

# **Children Education & Families Health and Safety Arrangements Part 3**

## **Education & Learning**

### **Statement of Intent**

I, the undersigned, fully endorse Oxfordshire County Council's Part 1 Health and Safety Policy and the Director of Children Education and Families' Part 2 Safety Policy Statement, and as the senior manager responsible for the day-to-day running of the service, I am committed to the objectives of this arrangements document and will aim to provide the necessary resources for its effective implementation in order to meet legislative requirements.



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**Interim Deputy Director - Education and Learning**

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## 1. Policy

The Council policy framework will ensure the effective management of all activities based on the 'plan – do – check – act' management process.

The Council's policy framework is as follows:

- Health and Safety Policy – Part 1  
Chief Executive's H&S Policy Statement for the whole organisation.
- Health and Safety Policy – Part 2  
Director's H&S Policy Statement containing Roles and Responsibilities.
- Health and Safety Arrangements – Part 3  
Deputy Director's arrangements for managing significant risk.

## 2. Planning for Health and Safety

The Corporate Health and Safety Strategy 2010-2015 provides the strategic objectives for the Council which is to:

- Embed "Sensible Health and Safety" into the council's culture
- Raise H&S Competency Levels
- Review the way that H&S performance is measured
- Ensure that the Council is a "learning" organisation
- Ensure that H&S is robustly managed in contracted services
- Effective management of work related stress

The Corporate (CCMT) Health and Safety Action Plan will identify measures to achieve these objectives and will link to the Children Education and Families Health and Safety Action Plan.

### Children Education and Families Health and Safety Action Plan

The Deputy Director for Education & Early Intervention will assist in drawing up the Children Education and Families Health and Safety Action Plan which will identify areas for development in managing significant health and safety risk. The plan will include areas of development for each service area with ownership, target dates and evidence of success clearly stated. Actions where appropriate will be included as performance objectives in manager's appraisals.

The plan will be monitored through the H&S Business Partner quarterly health and safety reports to the Children Education and Families Leadership Team.

## 3. Organisation & Responsibilities

The Deputy Director for Education Learning has responsibility under the Health and Safety at Work etc. Act 1974 to ensure that suitable and sufficient arrangements are in place to safeguard the health, safety and wellbeing of staff, service users, volunteers, partners, contracted providers and others affected by service activities.

All employees have duties, under Section 7 of the Health and Safety at Work etc. Act 1974, to take care of their own safety and that of other employees,

persons who may be affected by their work and also to co-operate with their employer, so far as is necessary, to enable them to discharge their responsibilities.

The Deputy Director will make available appropriate resources, information, training and supervision to ensure the necessary competence in all managers and employees.

The Service will secure competent advice and support from the County Health and Safety Manager and Health and Safety Team in County HR. The main point of contact is the Children Education and Families Health and Safety Business Partner who has specific responsibility for advising on health and safety issues associated with the service.

Successful health and safety culture depends on co-operation between all duty holders including employees, commissioners, providers, partners and volunteers.

The Deputy Director will ensure health and safety matters are an integral part of all activities and health and safety is given due consideration with other service commitments. However, we must also recognise that where services are commissioned the Council has a contract management and monitoring role to make sure that our duty of care is, in the main, discharged through third parties. As defined by legislation the Council will retain overall responsibility for health and safety, however in terms of contracted services providers will also have duties under health and safety law. The extent of the responsibilities of each party will depend on the circumstances and scope of contracted service.

#### **4. Risk Assessment**

Effective health and safety planning is concerned with preventing accidents by identifying, eliminating and controlling hazards and risks. Risk assessment and associated risk control systems are the basis for ensuring that adequate precautions are provided and maintained in accordance with the requirements of the Management of Health & Safety at Work Regulations 1999.

Managers, so far as is reasonably practicable, ensure that all significant hazards within their service are identified, properly assessed, the risks are eliminated or controlled and that adequate information, instruction, training and supervision are provided.

A range of generic risk assessments are available to assist managers in completing risk assessments, the content of which should be added to and edited as required. The council has adopted the 5 steps approach to risk assessment and guidance on this process can be found on the health and safety intranet site.

#### **5. Management of Significant Risk**

These arrangements identify the significant hazards that exist and the control measures to reduce the risks.

The headings below set out how we will discharge our duty of care:

- SEN pupil residential placement
- Schools and other educational provision services including Elective Home and Outdoor Education and Centres
- Our internally provided/run services
- The health and safety of our employees and volunteers
- Provide a safe place of work
- Contracted services and providers

## **5.1 SEN pupil residential placement**

In determining arrangements the Council needs to be satisfied that any provision including accommodation is suitable to deliver appropriate education and safe care for children.

In addition to duties under health and safety legislation National Minimum Standards determine that a suitable physical environment free of avoidable hazards is provided together with equipment appropriate to the child's age, development and level of ability.

In order to ensure health and safety risks are managed we will therefore ensure:

All placement providers, whether individuals or corporate bodies, will be engaged through the implementation of the Council's procurement procedures, will be fully vetted and approved by the Council to ensure all statutory checks have been obtained and they are competent to provide the appropriate education and other services in a manner without risk to the health and safety of individuals so far as is reasonably practicable.

In line with relevant statutory provisions and National Minimum Standards all placements will be individually assessed including any health and safety considerations. A risk assessment including appropriate control measures to deal with identified risks will be completed in all cases before any child can be introduced to any placement provided by or on behalf of the Council.

Placements will be inspected annually, or more often if the risk assessment so determines, to make sure that each meets the educational and wellbeing requirements of the child and provides a safe environment and to ensure caring issues are being safely managed and implemented.

Where emergency and very short notice spot placements are required all available efforts will be made to obtain adequate information regarding the suitability and sufficiency of the placement provider. Enquiries will be directed to statutory inspection agencies and bodies, other Local Authorities and similar organisations to inform the decision making process. Whilst the best provision of the individual is of paramount importance the immediacy of the placement may outweigh the normal vetting procedure and due process will be followed immediately following a spot placement to ensure the placement is acceptable. Any necessary and appropriate remedial action will be taken.

## **5.2 Maintained schools and other educational provision services**

Maintained schools and other education provision, e.g. Pupil Referral Unit, Outdoor Centres, Resources Centre and Elective Home Education Service all deliver services which can present a variety of significant risks to students/pupils and others involved. Whilst an essential integral part of the educational process is to identify and manage risk, ensuring appropriate health and safety management exists within the school and educational environment remains a responsibility of the County Council as the employer.

Day to day health and safety management of employees, volunteers, other persons, premises and activities is delegated to Governing bodies and Headteachers who are required to put in place local arrangements in order to fulfil the statutory and Council obligations.

However, in community, voluntary controlled, community special schools and maintained nursery schools the LA, as the employer, retains its responsibilities under sections 2 and 3 of the Health & Safety at Work Act to ensure the health & safety of employees and others affected by its activities. School health and safety services are provided by the Education Support Service of Oxfordshire Customer Services via the Quest Business Unit. Monitoring of health and safety management in schools is undertaken by them as part of the bought back service. Outcomes are reported to the Health & Safety Team in County HR.

Where failure to satisfactorily manage health and safety in schools and other educational provision services is identified through monitoring and other investigative activities the established escalation process will ensure that the Health & Safety Team will draw such failure to the attention of the Deputy Director and appropriate Tier 3 managers for information and to provide appropriate guidance and support. In extremis the provisions of section 29(5) of the Education Act 2002 will be invoked.

Comprehensive support and training is available for Headteachers and Governing Bodies to ensure that they are conversant with their responsibilities and comply with all requirements.

All employer Health & Safety at Work etc. Act responsibilities for academies, free schools and VA schools fall to the relevant Governing Body or Trust Board as the employer. Any responsibilities for the Council for the safety of pupils fall under Children or Education Act legislation.

Where employees are being subjected to physical and verbal abuse support will be offered through the Behaviour, Inclusion and Attendance Service in the form of individualised assessment and training initiatives.

## **5.3 Our internally provided/run services**

Other services in the Directorate including SEN Support Services and teams, School Organisation & Planning, Schools and Learning, School Intervention, Early Years, Admissions and Transport Service etc. will all consider the health and safety implications of the care, support and intervention they deliver individually or as part of a multi-agency team approach.

Managers, so far as is reasonably practicable, will ensure that all significant hazards within their service are identified and properly assessed so that the risks are controlled and kept to a minimum. This will mean that staff will be provided with adequate information, instruction, training and supervision. Particular attention will be given to the following areas:

- Collection, assessment, sharing and referral of all necessary knowledge;
- Providing safe and secure environment to deliver the service;
- Emergency procedures;
- Providing personal care;
- Management and administration of medication;
- Dealing with challenging behaviour;
- Threat of violence and aggression;
- Safeguarding;
- Levels of training, experience and competency.

Risk in these services to staff and service users will be managed in accordance with specific procedures and guidance.

Managers will ensure through operational monitoring those regular inspections of work places and work activities under their management are undertaken thereby ensuring that safe and healthy working practices and procedures are adopted and maintained.

Tier 3 Managers are required to complete at least 2 Safety Tours per year within areas and activities under their control.

#### **5.4 The health and safety of our employees and volunteers**

Whilst the majority of staff are office based some roles require staff to travel to other office locations, schools and private homes.

Particular attention should be given to the hazards in the following areas, although this list is not exhaustive:

- General Office and Home Working, incl.
  - Environmental Working Conditions
  - Display Screen Equipment
- Lone and Isolated Working
- Driving and Escorting
- Stress
  - Work load
  - Work outcome
  - Court appearances/attendance
- Physical and verbal aggression
  - Cyber threats
  - Cyber bullying
- Manual Handling

### Procedures and Safe Systems of Work

Managers will ensure there are documented procedures for the identification of hazards and evaluation of risks within their areas of operation. Records will be maintained, significant findings communicated to staff and assessments reviewed to provide appropriate control strategies to reduce risks to an acceptable level.

There are a number of procedures in place that relate to the safety of the working environment and the health and safety of staff and others, these are on the Health and Safety Intranet page.

### Provision of Specialist Equipment

Where specialist equipment is arranged or provided the service will ensure that it has been assessed and selected to meet the task for which it has been selected. All persons responsible for equipment will ensure it is serviced and maintained to the required standard and training is provided to ensure competence in its use.

### Volunteers

Health and safety legislation requires employers to protect people other than those at work including volunteers from risks to their health and safety arising out of, or in connection with, their work activities.

Where volunteers are involved in service delivery all managers and supervisors will adopt the following approach to ensure consistent safe ways of working are applied:

- Ensure robust planning and managing of the activities undertaken by volunteers;
- Ensure any volunteer appointed or engaged is suitable and appropriate for the activity and client group involved;
- Ensure adequate supervision of all activities with children and vulnerable adults;
- Provide volunteers with clearly defined roles of which everyone is aware;
- Provide volunteers with necessary training.

## **6. Competence and Training**

County HR will ensure that general aspects of health and safety are incorporated into the council's Learning and Development Policy and training plans. It is the responsibility of all managers to identify the health and safety training needs of their staff as part of the appraisal personal development planning process.

General health and safety awareness will be included as part of induction and through the e-learning packages. Additional training will be provided when staff are exposed to new or increased risks because of change in responsibilities or place of work. Refresher training will be provided as appropriate.

County HR will maintain a training database of attendance, and Managers will ensure that inadequate attendances are rectified.

## **7. Communication**

Communication of health and safety issues is valued and staff will be encouraged to contribute to this process through supervision, 1:1 and team meetings. Health and safety is a standard agenda item at all team meetings.

## **8. Consultation**

In order to maintain a positive health and safety culture, we will ensure that all staff are consulted on health and safety matters and are given opportunities to contribute to service improvement and development as well as raise their concerns with management.

We recognise that health and safety representatives play a vital role in the creation and implementation of a positive safety culture and will encourage their appointment within all sections. Health and safety representatives do not have any specific responsibilities for health and safety, as this remains a line management function. However this does not detract from the responsibility that every employee has in relation to health and safety within the workplace.

Representatives will be encouraged to highlight any local health and safety issues within the service to management.

Safety representatives may be nominated by their Trade Union e.g. Teacher Organisations, UNISON, UNITE (under the requirements of the Health and Safety at Work Act (Section 2(4)). Alternatively, (in accordance with the Consultation with Employees Regulations 1996) sections may select their own safety representatives/s.

Formal consultation with Trade Unions on health and safety issues will be undertaken at the Joint UNISON Health and Safety Working Group and Education Health and Safety Advisory Group.

## **9. Incident and Accident Reporting and Investigation**

All staff including volunteers must report accidents and incidents in accordance with corporate procedures. Managers are, in turn, responsible for ensuring that all accidents and incidents are investigated and recorded and remedial action taken where appropriate.

Arrangements will be put in place to ensure the Children Education and Families Leadership Team is alerted of any significant or serious accident incident involving an employee or service user. Where a safety event occurs that requires our intervention we will ensure a thorough investigation is undertaken by the responsible Council manager.

Fatal and major injury accidents will be reported immediately to the Deputy Director, Service Manager and County Health and Safety Manager so that a further assessment can be made on response in accordance with the escalation protocol.

Where a significant safety event occurs that requires a higher level of accident investigation expertise the Health and Safety Business Partner will provide this expertise and will ensure a thorough investigation is undertaken in conjunction with the manager concerned.

The incident investigation outcomes will include recommendations to avoid the incident happening again and, where appropriate, point out where wider lessons can be learned.

Incident statistics and trend analysis reports will be produced for the Children Education and Families Leadership Team with recommendations on the appropriate actions to be taken.

## **10. Provide a safe place of work**

The council's policy requires every establishment/workplace to have an up to date procedure which details the locally agreed arrangements relating to all health, safety and welfare matters in the workplace. A copy of the procedure can be found on the Health and Safety Intranet pages.

### Buildings managed by Corporate FM

Corporate FM is responsible for the health and safety of the workplace including County Hall, Abbey House, Knights Court, Samuelson House, Mount House, Nash Court, Harlow Centre.

Buildings managed by Local Managers The Deputy Director will appoint managers responsible for the premises and they must ensure that the establishment/workplace procedure is:

- Completed;
- Kept up-to-date;
- Communicated to all staff, volunteers and users of the premises.

### Schools

The school's Governing Body is responsible for the premises and they must ensure that the establishment/workplace procedure is:

- Completed;
- Kept up-to-date;
- Communicated to all staff, volunteers and users of the premises

### Shared Premises

It will be the responsibility of Service Managers and Property and Facilities (responsible for the landlord/tenant arrangements) to ensure that effective arrangements exist for the co-operation and co-ordination of health and safety with other employers and building owners. Such measures include:

- Exchange of information on risks within the working environment and safe systems of work;
- Co-operation on matters such as implementing evacuation procedures, first aid etc.;
- Safety monitoring procedures, including inspection of premises.

Such arrangements must be stated in a formal agreement with nature and extent of health and safety responsibility clearly defined.

#### Hiring of Premises

Managers must ensure all necessary formal agreements are in place when hiring Council buildings to third parties. This will include ensuring all relevant checks and approvals are in place concerning:

- Health & Safety and Safeguarding Risk Assessments;
- Insurances and licenses;
- Security and Emergency Procedures.

Guidance can be found on the H&S Intranet page or via the Council Insurance Team.

#### Emergency Management Planning

Managers will ensure that plans are in place to manage foreseeable emergencies. Such emergencies might arise in both building based and operational work and should be identified in risk assessments, supported by operational emergency procedures which will be drawn to the attention of all relevant persons.

### **11. Contracted Services & Providers**

Children Education and Families commissions and contracts a range services. Under health and safety legislation, the council will retain overall responsibility to ensure statutory compliance, however each provider will also have specific duties in relation to services provided under any contract.

As commissioners, appointing managers shall take reasonable steps to confirm that the contracted provider has adequate health and safety arrangements in place, according to the particular needs of the contracted service.

Significant risks associated with the services to be provided are identified at the project initiation phase and communicated to potential providers through the pre-qualification and tender process and included in the contract requirements.

All providers are required to demonstrate that they can deliver good quality services including health and safety and have resources to continue to meet set performance and quality standards.

Tender information will include policies, procedures and guidelines to be followed and set out the performance standards expected of providers.

The manager responsible for the contract will ensure robust reporting processes and escalation protocols are in place to ensure the communication of key health and safety issues. These reporting processes will also notify the senior management, partners, contractors and clients of any important health and safety communications e.g. emergencies, business continuity, service closure, reputational risk etc. Significant health and safety risks will also be

recorded and monitored on the Children Education and Families and/or Contracts risk register.

The manager responsible for the contract will ensure that appropriate arrangements are in place to demonstrate and measure contract health and safety performance. The measures will include proactive and reactive measures in accordance with OPIs and KPIs and as required by current legislation and in line with best practice.

The manager responsible for the contract will ensure activities are monitored with sufficient frequency and in sufficient detail to ensure that acceptable health and safety performance is maintained and improved with an ethos of continuous Improvement.

## **12. Monitoring**

Implementation of policies and a health and safety management system can only be effective with adequate evaluation and monitoring to check the system and identify and deal with any shortcomings. Therefore, managers are responsible for initiating an on-going monitoring process within their areas of responsibility. Health and Safety monitoring tools for managers to use are available on the Health and Safety Intranet page.

Tier 3 Managers are required to complete at least 2 Safety Tours per year within areas and activities under their control.

As part of their monitoring managers are responsible for identifying and reporting to the Deputy Director and H&S Team any areas of non-compliance and deficiencies in the health and safety management system.

This monitoring process will also inform the Children Education and Families Health and Safety Action Plan which will be the key tool for the Children Education and Families Leadership Team to monitor overall health and safety performance.

## **13. Review of Performance**

Detailed audits of services and high risk activities as identified by the Children Education and Families Health and Safety Action Plan will be carried out by the Health and Safety Team with the outcomes being monitored by the Children Education and Families Leadership Team.

These audits will establish whether there are:

- Appropriate management arrangements in place;
- Adequate risk control systems/strategies in place for the hazards associated with the Councils undertaking;
- Appropriate precautions are in place;
- The arrangements are working;
- Areas requiring action will be identified and implemented.

The Deputy Director will continually monitor and update these arrangements as necessary, to reflect substantial changes affecting the nature of the service or in best practice and changes to legislation.

#### **14. Continuous Improvement**

The outcomes and actions from the audit process of the health and safety management system, recommendations from incident investigations and measurement and monitoring results will feed into the review of the holistic service management provision as part of the continuous improvement cycle. This will ensure that the management system is working effectively, and that our policy objectives are being achieved.

#### **15. Revision of Health & Safety Arrangements**

The Deputy Director will review and, where appropriate, revise these overarching Health and Safety arrangements every year, and/or when necessary. Additionally, the arrangements will be reviewed and revised following any recommendations following serious case reviews, Ofsted inspections and other significant developments. Any such revisions will be brought to the attention of all employees, volunteers, providers and others.