

## Welcome to our Spring 2016 issue

**Spring and Summer inevitably sees everyone heading out on trips and visits so this issue is packed with tips for organising and staying safe on your travels.**

Hopefully, this summer will also require schools to review their 'Sun Safe' procedures.

We can but hope!!!!

**Don't forget to give us a call if you have any queries about any safeguarding, health safety or welfare issue.**



### Model Code of Conduct for staff and other adults

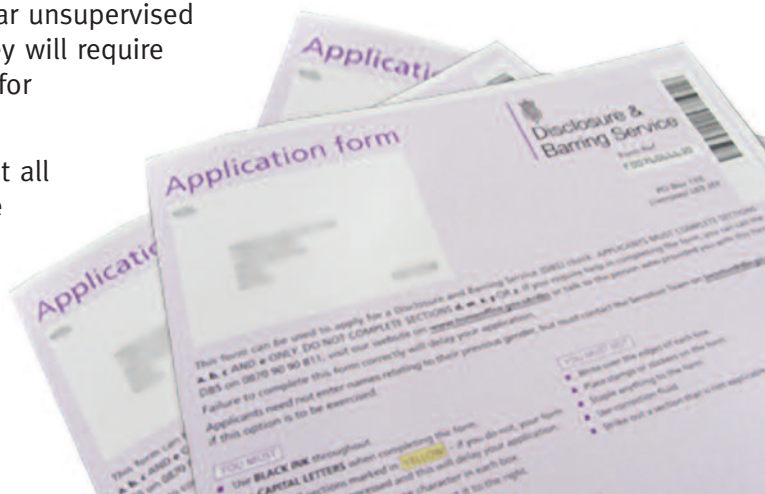
Statutory guidance KCSIE requires all schools to have a staff Code of Conduct or staff Behaviour Policy. A new model written around the recently updated Safer Recruitment Consortium document 'Guidance for safer working practice for those working with children and young people in education settings' is available from the KAHSC website.

## Compulsory Governor DBS Checks Look Likely

**Currently, it is not mandatory for all Governors to have DBS checks, although the Governing Body can require them for any or all of its members.**

The Government has recently consulted on a proposal that all Governors in maintained schools should be required to be DBS checked. If, as looks probable, the proposal is implemented, then checks will be compulsory for all new Governors from 1 April 2016 and for existing governors from 1 September 2016. Academy trustees already have to be DBS checked, along with the Chair of local Governing Bodies of schools belonging to Multi-academy Trusts. It remains the case that if a Governor is a volunteer who has regular unsupervised contact with children they will require an Enhanced Disclosure for Regulated Activity.

Schools must ensure that all Governors appear on the Single Central Record under the Volunteers tab regardless of whether they currently hold a DBS Disclosure with or without a barred list check.



### This Issue

**Governor DBS Checks**

**Thomas Cook Tragedy**

**Provider Risk Assessments**

**In Court**

**Myth Busting**

**Buying Science Equipment**

### Note...

The provision of the Deregulation Act 2015 removing the compulsion on schools to have Home School Agreements came into effect on 1 January. Schools may, however, choose to create a voluntary agreement. A model Agreement is available to download from the KAHSC website.

# OEAP says: no need to ask providers for risk assessments

Research tells us that well-planned opportunities to learn in the real world and experience adventure away from the classroom help to improve the lives of young people.



**Endorsed by the HSE, the Outdoor Education Adviser's Panel (OEAP) National Guidance aims to make these opportunities easier to plan and deliver.**

Recently updated guidance 4.4h: Using External Providers and Facilities, available from [oeapng.info](http://oeapng.info), states the case for and against asking third party providers or venues for copies of risk assessments as follows:

“Providers are responsible for assessing and managing the risks associated with their provision. They are not responsible for producing an overall visit risk management plan – this is the responsibility of the visit leader.

A provider's risk assessments are likely to be technical documents of no value to a visit leader (unless the visit leader is qualified to understand, assess and, if necessary, challenge them).

What is useful to a visit leader is information from the provider that helps the visit leadership team to make best use of the facilities or venue, and to plan appropriate supervision for their particular group. Such information is better gained through a pre-visit or through dialogue with the provider, rather than through attempting to glean it from the provider's risk assessment documents.”

While this is not a definitive legal opinion, it is helpful guidance which sensibly concludes that, unless a visit leader has the specialist expertise to assess the quality of risk assessments and is ready to challenge the provider, asking for copies is likely to be a pointless exercise. Instead, Visit Leaders should carry out the due diligence (reasonable investigation) that the law requires through their own assessment following a pre-visit or through asking the right person the questions that really matter to them and their group.

## What can we all learn from the Thomas Cook tragedy?

While Thomas Cook was the focus following the tragic death of two children aged 6 and 7 from carbon monoxide poisoning, the recommendations are relevant to every organisation.

Health and safety is about people. It's about employees, service users and all those impacted by products or services. If you get it wrong, you don't just lose man hours, you impact your reputation. Customers increasingly buy into a business' reputation and is also true of parents considering their children's future.

Those who succeed at health and safety, make it central to their culture but changing the way organisations perceive health and safety is challenging.

Justin King, Sainsbury's former chief executive who led the report, paid particular attention to noting:

“It is still the belief that it is the health and safety teams that ‘do’ health and safety. There is a long journey ahead to embed in the culture that it is the universal responsibility of all colleagues.”

Even today there are educational settings who ask administrators to write risk assessments for trips that they are not leading or even attending, or those who leave health and safety management solely to the H&S Coordinator or a single senior leader. Risk management is everyone's responsibility and should be embedded with children and young people as well as with volunteers. Some simple procedures to empower everyone to report and address issues is a cornerstone of success.

Here at KAHSC we provide a range of model policies and procedures which support settings to develop something appropriate to them. Following a major re-write, our soon to be published updated generic risk assessment packs, look at issues from safeguarding and site security to using candles, will be simpler and more user friendly than ever before. As always “one-size” does not fit all. It is vital that if you adopt any, you also adapt them to the real risks in your setting and the way you work. Don't do it all at once and do tackle it as a team. This exercise really makes people think about what they do, how they do it and gives them a sense of contributing to a healthy and safe working environment for all.

# In Court....

## Science technician suffers serious injuries in science experiment prep

A chemistry laboratory technician lost the top joints of three fingers and ruptured his bowel when the fireworks experiment he was preparing exploded at Bristol Cathedral Choir School.

On investigation the HSE found that the preparation of explosive substances had been carried out several times a year and that a number of explosive substances including flash powder and gun powder were stored in the school's chemistry storeroom. The incident could have been avoided if clear management arrangements to control and review the risks posed by chemicals used in its teaching activities had been implemented.

The school admitted a breach of Sections 2 and 3 of the Health and Safety at Work Act and were fined a total of £26,000 and ordered to pay costs of £12,176.

## Pupil left paralysed after swing collapses

A pupil from a Hertfordshire School suffered permanent paralysis when a wooden swing in the adventure playground collapsed. The HSE found that the swing collapsed as a result of rotten support beams. The heavy crossbeam of the swing fell onto the 13 year old's head and neck causing severe spinal injuries.

The school was found guilty of breaching Section 3 of HASWA 1974 and was fined a total of £50,000 and ordered to pay £90,693 in costs.

This case shows how important it is for schools to regularly inspect their play equipment and ensure that they are in a safe condition for use – if the swing had been maintained properly this terrible accident could have been avoided.

## Unlicensed company removes asbestos ceiling in school

Clark Construction Ltd were contracted to refurbish changing rooms and toilets at Caddington Village School, Bedfordshire. A recent refurbishment survey had identified the presence of asbestos in the ceiling of one of the rooms due for refurbishment. Despite this and the fact that they were not licensed to carry out asbestos removal work, the construction company took it upon themselves to remove the ceiling without consulting the school or proper reference to the asbestos survey.

Clark Construction were found guilty of a breach of the Control of Asbestos Regulations 2012 for carrying out work, which given the levels of risk involved, requires a licensed contractor. They were fined £3,300 and order to pay costs of £662.

## Charitable trust and contractor fined for asbestos safety failings

The Williamson Trust responsible for a school academy contracted builder Mark Tucker to refurbish one of the school's blocks. Despite knowing that an asbestos register identified where asbestos was located within the school, work was carried out without it being consulted by the contractor.

The trust had also failed to complete a refurbishment survey therefore failing to ensure that the contractors had the appropriate asbestos information required to carry out the work safely.

The trust was found guilty of breaching Section 3 of HASWA 1974, was fined £18,000 and ordered to pay £17,000 in costs. The contractor pleaded guilty to a breach of the Construction (Design and Management) Regulations 2007, was fined £9,000 and ordered to pay £8,000 in costs.

## Firm and director prosecuted after worker died in fall

Watershed (Roofing) Ltd of Yorkshire and its director have been prosecuted after a worker fell to his death through a fragile roof-light. A 52 year old brick-layer, was working on the flat roof of Aspin Park School in Knaresborough when he fell backwards through a roof-light and into the boys' toilet two metres below.

He was taken to hospital but died later from severe head injuries.

The HSE investigation found that a construction phase plan had been prepared stating that before work was carried out, the plastic domes of all roof-lights should to be removed and the apertures boarded over, however it was found that the domes could not be easily removed and agreed that works could progress without any covering of the roof-lights.

Watershed (Roofing) Ltd pleaded guilty to breaching section 3 of HASWA 1974, and were fined £80,000 and ordered to pay £39,381.32 in costs. The Director pleaded guilty to a breach of section 37 of HASWA 1974 and was fined £7,000.

It is imperative that the workers are protected from falling through the skylights.

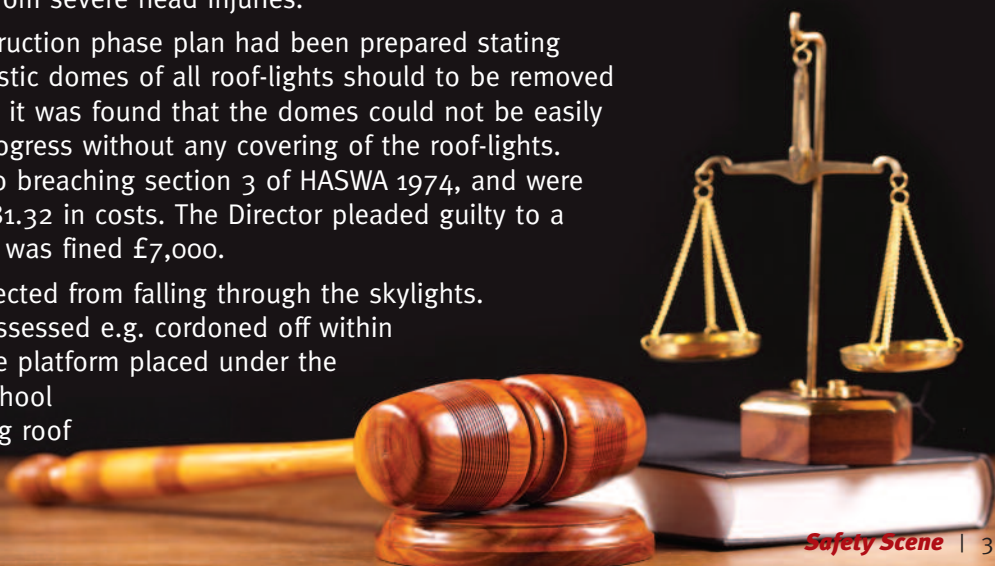
The method for protection needs to be assessed e.g. cordoned off within

a 2 metre zone, boarded over or a mobile platform placed under the

skylight. If work is being done at your School

and the skylights are not protected during roof

work then challenge the contractor.





## Avoiding crime and scams on trips

Most tourist scams aim to take your money away from you or to distract you while you are pickpocketed. There are dozens of tactics which emphasises the importance for students to be briefed about seeking help e.g. the kinds of people to ask or the places to go and to carry a Panic Card written in English and the language of the country being visited, so that they might be more likely to be helped by anyone they ask.

Helpful advice for anyone travelling abroad, can be found at the Foreign and Commonwealth Office travel advice website by country [www.gov.uk/foreign-travel-advice](http://www.gov.uk/foreign-travel-advice) or websites like [www.justtheflight.co.uk/images/blog/tourist-scams.jpg](http://www.justtheflight.co.uk/images/blog/tourist-scams.jpg)

## Use of emergency inhalers

**Don't forget that the Emergency Volumatic spacers are for single use only and need to be replaced following individual use.**

To avoid possible risk of cross-infection, the plastic spacer should not be reused. It can however be given to the individual to take home for future personal use. The School will then need to order another one.

**Question?** Have you assessed whether the emergency inhaler should be taken on Visits and Journeys? This is showing best practice but is there a second one that can be kept at the School for others to use?

## FGM reporting duty

**At the end of October 2015 it became compulsory for schools to report cases of female genital mutilation (FGM) of pupils to the Police.**

The requirement applies to "known" cases, which are defined by the Home Office as "those where either a girl informs the person that an act of FGM – however described – has been carried out on her, or where the person observes physical signs on a girl appearing to show that an act of FGM has been carried out and the person has no reason to believe that the act was, or was part of, a [legitimate] surgical operation".

The Home Office advises that failure to report a known case could be a reason for dismissal of a teacher. The law only applies to known cases. Suspicions that a girl has been subject to FGM should be dealt with under the school's safeguarding procedures.

## CPD training event: Understand, Prevent and Respond to Cyberbullying

Join Childnet International for their CPD training event on 21 March 2016 at The Midland Hotel, Manchester. Hosted by Lord Jim Knight, MD of Online Learning at TES, the day will guidance on preventing and responding to cyberbullying from Ofsted, social media companies, teachers and young people.

**To book your place go to <http://www.childnet.com/new-for-schools/cyberbullying-events>**

## MYTH BUSTING

**Myth:** School bus company separated boys and girls on their buses to comply with Health and Safety regulations.

**Busted:** Bus operators need to find practical ways to control rowdy behaviour on their buses. Pupils moving around or misbehaving pose a danger to themselves and other road users if the driver is distracted. There is no health and safety legislation that states that this should be achieved by separating boys and girls.

**Myth:** Trainer delivering sessions for disabled children told they can't use toilet roll centres to play with because of health and safety.

**Busted:** Advice from CLEAPSS states that so long as toilet roll centres and egg boxes look clean, there is no reason why they should not be used. Everyday living presents similar microbiological risks and proper handwashing helps to minimise these risks.

## New CLEAPSS D&T Newsletter

Spring Term sees the launch of 'Future Minds' D&T e-newsletter from CLEAPSS, a new publication engaging curriculum ideas, articles from the D&T community and important health and safety information.

The first few editions will be available to download from the CLEAPSS website, with future editions emailed to school staff/departments that subscribe to the newsletter – details of how to register will be provided by CLEAPSS in due course.

## CLEAPSS warning over buying cheap science equipment

**Whilst budgets in schools may be tight, CLEAPSS are warning of the dangers of buying cheap equipment in a bid to save money.**

A number of cases have arisen where cheap Bunsen burners thought to be of equal quality to more expensive ones are found to be faulty and endanger the health of teachers and pupils by allowing unburned gas to enter the room. Whilst for some products it makes sense to shop around for the best price, it is usually the case that if lab equipment appears to be very cheap there is a reason why.

Please take care when buying equipment and if you do find any to be faulty, remove them from use immediately and contact the supplier.



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