



Community Services: Education

Argyll House
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To: Heads of all Educational Establishments

Dear Colleague

Application of the Health and Safety at Work Act 1974 to the education service

In terms of Health and Safety at Work Act the undernoted points are brought to your attention.

- 1 The duties of the employer are clearly defined in the Act and are stated in the Council's health and safety policy. The principal duties are to ensure, so far as is reasonably practicable, the health, safety and wellbeing of all employees, through:
 - (a) maintenance of plant, equipment, machinery and systems of work that are safe and without risks to health;
 - (b) safe arrangements for the use, handling, storage, transportation and disposal of materials;
 - (c) sufficient information, instruction, training and supervision to enable all employees to avoid hazards and to contribute positively to their own safety and health at work;
 - (d) a safe place of work and safe access to and egress from it;
 - (e) a healthy working environment; adequate welfare facilities.

- 2 The Act applies to all people at work and accordingly covers all employees within the Education Service and extends to all persons contracted to carry out work for the authority. Volunteers, children and young people, authorised visitors, members of the public and other users of the premises or service are also protected under the act although they are not classified as employees at work.

- 3 The Act places upon employees the duty to take reasonable care for the health and safety at work of themselves as well as of others, and to co-operate with their employer so far as is necessary to enable any duty or requirement imposed on the employer by any relevant statutory provisions, to be performed or complied with. They must not interfere recklessly with or misuse anything that is required by law to be provided for health and safety.
- 4 The Executive Director of Community Services, through the Head of Planning and Regulations, recognises the overall responsibility for health and safety. However, the Head Teacher is responsible for the day-to-day running of that establishment and for the health and safety of those using the premises. Two exceptions to this are as follows:
 - (a) Where a school is used outwith normal hours, the responsibility lies as per the letting policies of the Council and
 - (b) Where part of an educational establishment is formally leased to an organisation the responsibility for the management of that part of the building, its users and its activities, rests with an appropriate representative of the organisation.
- 5 Under the terms of the Act, recognised trade unions have the right to appoint safety representatives. Reasonable time off work with salary will be given by the employer to enable trade unions to train members appointed as safety representatives. Their main functions include:
 - (a) making representations to the employer on matters concerning health and safety;
 - (b) conducting inspections of work places at regular intervals;
 - (c) attendance at safety committee meetings which have been set up with representation from management and trade unions, where appropriate.
- 6 Specialised advice will be provided to senior staff as required, by the Council's Health and Safety Section.
- 7 The contents of this circular should be read in conjunction with education management circulars 1.21, 1.24, 1.25, 1.26, 1.27, 1.27a, 1.27b and 3.27, which have relevance to certain aspects of health and safety.

- 8 The prevention of accidents should be a main objective. If an accident does occur the cause should be identified and a record kept of the appropriate action taken to try to avoid recurrence. The reporting of accidents/incidents must be carried out in accordance with the Council Standard. It should be noted that in the event of an investigation or claim, evidence may be required from these records. The range and complexity of the activities carried out within the Education Service mean that health and safety will best be ensured by safety conscious and responsible attitudes and behaviour on the part of all concerned.

Yours sincerely

Executive Director of Community Services
June 2017

Useful Links:

Health and Safety at Work Act 1974:

<http://www.legislation.gov.uk/ukpga/1974/37/contents>

1977 Regulations – HSE

<http://www.hse.gov.uk/involvement/1977.htm>