

Compliance monitoring

# for school premises management

July 2018



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## 1. Background

The local authority, governing body, academy trust or proprietor (the employers) as appropriate, have a duty to ensure that school buildings under their control comply with appropriate statutory, regulatory and corporate standards. The employer is responsible for health and safety, though tasks may be delegated to staff. The task of managing compliance is complex, onerous and costly. This is particularly the case with single school academies and academies generally.

An increasing burden of legislative and regulatory duties are falling on school leaders and managers particularly where they have become academies. In the case of maintained schools, property budgets and responsibilities have been delegated to individual schools but with ultimate accountability still seen as resting with the corporate body of the council.

As the following statistics demonstrate, the number of academy schools, directly funded by the Department for Education and independent of local authority control has grown enormously over the past 20 years. Schools can now choose to procure property services including compliance from local authorities, MATs or from contractors. Clusters or groups of schools can collaborate, share best practice and procurement and benefit from economies of scale.

At the time of writing, 65% of secondary schools and 27% of primary schools are open academies. These figures include converter and sponsored academies but exclude free schools (7%) and schools in the pipeline. There are no academies and free schools in Wales, Scotland and Northern Ireland. Some multi-academy trusts (MATs) are very large but the majority have between one and 10 schools. Ninety percent of trusts have less than six academies, whilst 62% have just the single academy; 280 trusts have more than six academies.

Number of State Funded Schools in England – January 2018			
	Academies	Non academies	Total
Primary	4440 = 27%	12315 – 74%	16755
Secondary	2220 = 65%	1218 = 36%	3438
Total	6660	13533	20193

**Source:** <https://www.gov.uk/government/publications/open-academies-and-academy-projects-in-development>

Notes:

- As of January 2018, a further 1,218 schools (931 primary) were in the pipeline to become academies.
- These figures exclude pupil referral units, special schools and nurseries.

Academies are responsible for managing their own property and for buying in services to support them. Many academies choose to continue to contract with councils for property support. Councils are also enforcing agencies for some aspects of compliance.

Those with responsibility for the school estate regularly face challenges in terms of their ability to control and manage what goes on in buildings which they own and which are used by staff or clients for which they have legal responsibility. An example of this is individual schools where there is both the freedom and the financial resources to enable them to procure very significant building projects without calling on the assistance of the Local Education Authority.

In addition to this, responsible bodies are faced with a wide range of health and safety responsibilities that fall on building occupiers. Even where rigid policies and procedures are set out at corporate level, responsibilities for their implementation are frequently delegated to Head Teachers in individual properties who do not always appreciate the importance of ensuring that regular checks and control measures are carried out and recorded.

We are faced with the situation where day to day responsibility and much of the available resources are delegated to premises level but with the ultimate accountability remaining at corporate level.

It is essential that the property manager employed by the responsible body puts in place robust procedures, processes and documentation for each school manager to follow and implement. Periodic audits and inspections are an effective way to ensure that regulatory compliance is being met.

This document highlights the key areas where some sort of compliance monitoring is required for premises management, along with some background information. It establishes the status of each area (eg statutory, recommended good practice), suggests good practice frequencies and provides links to further information. It does not deal with health and safety legal duties and powers relating to school activities.

This document is not a legal document and should be read as a guidance note for those responsible for the management of school buildings. The aim of the document is to provide a summary of relevant responsibilities and to assist school leaders and managers to organise appropriate testing and inspection of systems and equipment within their premises.

This document cannot replace professional advice and school leaders and managers are strongly advised to obtain such advice.

Please note that this document only covers English law.

## 2. Introduction

The basis of British health and safety law is the Health and Safety at Work etc Act 1974 (HSWA). This HSWA sets out the broad principles for managing health and safety legislation in most workplaces. The HSWA which came into force on 1 April 1975, still remains the main health and safety legislation in existence today.

The HSWA places a general duty on employers to “ensure so far as is reasonably practicable the health, safety and welfare at work of all their employees.”<sup>1</sup> Section 3 of the Act, General Duty to Others requires employers to conduct their undertaking in a way that does not pose risk to the health and safety of non-employees. This section is designed to give protection to the general public and other non-employees such as children at school and contractors. Section 3 of the HSWA imposes a clear duty on the local authority, governing body or proprietor to conduct their undertakings in such a way as to ensure, so far as is reasonably practicable the safety of the public using the premises.

In addition to the Health and Safety at Work Act there are Approved Codes of Practice (ACOPs) and Health and Safety Executive (HSE) guidance documents and standards to be considered.

ACOPs are approved by the Health and Safety Commission on consent of the Secretary of State. These technical codes provide guidance with regard to the intentions of Acts and Regulations. Non-compliance with an ACOP is not in itself an offence although failure to observe an ACOP can be used in evidence in criminal proceedings.

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<sup>1</sup> [www.hse.gov.uk/legislation/hswa.htm](http://www.hse.gov.uk/legislation/hswa.htm)

If a contravention of an ACOP relevant to an offence is proved, the court must regard the offence as proved unless the defendant can show that the law was complied with otherwise than by following the ACOP. ACOPs are often regarded as an extension of the law. For reference purposes the list of current and relevant ACOP titles is included in Appendix 2.

HSE guidance documents contain advice on requirements to be followed and actions that an employer should take in order to comply with the law. HSE guidance itself does not have any legal status.

Although following HSE guidance does not in itself guarantee safety at work nor will it prevent prosecution under HSWA, it is regarded as reflecting best practice at the time of its publication. Care should be taken, however, to ensure that guidance documents referred to are not out of date or have been superseded by higher standards of practice.

The Health and Safety (Offences) Act 2008 came into force in January 2009 and amends section 33 of the Health and Safety at Work etc Act 1974. The 2008 Act does not introduce any new legal duties or change any existing ones, but courts have greater powers of sentencing including penalties for non-compliance with existing duties.

The main implications of the 2008 Act are:

- there is a widened range of offences for which an individual can be imprisoned
- length of prison sentences from magistrates' courts have increased from six months to 12 months
- maximum penalties that can be imposed have increased from £5,000 to £20,000 for breaches in the lower courts
- certain offences can go to trial in lower or higher courts.

The Corporate Manslaughter and Corporate Homicide Act 2007 introduced a new statutory offence of 'Corporate Manslaughter'. This new offence came into force on 6 April 2008. The Corporate Manslaughter and Corporate Homicide Act 2007 does not in itself impose any specific new health and safety duties.

The offence of 'corporate manslaughter' applies where an organisation owes a duty of care to the victim. For all employers this 'duty of care' falls within the following broad categories:

- to its employees or to others working for it eg contractors
- as the occupier of premises
- when constructing or maintaining buildings, infrastructure or vehicles, or when using plant and vehicles
- in connection with the supply of goods or services
- when carrying out other activities on a commercial basis

Section 1 (3) of the Corporate Manslaughter and Corporate Homicide Act 2007 states that:

"An organisation is guilty of an offence under this section only if the way in which its activities are managed or organised by its senior management is a substantial element in the breach referred to in subsection (1).

'Senior Management' is defined in Section 1 (4) (c) as the persons who play significant roles in:

- the making of decisions about how the whole or a substantial part of its activities are to be managed or organised; or
- the actual managing or organising of the whole or a substantial part of those activities.

A key factor in establishing an individual's responsibility will be what amounts to a 'substantial part' of an organisation's activities. Senior management includes those in direct operational management as well as those in strategic or regulatory compliance roles.

The Corporate Manslaughter and Corporate Homicide Act does not require any proof of an individual being guilty of an offence; failures of a number of senior managers can be aggregated rather than relying on the conduct of one single 'directing mind'.

### 3. Duties of school leaders and managers

Where an offence is committed under the HSWA by a body corporate with the “consent, connivance or neglect” of any director, manager, secretary or similar officer, that person may be prosecuted as well as the body corporate. This means that senior personnel such as the school business manager have special responsibilities to ensure that health and safety is properly managed within their organisation and in areas under their remit. Enforcement inspectors tend to look closely at the role of school leaders and managers when carrying out inspections.

It is worth therefore, considering in a little more detail what is meant by the words “consent”, “connivance” and “neglect”:

- Consent – the school leader/manager is aware that an offence is being committed but agrees to it.
- Connivance – the school leader/manager is equally aware of what is going on and, while not directly encouraging the offence allows it to carry on (effectively turns a blind eye)
- Neglect – the school leader/manager is under a duty to do something but fails to do so.

In cases taken under the HSWA, the burden of proof is on the employer to prove that they have done everything ‘reasonably practicable’ or ‘everything practicable’ to safeguard the health and safety of employees, non-employees or members of the public.

This document provides a brief explanation of the principal areas of compliance monitoring that a premises manager would be expected to be aware of and implement. However, health and safety law is becoming less prescriptive and does not normally provide specific details on inspection and testing frequencies. It now focuses more on risk-based assessments, which can be very much dependent upon individual circumstances such as the building use, the users’ groups, the construction, age and condition of the building, previous maintenance regimes and the building location. It is left to the responsible person to decide, once a risk assessment has been carried out, what the control measures should be. This document provides an outline of the law covering this area and for further detail and specific information for individual circumstances, it will be necessary to refer to the relevant legislation, Approved Codes of Practice and/or British Standards.

### 4. The management of health and safety

The general duties imposed by the HSWA are supported by more detailed provisions in the Managements of Health and Safety at Work Regulations 1999 (MHSWR). Under the MHSWR (regulation 7) employers need to appoint one or more competent persons to assist in undertaking the measures necessary for compliance with the requirements and prohibitions imposed by legislation.

Under the MHSWR a person is deemed to be competent if they have an adequate combination of training and experience or knowledge. Regulation 7 (8) requires employers to consider appointing a competent person who is in their employment; in preference to one who is not.

There are three main areas to consider in terms of what constitutes a competent person:

1. Core knowledge of the subject
2. Experience to apply that knowledge correctly
3. Personal qualities needed to undertake functions effectively:

Once a person is deemed to be competent arrangements must be put in place to ensure that this level of competence is retained, such as through regular training.

In order to ensure that the health and safety arrangements within an organisation are effective there must be systems in place to ensure that the risks which arise from the organisation’s activities are identified and controlled. Management of Health and Safety at Work Regulations 1999 require employers to manage health and safety by assessing risk.

## 5. Risk assessment

Where a risk assessment is required it should be “a suitable and sufficient assessment of the risks”. A suitable and sufficient assessment of risks would:

- correctly identify any significant risk that is reasonably foreseeable
- enable the assessor to decide what action needs to be taken and what the priorities should be
- be appropriate for the type of activity
- remain valid for a reasonable time
- reflect what employers may reasonably and practicably be expected to know about the risks associated with their undertaking.

Undertaking risk assessments can be time consuming; the time and effort put into an assessment should be broadly proportional to the degree of risk. It is difficult, however, to provide precise guidelines on what would be considered to be “a suitable and sufficient assessment of risks” until this has been tested in a court of law.

A written risk assessment must be reviewed and updated where necessary, for example if there are developments that could possibly suggest that the risk assessment is no longer valid, or where the original circumstances have changed to a significant extent, or where a new use of the premises has been introduced; this need not necessarily be a changed use for the entire premises. For example, the need for a revised risk assessment could be triggered where a school introduces a childcare facility or out of hours club. It is regarded as good practice to carry out a regular review of any risk assessment regardless of whether any changes have occurred. The Health and Safety Executive have produced a useful guide *Risk assessment – A brief guide to controlling risks in the workplace*<sup>2</sup> to preparing risk assessments.

In cases taken under the HSWA it is up to the defendant to prove that it was not reasonably practical to do something. In practice this can be very difficult to satisfy as at the time of the prosecution there is the benefit of ‘hindsight’. Consequently, it is essential that risk assessments and the decisions to implement or reject certain safety measures are correctly recorded and retained for future reference.

Under the Management of Health and Safety Regulations 1999 employers have a duty to ensure that the necessary arrangements are in place to monitor and review any preventative and protective measures that have been implemented. The Approved Code of Practice recommends that proactive measures are taken for periodically monitoring and reviewing the health and safety management system employed. This implies that there is a need for the organisation to carry out audits of the arrangements that it has put in place.

A safety audit will examine the organisation’s policies, procedures and documentation to determine if and where they are failing. An audit is not the appropriate tool to use if there is no safe system in place or where the organisation already knows that there are weaknesses in existing systems.

## 6. Duty holder

Employers must take all reasonable measures to ensure that school premises and equipment on the premises are safe to use. Employers retain responsibility for health and safety but they can delegate tasks to headteachers or other school staff. Senior school managers involved in the day-to-day running of the school also have responsibility for the health and safety of staff and students.

The duties imposed by health and safety law cannot be delegated. Responsibilities may be, but that does not release the employer from a duty, for example to monitor to ensure that their responsibilities are being discharged. Academies should appoint a school health and safety lead officer, a school trustee to champion this area and a health and safety committee.

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<sup>2</sup> <http://www.hse.gov.uk/pubns/indg163.pdf>



The terms responsible person and duty holder are commonly used in regulations. The former is the person – a named person at each school – or organisation that has clear responsibility for the maintenance or repair of the premises, usually through an explicit agreement such as a lease or contract, or the person who has control of the premises. The duty holder means the employer and those in control of workplaces, who have duties under health and safety law.

## 7. Fees for intervention<sup>3</sup>

In 2012 the HSE introduced 'Fees for Intervention' (FFI). If a material breach of the law has been revealed, the HSE may recover their costs from an employer in the form of a fee to cover the time and expense incurred on assisting to put the matter right, through investigating and taking enforcement action. This will include time spent:

- carrying out visits (including all the time spent on site during which the material breach was identified)
- preparing and writing notifications of contraventions, improvement or prohibition notices and reports
- taking statements
- obtaining specialist support for complex issues.

FFI applies to all businesses and organisations inspected by HSE, except for:

- self-employed people who don't put people at risk by their work
- those who are already paying fee to HSE for the work through other arrangements
- those who deliberately work with certain biological agents.

FFI only applies to work carried out by HSE inspectors and not for other enforcement agencies such environmental health officers or fire and rescue service.

### What is a material breach?

A material breach is where health and safety law has been infringed and the inspector determines that it is serious enough for them to notify you in writing. This will either take the form of a notification of contravention, an improvement or prohibition notice, or notice of a prosecution. Examples of material breaches include: materials containing asbestos in a poor or damaged condition resulting in the potential to release asbestos fibres; or not providing guards or effective safety devices to prevent access to dangerous parts of machinery.

Before notifying you in writing, the inspector must apply the principles of HSE's Enforcement Policy Statement ([www.hse.gov.uk/pubns/hse41.pdf](http://www.hse.gov.uk/pubns/hse41.pdf)) and Enforcement Management model ([www.hse.gov.uk/enforce/emm.pdf](http://www.hse.gov.uk/enforce/emm.pdf)).

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<sup>3</sup> <http://www.hse.gov.uk/fee-for-intervention/index.htm>

## 8. Schedule of activities

Insurance companies may dictate service and inspection frequency requirements. Written records and reports in digital format will be required as evidence to demonstrate compliance for all topics.

Topic	Service Requirement	Statutory/ Recommended/ Best Practice	Frequency/Regularity	Links to Other Information/ Documents	Relevant Legislation/British Standard/Approved Code of Practice
Air conditioning systems	Inspection	Best practice Statutory	Annual or bi-annual Not exceeding five years	The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007 No. 991	Under The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007
Anchor points and fall arrest systems	Inspection and testing	Statutory	six monthly and annual depending upon system installed		Personal Protective Equipment Regulations 1992 (as amended) The Work at Height Regulations 2005
Asbestos register	Risk assessment	Statutory	When circumstances dictate eg if changes to the premises have been made		Control of Asbestos Regulations 2012 – Management Survey – Refurbishment/Demolition Survey
Automatic doors	Inspection	Statutory	Annual	<a href="http://www.hse.gov.uk/work-equipment-machinery/power-gates/responsibilities.htm">www.hse.gov.uk/work-equipment-machinery/power-gates/responsibilities.htm</a>	Workplace (Health, Safety and Welfare) Regulations 1992. BS EN 16005:2012
Car parking and vehicle/pedestrian segregation	Risk assessment				The Workplace (Health, Safety and Welfare) Regulations 1992 (regulation 17)
CCTV monitoring	Procedures to follow	Statutory	On going	<a href="https://ico.org.uk/">https://ico.org.uk/</a>	The Data Protection Act 2018

Topic	Service Requirement	Statutory/ Recommended/ Best Practice	Frequency/Regularity	Links to Other Information/ Documents	Relevant Legislation/British Standard/Approved Code of Practice
Clinical waste	Procedures to follow	Statutory	On going		The Hazardous Waste Regulations 2012
Compulsory display of notices	Checks made to ensure correct and up to date information is displayed	Statutory	Regular checks to ensure information is still on display and is current		Various
Construction (Design and Management) Regulations 2007	On letting of a construction project	Statutory	As required – on letting of a construction project	<a href="http://www.hse.gov.uk">www.hse.gov.uk</a>	Construction (Design and Management) Regulations 2015
Contractor qualification check	Checks made on contractors qualifications ie NICEIC, ECA	Statutory or Good Practice	On appointment of contractor	See also sections on Gas Safety Regulations and Electricity at Work Regulations	
Control of substances hazardous to health (COSHH) risk assessment	Check on storage and use of hazardous materials	Statutory	Annual (best practice)	<u>COSHH A Brief Guide to the Regulations</u> <u>COSHH Approved Code of Practice</u> (NB this is a priced publication)	The Control of Substance Hazardous to Health Regulations 2002 (as amended)
Duct hygiene (air conditioning, plenum heating)	Inspection and testing		Annual inspection and testing – thorough cleaning routine determined from testing/ inspection results		Workplace (Health, Safety and Welfare Regulations) 1992 and COSHH LEV Testing
Electrical - PAT	Portable appliance testing	Statutory	Variable but can be up to annual	<u>The Provision and Use of Work Equipment Regulations 1998</u>	The Provision and Use of Work Equipment Regulations 1998 (PUWER)

Topic	Service Requirement	Statutory/ Recommended/ Best Practice	Frequency/Regularity	Links to Other Information/ Documents	Relevant Legislation/British Standard/Approved Code of Practice
Electrical – fixed electrical installations	Schematic of supply route and primary distribution	Best practice	Annual update	<u>Simple precautions – Work on electrical equipment machinery or installations</u>	Electricity at Work Regulations 1989 and BS 7671 IEE Wiring Regulations
	Inspection of fixed wiring and all distribution boards and safety devices	Highly recommended	Annual	<u>The Electricity at Work Regulations 1989</u> <u>Electrical Safety Council's Best Practice Guide on Periodic Inspection Reporting</u>	Electricity at Work Regulations 1989 and BS 7671 IEE Wiring Regulations
	Testing of all fixed wiring and all distribution boards	Statutory	Five yearly (or more frequently as determined by competent person)		Electricity at Work Regulations 1989 and BS 7671 IEE Wiring Regulations
	Testing of all distribution boards in mobile accommodation	Statutory	Annual		Electricity at Work Regulations 1989 and BS 7671 IEE Wiring Regulations
Electrical – stage lighting	Inspection and testing of portable dimmer racks with no fixed cabling, plugs, sockets, flexible leads		Annually inspection and test by competent person		Electricity at Work Regulations 1989
Emergency lighting	Inspection and testing of system	Statutory	Variable but recommend monthly checks by premises manager to check functionality, RCD (Residual Current Device [Circuit Breaker]) test. To include stop button functional test. Every six months – one hour duration test Annual full duration test		Electricity at Work Regulations 1989 and Regulatory Reform (Fire Safety) Order 2005

Topic	Service Requirement	Statutory/ Recommended/ Best Practice	Frequency/Regularity	Links to Other Information/ Documents	Relevant Legislation/British Standard/Approved Code of Practice
Equalities Act 2010	Inspection	Statutory	Checks to be made whenever alteration/changes are made to the building or the external environment	<a href="#">Disability Discrimination Act 1995</a> <a href="#">Disability Discrimination Act 2005</a> <a href="#">BS8300</a>	Equality Act 2010 see also Disability Discrimination Act 1995 and 2005 and BS8300 for background Building Regulations 2010
Extraction systems including fume cupboards	Inspection and testing of dust extraction equipment	Best practice	Annual		Control of Substances Hazardous to Health 2002 (as amended)
	Local exhaust ventilation	Statutory	Every 14 months	<a href="#">Controlling Airborne Contaminants at Work: A Guide to Local Exhaust Ventilation</a>	Control of Substance Hazardous to Health 2002 (as amended) Building Bulletin 88 Fume Cupboards, DfE applies to installation and maintenance of school fume cupboards There is a British Standard that applies to other fume cupboards
Fire risk assessment and emergency plan	Fire risk assessment	Statutory	Whenever any changes are made that will impact on the original assessment	<a href="#">The Regulatory Reform (Fire Safety) Order 2005</a>	Regulatory Reform (Fire Safety) Order 2005
Fire detection and alarm systems	Inspection and testing of system	Best practice	Weekly test with formal quarterly and annual inspections by competent person		Regulatory Reform (Fire Safety) Order 2005
Fire doors	Inspection		Weekly		Regulatory Reform (Fire Safety) Order 2005

Topic	Service Requirement	Statutory/ Recommended/ Best Practice	Frequency/Regularity	Links to Other Information/ Documents	Relevant Legislation/British Standard/Approved Code of Practice
Firefighting equipment	Inspection and maintenance extinguishers	Best practice	Annual		Regulatory Reform (Fire Safety) Order 2005
	Inspection and testing of fire sprinkler system	Best practice	Annual, although further checks may be necessary for specific insurance requirements.		Regulatory Reform (Fire Safety) Order 2005
First aid equipment	Inspection		Regular checks to ensure no equipment is outside of expiry date	HSE – first aid at work: <a href="#">legislation</a>	Health and Safety (First Aid) Regulations 1981 as amended by the Health and Safety (Miscellaneous Amendment) Regulations 2002
Food safety	Inspection	Statutory	Minimum six monthly inspections. Annual inspections of electrical and gas in kitchen/ catering equipment	<a href="http://ratings.food.gov.uk/">http://ratings.food.gov.uk/</a>	The Food Hygiene (England) (Amendment) Regulations 2010 Came into force 13 April 2010. These regulations amend the Food Hygiene (England) Regulations 2006 by: updating the definitions of certain EU instruments that are referred to in the Food Hygiene (England) Regulations 2006, and substituting a revised Schedule 1 (definitions of EU legislation) for the existing Schedule 1 (definitions of Community legislation) providing that when certain requirements are complied with, a person will be considered not to have contravened or failed to comply with specified provisions of Regulation (EC) No. 853/2004 laying down specific hygiene rules for food of animal origin.

Topic	Service Requirement	Statutory/ Recommended/ Best Practice	Frequency/Regularity	Links to Other Information/ Documents	Relevant Legislation/British Standard/Approved Code of Practice
Fuel oil storage	Plan of primary pipe work and main isolation points	Best practice	Annual update	<a href="#"><u>The Control of Pollution (Oil Storage) (England) Regulations 2001</u></a>	The Control of Pollution (Oil Storage) (England) Regulations 2001
	Visual condition inspection	Recommended	Annual		The Control of Pollution (Oil Storage) (England) Regulations 2001
	Maintenance checks on all pipe work devices	Best practice	Annual		The Control of Pollution (Oil Storage) (England) Regulations 2001
Gas safety	Gas safety inspections and certificates	Statutory		<a href="http://www.hse.gov.uk/pubns/books/l56.htm">www.hse.gov.uk/pubns/books/l56.htm</a>	The Gas Safety (Installation and Use) (Amendment) Regulations 2018 Came into force 6 April 2018
Gas appliance	Identification and location	Statutory	Annual updating		The Gas Safety (Installation and Use) (Amendment) Regulations 2018 Came into force 6 April 2018
	Servicing for efficient operation, combustion	Recommended for all premises Statutory duty on Landlords	Annual servicing to include check on ventilation, adequate flues, heat input combustion conformance, appliance is stable and safety devices working		The Gas Safety (Installation and Use) (Amendment) Regulations 2018 Came into force 6 April 2018
Gas pipe work	Visual condition inspection and testing if required	Recommended	Annual		The Gas Safety (Installation and Use) (Amendment) Regulations 2018 Came into force 6 April 2018
Glazing	Checks	Statutory	Initial survey of building to identify areas where safety glazing should be in place, ongoing checks that any glazing replacements are with safety glass as required.		Workplace (Health, Safety and Welfare Regulations 1992) and Building Regulation, Part K

Topic	Service Requirement	Statutory/ Recommended/ Best Practice	Frequency/Regularity	Links to Other Information/ Documents	Relevant Legislation/British Standard/Approved Code of Practice
Hydrotherapy pools and swimming pools	Risk assessment			The Health and Safety Executive publication HSG179 <u>Managing health and safety in swimming pools (HSG179)</u>	Health and Safety Act Work Act 1974
Kilns	Inspection	Statutory	Annual	Electrical	To BS Standard 7671. BS7671:2008 Requirements for Electrical Installations (IEE Wiring Regulations 17th Edition)
Lifts and hoists	Thorough examination, full maintenance and Inspection	Statutory	Every six months minimum for passenger lifts Every 12 months for goods lifts After substantial and significant changes have been made	<u>The Lifting Operations and Lifting Equipment Regulations 1998</u>	Lift operations and Lifting Equipment Regulations 1998
Lightning conductors	Inspection and testing	Best practice	Every 11 months full test to assess adequacy of earthing, evidence of corrosion, alterations to structure (by competent persons to BS 7430)		BS 6551, 1999 BS EN 62305, Lightning Protection Industry Standards
Mobiles – stability of	Structural inspection of mobile accommodation	Best practice	Annual (depending on age)		BRE Digest 374 1992
Playground and gymnasium equipment – fixed	Inspection and testing	Best practice	Annual		BS 5696, BS 7188, BS7044,BS 1892 Part 1 2003



Topic	Service Requirement	Statutory/ Recommended/ Best Practice	Frequency/Regularity	Links to Other Information/ Documents	Relevant Legislation/British Standard/Approved Code of Practice
Powered gates	Inspection	Statutory	Annual	<a href="http://www.hse.gov.uk/work-equipment-machinery/power-gates/responsibilities.htm">www.hse.gov.uk/work-equipment-machinery/power-gates/responsibilities.htm</a>	Workplace (Health, Safety and Welfare) Regulations 1992.
Pressure vessels	Inspection	Statutory	Annual	<a href="http://www.hse.gov.uk/pressure-systems/law.htm">www.hse.gov.uk/pressure-systems/law.htm</a>	Pressure Equipment (Safety) Regulations 2016
Radiation equipment and substances	Risk Assessment	Statutory	Annual	<a href="http://www.cleapss.org.uk/">www.cleapss.org.uk/</a>	The Ionising Radiations Regulations 2017 (IRR17)
Radon	Risk Assessment			Statutory Instrument 1999 No. 3232	The Ionising Radiation Regulations 2017 (IRR17)
Rolling doors (vertically opening powered rolling doors)	Inspection	Statutory	Annual	<a href="http://www.hse.gov.uk/work-equipment-machinery/power-gates/responsibilities.htm">www.hse.gov.uk/work-equipment-machinery/power-gates/responsibilities.htm</a>	Workplace (Health, Safety and Welfare) Regulations 1992.
Security fencing	Risk Assessment	Good practice		<a href="http://www.securedbydesign.com">www.securedbydesign.com</a>	
Septic tank	Inspection	Statutory	Annual		Control of Pollution Act 1974.
Shared premises	Risk assessment		As required		Regulation 11 of the Management of Health and Safety at work Regulations 1999
Slips and trips	Risk assessment		As required	<a href="http://www.hse.gov.uk/slips/index.htm">www.hse.gov.uk/slips/index.htm</a>	The Workplace (Health and Safety and Welfare) Regulations 1992
Sports field lighting	Risk assessment	Statutory electrical check		BS EN 12193:2007	
Sprinklers	Inspection	Statutory	Annual		BS EN 12845 and LPCB TB203 Care and maintenance of automatic sprinkler systems

Topic	Service Requirement	Statutory/ Recommended/ Best Practice	Frequency/Regularity	Links to Other Information/ Documents	Relevant Legislation/British Standard/Approved Code of Practice
Tree safety	Risk assessment		Annual and following any works that could have caused damage and high winds		Health and Safety at Work etc Act 1974 Occupiers Liability Act 1957 and 1984
Vacant buildings	Risk assessment		As required		Occupiers Liability Act 1984
Water coolers and fountains	Inspection and servicing	Best practice	Annual	<a href="http://bwca.org.uk/about-bwca/codes-of-practice/">http://bwca.org.uk/about-bwca/codes-of-practice/</a>	The Water Supply (Water Fittings) Regulations 1999
Water hygiene and safety Legionnaires' disease Water systems Cold water systems	Water hygiene risk assessment; prepare a written control scheme  Flush through little used outlets  Temperature testing	Statutory  Recommended  Recommended	Regular reviews when deemed necessary  Weekly  Monthly	<u>Legionnaires' Disease – The Control of Legionella Bacteria in Water Systems</u> <u>ACOP L8 HSG 274</u>  <a href="http://www legionellacontrol.org.uk">www.legionellacontrol.org.uk</a>	Health and Safety Act Work Act 1974 Control of Substances Hazardous to Health Regulations 2002 (COSHH) Notification of Cooling Towers and Evaporative Condensers Regulations 1992  The Control of Legionella Bacteria in Water Systems ACOP L8 HSG 274  The Control of Legionella Bacteria in Water Systems ACOP L8 HSG 274
Water Hygiene and Safety Legionnaires' Disease Water Systems – Low pressure hot water systems	Water quality check and routine maintenance	Recommended	Annual		The Control of Legionella Bacteria in Water Systems ACOP L8 HSG 274
	Visual condition inspection  Maintenance checks on all pipe work devices (strainer, valves, blending valves, pumps etc	Recommended  Best practice	Annual  Annual updating		

Topic	Service Requirement	Statutory/ Recommended/ Best Practice	Frequency/Regularity	Links to Other Information/ Documents	Relevant Legislation/British Standard/Approved Code of Practice
Water hygiene and safety Legionnaires' disease Water systems – Water and surface temperature	Heat emitters and exposed surfaces of pipe work not to exceed regulation temperatures.	Statutory	Annual		Education (School Premises Regulations) 2012 The Control of Legionella Bacteria in Water Systems ACOP L8 HSG 274
Workstation assessment	Analysis of workstation to assess any health and safety risks		Change of employee or relocation of workstation	<a href="#">The Health and Safety (Display Screen Equipment) Regulations 1992</a>	Health and Safety (Display Screen Equipment) Regulations 1992
Working at height	Risk assessment			<a href="#">The Work at Height Regulations 2005</a> <a href="#">HSE Guide to Working at Height Regulations 2005</a>	Working at Height Regulations 2005
Working at height – safety eyes bolts and cradles	Inspection and testing	Statutory	Annual		Lift Operations and Lifting Equipment Regulations 1998

## 9. Air-conditioning systems

Under The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007 an air conditioning system (over 12KW) should be inspected by an energy assessor at regular intervals not exceeding five years, although bi-annual checks and an annual maintenance schedule should continue as best practice.

It is the duty of the relevant person to ensure that this is carried out; under the Regulation the relevant person is classified as the person who has control of the system.

If the system was installed after 1 January 2008 then it must be inspected within five years from the date that it was first commissioned. Once the inspection has taken place the relevant person should retain a copy of the report.

## 10. Anchor points and fall arrest systems

There are a variety of European and British Standards for anchor point testing and fall arrest systems. Equipment should be checked 6 monthly or annually depending upon manufacturers recommendations. Refer to British Standard BS8437:2005 “Code of practice for selection, use and maintenance of personal fall protection systems and equipment for use in the workplace”. The testing of anchor points for fall arrest is covered in BS EN 795: 1997

Eye bolts and single point anchors should be disassembled and/or load tested as appropriate, with visual and tactile examination of all components in accordance with manufacturers’ recommendations.

Guardrails and fixed ladders should be the subject of an inspection and testing regime, checking integrity of all support brackets and fixings, whether there is safe access to and onto the ladder and that there are warning signs in place.

Abseil rails/ anchors and vertical fall arrest equipment likewise should have all moving parts checked, including track supports and roof fixings, eyebolts all safety devices.

## 11. Asbestos

The Control of Asbestos Regulations (CAR) 2012 came into force on 6 April 2012.

The duty to manage asbestos is contained in Regulation 4 of the Control of Asbestos Regulations 2012. It requires the person who has the duty (ie the duty holder) to:

- take reasonable steps to find out if there are materials containing asbestos in non-domestic premises, and if so, its amount, where it is and what condition it is in.
- presume materials contain asbestos unless there is strong evidence that they do not.
- make and keep up to date a record of the location and condition of the asbestos containing materials or materials which are presumed to contain asbestos.
- assess the risk of anyone being exposed to fibres from the materials identified
- prepare a plan that sets out in detail how the risks from these materials will be managed
- take necessary steps to put the plan into action
- periodically review and monitor the plan and the arrangements to act on it so that the plan remains relevant and up to date
- provide information on the location and condition of the materials to anyone who is liable to work on or disturb them.

There is also a requirement on anyone to co-operate as far as necessary to allow the duty holder to comply with the requirements.

Under Regulation 4 the “duty holder” (see earlier section), must ensure that a suitable and sufficient assessment is undertaken to determine whether asbestos is on the premises; the assessment should take into account the likely condition of any asbestos. Once the assessment has been completed then the conclusions from the assessment and any subsequent reviews must be recorded. In addition to this the duty holder must also refer to building plans, other relevant information and the age of the premises, and inspect reasonably accessible parts of the premises.

Where asbestos is identified or suspected, the duty holder must:

- determine the risk from asbestos
- prepare a written plan identifying the areas of the premises concerned and the measures necessary for managing the asbestos risk
- implement the measures in the plan
- record the measures taken to implement the plan.

These measures should cover the following areas:

- monitoring the condition of any asbestos or suspected asbestos
- maintaining the asbestos or safely removing it
- providing information which identifies the location and condition of identified asbestos to any person likely to disturb it. This would include caretakers and contractors working on the premises, the information must also be made available to the emergency services.

The assessment and written plan must both be reviewed if they become invalid or if there have been significant changes to the premises.

Under Regulation 5 employers must not undertake demolition, maintenance or any other work which exposes or is liable to expose employees to asbestos in respect of any premises unless either:

- a) that employer has carried out a suitable and sufficient assessment as to whether asbestos is present, the type of asbestos, contained in material and in what condition it is present or is liable to be present in those premises; or
- b) if there is doubt as to whether asbestos is present in those premises, that employer:
  - i. assumes that asbestos is present, and that it is not chrysotile alone, and
  - ii. observes the applicable provisions of these Regulations

Under Regulation 6 of the Act an employer must not carry out work which is liable to expose employees to asbestos unless the employer has:

- a) made a suitable and sufficient assessment of the risk created by that exposure to the health of those employees and of the steps that need to be taken to meet the requirements of these Regulations
- b) recorded the significant findings of that risk assessment as soon as is practicable after the risk assessment is made
- c) implemented the steps referred to in a) above.

The assessment described above should:

- identify the type of asbestos which the employee is liable to be exposed.
- assess the nature and degree of likely exposure
- consider the effectiveness of control measures
- take into account the results of air monitoring and medical surveillance
- identify the measure necessary to prevent or deduce asbestos exposure to the lowest level reasonably practicable.

Any significant findings from this assessment should be recorded and then reviewed regularly. In particular if there are any reasons to suspect that the situation has changed or to suggest that the original assessment was inaccurate then the assessment should be review as soon as possible.

Under Regulation 7 of the CAR 2012, employers must prepare a written plan of work prior to any work commencing that may expose their employees to asbestos. This plan must include details of how the asbestos work will be undertaken and a copy of the plan must be kept on the premises.

It should be noted that under Regulations 8 and 9 of CAR 2012, work with asbestos cannot be carried out unless the employer holds a licence granted by the Health and Safety Executive. Further details can be obtained from the HSE website.

Under Regulation 10 of the CAR 2012 employees that are liable to be exposed to asbestos, who supervise asbestos work or who undertake work in connection with their employer's duties under the regulations must be given adequate and regular information, instruction and training. This is to ensure their own and other employees' safety.

Where reasonably practicable employers must prevent employee exposure to asbestos. If this is not possible then under Regulation 11 exposure must be reduced to the lowest level reasonably practicable and the number of employees likely to be exposed reduced to the lowest number that is reasonably practicable.

Further information is available from the Health and Safety Executives website.

## 12. Automatic doors

BS EN: 7036 1996 – Safety for Pedestrians at powered doors.

BS EN 16005:2012 Power operated pedestrian door sets – safety in use.

BS EN 16005 is the European standard which gives guidance on safety in use and test methods for Automatic pedestrian door sets. It is the industry guidance document to help companies meet the requirements of the Machinery Directive and form part of the CE Marking process. The document gives practical advice on safety systems and best practice ways for ensuring automatic doors are installed with acceptable levels of safety for users.

Six-monthly inspections are recommended. The wiring will be subject to testing on the five year fixed wiring inspection cycle.

## 13. Car parking and pedestrian/vehicle segregation

The Workplace (Health, Safety and Welfare) Regulations 1992 (regulation 17) covers the layout of traffic routes, traffic management systems and the provision of signage. The main requirements of the regulation are:

- Every workplace shall be organised in such a way that pedestrians and vehicles can circulate in a safe manner.
- Traffic routes in a workplace shall be suitable for the persons or vehicles using them, sufficient in number, suitable positions and of sufficient size. It may sometimes be difficult to provide “sufficient separation” between pedestrians and vehicles where layouts and traffic routes have already be constructed, and hence the regulation is qualified by the statement “so far as is reasonably practicable”
- All traffic routes shall be suitably indicated, where necessary, for reasons of health and safety.

A risk assessment should be carried out to include, traffic movement within the site, pedestrian/vehicle segregation, car parking and how the routes are signed. This risk assessment should consider these areas at different key times in the day.

## 14. CCTV monitoring

Organisations need to be aware of the General Data Protection Regulation (GDPR) if using CCTV monitoring after May 2018. Consult the website of the Information Commissioner's Office (ICO) for codes of practice issued under the Data Protection Act.

In the event that an education organisation decides to use surveillance technology such as CCTV and body worn video, it needs to be done in accordance with the Data Protection Act. Advice about these technologies is provided in the ICO CCTV code of practice. It is important to make sure that any images are only used for the purposes the organisation specified. Individuals have to be made aware they may be recorded and appropriate measures must be put in place to keep the recorded images secure.

The Information Commissioners Office has produced a comprehensive guide detailing how and when CCTV cameras should be installed and explains about putting signs up to inform people that CCTV surveillance is in operation. The CCTV Code of Practice can be found on [www.ico.gov.uk](http://www.ico.gov.uk). A CCTV surveillance system can be installed for the purposes of the prevention and detection of crime and for the promotion of the health, safety and welfare of staff, students and visitors.

## 15. Clinical waste

Clinical waste is any waste which poses a threat of infection to humans. The key principles of clinical waste regulation relate to the correct segregation, storage, disposal and documentation of waste.

The Safe Management of Healthcare Waste Memorandum (HTM 07-01) issued by the Department of Health provides guidance on the secure and legally compliant management of clinical waste. This recommends that segregation of clinical waste occurs at the point of production using colour coded waste receptacles and outlines a best practice waste segregation colour coding scheme for producers of waste.

All clinical waste handling and disposal procedures must comply with the following regulations:

- The Environmental Protection Act 1990 (including the Duty of Care Regulation)
- The Controlled Waste Regulation 2012
- The Hazardous Waste Regulations 2005
- The Carriage of Dangerous Goods Regulations

Plasters, cotton wool and incontinence pads can be wrapped and placed in schools' landfill bins. Used needles (sharps) should be stored in a sharps box to be collected by the clinical waste company.

## 16. Compulsory display of notices

There are a number of notices and documents that employers have to display on their notice board or anywhere where the information is easily accessible to employees. As of 5 April 2014, you are obliged to display the health and safety law poster or give workers the equivalent leaflet.

There are some very specific requirements depending on the type of property however in general terms employers are required to post the following:

- Details of the person in charge of the first aid box
- Any information necessary to comply with fire legislation
- A certificate of insurance as required by the Employers Liability (Compulsory Insurance) Act 1969

## 17. Construction (design and management) regulations 2015 (CDM 2015)

Virtually everyone involved in a construction project has legal duties under CDM 2015. The client (the school Employer) is defined as anyone who has construction work carried out for them. The main duty for clients is to make sure their project is suitably managed, ensuring the health and safety of all who might be affected by the work, including members of the public.

The HSE summarise the duties of clients, designers, principal designers, principal contractors, contractors and workers at this link: [www.hse.gov.uk/construction/cdm/2015/summary.htm](http://www.hse.gov.uk/construction/cdm/2015/summary.htm).

Essentially the school leaders and managers have to make suitable arrangements for managing a project by appointing outside help and providing information.

The principal designer will be appointed by the client and must be the designer who is in control of the preconstruction phase of the project. Where more than one contractor is on site (or foreseeably will be) the client must appoint a principal designer and principal contractor in writing. The client is to ensure a construction phase plan is in place for all projects, irrespective of size or duration.

The client must notify the HSE of the project in writing (online form F10) before the construction phase begins if: either the project duration is longer than 30 days and will foreseeably have more than 20 workers on site at any one time, or the project duration will exceed 500 person days.

A Health and Safety File will only be required where there is more than one contractor involved in the project. This valuable file must contain information about the current project which is likely to be needed to ensure health and safety during any subsequent work, such as maintenance, cleaning, refurbishment or demolition.

School business managers will need to provide pre-construction information including project specific hazards; the construction phase plan will be returned by the principal contractor and this will include the risk assessment and method statement.

Full details about CDM 2015 can be obtained here: [www.hse.gov.uk/pubns/priced/l153.pdf](http://www.hse.gov.uk/pubns/priced/l153.pdf)

## 18. Contractor qualification checks

The employer must ensure that any contractor to be appointed has an approved current health and safety policy, up-to-date and suitable insurance cover in place, and where necessary has the appropriate qualifications, for example Gas Safety Register or NICIEC registered for work in connection with gas and electrical installations respectively.

Although contractors have their own responsibilities under health and safety legislation, those who employ contractors also have a responsibility for the contractor's health and safety since in most cases it is the employer who controls the workplace and in many cases dictate the working practices. It is the extent of this control that determines the level of responsibility of the employer toward the contractor.

Contractors should have a thorough appreciation of the standards and performance that are expected of them. From the outset they should be familiar with the school's health and safety policy statement and relevant procedures. This should include:

- any particular hazards in the workplace and work activities,
- how to report accidents/incidents
- emergency procedures including fire safety arrangements.

School managers and supervisors with responsibility for managing contract work, will need to know all details of the project and agreed safety measures.



## 19. Control of substances hazardous to health (COSHH)

The Control of Substances Hazardous to Health Regulations 2002 (COSHH) (as amended) place a duty on employers to control the risks to employees and others which arise from exposure to substances hazardous to their health that are associated with the employers' work activities. This can be undertaken through identifying, assessing and where possible preventing or adequately controlling exposure to the hazardous substances. The purpose of the regulation is to prevent ill health.

The Control of Substances Hazardous to Health (Amendment) Regulation 2004 (COSHH 2004) introduced changes to the regulations; a simpler exposure limit was introduced so that workplace exposure limits now replace occupational exposure standards and maximum exposure limits.

In addition, eight new principles of good practice were introduced by the amendment regulations<sup>4</sup> which apply regardless of whether a substance has an occupational exposure standard or maximum exposure limit.

From April 2005 employers were required to:

- Apply the eight principles of good practice to control substances hazardous to health
- Ensure that the workplace exposure limit is not exceeded
- Ensure that exposure to substances which can cause occupational asthma, cancer or damage to genes that can be passed on from one generation to another are reduced as low as is reasonable practicable

The eight principles of good practice are:

- 1 Design and operate processes and activities to minimise emission, release and spread of substances hazardous to health.
- 2 Take into account all relevant routes of exposure- inhalation, skin absorption and ingestion- when developing control measures.
- 3 Control exposure by measures that are proportionate to the health risk
- 4 Choose the most effective and reliable control options which minimise the escape and spread of substances hazardous to health.
- 5 Where adequate control of exposure cannot be achieved by other means, provide, in combination with other control measures, suitable personal protective equipment.
- 6 Check and review regularly all elements of control measures for their continuing effectiveness.
- 7 Inform and train all employees on the hazards and risks from the substances with which they work and the use of control measures developed to minimise the risks.
- 8 Ensure that the introduction of control measures does not increase the overall risk to health and safety.

### Links to other information sources:

[HSE Publication: COSHH A brief guide to the regulations](#)

## 20. Equalities Act 2010

The Disability Discrimination Act 1995 (DDA)<sup>5</sup> was introduced to prevent discrimination in employment, provision of goods, services and facilities, the selling or letting of land and property, education and transport. Under Part 111 of the DDA service providers have to address any physical features which make it impossible or unreasonably difficult for disabled people to use their services'. This Act was significantly extended by the Disability Discrimination Act 2005, which gave disabled people rights in the areas of:

- employment
- education

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<sup>4</sup> The Control of Substances Hazardous to Health (Amendment) Regulations 2004

<sup>5</sup> [http://www.opsi.gov.uk/acts/acts1995/ukpga\\_19950050\\_en\\_1](http://www.opsi.gov.uk/acts/acts1995/ukpga_19950050_en_1)

- access to goods, facilities and services, including larger private clubs and transport services
- buying or renting land or property, including making it easier for disabled people to rent property and for tenants to make disability-related adaptations
- functions of public bodies, for example issuing of licenses

The DDA Act 2005 was superseded by the Equality Act 2010. The Equality Act 2010 was intended to simplify the numerous regulations, statutory orders and codes within the DDA in connection with the duty to make reasonable adjustments to physical features at premises, however in reality the Equality Act has not made any real changes to the requirements on 'service providers'.

The DDA was aimed at protecting the rights of a wide range of disabled people including:

- blind and partially sighted people
- deaf and hearing-impaired people
- facially disfigured people
- people with long-term illnesses or hidden impairments, for example, those with arthritis, asthma, diabetes, or Alzheimer's Disease
- people with learning disabilities, for example, those with dyslexia
- people with mental illness
- wheelchair users

Under DDA people who had disabilities in the past were also protected from discrimination even if they no longer had the disability. Only a court can decide what constitutes disability under the terms of the DDA: if in doubt then it is best to assume that someone is protected by the Act.

Under the Act service providers had to make reasonable adjustments to their premises to overcome physical barriers to access. They had to ensure that as far as possible, disabled building users were treated in the same way as non-disabled customers.

Service providers and those responsible for managing buildings need to ensure that all customers can use their service effectively. An access audit should be carried out to identify those areas where there are physical features which make it impossible or unreasonably difficult for a disabled person, to use the service, whether or not this is related to the building from which the service is being provided.

The access audit forms the basis of an action plan to consider issues such as physical constraints, alternative ways of providing the service and the reasonableness of making the adjustments identified by the access audit. This may include the provision of any necessary extra help or special equipment as well as for example, adjustments to stairways; building entrances and exits; internal and external doors; gates; toilet, washing, and public facilities. The service provider can remove, alter, or bypass the physical feature causing difficulty to a disabled person. Alternatively the service could be provided in an alternative way, this may include management solutions.

Whichever course of action the service provider decides to take, the action plan should contain clear details of what is being done and what is not in terms of adjustments and the reasoning behind such decisions. This will help in the event of a complaint from a student, visitor or employee and assist in monitoring the premises should the facilities or services change in the future.

The access audit and action plan should be reviewed if there are alterations made to the premises or if the use of the premises is changed.

Under The Equality Act 2010 a single 'objective justification test' has been introduced although the requirement to make reasonable adjustments still remains. Through the single 'objective justification test' the organisation must show that its conduct was a 'proportionate means of achieving a legitimate aim' (s15 and s19 of Equality Act). It is difficult to carry out a direct comparison with the requirements under the DDA.

The Equality Act (para 5.28-5.29 of Service Code) provides information on what is a legitimate aim:

- should be legal
- should not be discriminatory in itself and must represent a real, objective consideration
- a service provider solely aiming to reduce costs cannot expect to satisfy the test.

The Equality Act furthermore clarifies ‘proportionate’, in para 5.31 – 5.33 of the Service Code:

- a tribunal or court may wish to conduct a proper evaluation of the discriminatory effect of the action as against the employer’s reasons for it, taking into account all the relevant facts.
- European law views treatment as proportionate if it is an ‘appropriate and necessary’ means of achieving a **legitimate aim**.
- ‘necessary’ does not mean that the action is the only possible way of achieving the legitimate aim, it is sufficient that the same aim could not be achieved by less discriminatory means

If there is a greater financial cost of providing a less discriminatory approach then this in itself cannot provide justification for the course of action taken. If the duty to make reasonable adjustments is not complied with then it will be difficult to show that the treatment was proportionate.

The Act provides some examples of what a ‘**legitimate aim**’ might be:

- Ensuring that services and benefits are targeted at those who most need them
- The fair exercise of powers
- Ensuring the health and safety of those using the service or others, providing risks are clearly specified
- Preventing fraud or other forms of abuse or inappropriate use of services provided but by the service provider
- Ensuring the wellbeing and dignity of those using the service

The Equality Act 2010 has made no real change to the requirements on the duty holders to make reasonable adjustments and the duty is set out in Part 2 of the Act which is summarised below:

- Where a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with people who are not disabled, the duty holder should take reasonable steps to avoid the disadvantage
- Where a physical feature puts a disabled person at a substantial disadvantage compared with people who are not disabled, the duty holder should take reasonable steps to avoid the disadvantage
- Where a disabled person would be put at a substantial disadvantage, compared with people who are not disabled, without the provision of an auxiliary aid, the duty holder should take reasonable steps to provide the auxiliary aid.

Typical factors that should be considered when considering if an adjustment is reasonable, include the:

- Type of business
- Size (and turnover) of the business
- Cost of the adjustment
- Level of disruption to the business while the work is being carried out
- Practicality of carrying out the adjustment
- Level of benefit to the disabled customers and employees

If a building is listed then the planning issues associated with this can override the requirement to make reasonable adjustments.

An access audit of premises will form the basis for preparing an action plan; consider issues such as physical constraints, alternative ways of providing the service and the reasonableness of making the adjustments identified by the access audit (see earlier).

## 21. Electrical safety

Electrical safety in all work places and/or work activities is specifically legislated for over and above the general duty of care owed by employers to their employees and members of the public under sections 2 and 3 of the Health and Safety at Work, etc Act 1974. This expansion of responsibility for electrical safety was brought about by The Electricity at Work Regulations 1989 which came into effect on 1 April 1990

### Portable Appliance Testing (PAT)

A portable electrical appliance can be defined as an electrical appliance which is normally connected to a lead and a plug and which can usually be easily moved.

The Provision and Use of Work Equipment Regulations 1998 (PUWER) covers the safe provision and use of all work equipment including portable electrical appliances. The maintenance of such equipment falls under the Electricity at Work Regulations 1989 (EWR) (PAT testing) and is part of the duty holders' responsibility under PUWER.

There are three main classifications of electrical equipment:

1. Class 1 equipment has its live components protected by basic insulation and is surrounded by a metal enclosure. This metal enclosure could become live in the case of the basic insulation failure and is protected by being earthed. The supply cable will have an earth wire in addition to the normal live and neutral. Examples of this sort of equipment include electric cookers, free standing electric heaters and some kettles, toasters and IT equipment.
2. Class 11 equipment separates the user from live conductors by two sets of insulation.
3. Class 111 equipment is supplied from a safety isolation transformer and will not exceed 50V; typical uses include IT equipment such as answerphone machines and chargers for mobile phones.

As there is such a wide variety of portable electric equipment available, which can be used in very varied environments, the risks that are present can be very different and so a range of control measures is required. It is necessary to carry out a risk assessment to determine the maintenance requirement for each item of equipment and the following five steps should be followed:

1. Identify all portable appliances that need to be maintained and tested; an inventory of this equipment should be made.
2. Carry out an assessment of the risk posed by each type of equipment,
3. Categorise equipment into high, medium or low risk; for example a PC that is rarely , if ever moved would be a low risk
4. Determine if the appliance needs to be tested and examined, or examined only, taking into account the tests that can be carried out on Class 11 and 111 appliances are very limited
5. Determine the frequency of examination/testing.

There are three types of maintenance activities that are usually carried out on portable electrical appliances

1. User checks should be carried out on hand held appliances, Class 1 (earthed) and frequently moved equipment and in particular, on cable leads and extension leads.
2. Formal visual examination; this is a more formal examination of the equipment than a user check. All electrical appliances should be subject to such an examination at pre-determined intervals and only a competent person should carry them out.
3. Combined inspection and test; Class 1 apparatus, leads and extension leads should be subject to a routine test in conjunction with the formal examination. A purpose made portable appliance tester should be used by the competent person. A record should be made and kept of the tests. The risk assessment carried out on the equipment will determine any further measures that will be required to be implemented.

For guidance on suggested initial intervals for checking portable electrical equipment in low risk workplaces (including arguably school offices) refer to: [www.hse.gov.uk/pubns/indg236.pdf](http://www.hse.gov.uk/pubns/indg236.pdf)

## 22. Fixed electrical installation tests

The Electricity at Work Regulations 1989 state that all electrical systems and equipment used in the working environment should be in a safe condition. The installations should be maintained to prevent danger; the Health & Safety Executive recommend that to comply with the regulations, an appropriate system of periodic visual inspection and testing by a competent person should be in place at all places of work. The frequency of inspection must be determined taking into account:

1. the type of installation
2. its use and operation
3. the frequency and quality of maintenance
4. the external influences to which it is subjected

Electrical installations should be tested often enough that there is little chance of deterioration leading to danger. Best practice and the requirements of building insurers suggest that periodic inspection and testing should take place every five years.

### Further guidance:

Electrical Safety Council at [www.esc.org.uk](http://www.esc.org.uk)

## 23. Emergency lighting

Emergency Lighting is installed in a building to provide a degree of illumination when the normal lighting fails. In terms of fire safety the most important component of emergency lighting is the “escape lighting” which is provided to illuminate escape routes to a sufficient extent that will enable occupants to evacuate the building in safety. Under BS 5266 Part 1, there are recommendations for routine inspection and testing of emergency lighting. This includes daily, monthly, six monthly and three yearly regimes of inspection and/or testing.

## 24. Extraction systems

The Health and Safety at Work, etc Act 1974 requires employers to provide and maintain working conditions that are safe and without risk to the health of employees, so far as is reasonably practicable. COSHH (see earlier section) expands on this general duty and requires employers to prevent worker exposure to hazardous substances or, where this is not reasonably practicable, to ensure adequate control measures are in place. Employees are required to make full and proper use of the control measures provided and to report any defects in them promptly to their employer.

Adequate control may mean the installation of suitable extraction systems. Where such systems are installed they must be adequately maintained to ensure that they are kept in an efficient and effective working order, and they must be examined and tested against their performance standard. Records of these checks must be kept for at least five years. Local Exhaust Ventilation Systems (LEVs) must be examined and tested generally every fourteen months.

## 25. Fire safety

The Regulatory Reform (Fire Safety) Order 2005 places general fire safety duties on the “responsible person”. The responsible person is the employer where the premises are to any extent under his/her control. Where this not the case then the responsible person is:

- the person who has control of the premises (as occupier or otherwise) in connection with the carrying on by that person of a trade, business or other undertaking

- the owner, where the person in control of the premises does not have control in connection with the carrying on by that person of a trade, business or other undertaking.

The general fire safety duties placed upon the responsible person are:

- General fire precautions are to be taken that will ensure, as far as is reasonably practicable, the safety of any employee. In relation to relevant persons who are not employees, the responsible person must take general fire precautions “as may be required in the circumstances of the case” to ensure that the premises are safe.
- A suitable and sufficient assessment of the risks to which persons are exposed must be made, this is known as the “fire risk assessment”.
- Appropriate arrangements for the effective planning, organisation, control, monitoring and review of the preventive and protective measures must be established.
- Where a dangerous substance is present in or on the premises, risks from that dangerous substance must either be eliminated or reduced.
- Premises must be equipped with appropriate fire-fighting equipment and with fire detectors and alarms. Any non-automatic fire-fighting equipment provided must be easily accessible, simple to use and indicated by signs.
- Routes to emergency exits from premises and the exits themselves are to be kept clear at all times and emergency routes and exits must lead as directly as possible to a place of safety.
- Procedures for dealing with serious and imminent danger must be established.
- Any facilities, equipment and devices provided must be maintained in an efficient state, working order and kept in good repair.
- The responsible person must appoint one or more competent persons to assist in undertaking the preventive and protective measures.
- Employees must be provided with comprehensible and relevant information.
- The employer of any employees from an outside undertaking who are working in or on the premises must be provided with comprehensible and relevant information on the risks.
- At the time when they are first employed, employees must be provided with adequate safety training and then subsequently if they become exposed to new or increased risks.
- Where two or more responsible persons share, or have duties in respect of the premises, each person must co-operate with the other responsible person concerned; for example when the school leases multi-occupied property.
- Every employee must, while at work take reasonable care for the safety of themselves and of other relevant persons who may be affected by their acts or omissions at work.

The Fire Safety (Employees’ Capabilities) (England) Regulations 2010 came into force on 6th April 2010 and place a duty on employers to consider the capabilities of their employees in relation to fire safety when entrusting any tasks to them.

## 26. Fire risk assessment

As stated above “a suitable and sufficient assessment” of the risks to which persons are exposed must be undertaken; this is known as the fire risk assessment and it should be carried out to help determine the chances of a fire occurring and determine the control measures that will be required. The Home Office publication, *Fire Safety: An Employers Guide*, recommends, a five stage approach to carrying out a risk assessment:

1. Identify the fire hazards.
2. Identify people at risk.
3. Evaluate and remove or reduce the risk where possible.

4. Record the findings.
5. Review and revise the assessment.

Consideration needs to be given to those employees that have physical or sensory impairment and the risk to the disabled person should be assessed. Factors such as the inability of the person to recognise alarms/evacuate the building without assistance and length of time for them to evacuate the building must be taken into consideration. Any potential adjustments and/or systems required to ensure the safety of the individual need to be identified and implemented.

<http://www.communities.gov.uk/publications/fire/reviseddetermination36rro2005>

## 27. Fire detection and alarm systems

The scale and complexity of a fire detection and alarm system will depend upon the type of premises it is designed to protect and the type of fire risk present. In the UK, most fire-alarm installations are designed in accordance with BS 5839 Part1:2002 Fire Detection and Alarm Systems for Buildings: Code of Practice for Systems Design, Installation and Servicing. This specifies various levels of systems based upon life or property safety.

Fire detection and alarm systems should have a weekly alarm test with all call points being tested over a 13 week cycle. The system should also be subject to quarterly and annual inspections and tests by a competent person.

## 28. Fire doors

All fire doors and associated hardware must remain in efficient working order and should be regularly checked and maintained by a competent person in accordance with the relevant British Standard and manufacturer's recommendations; it is advisable to keep a record of any maintenance. The inspection of fire doors should ensure some or all of the following:

- Self-closing devices operate properly
- Hold open devices release when the fire alarm operates
- Glazed panels are intact and undamaged
- Warning signs are in place eg 'Automatic Fire Door – Keep Clear'
- A door opens and closes freely and there is no physical damage to the door
- There is no distortion or warping of the door or frame
- Intumescent strips and smoke seals are in place and not damaged
- Hinges and locks are properly lubricated

## 29. Fire fighting equipment

### Extinguishers

These should be maintained and inspected by a competent person at least once a year. This involves a visual inspection of the extinguisher and a check of the contents and its stored pressure. A written record should be kept of the date of the last maintenance examination and this should usually be attached to the body of the extinguisher.

## Hose Reels

Hose reels are for the use of the fire service and staff should not normally be trained in the use of this equipment. All hose reels should be inspected on an annual basis by a competent person.

## Fixed Systems

Fixed systems are those which when activated by the warning/alarm system, release the extinguishing medium eg sprinkler systems. All fixed systems should be inspected on an annual basis or in accordance with the manufacturer's guidelines. It is advisable to keep a record of any maintenance and testing.

## Fire Service Facilities

Facilities for the fire service may include dry riser, access for emergency vehicles, emergency switches for installations and information in respect of the premises and its contents. Where these facilities are provided they should be maintained and kept in good working order.

Sector guides on the RRO eg, *Risk Assessment Guide for Educational Premises* 2006  
[www.communities.gov.uk/publications/fire/firesafetyrisk6](http://www.communities.gov.uk/publications/fire/firesafetyrisk6)

## 30. First aid equipment

The Health and Safety (First Aid) Regulation 1981 as amended by the Health and Safety (Miscellaneous Amendments) Regulations 2002 require employers to provide adequate and appropriate equipment, facilities and personnel to enable first aid to be given to employees if they are injured or become ill at work. These regulations apply to all workplaces including those with five or fewer employees and to the self-employed.

Under these Regulations all establishments should provide at least one first-aid box. All first aid boxes, first aid kits and first aid rooms (where provided) should be checked regularly to ensure that contents are not outside their expiry date.

First aid boxes should be made of suitable material to protect the contents and be clearly marked. It should be noted that first aid does not include the treatment of minor illnesses such as headaches consequently headache pills and/or other medications must not be kept in the first aid box.

An adequate and appropriate number of 'suitable persons' must be provided to render first-aid treatment at work. The decision on what is adequate and appropriate should be based on a risk assessment. There is no ratio for the number of first aiders to employees although the Approved Code of Practice does offer some guidance:

- low risk workplaces such as schools. At least one first-aider trained in FAW for every 100 employed (or part thereof).

A 'suitable person' is defined as a person who holds a Health and Safety Executive approved first-aid course certificate. Consideration must also be given to any temporary or exceptional absence of trained first-aid personnel.

It is recommended that first aiders undertake refresher training annually to ensure that their skills are kept up to date.

In addition to trained first aiders the organisation may wish to nominate 'appointed persons'. These are not fully trained first aiders but people who will take charge in an emergency.

A record should be kept of all trained first aiders and appointed persons as well as a record of all first aid treatment provided. These records should include:

- Date, time and location of the incident
- Name and job title of casualty
- Treatment details



- Details of actions taken immediately after treatment
- Name and signature of the person administering the treatment.

Any signage used for first aid equipment or facilities must comply with the Health and Safety (Safety Signs and Signals) Regulations 1996, that is a white St George's cross on a green background.

#### Other Sources Information Sources:

[www.hse.gov.uk/firstaid/changes-first-aid-regulations.htm](http://www.hse.gov.uk/firstaid/changes-first-aid-regulations.htm)

[www.gov.uk/education/health-safety-and-wellbeing-in-schools](http://www.gov.uk/education/health-safety-and-wellbeing-in-schools)

## 31. Food safety

The Food Safety Act 1990 (as amended) provides the framework for all food legislation in Britain. Schools must comply with the legal requirements under The Food Hygiene (England) Regulations 2006. There is a legal requirement that if the school is operating one or more food activities/operations (eg breakfast club, school BBQ and social events or cooking club then the school and business operator must register with the local authority.

Current legislation requires that every person who handles food must be supervised and instructed or trained in food hygiene so they know how to prepare food that is safe to eat. The level of supervision/instruction or training must be appropriate to the individual and their particular duties and responsibilities.

Schools can comply with the legal requirement of having a food safety management system by making adapting the safer food better business (SFBB) pack for caterers which can be found on the Food Standards Agency website.

Exemptions to the school food regulations are set out in the school food in England Departmental advice for governing boards July 2016.

Food hygiene/food safety standards are overseen by the Food Standards Agency and not HSE. The hygiene ratings for all food businesses can be checked at the Food Standards Agency website: <http://ratings.food.gov.uk>

Kitchen/Catering Equipment: Refer to The Gas Safety (Installation and Use) Regulations 1998 under the Gas Act 1986 and to BS Standard 7671. BS7671:2008 Requirements for Electrical Installations (IEE Wiring Regulations 17th Edition).

## 32. Fuel oil storage

The Control of Pollution (Oil Storage) (England) Regulations 2001 cover the storage of oil at industrial, commercial and institutional premises where the amount stored is more than 200 litres and it is stored outside and above ground. This includes storage at schools.

All tanks, bunds and pipework should be regularly checked for signs of damage and it is recommended that they are checked at least weekly with a more detailed annual inspection and service by qualified inspectors to ensure that any potential defects are found and rectified

There are security issues regarding oil storage areas and these fences and other measures should be as resistant as possible to unauthorised interference and vandalism. If there are any permanent taps or valves through which oil can be discharged from the tank to open areas then these should be fitted with a lock and should be locked shut when not in use. Where appropriate, notices should be displayed directing users to keep valves and trigger guns locked when they are not in use. Pumps should also be protected from unauthorised use; taps and valves should be marked to show whether they are open or closed. Where these are not in use then they should be fitted with a blanking cap or plug.

## 33. Gas safety

The Gas Safety (Installation and Use) (Amendment) Regulations 2018 place duties on gas consumers, installer, suppliers and landlords. It is the duty of the employer to ensure any gas appliance, associated pipe work and flues in the work place are maintained in a safe condition. These regulations link with other safety controls on combustion equipment, such as the building regulations, which provide standards for installing ventilation and flues.

By law anyone carrying out work on gas appliances or fittings as part of their business must be registered and have a valid certificate of competence relevant to the particular type of gas work involved; see also section on Contractor Qualification Checks. The Gas Safety Register replaced CORGI as the register of approved gas engineers in the UK from 1 April 2009. By law gas appliances or fittings must not be used if it is known or suspected that they are unsafe.

In the HSE Approved Code of practice it is recommended that periodic routine maintenance is carried out on gas appliances, pipe work and flues by a registered person. Routine maintenance would normally involve ongoing regular periodic examination of the installation/appliance and remedial action taken where necessary. Reference should be made to the manufactures installation instructions for servicing intervals; where this is not available, the physical condition of the flue, air vents and pipe work should be checked for deterioration and performance checks carried out, and where necessary remedial action taken.

Further detailed information is available from HSE publications; Safety in the Installation and Use of Gas Systems and Appliances. Gas safety (Installation and Use) Regulations 1998, Approved Code of Practice and Guidance L56 (Second Edition) HSE Books.

## 34. Glazing

Glazing requirements are covered under Regulation 14 of the Workplace (Health, Safety and Welfare) Regulations 1992. The duty to comply with the regulations will normally fall to the employer or those in control of the premises. Under the Regulation every window or other transparent or translucent surface in a wall, partition, door or gate should, where necessary for reasons of health or safety, be of a safety material or be protected against breakage and be appropriately marked.

As the Regulation only requires action 'where necessary for reasons of health or safety'. It is necessary to assess every window and door to establish whether there is a risk of anyone being hurt if people or objects come into contact with it, or if it breaks.

This risk assessment needs to take into account all relevant factors such as the location of the glazing, the activities taking place, the volume of traffic and pedestrians, and any previous experience of incidents. Glazing in some locations may be a higher risk, for example doors and windows which are at or below waist level or in particular areas of a building where the activity taking place may increase the risk such as a school hall used for sport.

If it is assessed that there is no risk then it is not necessary to take any further action. Where there is a risk then further action is required in order to comply with the regulations to:

- prevent people or objects coming into contact with the glazing, or
- upgrade the glazing so that if it breaks, it breaks safely, and
- mark large expanses of glazing (referred to as manifestation) in some way so that people know it is there

It may be necessary to take further action following the risk assessment; this will depend on the individual circumstances. Examples of further action that may be required could be to replace the glazing with a safety material, or apply a safety film which prevents the glass from shattering in a dangerous manner.

## 35. Hydrotherapy pools and swimming pools

Under the Health and Safety Act Work Act 1974 it is the responsibility of swimming pool operators “to carry out a suitable and sufficient risk assessment of their operations and to identify necessary control measures. A suitable and sufficient risk assessment for a swimming pool would have to take account of the whole user population of the swimming pool and the fact that a fatal incident such as a drowning can occur very quickly.

### The Health and Safety Executive publication HSG179

[www.hse.gov.uk/pubns/books/hsg179.htm](http://www.hse.gov.uk/pubns/books/hsg179.htm) is a comprehensive guidance document on managing health and safety in swimming pools to assist pool operators and pool hirers to put in place appropriate safety precautions. It is recommended that operators take into account this guidance when considering appropriate control measures.

### Further Guidance

Authoritative guidance on the treatment of water in swimming pools (ref 1) is available from the Pool Water Treatment Advisory Group [www.pwtag.org](http://www.pwtag.org).

Swimming Pool Water – Treatment and Quality Standards, ISBN 0 951 7007 6 6.

HSE – Entertainment: Managing health and safety in swimming pools (HSG179)

## 36. Kilns

The hazards from electric kilns include electric shock, burns, fire, fumes and manual handling problems.

Requirements that apply to users are contained in:

- The Management of Health and Safety at Work Regulations
- The Control of Substances Hazardous to Health Regulations (COSHH) 2002
- The Provision and use of Work Equipment Regulations
- The Electricity at Work Regulations 1989

The electrical installation and the kiln should be regularly maintained. This includes regular inspection, particularly where sockets and flexible cables are used. Both the electrical installation and the kiln should be periodically tested to ensure that the bonding, earthing, insulation, connections, and electrical protection will operate for faults on the installation and the kiln.

It is advisable to keep an up-to-date record of the nature and extent of all maintenance and repair work carried out on the kiln, including any servicing documentation.

For further advice refer to HSE Information Sheet, *Safe use of electric kilns in craft and education* 2003.

## 37. Kitchen/catering equipment

The Gas Safety (Installation and Use) (Amendment) Regulations 2018 under the Gas Act 1986.

To BS Standard 7671. BS7671:2008 Requirements for Electrical Installations (IEE Wiring Regulations 17th Edition

## 38. Lifts and hoists

The maintenance and inspection of lifts and hoists is a complex area covered by legislation number of regulations:

- Under regulation 5 of the Provision and Use of Work Equipment Regulation 1998 lifts need to be maintained in a safe condition and free from fault and defects
- Under Regulation 9 of Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) lifts must be tested and inspected by a competent person at regular intervals.
- Under the Management of Health and Safety at Work Regulation 1999 there is a duty placed on employers to carry out a suitable and sufficient assessment of risks associated with their work activities; this includes the risks associated with lifts.
- Under the Health and Safety at Work etc. Act 1974 (HSWA) there is a duty to ensure the health, safety and welfare of employees including ensuring that risks are not created by the type and use of lifts (and escalator) within the premises. This includes ensuring that lifts are maintained, serviced, checked and inspected as required to ensure that they remain in a safe condition.
- There are similar duties owed to non-employees which are created by s3 (1) of the HSWA. Section 4 places similar duties on those in “control” of non-domestic premises that are used as a place of work by a third party employees. Basically this places duties on landlords/occupiers of non-domestic premises used as a place of work.
- Under the the Lift Regulations 1997 all lifts supplied after June 1999 must comply with this regulation. The regulation requires lifts and their associated safety components to satisfy the relevant essential health and safety requirements, meet appropriate national standards, undergo the appropriate conformity assessment procedure, have the CE marking applied (if necessary), have an EC declaration of conformity and be safe.

Under The Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) a duty holder has a legal responsibility to ensure that any lift on the premises is thoroughly examined and safe to use.

A thorough examination will entail a systematic and detailed examination of the lift and all its associated equipment by a competent person. In order to determine the extent of the thorough examination, the competent person should assess the risks, taking into account factors such as where the lift will be used, frequency of use, the weight of loads to be lifted and its age and condition.

Part of the thorough examination may include some testing if considered necessary and the thorough examination may also be supplemented by an inspection. Inspections should be carried out at suitable intervals between thorough examinations.

As well as considering the risks associated with lifts in normal use, it is important to consider the safety of users in the event of the lift breaking down or stopping between floors. It may be appropriate to set up a breakdown response contract in addition to normal maintenance contracts and to train some employees in lift lowering and emergency door opening. In order to alert people to any problem, consideration should be given to providing a suitable means of raising the alarm (eg alarm call buttons, emergency telephones). In order to avoid panic in the event of an electrical failure it may also be appropriate to provide emergency lighting.

The Lifting Operations and Lifting Equipment Regulations 1998 require employers to ensure that any equipment that is used for lifting people is thoroughly examined and inspected by a competent person at intervals of no more than six months. Passenger and mixed use lifts and escalators fall into this category. Where a lift is only used to carry goods then this interval can be increased to every twelve months.

A competent person is someone with sufficient technical and practical knowledge of the lift to be able to detect defects and assess how significant they are. The competent person should also be sufficiently independent and impartial to allow them to make an objective assessment of the lift and it is, therefore, not advisable for the same

person who performs routine maintenance to carry out the thorough examination, as this would mean that they would then be responsible for assessing their own work.

The safe working load of a lift must be determined and displayed in a suitable, prominent place.

(Guidelines on the thorough examination and testing of lifts (SaFed lifts guidelines) LG1 Safety Assessment Federation, 1998 ISBN 1901212 53 1).

## 39. Mobile buildings

As mobile buildings are designed and constructed as temporary structures, it is recommended that an annual inspection is carried out to determine their structural stability.

## 40. Playground and gymnasium equipment

PE equipment requires regular inspection. British Standard 1892 Part 1 2003 states “an inspection should be carried out at least once a year”. There are also British Standards to cover playground equipment (BS 5696) and for surfaces (BS 7188 and 7044) outside play areas.

## 41. Powered gates

To prevent children becoming trapped in powered gates ensure that risks are identified and that protection methods are installed, such as the closing edge is detectable and that the closing force of the gate when obstructed is not excessive

All automatic gate systems by LAW must be installed in compliance with the Machinery Directive MD2006/42/EC and supporting standards. There are a number of current standards which are relevant to powered gates, including: BS EN 12635 on installation and use. MD2006/42/EC came in to force on 29/12/2009. In addition to this directive both the Health & Safety at Work Act 1974 and Workplace (Health, Safety & Welfare) Regulations 1992 can be used in relation to any gate incidents and have been used to prosecute in one case already by the HSE.

## 42. Pressure vessels

Pressure systems and equipment comprise: boilers and steam heating systems; compressed air systems; heat exchangers and refrigeration plant; valves, steam traps and filters; pipework and hoses; and pressure gauges and level indicators.

The main regulations covering pressure equipment and pressure systems are the Pressure Equipment (Safety) Regulations 2016 and the Pressure Systems Safety Regulations 2000 (PSSR).

## 43. Radiation equipment and substances

The Ionising Radiations Regulations 2017 relating to schools and colleges is fully explained in the L93 guidance *Managing Ionising Radiations and Radioactive Substances in Schools and Colleges* produced by CLEAPSS updated in 2017. Keeping, using and working with ionising sources is fully covered.

[www.cleapss.org.uk](http://www.cleapss.org.uk)

## 44. Rolling doors (vertically opening powered rolling doors)

European Standard, BS EN 12453:2001 reflected the safety measures required where children are likely to have access to a powered rolling door that could lift them. All new doors or existing doors retrofitted with powered operation must be CE marked showing they comply with the Supply of Machinery Regulations 1992 as amended; doors manufactured in accordance with BS EN 12453: 2001 are one means of achieving this.

BS EN 12635:2002 – Industrial, Commercial and Garage Doors and Gates – Installation and Use. This is one of a series of supporting standards to BSEN 13241-1:2003. It provides guidance on documentation, installation, labelling, handover, operation, use, maintenance and repair of doors, including the requirements for a log book for power operated doors.

There is no specific health and safety legal requirement dictating how often roller doors should be inspected or tested. The relevant regulations are: Regulation 5 of the Workplace (Health, Safety and Welfare) Regulations 1992, Regulation 5 of the Provision and Use of Work Equipment Regulations 1998 (PUWER) and the Regulatory Reform (Fire Safety) Order 2005.

## 45. Radon

Radon is gas which is odourless, tasteless and colourless and can only be detected using specialised equipment. Radon occurs naturally in rocks and soils throughout many parts of the UK although levels tend to be higher in some granite areas. Radon can be found in high concentrations in buildings as it percolates in to the building from the ground.

It may then collect in buildings and under certain conditions can reach concentrations where the risk to people in the workplace requires control under the Ionising Radiation Regulations 2017.

Under the Management of Health & Safety at Work Regulations 1999, in areas affected by radon employers should undertake an initial assessment to determine whether there may be a radon hazard within the workplace; this includes cellars and basements.

Radon surveys should be conducted in any building where its location and characteristics suggest that elevated levels of the gas may be found. Radon levels can vary widely throughout the day and from season to season, consequently measurements should be made over a period of three months and the annual average estimated using seasonal correction factors.

Further details on levels of radon in buildings and remedial measures to be taken can be found on [www.hse.gov.uk/radiation/ionising/radon.htm](http://www.hse.gov.uk/radiation/ionising/radon.htm)

## 46. Security fencing

For advice on development layout and design, and physical security specifications consult Secured by Design, which is an official police security initiative.

[www.securedbydesign.com/wp-content/uploads/2015/09/New-Schools-2014.pdf](http://www.securedbydesign.com/wp-content/uploads/2015/09/New-Schools-2014.pdf)

## 47. Septic tank (for rural schools)

The emptying, desludging and removal of all waste from septic tanks is subject to the Control of Pollution Act 1974. A 6 monthly inspection, annual empty and de-sludge and annual compliance certificate are probably required. Check with the Environment Agency.

## 48. Shared premises

Where a building is occupied by more than one user it is important that the results of any risk assessments should be shared with other occupiers of the premises where relevant; Examples are fire safety, the control of vehicle movements, and asbestos.

Under Regulation 11 of the Management of Health and Safety at Work Regulations 1999 there is a duty of cooperation and coordination placed on those sharing a workplace.

Even where there is no direct control over common areas of the premises the employer needs to ensure that access and egress through these areas is safe for employees, visitors and contractors. Common areas of premises are those that are used by tenants (or occupiers) but are not controlled by them eg car park, access routes, internal staircases, corridors and lifts.

Where there are shared services such as electrical installation, gas supply and fire safety systems, the tenant needs to ensure that they are and remain to be safe and without risk to the health of employees and visitors. This duty applies even though the tenant may not have any control over these services.

## 49. Slips and trips

As well as responsibilities under the Health and Safety at Work etc. Act 1974, The Workplace (Health and Safety and Welfare) Regulations 1992 impose a specific requirement that floors must be suitable and in good condition. They must also be free from obstructions and people must be able to move around safely.

Steps and staircases should be regularly inspected for wear and tear. It is preferable for them to have;

- High visibility, non-slip, square nosing on the step edges
- Suitable handrails
- Steps of equal height
- Steps of equal width.

More detailed guidance is available from the HSE website [www.hse.gov.uk/slips/index.htm](http://www.hse.gov.uk/slips/index.htm)

## 50. Sports field lighting

Sport England publishes a comprehensive design guide “Artificial Sports Lighting” which includes general emergency and safety lighting.

BS EN 12193:2007 provides guidance on ‘safety lighting’, the purpose of which is to ensure that in the event of a power failure a sporting activity can be safely stopped without causing injury to participants.

## 51. Sprinklers

Designing buildings to safeguard life in the event of fire is covered in The Building Regulations 2010: Approved Document B Fire Safety, which permits the use of life safety sprinklers in buildings. For non-residential buildings the design requirements of BS EN 12845:2004 should be followed.

The following site provides detailed information on the dry and wet types of sprinkler systems and the current technical standards: [www.bafsa.org.uk/sprinkler-systems/types-of-sprinkler/](http://www.bafsa.org.uk/sprinkler-systems/types-of-sprinkler/)

Six monthly service and annual certificate are required; refer to Fixed Firefighting systems – automatic sprinkler system – design installation and maintenance. BS EN 12845:2015

## 52. Tree safety

As well as responsibilities under the Health and Safety at Work etc. Act 1974, an occupier of land where a tree stands has responsibilities under the Occupiers Liability Acts 1957 and 1984. An occupier of land on which a tree stands will normally be liable for any personal injury or other damages caused by a tree breaking or falling where the tree is hazardous because of decay or structural weakness and shows external signs of being in such a condition. It should be noted that within the provisions of the previously mentioned Acts the court expect occupiers to be prepared for children to behave less carefully than an adult, for example, by climbing trees which may have weak branches.

It is important that a “suitable and sufficient” risk assessment should be carried out on the trees on the school site. An effective system for identifying the risks posed by trees should meet the requirements set out in the management of Health and Safety at Work Regulations 1999 and the associated ACOP.

The HSE in circular; ‘Management of the risk from falling trees’ (reviewed in 2011) suggest that a suitable risk assessment for trees should address the following:

- An overall assessment should be undertaken of risks from trees, particularly identifying groups of trees by their position and degree of public access. This will enable the risks associated with tree stocks to be prioritised and help identify any checks or inspections needed. As a minimum, trees should be divided into two zones: one zone where there is frequent public access to trees (eg in and around picnic areas, schools); and a second zone where trees are not subject to frequent public access. As a rough guide trees subject to frequent public access are those that are closely approached by many people every day. Individual records for individual trees are unlikely to be necessary if zones and the trees in the zones are clearly defined.
- For trees in a frequently visited zone, a system for periodic, proactive checks is appropriate. This should involve a quick visual check for obvious signs that a tree is likely to be unstable and be carried out by a person with a working knowledge of trees and their defects, but who need not be an arboriculture specialist. Duty holders should ensure that any system that is put in place for managing tree safety is properly applied and monitored.
- A short record made of when an area or zone or occasionally an individual tree has been checked or inspected with details of any defects found and action taken.
- A system for obtaining specialist assistance/remedial action when a check reveals defects beyond the experience and knowledge of the person carrying out the check.
- A system to enable people to report damage to trees, such as vehicle collisions, and to trigger checks following potentially damaging activities such as work by the utilities in the vicinity of trees or following severe gales.
- Occasionally a duty holder may have responsibility for trees that have serious structural faults but which they decide to retain. Where such a condition is suspected and the tree also poses a potentially serious risk because of its proximity to an area of high public uses, a specific assessment for that tree and specific management measure are likely to be appropriate.
- Once a tree has been identified as having a structural fault that presents an elevated risk, action should be planned and taken to manage the risk. Any arboricultural work required should be carried out by a competent arboricultural consultant. The Duty holder should not be encouraged to fell or prune trees unnecessarily.
- Inspection of individual trees will only be necessary where a tree is in or adjacent to an area of high public use, has structural faults that are likely to make it unstable and a decision has been made to retain the tree.
- Monitoring to ensure that the arrangements are implemented in practice.

For more detailed guidance in this area see HSE website: Management of the risk from falling trees and the Forestry Commission web site Hazards from trees; A general guide



## 53. Vacant buildings

Under the Occupiers Liability Act 1984 the occupier of a building has a duty of care to unlawful visitors to buildings such as trespassers, where the occupier knows:

- of risks on the premises which may adversely affect the health and safety of trespassers
- that trespassers may enter, or be present on, the premises
- those risks can be reasonably controlled or protected against

This is in addition to those duties placed on an 'occupier' of a building under the Health and Safety at Work Act 1974. The insurers of the buildings may impose additional requirements.

## 54. Water coolers and fountains

All water coolers are Point of Use to eliminate the manual handling risk of bottled water and to regulate the temperature of the water to reduce the risk of Legionella potential. When identifying a suitable location to site water dispensers it is important to take account of the potential for slips and trips from water spills.

Point of Use is the industry term for water coolers that are plumbed directly into the mains water supply and do not require bottles. The Water Supply (Water Fittings) Regulations 1999 to protect public water supplies against waste, misuse, excessive consumption and contamination within plumbing installations of domestic and commercial properties.

Refer to the Code of Practice provided by the Bottled Water Association  
<http://bwca.org.uk/about-bwca/codes-of-practice>

Six monthly servicing and annual compliance certificates are considered to be good practice. During servicing drinking water filters are changed and units ozoned and sanitised internally and externally; UV lamps and condensers changed or vacuum out and fans cleaned. Similar checks apply to zip taps for hot and cold water.

## 55. Water hygiene and safety

### Legionella

Under Section 2 of the Health and Safety at Work Act 1974 employers so far as is reasonably practicable, have to ensure the health, safety and welfare at work of all employees. The risk assessment of work activities and premises required under the Management of Health and Safety at Work Regulations 1999 is of particular relevance when considering the health and safety risks from disease. Under the Control of Substances Hazardous to Health Regulations 2002 (as amended) (COSHH), pathogenic bacteria including legionellae are deemed to be 'substance hazardous to health' and are subject to the assessment, prevention/control and monitoring provision of these Regulations.

An employer or a person in control of the premises (eg a landlord), must identify and assess the sources of risk; it may be necessary to call on outside assistance to complete this, prepare a scheme (or course of action) for preventing or controlling the risk and implementing and managing the scheme. A person must be appointed to be managerially responsible, sometimes referred to as the 'responsible person'. This responsible person must keep records and check that what has been done is effective; and if appropriate notify the local authority that there is a cooling tower(s) on site.

In order to carry out the risk assessment an employer should find out if the water systems (including the equipment associated with the system such as pumps, heat exchangers, showers etc) are likely to create a risk. If after carrying out the risk assessment it is considered that the risks are insignificant then no further action is needed other than to review the assessment periodically in case anything changes in the system.

If a risk is identified which cannot be prevented then proper controls must be introduced. In order to control the risks it will be necessary to implement a successful management policy, have competent staff and ensure that proper control strategies are put in place. One way of preventing the risk of legionella is by looking at the type of water system needed. For example it may be possible to replace a wet cooling tower with a dry air cooled system.

A written scheme should be prepared which sets out how it is intended to control the risk from legionella. This should:

- describe the system (an up to date schematic diagram will be adequate to do this)
- advise who is responsible for carrying out the assessment and managing its implementation
- set out the safe and correct operation of the system
- describe what control methods and other precautions will be used
- provide details of the checks that will be carried out on the control scheme and how often they will be carried out.

It is important to appoint someone to take responsibility for managing the control scheme that has been put in place. The 'responsible person' needs to be competent – this means that they need to have sufficient knowledge and experience of the system to enable them to manage and control the scheme effectively. If there is more than one person responsible for managing the system and/or control scheme, then it is important to ensure that everyone knows their responsibilities and how they fit in to the overall management of the system.

Where contractors are employed to carry out water treatment or other work it is still the responsibility of the appointed responsible person to ensure that the treatment is carried out to the required standards. Before appointing a contractor it is necessary to be satisfied that they are capable of doing the work to the required standard. The Health and Safety Executive has prepared *A Code of Conduct for Service Providers* to assist with this.

The significant findings from the risk assessment should be kept in writing along with details of any monitoring or checking that is carried out. A written record should also be kept of the written scheme and who is responsible for managing the scheme prepared; the results of the routine monitoring should also be recorded and all of these records need to be kept for a minimum of five years. Risk assessments should be updated every two years or earlier if circumstances change, such as when any changes are made to the system.

#### **Further Guidance:**

[www.hse.gov.uk/legionnaires](http://www.hse.gov.uk/legionnaires)

## **56. Water and surface temperature restrictions**

There is a risk of scalding to individuals from surface areas such as radiators and hot water pipes and from water which is too hot at the point of use in washbasins and baths.

Under the Education (School Premises Regulation) 2012 there is a requirement that the temperature of water at point of use does not pose a scalding risk to users. To avoid this risk, 43°C is generally the maximum temperature for hot water in baths and showers, and in all cases where the occupants are severely disabled. It is also good practice to limit hot water supplies to washbasins in nursery and primary schools to 43°C.

The risk of burns from hot surfaces may be reduced by:

- providing low surface temperature heat emitters
- locating sources of heat out of reach eg at high-level
- guarding the heated areas, eg providing radiator covers, covering exposed pipework
- reducing the flow temperatures (although usually not practicable in existing heating systems without sacrificing their effectiveness).

The risk of scalding may be reduced by carrying out a risk assessment for the individuals concerned and introducing appropriate control measures. Suitable arrangements should be in place to ensure that control measures are in place and functioning effectively. Adequate training and supervision should be given to staff to ensure that they understand the risks and precautions to be taken and also the need to report any difficulties to a responsible person.

### **Further guidance:**

[www.gov.uk/government/publications/standards-for-school-premises](http://www.gov.uk/government/publications/standards-for-school-premises)

## **57. Workstation assessment**

Under the Health and Safety (Display Screen Equipment) Regulations 1992 employers are required to perform an assessment of user work stations to ensure they are suitable and sufficient. A user means an employee who habitually uses Display Screen Equipment as a significant part of their normal work. This assessment will need to be reviewed or updated if there is a significant or major change to the equipment, the environment, the furniture, the task or the software used. Where a work station is relocated then it should be re-assessed.

Where an individual workstation is shared by more than one person, the assessment should be carried out in respect of each person. A record of the analysis should be kept. The user or operator must be take part in the assessment as some of the required criteria in the analysis and assessment may be subjective.

Where risks have been identified these must be reduced so far as is reasonably practicable. The risks identified could relate to physical problems, visual fatigue and mental stress and apply to both users and operators; the risks identified in the assessment must be remedied as quickly as possible.

## **58. Working at height**

### **Fall Protection**

The Work at Height Regulations 2005 covers all workplaces where work is carried out at height. As well as covering construction sites the Regulations cover offices, shops and schools. A risk assessment must be carried out under Regulation 3 of the Management of Health and Safety at Work Regulations 1999, where possible work at height must be avoided. Where work at height cannot be avoided equipment must be used to prevent falls. Where the risk of falls cannot be eliminated, measures must be taken to minimise the distance and consequences of any fall. The duty holder must ensure that equipment used to work at height such as scaffolding and ladders are maintained and inspected. Where such equipment is exposed to conditions which may cause deterioration then they must be inspected at suitable intervals and following any exceptional circumstances.

It should be noted that a ladder can only be used for work at height if:

- The risk assessment had found that the use of more suitable work equipment is not justified because the risk is low and
- The use is for short duration or
- There are existing features on the site which cannot be altered

## Window Cleaners

The Workplace (Health and Safety and Welfare) Regulations 1992 require employers, and persons who have control of a workplace to ensure that all windows and skylights in a workplace are designed or constructed to enable them to be cleaned safely. The Approved Code of Practice that accompanies these regulations gives a number of measures which may be taken to comply eg anchorage points for safety harnesses, suitable points for tying ladders more than six meters in length and fitting windows that can be cleaned easily from inside.

The Work at Height Regulations 2005 covers window cleaning activities when carried out at height. They specify that a risk assessment must determine the necessity of working at height. Where it is not possible to avoid working at height then a hierarchy of control measures is specified. When engaging contractors, risk assessments and method statements should be checked. The Lifting Operations and Lifting Equipment Regulations 1988 (LOLER) may apply.

Where an independent window cleaner is used the employer should take some measure to check that window cleaners are operating in a safe manner and not engage those who do not appear to be doing so.

## Further guidance

[The Work at Height Regulations 2005 \(amended\): A Brief Guide](#)

## Further information

The following HSE publications give further general guidance:

[Workplace health, safety and welfare: Workplace \(Health, Safety and Welfare\) Regulations 1992 Approved Code of Practice L24 \(Second edition\) Published 2013](#)

[Workplace health, safety and welfare: A short guide for managers INDG244 HSE Books 1997 \(single copy free or priced packs of 10 ISBN 0 7176 1328 3\) Web version](#)

## Appendix 1:

### Servicing, testing and inspection – key regulations at a glance

Servicing, testing and inspection overview							
Regulation	Frequency and responsibility						
<b>KEY:</b> ○ School ■ Maintenance and compliance contractor	Weekly	Monthly	Quarterly	Every 6 months	Annually	Every 3 years	Every 5 years
Electrical Safety (Portable appliance testing)					■		
Electrical Safety (Powered pedestrian doors)				■			■
Emergency lighting		○		■	■	■	
Extraction Systems (Local exhaust ventilation)					■		
Fire safety (alarms)	○	○	■		■	■	
Fire Safety (Portable fire fighting equipment)					■		
Fixed electrical wiring installation							■
Fuel Oil Storage (oil boilers)				■			
Gas safety (appliances – gas safety check)					■		
Gas safety (catering equipment)					■		
Gas Safety (gas boilers)				■			
Gas safety (soundness testing)					■		
Lifts and Hoists (Non passenger lifts, hand powered service lifts and platform hoists)				■			
Lifts and Hoists (Passenger lifts)				■			
Lightning conductors					■		
Water hygiene and safety		○			■		
Compressors/pressure vessels and compressed air					■		
Woodworking, metal working equipment					■		

## Appendix 2:

### Approved Codes of Practice (ACOPs)

#### Approved Codes of Practice (ACOPs)

**Source:** [www.hse.gov.uk/pubns/books/index-legal-ref.htm](http://www.hse.gov.uk/pubns/books/index-legal-ref.htm)

- [L5: Control of substances hazardous to health \(Fifth edition\)](#)
- [L8: Legionnaires' disease. The control of legionella bacteria in water systems. Approved Code of Practice and guidance](#)
- [L21: Management of health and safety at work. Management of Health and Safety at Work Regulations 1999. Approved Code of Practice and guidance](#)
- [L22: Safe use of work equipment. Provision and Use of Work Equipment Regulations 1998. Approved Code of Practice and guidance](#)
- [L23: Manual handling. Manual Handling Operations Regulations 1992 – Guidance on Regulations \(fourth edition\)](#)
- [L24: Workplace health, safety and welfare. Workplace \(Health, Safety and Welfare\) Regulations 1992. Approved Code of Practice](#)
- [L25: Personal protective equipment at work \(Second edition\)](#)
- [L26: Work with display screen equipment: Health and Safety \(Display Screen Equipment\) Regulations 1992 as amended by the Health and Safety \(Miscellaneous Amendments\) Regulations 2002](#)
- [L56: Safety in the installation and use of gas systems and appliances](#)
- [L74: First aid at work. The Health and safety \(First Aid\) Regulations 1981](#)
- [L77: Guidance from the licensing authority on the Adventure Activities Licensing Regulations 2004. The Activity Centres \(Young Persons' Safety\) Act 1995](#)
- [L113: Safe use of lifting equipment. Lifting Operations and Lifting Equipment Regulations 1998](#)
- [L143: Work with materials containing asbestos. Control of Asbestos Regulations 2012](#)
- [L153: Managing health and safety in construction - Construction \(Design and Management\) Regulations 2015. Guidance on Regulations](#)





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