantages:

- **Guidance** and legislation is built into the system so schools know what needs doing when, and what they need to record or review
- **Reports** can be produced automatically



- A personal school **profile** can be created quickly from templates
- Any gaps in record-keeping are **flagged up**
- Data is stored off-site and is always **secure** and available
- **Audit** trails are created automatically
- **Everyone** has immediate access to up-to-date information relevant to their job role
- Alerts and **reminders** mean schools stay on top of inspections, certificate renewals, contracts and reactive maintenance
- Schools can **communicate** quickly across the site team or multiple site teams
- Teachers can log ad-hoc issues in seconds from a button on their desktop and get updates as issues are progressed and **resolved**

## WHO IS RESPONSIBLE FOR ENFORCING LEGISLATION?

When managing compliance with statutory regulations you must distinguish between those relating to building standards, such the **Education Premises Regulations** and accessibility, those which address climate change and energy conservation, and those concerned expressly with health and safety. The latter cover teaching, learning and school activities as well as regulations which relate to premises and facilities management such as fire safety, food hygiene and safety.

The Health and Safety Executive (HSE), local authorities (LAs) and fire and rescue services are principally responsible for enforcing health and safety legislation. Together they ensure that duty holders manage the health and safety of their workforce and those affected by their work. Health and safety law is enforced by inspectors from the HSE or from local authority services such as Environmental Health.

Remember that you can **challenge** the recommendations and actions of advisers and enforcement officials.



## ENFORCEMENT OPTIONS

Inspectors may take enforcement action in several ways to deal with a breach of the law; issuing informal advice, improvement or prohibition notices or by prosecution. Search your local authority website for their enforcement policy statement where you will find guidance on:

- The escalating levels of **enforcement action**
- **Statutory** (legal) notices
- Written undertakings and **enforcement** orders
- Fixed **penalty** notices
- Other sanctions

Inspectors investigate some accidents and complaints but their main purpose is to help you to understand what you need to do. They enforce only when something is seriously wrong.



## GUIDANCE

Follow the advice in the following table on meeting (but not exceeding) key statutory compliance.

Templates for statutory and recommended risk assessments can be downloaded from local authorities (E.g. Hertfordshire Grid for Learning at [www.thegrid.org.uk](http://www.thegrid.org.uk)), fire and rescue services and from The Caretakers website; [www.thecaretakers.net](http://www.thecaretakers.net).

Compiling and maintaining an accessible evidence base and audit trail for statutory compliance is crucial. Maintaining records electronically demonstrates that the school has an efficient management process in place. Choose facilities management software which also provides alerts on when tasks have to be carried out and notifies who needs to take action.

KEY CURRENT STATUTORY REGULATIONS RELATING TO PREMISES			
SUBJECT AREA	REGULATION	FREQUENCY	RECORDS
Fire risk assessment & management plan	Regulatory Reform (Fire Safety) Order 2005	Whenever any changes made which impact on original assessment; e.g. material alterations, significantly more student numbers	Details of significant findings from risk assessment and any action taken
Fire detection, alarm and equipment	Regulatory Reform (Fire Safety) Order 2005	Weekly, quarterly and annual checks. See Fire Safety Risk Assessment-Educational Premises <a href="http://www.gov.uk/government">www.gov.uk/government</a>	Testing, checking and maintenance of escape routes, warning systems, emergency lighting, fire extinguishers, training provision and evacuation drills.
Water safety and hygiene – water systems	Management of Health and Safety at Work Regulations 1999 and COSHH 2002	Risk assessment reviewed regularly or if reason to believe original is invalid.	Bi-annual review or when any change to the system. Water quality checks are subject to risk assessment.
Water safety and hygiene – water systems	Management of Health and Safety at Work Regulations 1999 and COSHH 2002	Annual tank inspection, visual condition and compliance inspection recommended. See HSE L8 Code for frequencies & checklists for monitoring temperature control regime.	Keep records for two years.
Accessibility	The Equality Act 2010	On-going responsibility to make reasonable adjustments, provide auxiliary aids or services.	Best practice to re-assess accessibility statements every 2-3 years or when alterations are made to premises.
Asbestos containing materials (ACM)	Control of Asbestos Regulations 2012	Review and monitor in accordance with asbestos survey recommendations	Make and keep an up to-date record of location and condition of ACM. Put management plan in action to manage risks posed. See HSE's example of an asbestos management plan.



COSH	The Control of Substances Hazardous to Health Regulations 2002	Annual review is best practice	Keep records up to date
Electrical safety - PAT	Provision and Use of Work Equipment Regulations 1998	See HSE "Maintaining portable electric equipment in low-risk environments" environments	Keep records up to date
Electrical safety – fixed electrical systems	Electricity at Work Regulations 1989	Testing of all fixed wiring & all distribution boards 5 yearly recommended.	Keep records up to date
Gas safety	The Gas Safety (Installations and Use) Regulations 1998	Combination of statutory & recommended inspections of appliances & pipework.	Keep records for at least 2 years
Lifts and hoists	Lift Operations and Lifting Equipment Regulations 1998	Statutory thorough examination, full maintenance & inspection every 6 months for passenger lifts	Every 6 months

## FURTHER INFORMATION

Every users can access detailed guidance on all topics in the table above (e.g. accessibility, asbestos etc.) from the Guidance Library. This is reviewed annually and updated as legislation changes. It covers all statutory guidance applicable to schools, as well as guidance on a range of other topics relevant to schools, such as broadband provision, grounds maintenance and catering contracts.

