



To: Heads of all Education Establishments  
Cc's Governors/Management Committees  
Trade Union Safety Representatives  
Employee Noticeboards  
Education Intranet

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## **GOVERNORS**

### **Delegated Responsibilities**

**Health & Safety at Work etc. Act 1974**

#### **General**

The statutory responsibility for health and safety has been **substantially unchanged** by Local Management of Schools (LMS)/Fair Funding.

The Local Education Authority (LEA), as the employer in Community Schools, Community Special Schools and Voluntary Controlled Schools retains primary responsibility under Sections 2 and 3 of the Health and Safety at Work etc. Act.

See the "Teacher Net" Homepage: <http://www.teachernet.gov.uk/> for further information and advice.

As the number of decisions taken at school level has increased, the LEA has made it clear in its schemes:

- ❑ that governing bodies should comply with the LEA's written health and safety policy statement, and
- ❑ the categories of health and safety provision, which fall to governing bodies as a result of budget delegation. These are:

#### **Under LMS**

- Purchase and maintenance of equipment;
- Non-structural repairs and
- Certain cleaning arrangements

#### **Under Fair Funding**

- Ongoing day to day repairs;
- Cyclical servicing and maintenance;
- School meals and
- Insurance

Devolved funding has resulted in the LEA increasing the proportion of its budget provision being delegated directly to schools. The use of such funds can affect health & safety in the workplace.

As the employer the LEA develops policies and procedures to ensure adequate health & safety arrangements can be implemented in schools.

Governing bodies have a statutory duty to ensure premises under their control are safe and without risk to health. As more health and safety matters are delegated to them they will need to ensure they comply with the relevant statutory duties. In practice, this means complying with the LEA's Health & Safety requirements. Where governing bodies fail to comply with the LEA's requirements, the Authority can arrange for work to be completed at schools and charged accordingly.

**For Further Information and Advice:**



**General:** Education Health and Safety Section Tel - **01865 428188**