

<b>MEETING:</b>	<b>HEREFORDSHIRE SCHOOLS' FORUM</b>
<b>DATE:</b>	<b>10 JUNE 2011</b>
<b>TITLE OF REPORT:</b>	<b>STATEMENT OF INTENT HEALTH &amp; SAFETY AUDIT OF SCHOOLS</b>
<b>REPORT BY:</b>	<b>Resilience Team Manager (Erica Hermon)</b>

**CLASSIFICATION:** Open

### **Wards Affected**

County-wide

### **Purpose**

To advise the Herefordshire Schools' Forum of the Herefordshire Council Resilience Team's intent to conduct schools' Health & Safety audits and inspections with effect from 1 Sep 2011.

### **Recommendations**

**THAT: Members of the Herefordshire Schools' Forum are invited to note that:**

- (a) **Teacher Trade Union Safety Representatives continue to provide schools' Health & Safety audit services on behalf of Herefordshire Council, as per current arrangements, until 1 September 2011;**
- (b) **Herefordshire Council (Resilience Team) will conduct schools' audits and inspections with effect from 1 Sep 2011;**
- (c) **Coordinated by Herefordshire Council, joint Health & Safety audits/inspections of schools by Herefordshire Council and Trade Union Safety Representatives will be encouraged;**
- (d) **Post Sep 2011, Teacher Trade Union Safety Representatives will continue with their statutory responsibilities but only in the sites where they have membership and are employed.**

### **Key Points Summary**

- The Local Authority is responsible for conducting annual Health & Safety audits of schools; the Health & Safety Executive's (HSE's) guidance (HSG65 Successful Health & Safety Management) sets out the best practice approach.
- That said, staff limitations within Herefordshire Council have led to Trade Union Representatives being tasked with conducting these audits, which take considerable time to undertake and process.

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Further information on the subject of this report is available from  
Erica Hermon, Resilience Team Manager on (01432) 261906

- Although the Council's Health & Safety Officer researches and/or gives subsequent advice, the current process raises the concern that non-liability audits/advice are being provided to schools by Trade Union Safety Representative.

## Alternative Options

- 1 There are no Alternative Options.

## Reasons for Recommendations

- 2 Under the Health & Safety at Work Act 1974 and The Management of Health & Safety at Work Regulations 1999, the Local Authority is responsible for conducting suitable and sufficient Health & Safety audits of schools. The best practice approach requires Herefordshire Council to prove that systems achieve parity or exceed the guidance in HSG65 Successful Health & Safety Management.

## Introduction and Background

- 3 Staff limitations within Herefordshire Council have led to Teacher Trade Union Representatives being tasked with conducting schools' Health & Safety audits on behalf of the Local Authority. Consequently, Teacher Trade Union Safety Representatives have been employed as 'casual' and paid through the XL supply teacher casual system.
4. The statutory responsibilities and functions of Trade Union-nominated Safety Representatives' are detailed in Health & Safety at Work Act 1974 (Section 2(4)) and Safety Representatives and Safety Committees Regulations 1977 (Regulation 4(1)). Each recognised Teacher Trade Union can appoint a Safety Representative from amongst its employee members, under Safety Representatives and Safety Committees Regulations 1977, Regulation 3. Under Regulation 3(3), a person shall cease to be a Safety Representative if he/she ceases to be an employee. A Safety Representative needs to be employed at one of our workplaces/Schools, and should have 2 years experience minimum at their workplace for their present employer, or other schools.
5. In summary, Trade Union Safety Representatives have a statutory right to carry out the following duties on a quarterly basis:
  - a. Health & Safety training;
  - b. Investigating Health & Safety complaints from their member employees;
  - c. Negotiating with employers on aspects of Health & Safety;
  - d. Carrying out workplace inspections, covering the workplace, areas of where accidents have occurred and a site inspection.
  - e. Reviewing employer's Health & Safety documents and manuals;
  - f. Meeting with Health & Safety inspectors and environmental health officers;
  - g. Attending safety committee meetings – Corporate Health & Safety Committee or Schools Health & Safety Group for specific agenda items.
  - h. Consulting with their members on aspects relating to Health & Safety.

6. Where employers recognise multiple unions, each unions' Safety Representative has the right to paid time off<sup>1</sup> for the purpose of carrying out the functions detailed in Para 5 (above), on behalf of their union and the members they represent. Under Safety Representatives and Safety Committees Regulations 1977 (Regulation 5), each Safety Representative has a right to inspect the workplace every 3 months in order to investigate potential hazards, dangerous occurrences, safety concerns raised by members and to obtain Health & Safety information from the school where that trade union has membership. The TUC guidance to Safety Representatives gives an expectation that a programme of workplace inspections is drawn up in consultation with employers and that joint inspections with other union Safety Representatives should be the norm.

## Key Considerations

- 7 Although the Council's Health & Safety Officer researches and/or gives subsequent advice, the current process raises the concern that non-liability audits/advice are being provided to schools by Teacher Trade Union Safety Representatives. Safety Representatives and Safety Committees Regulations 1977, Regulation 4 states that Safety Representatives cannot be held liable for their advice. Further, as relayed at the Schools' Forum on 1 Mar 2011, Head Teachers have expressed concern and requested a protocol that allows them to refuse a Teacher Trade Union Safety Representative on their site, should they consider Trade Union involvement inappropriate.

## Community Impact

8. Greater significance is being placed on promoting proactively a cultural change for Health & Safety within the organisation, and ensuring that the appropriate policies and guidance hierarchies are available to managers and employees. To that end, the following improvements are proposed for schools' accident reporting and audits:
  - a. Audit Process. The cost and suitability of an 'off the shelf' automated accident reporting tool is being scoped and would be funded by Herefordshire Council. The tool would allow Head Teachers to submit Accident Forms on line which, in turn, would trigger the requisite response from the Herefordshire Council Health & Safety Officer. This tool would also provide dash board data, affording greater visibility of common trends, performance (including Health & Safety awareness) and 'near miss' reporting. Appropriate action can then be prioritised.
  - b. Schools Self Assessment. Herefordshire Council are intending to develop a Self Assessment Audit Template for completion by Schools on an annual basis and to a deadline; reflecting Government thinking on a 'lighter touch' for lower risk premises. This will allow Schools to score themselves, encouraging honest review of their Health & Safety measures/culture. The Council's audit would then be conducted, using the School's own self assessment as the basis, to ensure that the Schools are scoring themselves appropriately. Scores can be used to provide performance indicators, encouraging competition and embedding further a Health & Safety culture.

## Financial Implications

- 9 Recruitment to 2 Health & Safety posts has been approved and can be resourced from within the existing Health & Safety budget.

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<sup>1</sup> Under Reference C (Regulation 4(2)), Safety Representatives are entitled to paid time off to undertake duties in accordance with Regulation 4(1).

## **Legal Implications**

10. Health & Safety at Work Act 1974; the Management of Health & Safety at Work Regulations 1999; HSG65 Successful H&S Management; and, Safety Representatives and Safety Committees Regulations 1977.

## **Risk Management**

11. Continued lack of engagement by Herefordshire Council could result in a serious Corporate Risk via Improvement Notice or other enforcement action from HSE. The current process raises the concern that non-liability audits/advice are being provided to Schools by Trade Union Safety Representative.
12. In order to allow effective delivery of the work programmes and enhancements to Health and Safety provision, recruitment of appropriately qualified<sup>2</sup> staff is now taking place to resource the Resilience Team (in which Health & Safety now resides) appropriately.
13. The Resilience Team Manager has developed specific objectives for Health & Safety staff to cover supporting activities; these also form the basis for Performance Appraisal and Development. Progress on Resilience Team activities against priorities will be reported at least 6 monthly to the Assistant Director, or more frequently if required.

## **Consultees**

14. Schools' Forum Health & Safety Discussion dated 1 Apr 2011.

## **Appendices**

15. None.

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<sup>2</sup> Current Health and Safety National Diploma or equivalent; knowledge of statutory framework underpinning Health and Safety; and, able to demonstrate continued personal development and training in Health and Safety, such as membership of IOSH.