

**NASUWT  
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The Teachers' Union



Undeb yr Athrawon

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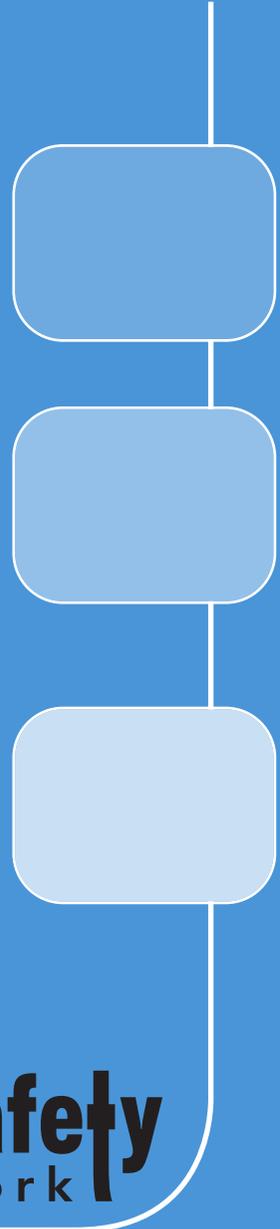
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## Health and Safety Duties



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This leaflet provides information about the health and safety duties of staff within schools and colleges.

### **Health and safety responsibility**

The employer carries the ultimate responsibility 'to ensure as far as is reasonably practicable the health, safety and welfare of all his/her employees at work' under the Health and Safety at Work Act 1974.

Other people may hold various degrees of responsibility according to the extent to which they control the work premises.

- Governors have to ensure that the local authority safety policy is carried out.
- Headteachers and those who 'have to any extent control of premises' have a day-to-day responsibility for health and safety.
- Health and Safety 'Officers' may be delegated health and safety functions for which they are legally responsible.
- Heads of faculty/department/year have a duty to ensure safe working practices in their areas.
- All employees have a duty to work safely and to take care of the pupils in their charge.

The Department for Education and Skills has produced advice on legal duties and powers for local authorities, headteachers, staff and governing bodies, which is available on the Welsh Government website at [www.gov.wales/topics/educationandskills](http://www.gov.wales/topics/educationandskills).

### **Risk assessment**

Risk assessment is a systematic way of identifying health and safety hazards, assessing any risks posed by them and establishing measures to control those risks.

The employer is responsible for health and safety, irrespective of who carries out the risk assessment.

### **Employees' role in risk assessments**

Employees may be asked to assist the employer in carrying out risk assessments, but only to the extent that they are competent to do so. The Management of Health and Safety at Work Regulations 1999 define 'competence' as having 'sufficient training and experience or knowledge and other qualities' required for the task. In delegating tasks, the employer must provide the necessary training.

Teachers should not accept responsibility for undertaking a risk assessment unless they are specifically contracted to do so and competent within the meaning of the regulations.

Teachers should only assist with the risk management process where their professional skills and judgement are necessary.

### **The general duties of employees**

Employees, including people who are self-employed, have certain responsibilities in law, namely:

- to take reasonable care of themselves and others who might be affected by their actions;
- to co-operate with the employer's health and safety arrangements;
- not to tamper with any provisions or equipment provided to aid health and safety;
- to use work equipment safely; and
- to inform the employer/manager of any dangerous work situation or shortcomings in the employer's safety arrangements.

### **Union Health and Safety Representatives' responsibilities**

A Union Health and Safety Representative has the right to carry out health and safety functions if they so wish.

No further duties are placed on the Health and

Safety Representative, but functions they are expected to carry out include:

- raising NASUWT members' concerns with school/college management; and
- carrying out Union health and safety inspections.

Union Health and Safety Representatives' rights include time off to fulfil those functions and to attend training courses.

Members in every school/college should elect an NASUWT Health and Safety Representative.

### **Health and Safety Committees**

These are bodies set up to facilitate consultation and co-operation between management and 'worker' representatives, advise/assist management on health and safety matters and promote a positive health and safety culture in the workplace.

Functions of the Health and Safety Committee may include:

- the development of health and safety policies and procedures; and
- consideration of and advice to management in respect of:
  - accident/sickness statistics;
  - safety audit reports/significant risk assessments/asbestos management plan;
  - Health and Safety Representatives' inspection reports; and
  - health and safety arrangements.

### **Advice and support**

For additional advice and support, contact your NASUWT Local Association or Wales Centre.

Contact details can be found:

- on the NASUWT website at [www.nasuwt.org.uk](http://www.nasuwt.org.uk);
- in the NASUWT diary; or
- by phoning 029 2054 6080.