

Accountability and Health & Safety Failings

Accountability

Overall accountability for health and safety lies with the employer of the members of staff in the school. However day-to-day running of the school including responsibility for the health and safety of staff and pupils is delegated to the head teacher and school management team.

The Employer

Who the employer is will vary according to the type of school. This can be a local authority, board of governors, an academy trust, a charity, company or partnership.

Head Teacher

Head teachers and the school management team, in consultations with governors, have considerable autonomy in the day-to-day running of their schools. **It is important that head teachers exercise this autonomy in line with their employer's policies, procedures and standards. In many cases this will be the local authority.**

Business Manager

In some schools the business manager, business leader or bursar takes the lead for health and safety on site. They often provide the focal point for the school's health and safety management arrangements. Their school wide roles may include:

- management and monitoring of **purchasing and contracting** procedures to ensure risks are effectively managed
- advising contractors of site specific risks and overseeing their activities on site
- ensuring staff and visitors are aware of the on-site procedures and the precautions to follow
- accident and incident reporting
- implementation, monitoring and review of training procedures
- preparation of reports and returns for the school leadership team

N.B. The HSE has the power to prosecute any individual or organisation involved in any safety related incident. They will look to prosecute individuals if they have behaved negligently.

Don't forget Planning Permission and Building Regulations

- Planning covers appearance and how it affects the neighbourhood
- Building Regs apply to: building works e.g. removing internal walls, change of use e.g. changing store to teaching, material alterations e.g. installing windows, installation of controlled services and fittings. e.g. replacing a boiler

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School Wall

A 12-year-old girl has died after a wall at an Edinburgh school collapsed and landed on top of her. One pupil at the school said she had warned a teacher some months ago that there was an unstable wall in the girl's changing room near the old gym.

Asbestos

A Birmingham academy and a window replacement company were fined for exposing workers to asbestos. The incident cost the school £20,000 through decontamination and replacement of floor coverings. Soft furnishings and children's work had to be disposed of and parts of the school could not be used. The company was fined £5,000 and ordered to pay £1,969. The Academies Trust was fined £7,500 with £3,000 costs.

A school in Dorset failed to appoint a CDM Co-ordinator, which led to the unsafe removal of asbestos. The school was fined £60,000 and ordered to pay £13,000 in costs. Director of the construction company was fined £10,000 with costs of £6,000.

Climbing Walls

A Bradford school has been fined after a PE Technician suffered multiple fractures when he fell nine metres from a climbing wall. The school was fined £5,000 and ordered to pay £7,500 in costs.

Roofs and Loft Spaces

A school near Huntingdon was prosecuted after a teenager suffered a fractured wrist when she fell while retrieving paperwork stored in a loft space above the changing rooms. The school was fined £6,000 and ordered to pay costs of £2,276.40.

A roll of felt fell through a fragile roof light (which was inadequately protected) and hit a secretary on the shoulder: The Client and the Roofing Contractor were each given an 18 week prison sentence suspended for 12 months, with 280 hrs Community Service and £2,114 each costs.

Lifts

City of Edinburgh Council was fined £8,000 after a schoolgirl sustained three fractured vertebrae when she fell more than five metres as teachers attempted to free her from a broken down lift.

Building Regulations

Fine £5,000 per breach plus £5 per day, can be forced to undo or redo the works, can go to Magistrates Court and Custodial sentences are possible if found to be in contempt of court...

A school began to convert a covered outdoor space into a classroom and carpeted over the tarmac and external drains.

Another school carried out building works without a Building Regulations. The steel frame was wrong (£5000 fine), drains ran backwards (£5000 fine), walls to support the internal floors were based on top of a drain which would have collapsed and failed structurally (another £5,000 fine).

Planning

Drainage retention pond was never installed which led to some flooding with potential for fines up to £20,000. There were legal costs on top which could have been over £100,000.