

School Governance and Management

action the school is taking to address the weaknesses and develop the strengths. Schools are encouraged to update their SEF regularly (an online version is available) and to submit their SEF each time it is updated.

Ofsted reports are presented in draft form to the governors by the end of the week of the inspection visit for a factual check. The school has one working day in which to comment on the draft. The final report is signed off by an HMI and published on the Ofsted website within 15 working days of the end of the inspection. The governing body must send a copy of the report within five working days of receiving it to all registered parents and carers of pupils at the school (a brief letter to pupils is supplied as an appendix to the report). Following the report schools feed their intended actions into their school development/improvement plans.

The content of **collective worship and denominational education in schools** that are designated by the Secretary of State as having a religious character is inspected separately under section 48 of the Education Act 2005. The governing body, in consultation with its associated faith body, is responsible for arranging a section 48 inspection – and will often seek to arrange this at the same time as the school's section 5 inspection.

Early years registered provision is inspected under section 49 of the *Childcare Act 2006*. Where the provision is managed by the school, the section 49 inspection

is carried out concurrently with the section 5 inspection and the quality of the provision reported in a single inspection report. However, where registered provision on a school's site is managed by a private, voluntary and/or independent provider, it is inspected separately under the *Childcare Act 2006*; in these circumstances the inspection is scheduled to take place at the same time as the school's section 5 inspection, whenever possible.

Education Act 2005. Education and Inspections Act 2006.

Ofsted Direct is a termly online newsletter, which provides the latest inspection information together with tips and advice.

Further details on the changes in Ofsted arrangements are available by registering on the Ofsted Direct site, which can be accessed through: www.ofsted.gov.uk.

Ofsted reports can be accessed on: www.ofsted.gov.uk/reports
Quick Guides SO4 Ofsted Inspections: England.

ESTYN

Its purpose is to inspect quality and standards in education and training in Wales. Estyn is responsible for inspecting:

- nursery schools and settings maintained by LAs;
- primary, secondary and special schools, further education, adult community based learning, youth support service, LAs, teacher training elements of job centre plus; and
- careers and related services.

Estyn also:

- provides advice and quality and standards in education and

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training in Wales to the Welsh Assembly Government; and

- makes public good practice based on inspection evidence.

There are proposed changes to the inspection and training in Wales from September 2010. More emphasis will be placed on provider self-evaluation and the inspectors will base their "lines of enquiry" on the information and assessment provided to them in the self-evaluation report. Currently Estyn is working with DCELLS to align the quality indicators in the **Common Inspection Framework (CIF)** in the requirements of the **School Effectiveness Framework (SEF)** and the **Quality and Effectiveness Framework (QEF)**.

Current schedule for implementation

Easter 2010

Publication and launch of new Common Inspection Framework.

Summer 2010

Publication of self-evaluation toolkits (provisional). Training of inspectors.

September 2010

New six-year cycle begins.

Quick Guides SO5 School Inspections: Wales.

A8 LOCAL AUTHORITY POWERS OF INTERVENTION

Local authorities have the duty to intervene if a school they maintain is:

- operating its finances in an unlawful or reckless fashion;
- neglecting the school estate;
- or

- if standards of achievement are low (i.e. lower than:
 - ◊ reasonably expected;
 - ◊ previous performance;
 - ◊ comparable schools); or
- if there is a breakdown in management or governance likely to prejudice the standards attained by students; or
- if the safety of staff or students is threatened.

(Under ASCLA 2009 an LA will also be able to intervene if a school is failing to implement part of the School Teachers Pay and Conditions Document.)

They may issue a warning notice describing:

- action expected from the governors;
- the period within which this action must be taken;
- action to be taken otherwise.

Governors may appeal to the chief inspector against a warning notice.

Following the warning notice a LA may compel a school to:

- contract for advice and support;
- enter into collaborative arrangements with another school;
- enter into federation with another school or schools; or
- appoint additional governors;
- replace the existing governing body with an Interim Executive Board; and
- suspend delegation.

(Under the ASCLA 2009 the Secretary of State takes the power to order an LA to intervene if he considers it should.)

and cannot sort out the problem informally you have a right to invoke the school's grievance procedures, which all schools are now obliged to have. The statutory grievance procedures have been repealed and replaced by a Code of Practice devised by ACAS. Procedures in maintained schools should not unreasonably depart from the minimum standards in the Code of Practice. A failure by either the school or the aggrieved person to follow the procedure may result in a 25% adjustment to any award at employment tribunal. If you believe you have grounds for a grievance consult your union representative.

Schedule 2 of the Employment Act 2002. School Staffing (England) Regulations 2009.
www.acas.org.uk/dgcode2009.

For Welsh Regulations refer to Regulations Section in B5. Quick Guides Grievances (G) Section.

B31 TRADE DISPUTES

School staff can take industrial action (a strike, or industrial action short of a strike) with 'immunity' from a civil action for damages, if it follows from a majority result in a secret ballot held at the school, and relates wholly or mainly to:

- conditions of employment;
- engagement or suspension of employment;
- allocation of duties;
- discipline imposed by the employer;
- membership of a trade union;
- facilities for trade unions; or
- consultation machinery.

A recognised trade union can hold the ballot on school premises on request, so long as it is reasonably practicable to do so.

A period of strike action is not considered as qualifying service for the pension purposes and may affect the date when you can retire.

A ballot is only valid for a relatively short period of time (depending upon discussion between the union and employer) and action taken after the ballot has expired without a subsequent ballot is not protected.

An employer may refuse to accept the imperfect fulfilment of a contract (e.g. by a work to rule) and deduct pay for the day on which it takes place.

In 2003 the House of Lords decided that the refusal of school staff to teach a pupil reinstated after a permanent exclusion amounted to a trade dispute concerning conditions of employment, which could properly lead to a secret ballot. In a more recent case it has been decided that the head may act as if a ballot has taken place if he is genuinely sure that a ballot, if taken, will lead to industrial action. He does not have to wait until there has been a complete breakdown in relationships before acting.

Contact details of my union representatives:

The Advisory, Conciliation and Arbitration Service (ACAS) offers assistance and advice in resolving disputes. Its advice on resolving disputes between individuals and groups can be found on the ACAS website at: www.acas.org.uk.

Quick Guides G3 Grievances: Trade Disputes.

B32 PERSONAL PROPERTY

LA's/schools do not usually insure teachers' personal property, but may make ex gratia payments if personal property is damaged. You should ensure that your domestic insurance covers you for any loss or damage to your property that occurs at school.

If you do sustain loss or damage to your property and wish to make a claim you must give a detailed report to your employer specifying:

- the nature of the loss or damage;
- amount of loss/damage (with any available receipts);
- the circumstances; and
- reasons for believing that a claim is justified.

B33 RESIGNATION DATES

When you obtain a post at another school, or decide to retire, or to leave the profession for some other reason you have to resign formally. You are obliged to give the notice required in your contract of employment. This is 2 months in the autumn and spring terms and 3 months in the summer term. (For headteachers it is 3 and 4 months respectively). If you teach in an independent

school, you will need to ascertain what this is. In maintained schools in England and Wales there are three resignation dates which apply regardless of the actual end of term:

- 31 December (notice to be given by the end of October);
- 30 April (notice to be given by the end of February); and
- 31 August (notice to be given by the end of May).

B34 REDUNDANCY

Redundancy occurs when the need for a particular kind of work ceases or diminishes. In the first instance it is a post which becomes redundant, not a particular person. Any subsequent dismissal of a teacher on the grounds of redundancy must be caused wholly or mainly by the diminution of the work to be done. Once the need to cut down the work has been established, a rigorous process begins in which the union representatives play a major role. If you find yourself threatened by redundancy you should seek early union advice.

Quick Guides Redundancy (R) Section.

B35 CHARTERED LONDON TEACHER STATUS (CLTS)

Teachers serving in inner or outer London areas, who wish to apply for CLTS, must register their intention to do so with the Secretary of State. If the teacher meets the required standards during the relevant period he/she will be awarded CLTS and paid an additional £1000 one-off sum in the year in which he/she receives the award. **The standards may be**

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teachers) may have more than two reviews covering the two-year period – and some may have fewer (cf. above under 'absence').

Though heads will continue to be responsible for threshold assessment, PM reviewers will have an increasingly important role to play in the process in that they will need to work closely with their reviewees in the two years prior to an application to check that the evidence collected (via objectives, classroom observation and other evidence) will prove sufficient for a successful application against the threshold standards. Reviewers should, however, restrict their observations to those aspects of a reviewee's performance that are specifically covered in the review and the progress made against his/her objectives, rather than comment on whether he/she has met the threshold standards or not.

You, however, will still be required to make an application to indicate your wish to be assessed against the post-threshold standards. The application must contain the results of the PM reviews carried out under the 2006 Regulations and a statement that you wish to be assessed against the post-threshold standards.

b) Those not subject to the 2006 PM Regulations

Eligible teachers should provide a summary of the evidence on which they wish to rely with concrete examples from their day-to-day work from the most recent two-year period (as under the previous arrangements). They may draw on evidence from their PM/appraisal

reviews. In all other respects, the process is the same for such teachers as for those subject to the 2006 PM Regulations.

Teachers in Wales

Eligible teachers must apply between 1 September 2009 and 31 August 2010. They must submit a summary of the evidence on which they wish to rely for assessment on the official form (which is available on Teachernet). Any reference to a PM review means any review of performance undertaken in accordance with the *School Teacher Appraisal (Wales) Regulations 2002* and the *School Teacher Appraisal (Amendment) (Wales) Regulations 2009*. When assessing an application, heads must have regard to the results of the most recent appraisal carried out in accordance with these regulations.

In Wales, the end of induction standards are the equivalent of the core standards in England for threshold assessment purposes. In all other respects, the process is the same for teachers in Wales as for their counterparts in England subject to the 2006 PM Regulations.

Teachers not statutorily covered by the STPCD

i) Teachers employed in schools or services similar to the maintained sector

Teachers in settings similar to those in the maintained sector will continue to be eligible to apply for threshold assessment and their status if successful will

be transferable to the maintained sector. These include teachers employed:

- at an MOD school;
- by an Education Action Forum;
- in an academy;
- in a city technology college;
- in a city college for the technology of the arts;
- non-maintained special schools;
- by LAs to work in children's homes maintained by an authority.

The same eligibility rules apply, except for the requirement to be statutorily covered by the STPCD, in cases where such teachers have contracts of employment that tie their pay and conditions to those in the STPCD. Teachers whose pay and conditions differ from those in the STPCD will also continue to be eligible to apply if they:

- have QTS;
- have acquired at least 5 years' post-QTS teaching experience between 1 September 2008 and 31 August 2009;
- were in one of the above categories during that period;
- are in one of the above categories on the date of their application; and
- apply within the school year 2009/10 or by 31 October 2010 if they are teaching in England and they mirror the 2006 PM Regulations for their PM arrangements.

ii) Teachers in independent schools

Teachers who taught in an independent school in 2008/09 and who have moved to the maintained sector as from 1

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September 2009 are eligible to apply for threshold assessment provided that they:

- have QTS;
- are paid on point M6; and
- have completed 6 years' employment as a qualified teacher.

They may use any evidence from their experience in such a setting to support their application as long as it entailed teaching children up to 19 years of age.

If successful they will be paid on point U1 from 1 September 2009 (backdated if necessary) and will not be worse off in pay terms than those serving throughout in the maintained sector or if the previous arrangements had continued.

Model application forms continue to be available on the DCSF website for teachers in Wales who are required to use the form for their application and for those in England who have only had one review under the 2006 regulations.

Quick Guides PAY10 Managing Threshold 2009/10: The Performance Threshold (Round 10).

D4 UPPER PAY SPINE (UPS)

On crossing the threshold, teachers are placed on the first point of the 3-point upper pay spine (U1 to U3). Progress up the spine is usually biennial, but can only be effected if:

- the achievements and contribution of the post-threshold teacher to the school or schools in which he/she has previously worked have been sustained and substantial; and

Cigarettes and alcohol

It is an offence to sell cigarettes and alcohol to children under 18, but it is not illegal for a child under 18 to possess them. Teachers can confiscate cigarettes and alcohol and any other unacceptable items found on pupils, but must not destroy or consume them, as this would amount to criminal damage or theft. It is usual to invite the pupil's parents to collect the items from the school.

Education and Inspections Act 2006. DCSF School Discipline and Pupil Behaviour Policies 2007.

Quick Guides PD8 Confiscating Pupils' Property: Points of Law.

E9 PHOTOGRAPHING PUPILS

Schools should have their own policies on photographing pupils. The policy should cover parents photographing and videoing school events and the school using photographs and video images for their own publicity purposes. Photographs and video images of pupils are personal data under the **Data Protection Act 1988** and parental consent is required. Parents should be told what the photographs will be used for and whether copies will be kept. Pupils' names should not be published along with their photographs. It is reasonable for schools to monitor parental use of photography and video during school activities and to tell parents that any images (photographic or video) must not be used inappropriately.

In 2007 the GTC ruled that a supply teacher who secretly filmed disruptive pupils for TV was guilty of unacceptable professional conduct. Also in 2007, the Press Complaints Commission (PCC) upheld a complaint against a newspaper for publishing photographs taken from a video of an unruly maths class taken by a 16-year-old pupil. She wanted to explain poor results to her parents. The pupils could be identified from the pictures. The paper also published the moving images on its website. This was in breach of the PCC code of practice which says that young people should be free to complete their time at school without unnecessary intrusion. Although the story was a matter of public interest, the paper should have taken steps to obscure the pupils' identities.

The Information Commissioner's Office has issued guidance on taking photographs in school. This can be found at the Information Commissioner's website: www.ico.gov.uk. The basic principle is that where the photographs are for personal use or incidental use (e.g. in a school prospectus) they are unlikely to infringe the **Data Protection Act**. Schools also have to take into account issues of safeguarding. You should seek advice before photographing children or allowing them to be photographed.

E10 PUPILS' FINGERPRINTS

The government's school technology agency, BECTA (British Education & Communication

Technology Agency) has issued guidance about biometric technology in schools. Biometric technology is used to confirm identity and schools can use biometric systems based on fingerprint recognition for:

- cashless catering;
- automated attendance and registration; and
- school library automation.

Schools must comply with the **Data Protection Act 1998**. Biometric data must be handled in the same way as other personal data. Schools wishing to use biometric technology should explain to pupils and parents:

- what biometric technology they intend to use;
- what this will involve;
- what data will be held and stored.

Biometric data can only be used for the express purpose for which it was collected;

- how it will be secured. There should be appropriate security measures. Schools cannot pass biometric information to any outside organisation; and
- how long it will be retained. Pupils' biometric data should be destroyed when they have left the school. **BECTA Guidance on Biometric Technologies in Schools.** www.becta.org.uk.

Quick Guides DA13 Biometric Technology in Schools.

E11 DISABILITY DISCRIMINATION AND PUPILS

It is illegal to discriminate against pupils with disabilities as well as against staff. Schools must also make reasonable adjustments

to enable such pupils to have access to buildings, facilities and the curriculum. Disability includes mental impairments e.g. ADHD and Tourette's syndrome. All primary, secondary and special schools should have a disability equality scheme.

All public bodies, including schools, have a duty to promote equality of opportunity for disabled persons, including pupils. This includes extended school activities. To enable this to happen, all schools must have accessibility plans in place. In disciplining a child with a disability you (and the school) should take the disability into account. If you suspect a child you teach has a disability you should inform the school's SENCO. **More information at:**

www.teachernet.gov.uk/management/sen/schools/accessibility.

Quick Guides has extensive guidance, points of law, model disability equality statements, policies and schemes in its **Equal Opportunities for Staff (EO)** and **Equal Opportunities for Pupils (EOP)** sections.

In 2007 a disabled student won a claim against a university for denying him wheelchair access at his graduation ceremony. The county court ruled that the university had failed to make reasonable adjustments by providing temporary ramps onto the stage for graduation day. The student who was in a wheelchair was given his graduation certificate at the bottom of the steps up to the stage.

F2 POLITICAL EDUCATION

LAs and governing bodies have to forbid 'the pursuit of partisan political activities by any junior pupils'. If the political activities are off-site, this only applies if organised by a member of the school staff. LAs and governors also have to forbid 'the promotion of partisan political views' in the teaching of any subject in any maintained school. You can, however, include political issues in your teaching so long as they are in a balanced presentation of opposing views. The intention is not to stifle political debate, but to prevent indoctrination. You must, therefore, adhere to the policies of your school.

DES Circular 7/87 Education (No2 Act) 1986: Further Guidance (Annex 11) gives advice on how to approach this issue.

In a case in 2008 a judge ruled that the showing of a film on global warming infringed the 'partisan political activities' rule because it made assertions that went beyond mainstream scientific opinion. He said that it would have been sufficient to make this clear to comply with the rule. He also ruled that there was no need to give equal time to patently ridiculous theories (e.g. that the moon was made of green cheese). You should be careful in making sure that material you present is presented in a fair way and that you are aware of different angles on the subject.

F3 SEX EDUCATION

In England governing bodies of maintained primary schools must decide whether sex education should be taught at all in the school. In secondary schools sex education (including education about AIDS and other sexually transmitted diseases) must be provided for all pupils, but parents have a right to withdraw their children from non-national curriculum sex education.

In Wales some form of sex education is recommended for all pupils.

Sex education must be provided in such a way as to encourage young people to take into account moral considerations and the value of family life.

See sections E12 and E13 above for advice on confidentiality in dealing with sex and relationship issues. **Sex and Relationship Education Guidance; Government guidance 0116/2000, July 2000.**

Welsh Assembly Circular 11/02 Sex and Relationships Education in Schools.

Parentline Plus: a confidential helpline for parents worried about their children's sexual behaviour. Tel: 0808 800 2222.

For guidance on HIV and AIDS see the government booklet: **HIV and AIDS: A Guide for the Education Service (available from DCSF Publications).**

Sense Interactive CDs: Sex and Relationships - CD Rom available from www.sensecds.com.

Quick Guides CP2 Sex and Relationships Education: Guidance.

F4 RELIGIOUS EDUCATION AND COLLECTIVE WORSHIP

The curriculum in every maintained school must include religious education for all pupils in the school, in accordance with locally agreed syllabuses, which must reflect the fact that the religious traditions in the UK are in the main Christian, while taking into account the practices of other religions. In religious schools the governors may determine the syllabus in accordance with any trust deed. There are no nationally prescribed programmes of study, attainment targets, nor national assessment.

Religious education that is different from that provided by the school may be arranged on or off the premises, if a parent requests it. In a voluntary school, which is designated as being of a religious character, the exact nature of the religious education school will depend on the religious character of the school. Non-statutory schemes have been produced by the QCA. **More information at: www.reonline.org.uk.**

The teacher's position

You cannot be directed to participate in RE lessons, nor be discriminated against for holding particular religious views. Religious schools can, however, make it a 'genuine occupational requirement' for specific posts in the school to be filled by persons of their particular faith. The courts have taken a restrictive view of this 'genuine occupational requirement' so far.

Designation of Schools Having a Religious Character (England) Order 1999.

Collective worship

All pupils in maintained schools must take part in a daily act of worship. It can be in large or small groups. The worship must be wholly or mainly of a broadly Christian character but not distinctive of a particular Christian denomination. Parents have a right to withdraw their children from acts of collective worship.

Under the **Education and Inspections Act 2006** sixth formers may opt out of the act of worship of their own accord.

You are not obliged to take part either, although you can be required to attend the non-religious part of a school assembly. **Education Act 1996** – outlines right of parents to withdraw their children from RE lessons.

S 6 School Standards and Framework Act 1998 - daily acts of worship. Circular 1/94 Religious Education and Collective Worship.

F5 THE NATIONAL LITERACY AND NUMERACY STRATEGIES

The national literacy and numeracy strategies are a concerted attempt to drive up standards of literacy and numeracy. There is, however, no legal requirement to organise literacy or numeracy education in any particular way. The KS3 strategy aims to do the same for all the subjects across the curriculum. Each school has training and information documents and videos on the national literacy and numeracy strategies. You are required to conform to the policies of

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to play, 'parent empowerment' has become an evermore central feature of the government agenda. Partnership with parents plays a key role in promoting a culture of co-operation between parents, schools, LAs and others. This is important in enabling children and young people with SEN and disabilities to achieve their potential. The families of these pupils may need more support than most, as they may be anxious about their child's progress. It is particularly important to try to involve them in the life of the school.

G6 FIRST-TIER TRIBUNAL SEN AND DISABILITY

The *Tribunals, Courts and Enforcement Act 2007* means that from 3 November 2008 the Special Educational Needs and Disability Tribunal ceased to exist as a stand-alone body and became part of a new two-tier Tribunal structure; the First-tier Tribunal and the Upper Tribunal.

The SEN Tribunal for Wales is a separate entity - *Special Educational Needs Tribunal for Wales (SENTW)* based in Llandrindod Wells. **Helpline:** 01597 829800. Although the 2007 Act did not change its composition or remit, the Act provides an onward appeal route to be aligned to the Upper Tribunal for both countries (i.e. to prevent there being no onward right of appeal or for the appeal route to be via the courts).

The tribunals consider parental appeals against local authority decisions about their child's SEN.

The Tribunals can hear appeals about:

- refusal to conduct a statutory assessment or reassessment;
- refusal to make or amend a statement of SEN after an assessment;
- the contents of statements of SEN;
- refusal to change the name of a maintained school on a statement; and
- decisions to cease to maintain a statement of SEN.

The Tribunals also consider parents' disability discrimination claims against responsible bodies in relation to:

- admissions to non-maintained and independent schools;
- permanent exclusions from non-maintained and independent schools;
- fixed-term (temporary exclusion) from any school; and
- education and services linked to all schools.

Quick Guides SEN 1: Special Educational Needs Points of Law; EO1: Disability and Special Educational Needs: Points of Law

First-Tier Tribunal (SENDIST) is based in Darlington **SEN helpline: 0870 241 2555 Discrimination helpline: 0870 241 2555.**

SEN Tribunal for Wales (SENTW) is based in Llandrindod Wells. **Helpline: 01597 829 800.**

G7 THE INCLUSION DEVELOPMENT PROGRAMME (IDP)

The Inclusion Development Programme (IDP) is a significant 3-year programme of professional development for all school staff:

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- 1st Year - speech, language and communication needs, (SLCN) and dyslexia;
- 2nd Year - autistic spectrum disorders (ASD); and
- 3rd Year - behavioural, emotional and social difficulties (BESD).

The programme can be accessed at: <http://nationalstrategies.standards.dcsf.gov.uk/primary/features/inclusion/sen/idp>.

G8 AREAS OF NEED

Pupils in your classes may have a variety of special needs. The SEN Code of Practice gives four broad areas of need:

1. Communication and interaction;
2. Cognition and learning;
3. Behavioural, emotional and social development; and
4. Sensory and/or physical needs.

These are not hard and fast categories. They overlap and inter-relate and some children may have needs that fall into more than one category. These areas can be sub-divided into the categories that are consistent with those used by Ofsted.

Communication and interaction Children with communication and interaction needs will have -

- speech, language and communication needs (SLCN), or
- autistic spectrum disorder (ASD);
- elective/selective mutism.

All schools will have children with SLCN. Children with SLCN cover the whole ability range. Needs can be diverse, from mild to severe and short or long-term with difficulties in understanding

and/or making others understand information conveyed through spoken language, or difficulties with speech sounds, rhythm, organisation and the use of language in social settings. Some will have delayed language development, while others will have a specific language impairment (SLI) and need input from a speech and language therapist (SaLT).

I CAN is a charity that helps children to communicate: www.ican.org.uk.

Afasic is a charity providing information and training for parents and professionals: www.afasic.org.uk.

Autistic spectrum disorders (ASD)

Most schools have pupils with ASD, as it has a reported prevalence of up to one in 100. Children with ASD cover the full range of ability and the severity of their impairment also varies widely. Some children may also have learning disabilities or other difficulties, sometimes making identification more difficult. All children with ASD (including those diagnosed with Asperger's syndrome) will have varying degrees of difficulty with communication, socialisation and imagination.

The Autistic Spectrum Disorders Good Practice Guidance www.teachernet.gov.uk/asd.

A full description of the symptoms and characteristics can be found on the website of the **National Autistic Society** www.nas.org.uk. **Further information is available from the Autism Education Trust** www.autism.org.uk, and also from the IDP.

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2. consider what needs to be done to minimise the risk;
3. define necessary action to take;
4. identify who should take the action;
5. set a time frame;
6. implement;
7. monitor progress; and
8. review at the end.

The Health and Safety Executive has published helpful advice on Risk Assessment. **HSE: A Guide to Risk Assessment Requirements and Five Steps to Risk Assessment (HSE) INDG163 (rev2) revised 06/06 ISBN 9780717661893 available on the internet at www.hse.gov.uk or from HSE Books Tel: 01787 881165.**

Quick Guides Risk Assessment (RAS) Section has examples of model risk assessments and processes, and two risk assessment databases, one covering internal school activities (**RAS 3A**) and one for off-site visits (**RAS3**). The risk assessment documents **RAS2** and **RAS2A** contain a risk assessment template and a version of the HSE's model risk assessment procedure modified to suit the school situation.

There is a sample risk assessment for an office on the **HSE website** www.hse.gov.uk/risk/casestudies/office.htm.

There is a useful HSE leaflet '**Slips and Trips Mapping Tool**' at: www.hse.gov.uk/slips/mappingtool.pdf

The leaflet is aimed at safety representatives.

In 2006 the HSE published a list of principles of sensible risk management.

Sensible risk management is described as being about balancing benefits and risks; reducing real risks; and enabling innovation and learning, not stifling them. It is not about scaring people by exaggerating trivial risks or generating useless paperwork mountains.

School fined for health and safety breach

A secondary school was fined £8000 for breaches to health and safety regulations in 2002, when a 12-year old pupil was badly burned reaching over a candle during a chemistry experiment. The court held that the school had not conformed to the **Management of Health and Safety at Work Regulations 2002**, as it had not conducted suitable and sufficient risk assessments for dangers to pupils and staff. The Crown Court judge also took into account the fact that the school had not ensured that staff had proper health and safety training and, in particular, training in fire precautions. However, the school was acquitted of failing to assess properly the risks to the actual experiment.

There was a serious accident in an art department with plaster of Paris in January 2007. A girl was injured when attempting to make a cast of her hands. She was mixing plaster of Paris with water by hand and she was severely burned losing eight fingers. Plaster of Paris heats up as it hardens. If it is used in thin layers the heat dissipates, but in bulk the temperature can reach up to 60°C. The school

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had compounded the problem by using used industrial plaster of Paris and mixing it with hot water. The school was fined £19000 and at the time of writing (January 2010) a civil case for damages is pending. As a result of this accident **CLEAPSS**, the Schools' Science Advisory Service, issued a guidance leaflet **Using Plaster of Paris in Schools** which advises how to use plaster of Paris safely.

Implications

All areas of the school should have on file 'suitable and sufficient' risk assessments and these should be reviewed from time to time and when any incident occurs that suggests that particular risk assessments need to be revisited. The risks that have to be assessed are those hazards, which the staff consider, in the light of their professional skill and experience to be risks.

Compensation Act 2006

Risk assessments can make people hesitate to run an activity or take a trip. The **Compensation Act** attempts to overcome this by permitting courts to take into consideration that a worthwhile activity might be prevented from taking place if it could only have taken place with safety procedures that would have discouraged anyone from undertaking it. It also allows apologies and expressions of regret to be made without this being able to be produced as proof of guilt.

Quick Guides Management of Health and Safety Division has sections on **Negligence and Risk Assessment**.

Pregnancy risk assessment

Your school should have on file a generic risk assessment, which can be adjusted to meet the needs of particular pregnant staff, or new mothers. Research carried out by the Equal Opportunities Commission (EOC) as part of the Pregnant and Productive initiative, has revealed that few employers are aware of this requirement. www.equalityhumanrights.com.

Quick Guides RAS7 Risk Assessment for Pregnant Members of Staff.

H7 SAFETY ON WORK EXPERIENCE

LAs and governing bodies are responsible for work experience arrangements and should have policies clarifying their objectives, and clarifying their and their partners' responsibilities. Each placement should be as safe as it is reasonably practicable to make it.

The guidance on Safer Recruitment makes it clear that responsibility for CRB and ISA checks on people in firms supervising work experience lies with schools, not employers. They should be treated as volunteers. The test is that someone has the main or sole responsibility for supervising or training and has this responsibility at least 3 times in 30 days.

In 2006 the DCSF published a guide for employers who host school visits on their sites: www.safesits.org.uk.

The Right Start – Work Experience for Young People:

Educational Visits

Classroom Co-ordinators (LOtC) should consider, as an integral part of risk assessment, whether one-to-one supervision, which may suffice in the classroom or during less complex activities outside the classroom may be insufficient during more complex activities. Two-to-one supervision may be advisable when, for example, a participant has a history of wandering or otherwise leaving the area of supervision. An adult assigned to the supervision or care of one particular participant should not be included in the ratio for the group as a whole.

As part of risk assessment, EVCs/LOtCs should seek advice from any support staff who look after an individual child in the classroom on a one-to-one basis. They will have an informed opinion as to what ratio of supervision the child will need for learning outside the classroom. It is important to inform and remind parents that learning outside the classroom will take place, but you don't always need parental consent. Consent for medical treatment should be part of overall consent where that is advised. You can and should omit someone from the activity if such consent is withheld. First aid suppliers and first-aiders should always be available on learning outside the classroom.

J1 POLICIES AND PROCEDURES

LAs/schools/colleges must set standards of competence for staff leading each type of visit. They must develop appropriate policies and provide clear guidance for staff, including

guidance on supervision and ratios and advising how staff should be deployed. They should also ensure that staff are trained in their health and safety responsibilities and that they are competent to carry out their health and safety duties, especially risk assessment.

The DCSF guidance strongly recommends all schools/colleges appoint an Educational Visits Co-ordinator (EVC), and for each LA to have an Outdoor Education Adviser (OEA) to liaise with the school EVCs, help to train staff and to provide generic risk assessments to schools. EVCs and group leaders must take into account the DCSF guidance and LA policies. The EVC does not have to be one person. The duties could be shared.

The general functions of an EVC are:

- to liaise with the Outdoor Education Adviser to ensure compliance with requirements;
- support head and governors;
- assign competent leaders to groups;
- organise training and induction;
- check CRB disclosures;
- help to gain parental consent;
- organise emergency arrangements;
- keep records of visits, including accident reports; and
- review system and monitor practice.

See DCSF Guidance: Standards for LEAs in Overseeing Educational Visits and A Handbook for Group Leaders. Published by the DCSF, they offer detailed advice on the

practicalities of leading school groups, including supervision, on-going risk assessment, emergency procedures and specific activities. **Contact DCSF publications on Tel: 0845 6022260 or go to:** www.teachernet.gov.uk/wholeschool/healthandsafety/visits.

Guidance has also been issued by the DCSF on the role of support staff on educational visits: Guidance on roles of school support staff beyond the classroom. www.schoolcall.com is a site dedicated to helping parents find out about the visit their children are on.

The government has published an **Education outside the Classroom Manifesto**, which among other things expresses the government's support for schools and LAs so that they can better manage safety on educational visits. **See the full manifesto on** www.teachernet.gov.uk.

In Wales Educational Visits - a safety guide for learning outside the classroom an all Wales Guidance was published in 2008. In Wales this comprehensive document incorporates and supersedes previous guidance Health and Safety of Pupils on Educational Visits (HASPEV). **Quick Guides Educational Visits (EV) Section.**

Name of the School EVC:

Name of the LA's OEA:

Educational Visits

J2 STAFFING RATIOS ON EDUCATIONAL VISITS

There is no regulation about staff/pupil ratios, but the DCSF gives some guidance in **Health and Safety of Pupils on Educational Visits (HASPEV)**.

The rule is that each visit must be accompanied by the number of trained staff, depending on the nature of the visit and the age and aptitude of the pupils. Each school should have a policy on staff ratios and the level of training and experience required. LA outdoor education advisers will be able to advise on this. There is no reason not to use support staff in supervising pupils, so long as they have the necessary competence and training.

Volunteer adults can also be used so long as they are not asked to do anything beyond their competence and the limits of their authority are clearly defined to staff and pupils. **A Handbook for Group Leaders (DCSF)**.

Quick Guides PEG3 Use of Volunteers and Paid Coaches in Physical Education and School Sport.

J3 FINANCE FOR EDUCATIONAL VISITS

Charging for educational visits
Most schools will be aware that since 1996 pupils whose parents receive certain prescribed benefits or allowances are entitled to have free board and lodging on residential educational visits. New regulations have up-dated the scheme in both England and Wales. Maintained schools are not allowed to charge for school visits that take place in