



## **SAFE Premises Management Policy**

**April 2019**

# Introduction

## Policy Statement

Social Arts for Education (SAFE) has a duty to ensure that our building complies with statutory and regulatory standards. Both the condition (physical state of the premises) and suitability (quality of the premises) must be focussed on, in order to ensure safe and continuous operations, maintain compliance with statutory requirements and meet curriculum needs.

SAFE's premises are monitored by Management and the Board of Governors.

There are areas not directly relevant to SAFE's current premises in the below policy - this is partially to ensure future proofing of the policy, and partly to give a full overview of the scope of the various pieces of legislation that SAFE must adhere to in order to be fully legally compliant.

## Background to this policy

The Education (School Premises) Regulations 1999 stipulate minimum standards for school premises.

Schools and colleges are also covered by the Workplace (Health, Safety and Welfare) Regulations 1992, which outline provisions that must be made in relation to the work environment.

Provisions that are covered by these regulations include: toilet facilities, fire alarms, staff rooms, weather protection, noise, lighting, heating, temperature, ventilation and water supply.

The basis of British health and safety law is the Health and Safety at Work etc Act 1974 (HSWA). The HSWA sets out the broad principles for managing health and safety legislation in most workplaces. The HSWA which came into force on 1st 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" 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. A Local Authority's activities are ones to which Section 3 of the HSWA is likely to be particularly relevant as the majority of premises occupied by local authorities are open to the general public. Section 3 of

the HSWA imposes a clear duty on local authorities 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 codes of practice which are approved by the Health and Safety Commission on consent of the Secretary of State. ACOPs give 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.

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.

## **What legislation applies to schools?**

The Education (School Premises) Regulations 1999 apply to all maintained schools in England and Wales, including nursery, community, foundation and the premises of non-maintained special schools. Independent schools approved by the Secretary of State for children with special educational needs are also subject to these regulations. It is important that all schools covered by the regulations adhere to these provisions. The Workplace (Health, Safety and Welfare) Regulations 1992 apply to all types of educational establishments in the UK. These regulations overlap with some of the provisions of the Education (School Premises) Regulations, which have specific requirements for facilities relating to staff, medical rooms and toilet/washrooms, as well as conditions relating to boarding schools. Social Arts for Education gives due regard to the Regulations listed above.

## **Duties on Managers and Directors**

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 managers, directors and indeed the corporate property officer within an authority 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 directors 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 director/manager is aware that an offence is being committed but agrees to it.

Connivance – the director/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 director/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 main 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 and less prescriptive and does not normally provide specific details with regard to inspection and testing frequencies and regimes. It now focuses more on risk based assessments which can be very much dependent upon individual circumstances such as; the use the building is put to, the users groups, the construction, age and condition of the building, previous maintenance regimes, and the building location. It is therefore often left to the responsible person to decide, once a risk assessment has been carried out what the control measures should be. Therefore this document merely 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.

## **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, this is in preference to one who is not.

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

- Core knowledge of the subject
- Experience to apply that knowledge correctly
- 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 e.g. through regular training.

In order to ensure that the health and safety arrangements within an organisation are effective then 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.

## **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
- is appropriate for the type of activity
- will remain valid for a reasonable time
- Reflect what employers may reasonably practicably be expected to know about the risks associated with their undertaking.

Risk assessments can be time consuming however, the time and effort put into an assessment should be broadly proportional to the degree of risk.

A 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. 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 "Five Steps to Risk Assessment"

### **Step 1: Identify hazards, i.e. anything that may cause harm.**

Employers have a duty to assess the health and safety risks faced by their workers. Your employer must systematically check for possible physical, mental, chemical and biological hazards.

This is one common classification of hazards:

- Physical: e.g. lifting, awkward postures, slips and trips, noise, dust, machinery, computer equipment etc.

- Mental: e.g. excess workload, long hours, working with high-need clients, bullying, etc. These are also called 'psychosocial' hazards, affecting mental health and occurring within working relationships.
- Chemical: e.g. asbestos, cleaning fluids, aerosols, etc.
- Biological: including tuberculosis, hepatitis and other infectious diseases faced by healthcare workers, home care staff and other healthcare professionals.

**Step 2: Decide who may be harmed, and how.**

Identifying who is at risk starts with your organisation's own full- and part-time employees. Employers must also assess risks faced by agency and contract staff, visitors, clients and other members of the public on their premises. Employers must review work routines in all the different locations and situations where their staff are employed. Employers have special duties towards the health and safety of young workers, disabled employees, night workers, shift workers, and pregnant or breastfeeding women.

**Step 3: Assess the risks and take action.**

This means employers must consider how likely it is that each hazard could cause harm. This will determine whether or not your employer should reduce the level of risk. Even after all precautions have been taken, some risk usually remains. Employers must decide for each remaining hazard whether the risk remains high, medium or low.

**Step 4: Make a record of the findings.**

Employers with five or more staff are required to record in writing the main findings of the risk assessment. This record should include details of any hazards noted in the risk assessment, and action taken to reduce or eliminate risk. This record provides proof that the assessment was carried out, and is used as the basis for a later review of working practices. The risk assessment is a working document. You should be able to read it. It should not be locked away in a cupboard.

**Step 5: Review the risk assessment.**

A risk assessment must be kept under review in order to:

- ensure that agreed safe working practices continue to be applied (e.g. that management's safety instructions are respected by supervisors and line managers); and
- Take account of any new working practices, new machinery or more demanding work targets.

A safety audit will examine the organisation's systems and the implementation of these systems 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 if it already knows that there are weaknesses in the systems.

## **Duty Holder**

The duty holder is the person or organisation that has clear responsibility for the maintenance or repair of the premises (non-domestic) through an explicit agreement such as a lease or contract.

The actual extent of the duty will depend on the specific details of the agreement. However where there is no agreement or contract or where one exists but it is silent on such matters, the duty is placed on whoever has control of the premises, or part of the premises. The duty to manage covers all non-domestic premises, including industrial, commercial, or public buildings such as offices, shops and schools.

## **Landlord responsibilities on termination of a lease**

The duty holder is the person or organisation that has clear responsibility for the maintenance or repair of premises through an explicit agreement such as a lease or contract. Where an agreement terminates the Landlord should have in place handover procedures to ensure that the outgoing tenant has complied with all relevant legislation.

## **Fees for intervention**

In 2012 the HSE introduced 'Fees for Intervention' (FFI). This means that if you are found to have a material breach of the law the HSE may recover their costs from you by charging a fee for the time and effort that is spent on assisting you to put the matter right, investigating and taking enforcement action.

## **What is a material breach?**

A material breach is where a health and safety law has been broken and the inspector determines that it is serious enough for them to notify you in writing. This will either be a notification or contravention, an improvement or prohibition notice, or a prosecution. Before notifying you in writing, the inspector must apply the principles of HSE's Enforcement Policy Statement and Enforcement Management model.

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.

## Premises Management Required Actions

Aspect	Service Requirement	Statutory Recommended/ Best Practice	Frequency/ Regularity	Other Information	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
Asbestos register		Statutory	When circumstances dictate e.g. if changes to the premises have been made	<a href="http://www.hse.gov.uk/asbestos/schools.pdf">http://www.hse.gov.uk/asbestos/schools.pdf</a>	Control of Asbestos Regulations 2012
Car Parking and Vehicle/Pedestrian Segregation	Risk Assessment				The Workplace (Health, Safety and Welfare) Regulations 1992 (regulation 17)
Compulsory Display of Notices	Checks made to ensure correct and up to date information is displayed	The display of most Information 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/construction/cdm.htm">http://www.hse.gov.uk/construction/cdm.htm</a>	Construction (Design and Management) Regulations 2007

Contractor Qualification Check	Checks made on contractors Qualifications i.e. NICEIC, ECA	Statutory or Good Practice	On appointment of contractor	See also sections on Gas Safety Regulations and Electricity at Work Regulations	Where contractors are appointed directly by the premises manager then checks should be made to ensure that they have the appropriate qualifications to carry out the specified work. This is covered by various pieces of legislation, such as Electricity at Work Regulations 1989, Gas Safety Regulations 1998
Control of Substances Hazardous to Health (COSHH)	Risk Assessment Check on storage and use of hazardous materials	Statutory	Annual (Best Practice)	COSHH A Brief Guide to the Regulations	COSHH Approved Code of Practice The Control of Substance Hazardous to Health Regulations 2002 (as amended)
Equality Act 2010	Inspection	Statutory	Checks to be made whenever alteration/changes are made to the building or the external environment	Disability Discrimination Act 1995 Disability Discrimination Act 2005 BS8300	Equality Act 2010 see also Disability Discrimination Act 1995 and 2005 and BS8300 for background Building Regulations 2010
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	The Provision and Use of Work Equipment Regulations 1998	The Provision and Use of Work Equipment Regulations 1998 (PUWER)
Electrical - Fixed Electrical Installations	Schematic of supply route and primary distribution Inspection of fixed wiring and all distribution boards and safety devices Testing of all fixed wiring and all distribution boards Testing of all distribution boards in mobile accommodation	Best Practice  Highly recommended  Statutory  Statutory	Annual  Update Annual  5 yearly (or more frequently as determined by competent person) Annual	Simple precautions - Work on electrical equipment machinery or Installations  The Electricity at Work Regulations 1989 Electrical Safety Council's Best Practice Guide on Periodic Inspection Reporting	Electricity at Work Regulations 1989 and BS 7671 IEE Wiring Regulations Electricity at Work Regulations 1989 and BS 7671 IEE Wiring Regulations
Electrical Stage Lighting	Inspection and testing		Every 3 months and after every alteration		
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 - 1 hour duration test Annual full duration test		Electricity at Work Regulations 1989 and Regulatory Reform (Fire Safety) Order 2005

Extraction Systems including Fume Cupboards	Inspection and Testing of Dust Extraction Equipment Local Exhaust Ventilation	Best Practice  Statutory	Annual  Annual	Controlling Airborne Contaminants at Work: A Guide to Local Exhaust Ventilation NB this is a priced publication	Control of Substance Hazardous to Health 2002 (as amended) Building Bulletin 88 Fume Cupboards, DfES applies to installation and maintenance of school fume cupboards There is a British Standard that applies to other fume cupboards
Fire Risk Assessment and Management Plan	Fire Risk Assessment	Statutory	Whenever any changes are made that will impact on the original assessment	The Regulatory Reform (Fire Safety) Order 2005	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
Fire Fighting Equipment	Inspection and Maintenance of extinguishers Inspection and testing of fire sprinkler system	Best practice  Best practice	Annual  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	HSE - First aid at work: Legislation	Health and Safety (First Aid) Regulations 1981 date as amended by the Health and Safety (Miscellaneous Amendment) Regulations 2002
Fuel Oil storage	Plan of primary pipe work and main isolation points Visual Condition Inspection Maintenance checks on all pipe work devices	Best Practice  Recommended  Best Practice	Annual (Update)	The Control of Pollution (Oil Storage) (England) Regulations 2001	The Control of Pollution (Oil Storage) (England) Regulations 2001
Gas Safety Gas Appliance Gas Pipe Work	Gas Safety Inspections and certificates	Statutory	Annual	THE GAS SAFETY (INSTALLATION AND USE) REGULATIONS 1998	The Gas Safety (Installations and Use) Regulations 1998
Glazing Checks		Statutory	Initial survey of building to identify areas where safety glazing should be in place, on-going checks that any glazing replacements are with safety glass as required.		Workplace (Health, Safety and Welfare) Regulations 1992) and Building Regulation Part M
Lifts and Hoists	Thorough examination, full maintenance	Statutory	Every 6 months minimum for passenger lifts Every	The Lifting Operations and Lifting Equipment	Lift Operations and Lifting Equipment Regulations 1998

	and Inspection		12 months for goods lifts or after substantial and significant changes have been made	Regulations 1998	Thorough examination and testing of lifts
Lightning Conductors	Inspection and testing	Best Practice	Every 11 months or maximum 12 months full test to assess adequacy of earthing, evidence of corrosion, alterations to structure (by competent persons to BS 6651 or BS EN 62305 dependant on system installed)		BS 6551-1992 or BS EN-62305
Mobles – Stability of	Structural inspection of mobile accommodation	Best Practice	Annual (depending on age)		BRE Digest 374 1992
Playground & Gymnasium equipment- Fixed	Inspection and testing	Best Practice	Annual		BS 5696, BS 7188, BS7044,BS 1892 Part 1 2003
Radon	Risk Assessment			Statutory Instrument 1999 No. 3232	Ionising Radiation Regulations 1999.
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		The Workplace (Health and Safety and Welfare)

					Regulations 1992
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
Water Hygiene and Safety(Legionnaires' Disease etc)	Risk Assessment	Statutory	Risk assessments reviewed regularly or in any case if there is a reason to believe original assessment is no longer valid	HSE Legionnaires' Disease – further information	Health and Safety At Work Act 1974 Control of Substances Hazardous to Health Regulations 2002 (COSHH) The Notification of Cooling Towers and Evaporative Condensers Regulations Legionnaires' Disease – The Control of Legionella health and safety risks (Equipment) Regulations 1992 Regulations 1992
Working at Height Working at Height – safety Eyes Bolts and Cradles	Risk Assessment Inspection & Testing	Statutory	Annual		Lift Operations and Lifting Equipment Regulations 1998

## Air-Conditioning Systems

Under The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007 an air conditioning system should be inspected by an energy assessor at regular intervals not exceeding 5 years, although bi annual checks and an annual maintenance schedule as described above should continue as best practice.

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

If the system was installed after 1st January 2008 then it must be inspected within 5 years from the date that it was first put into use. Where the system was installed prior to 1st January 2008 an inspection must have taken place by 4th January 2009 where the effective rated output of the system is more than 250kw or if the effective rated output is more that 12kW the inspection must take place by January 2011.

Once the inspection has taken place the relevant person should retain a copy of the report.

## **Asbestos**

The Control of Asbestos Regulations 2012 came into force on 6th April 2012. In practice the changes are fairly limited. They mean that some types of non-licensed work with asbestos now have additional requirements. i.e. notification of work, medical surveillance and record keeping. All other requirements remain unchanged.

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 (i.e. the duty holder') to:

- Take reasonable steps to find out if there are materials containing asbestos in nondomestic 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, 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 consider 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 include means for:

- 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 work in demolition, maintenance or any other work which exposes or is liable to expose employees to asbestos in respect of any premise unless either:

- that employer has carried out a suitable and sufficient assessment as to whether asbestos, what type of asbestos, contained in what material and in what condition is present or is liable to be present in those premises; or
- 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:

- 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;
- recorded the significant findings of that risk assessment as soon as is practicable after the risk assessment is made; and
- Implemented the steps referred to 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 & 9 of the CAP 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. However 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.

Social Arts for Education maintains an asbestos register which contains a copy of the asbestos survey, this shows where in the premises asbestos has been identified or is suspected.

Approved registered contractors are employed to deal with any removals (where premises contain asbestos, this does not mean that there is a danger to health, safety or welfare. If the asbestos is in good condition and is not in an area where it will be damaged by every day activities then it is safer to leave it in place than to cause potential risk and remove).

## **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 areas 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, therefore 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 therefore 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 e.g. if the property is a school at pupil arrival/departure times.

Social Arts for Education have reduced the level of risk by ensuring that no students are allowed to access the rear car park, unless in an emergency evacuation scenario, and under the supervision of staff. Students and staff are instructed to only enter the building via the front door, and both front and rear doors are kept locked at all times. This also serves to keep children safe from the traffic on the busy roads outside.

## **Cleaning**

Cleaning is conducted in house, with all members of staff adhering to a cleaning rota, to ensure adequate coverage of all areas on a rolling basis. Window cleaning is carried out twice a year.

## **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. 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
  - First aiders' details are at Reception
- Any information necessary to comply with fire legislation
  - Fire routes map in hall
  - Fire action notices at exits in each classroom
  - Fire exit signs
- A certificate of insurance as required by the Employers Liability (Compulsory Insurance) Act 1969
  - Insurances are on the wall at Reception
- A thermometer on each floor
- A copy or abstract of relevant regulations (where still relevant)

## **Construction (Design and Management) Regulations 2015**

The Construction (Design and Management) Regulations 2007 (CDM 2007) came into force on 6 April 2015. The CDM Regulations have far-reaching implications for duty holders in particular the client and cover all construction work (except domestic) to some extent.

Under the CDM 2015 Regulations a client is defined as any person for whom a project is carried out. This is irrespective of whether the project is carried out by another person or in-house. For any project the client has an overriding duty to ensure that arrangement made for managing it would be carried out, as far as it reasonably practicable, without risk to the health and safety of any person. The client must also ensure that there are suitable welfare arrangements for the workers and if the work involves the construction of a building that will be used as a workplace the client must ensure that once completed it will comply with the Workplace (Health, Safety and Welfare Regulation 1992.

It is important that those managing premises have an understanding of the requirements of CDM 2015 Regulations however this is a detailed area and requires specialist knowledge. Indeed under regulation 14 there is a requirement for the client to appoint a CDM co-coordinator and principle contractor where the construction project is deemed to be notifiable under the CDM Regulations.

### **Contractor Qualification Checks and Duty to Manage**

Where a contractor is appointed to undertake work, this must be carried out in accordance with SAFE's procurement procedures. Where possible, contractors on the existing approved list should be used. Where this is not possible, the procurer must ensure that the contractor that is proposed for carrying out the work has a current health and safety policy, has current suitable insurances 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 their contractor's health and safety, in most cases it is the employer who controls the workplaces and in many cases dictate the working practices. It is the extent of this control that determines the extent of the responsibilities of the employer toward the contractor.

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

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

Contractors are required to read and sign the asbestos register upon commencement of any works that would disturb the fabrics of the building and they also must sign in the contractors log book, informing them of policy and procedures that may affect them whilst conducting works on site. E.g.:

- Fire Evacuation and codes of conduct.
- Control of Substances Hazardous to Health (COSHH)

The Control of Substances Hazardous to Health Regulations 2002 (COSHH) 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 done 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 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 to this eight new principles of good practice were introduced by the amendment regulation s4 which apply regardless of whether a substance has an occupational exposure standard or maximum exposure limit.

From April 2005 employers are required to:

- Apply the eight principle 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 occupation 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.

## **Drainage**

SAFE management ensures that there is an adequate drainage system for hygienic purposes and the disposal of waste water and surface water by carrying out regular visual checks and calling in drainage specialists should problems arise.

## **Equalities 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'. It is therefore worth considering first the requirements under DDA before considering any 'changes' introduced through the Equality Act. The DDA was aimed at protecting the rights of a wide range of disabled people besides wheelchair users, 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

At Social Arts for Education, we are committed to equality, and will ensure that any changes to the fabric of the building are done with accessibility in mind.

## **Electrical Safety**

Electrical safety in all workplaces 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 ss2 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 1st 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 electrical equipment classifications:

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 answering machines and chargers for mobile Phones.

As there is such a wide range of portable electric equipment available which can be used in very varied environments the risks that are present can be very different and therefore a range of control measures is required. It is necessary to carry out a risk assessment to determine the maintenance

requirement for each piece 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 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 and 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. Any competent person can normally carry out testing using such devices but some formal training is recommended. A record should be made and kept of the tests.

There are no statutory frequencies for any of the above maintenance measures, however in order to satisfy the general legal requirement to prevent “danger” some, all or a combination of the maintenance activities as set out above should be carried out. The risk assessment carried out on the equipment will determine any further measures that will be required to be implemented.

Social Arts for Education has all portable electrical equipment on site PAT tested by a competent person annually - these tests are recorded both on the equipment and centrally.

## **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 implemented 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

Social Arts for Education have the fixed electrical installation tested at intervals of no more than 5 yearly. Remedial actions highlighted on the testing report must then be actioned - these actions must be taken immediately if the installation is deemed unsafe, or within 3 months if it is not completely compliant but not unsafe.

## **Emergency Lighting**

Emergency Lighting is lighting that 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 an

emergency lighting is the “escape lighting” which is provided to illuminate escape routes to an extent sufficient to 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.

The emergency lighting is checked in line with statutory Regulations and Compliance, monitoring, recording and reporting any issues as and when they arise. Lights are tested once a week for operation, and a full discharge test is carried out once every 6 months. The results are recorded in Social Arts for Education’s fire log book.

## **Extraction Systems**

The Health and Safety at Work 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 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. 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.

## **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 does not occur 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 employees. 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 undertaken.
- 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 serious and imminent danger must be established.
- Any facilities, equipment and devices provided must be maintained in an efficient state, working order and 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 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
- Every employee must, while at work take reasonable care for the safety of himself and of other relevant persons who may be affected by his acts or omissions at work.

## **Fire Risk Assessment and Management Plan**

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, 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, recorded via a PEEP (Personal Emergency Egress Plan) and implemented.

## **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 Part 1:2002 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 safety or property safety.

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

At Social Arts for Education, the small scale of the building means that we currently have, as a method of fire detection, wired smoke alarms, and as an alarm system, manual air horns. The smoke alarms are tested on a weekly basis and the test results recorded in the Health and Safety (Weekly Checks) document.

## **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 the manufacturer's recommendations; it is advisable to keep a record of any maintenance. The inspection of fire doors should include some or all of the following where appropriate:

- Self-closing device operate properly
- Hold open device release when the fire alarm operates
- Glazed panels are intact and undamaged
- Warning signs are in place "Automatic Fire Door – Keep Clear"
- Doors open and close freely and there is no physical damage to the door
- There is no distortion or warping of the door or frame
- Seals and smoke strips are in place and not damaged
- Hinges and locks are properly lubricated

The only fire door at Social Arts for Education is the door between the kitchen and the corridor. It is imperative that this door remains closed all day, as it forms part of the only fire break within the building.

## **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 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 a yearly basis by a competent person.

### **Fixed Systems**

Fixed systems are those which when activated by the warning/alarm system, release the extinguishing medium e.g. sprinkler systems. All fixed systems should be inspected on a yearly basis or to 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 order.

Fire fighting equipment at Social Arts for Education is limited to fire extinguishers, which are placed by each fire exit, to maintain the integrity of the exits. All extinguishers are maintained and inspected by an outside contractor each year, and a record of this testing is kept in the Health and Safety folder.

## **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 no contents are outside their expiry date.

First aid boxes should be made of suitable material, protect the contents and be clearly marked. It should be noted that first aid does not include the treatment of minor illnesses - e.g. headaches –therefore 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 aider to employees although the Approved Code of Practice does offer some guidance:

Low risk workplaces such as office one trained first aider to every 50 employees with an additional first aider for every 100 employees.

High risk workplaces one trained first aider for five or more employees, with an additional first aider for every 100 employees.

In terms of what constitutes a 'suitable person' this 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 i.e. a white St George's cross on a green background.

## **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, museums, offices, businesses and warehouses. 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 areas 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 telling 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.

## **Gas Safety**

The Gas Safety (Installation and Use) Regulations 1998 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 places 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 ventilation and flues. By law anyone carrying out work on gas appliance 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 section also on Contractor Qualification Checks.

Gas Safety Register replaced CORGI as the register of approved gas engineers in the UK from 1st April 2009. By law a gas appliance 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 manufacturer's installation instructions for servicing intervals, however 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, where necessary remedial should be taken. Further detailed information is available from HSE publications; Safety in the Installation and Use of Gas Systems and Appliances.

## **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, door etc 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 e.g. 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 in some way so that people know it is there

Following the risk assessment it may be necessary to take further action however 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.

## **Grounds Maintenance**

Social Arts for Education has very little outside space- what there is is limited to the courtyard car park and associated pathway. Staff must ensure the outside areas are kept clear, as they are used as a fire exit. Leaf fall and other plant debris must be swept up by the person designated on the cleaning rota, to minimise risks from slips.

## **Lettings**

Management ensures that the premises used for a purpose other than conducting the schools main business (the rear hall) are organised to ensure that the health, safety and welfare of pupils are safeguarded and their education is not interrupted by other users.

Hall hire must only take place during non-school hours (after 5pm on weekdays and at any time during the weekend) and the remainder of the building must be locked to prevent access by unauthorised persons. See the Security Policy for further details.

## **Lifts and Hoists**

The maintenance and inspection of lifts and hoists is a complex area covered by numerous pieces of legislation:

- Under regulation 5 of 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 Lift and 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 safety risk 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 and otherwise checking that they remain in a good, safe condition.

There are similar duties 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 someone else’s employees. Basically this places duties on landlords/occupiers of non-domestic premises used as a place of work.

Under the Lift Regulations 1997 all lifts supplied after June 1999 must comply with the Lifts Regulations 1997. The regulations require 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.

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. As an item of lifting equipment the safe working load of a lift must be determined and displayed in a suitable, prominent place.

## **Mobile Buildings**

Due to the fact that mobile buildings are designed and constructed as temporary structures it is recommended that an annual inspection is carried out on their structural stability.

## **Playground and Gymnasium Equipment**

Due to the very use that PE equipment is put to it carries a high risk and 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 should comply with BS5696

The weight lifting and gym equipment used at Social Arts for Education is subject to a visual inspection on each use.

## **Records/Log Book**

The Health and Safety Officer will maintain records of all checks that take place for the safe and effective operation of the site. Logs are kept for fire safety, water safety, and other routine checks.

## **Resistance to the weather**

Management ensures that the building provides reasonable resistance to penetration by rain, snow, wind and moisture from the ground by carrying out regular visual checks. Any Issues will be addressed according to need.

## **Security Arrangements**

The site team ensures that Social Arts for Education has adequate security arrangements for the grounds and building by ensuring that the building is securely locked each night; and that the entrance has appropriate security arrangements in place.

Social Arts for Education's security arrangements are based on a risk assessment for the school and are regularly reviewed by Management, explicitly taking into account:

- the location of the school
- the physical layout of the school
- the movements needed around the site
- arrangements for receiving visitors
- staff/pupil training in security

The Security Policy contains further detail on site security.

## **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
- A suitable handrail
- Steps of equal heights
- Steps of equal width.

## **Training**

The Headteacher and Deputy Headteacher will ensure that all staff receive relevant training to ensure the effective use and safe operation of the site and equipment. Records of training will be maintained.

## **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 Act 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 a 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. Therefore it is important that a "suitable and sufficient" risk assessment should be carried out on the trees on a site. An effective system for identifying the risks from trees should meet the requirements set out in the management of Health and Safety at Work regulations 1999 and the associated ACoP ,see also the Health and Safety Executive Guide Five Steps to Risk Assessment previously referred to.

The HSE in circular; 'Management of the risk from falling trees' suggest that a suitable risk assessment for trees should address the following:

1. "An overall assessment 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 (e.g. in and around picnic areas, schools, children's playground,); 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. Amps may be useful as individual records for individual trees are unlikely to be necessary if zones and the trees in the zones are clearly defined.
2. 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.
3. A short record 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.
4. A system for obtaining specialist assistance/remedial action when a check reveals defects out with the experience and knowledge of the person carrying out the check.
5. 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 severe gales.
6. 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, for example its proximity to an area of high public uses, a specific assessment for that tree and specific management measure, are likely to be appropriate.

7. Once a tree has been identified a check to have 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 arboriculturist; as such work tends to present a relatively high risk to the workers involved. Duty holder should not be encouraged to fell or prune trees unnecessarily.

8. 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 with these faults.

9. Monitoring to ensure that the arrangements are implemented in practice.

## **Water Hygiene and Safety**

### **Legionella**

As stated previously under s2 of the Health and Safety at Work etc 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 “substances hazardous to health” and therefore are subject to the assessment, prevention/control and monitoring, provision of these Regulations.

The Health and Safety at Work etc Act 1974 covers the risk from legionella bacteria which may arise from work activities. In addition to the legislation mentioned above The Notification of Cooling Towers and Evaporative Condensers Regulations and Legionnaires’ Disease – The Control of Legionella bacteria in water systems Approved Code of Practice apply to the control of legionella bacteria in water systems. An employer or a person in control of the premises (e.g. 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 diagrams 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 and
- 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 into 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 i.e. when any changes are made to the system.

Social Arts for Education maintain a water log book, in which is recorded details of hot and cold water temperature and flushing of little used outlets. This is kept in conjunction with the legionella risk assessment.

## **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 point of use for example washbasin and baths. Under the Education (School Premises Regulation) 1999 there is a requirement that the temperature of water at point of use should not be above 43.0 C for baths and showers and where occupants are severely disabled, in addition to this it is recommended that hot water supplies to washbasins in nursery and primary schools are limited to 43.0 C

Under these regulations in a special school or teaching accommodation used by a nursery class in a school the surface temperature of any radiator, including exposed pipework, which is in a position where it may be touched by a pupil should not exceed 43.0 C. The Health and Safety of those individuals who use care services is covered under the general requirements of Section 3 of the Health and Safety at Work Act 1974 and also by the risk assessment requirement of the Management of Health and Safety at Work Regulations. The maximum surface temperature of space heating devices in care establishment should not exceed 43.0 C and the temperature of water at point of use should be no more than 44.0C The risk of burns from hot surfaces may be reduced by:

1. Providing low surface temperature heat emitters, e.g. cool wall
2. Locating sources of heat out of reach, e.g. at high-level
3. Guarding the heated areas, e.g. providing radiator covers, covering exposed pipework
4. 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 individual's 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.

Social Arts for Education takes steps to ensure that water at taps is no more than 43.0 C. TMVs are to be fitted to all taps accessible to students in order to ensure the risk of scalding is minimised. Covers are to be fitted to radiators.

## **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 so as to enable them to be cleaned safely. This requirement allows equipment used in conjunction with the windows or skylights, or any other safety devices fitted to the building, i.e. anchorage points to be taken into account. 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 ladder more than 6m 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. 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.

## **Workstation Assessment**

Under the Health and Safety (Display Screen Equipment) Regulations 1992 employers are required to perform a suitable and sufficient analysis of work stations used by users to enable an assessment of the health and safety risks to be carried out. 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. Where a work station is relocated then it should also be reassessed. Where an individual workstation is shared by more than one person, then the analysis 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 through the analysis then 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.

Workstation Assessments are undertaken for every new employee using DSE, and are stored in the Health and Safety folder and updated as necessary.

## **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 work 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 if for short duration or
- There are existing features on the site which cannot be altered

## **Monitoring and Review**

This policy will be reviewed on an annual basis by the Governing Body, the Headteacher and the Deputy Headteacher, unless material changes to the premises or a need to review the Site Risk Assessment necessitate an earlier review.