

HEALTH AND SAFETY IN SCHOOLS TASK AND FINISH REVIEW GROUP

TUESDAY, 27th MARCH 2007

Present: Councillor Hughes, Councillor A. J. Scott and Councillor Richmond.

Officers Present: Stuart Mackenzie, Health and Safety Officer.

- Stuart Mackenzie circulated some notes providing some updated information. It was reported that the Health and Safety Team had now visited twenty-six schools in total, up to the end of March 2007. Despite initial concerns regarding the resources required to accomplish the recommendations, schools approved of the approach made by the Health and Safety Team. The 'Health Checks' continued to initially identify areas requiring improvement, and then assisting schools with carrying out the improvements and implementing control measures.
- **Legionella** – Stuart clarified that the **responsibility** for the control of Legionella rests with the Local Authority, however this **duty** is delegated to the individual Governing Bodies at each school. School Managers with budgetary control are charged to ensure that appropriate arrangements are made for the assessment, management and control of Legionella bacteria, and to ensure that assessments are recorded correctly. Where necessary, School Managers must implement management plans to control the health risk from Legionella bacteria. The Local Authority cannot delegate the responsibility for this function for legal reasons.
- Schools must ensure that records of Legionella Risk Assessments are maintained and retained for a minimum period of 5 years. The person who is responsible for managing the scheme should also be recorded.
- A Competent Person should be nominated to take responsibility for managing and controlling any Legionella Risk Assessment that is put in place. A Competent Person should be someone who has sufficient knowledge and experience of the water system to enable them to manage and control the scheme effectively. A Competent Person would normally be the Caretaker / Facilities Manager.
- Stuart reported that there appears to have been little progress in the situation regarding the management of Legionella in schools. There are no records to show any further Legionella inspections have been carried out since the last meeting, however several schools have commented that they have been visited by Community Services. This would suggest that there is a lack of effective record keeping at school level, and a lack of communication between schools, Community Services and the Estates and Property Section.
- A paper has been presented by the 'Health and Safety Unit' to the 'Corporate Management Team' raising concerns that the lack of a competent person within the school structure is an obstacle in the efforts to accomplish an effective Legionella Management System. This concern has been accepted by the 'Corporate Management Team' and consideration is being given to the recommendations of the Health and Safety Unit to deliver competence training to an appointed person and the establishment of a

Cyclical Maintenance Project Management Team, which will ensure remedial action is taken to control the risk of Legionella.

- An initiative has been proposed to hold a percentage of the school budget that would be used to cover the cost of Legionella risk assessments and the subsequent checks. This proposal is yet to be agreed by Children's Services Senior Management Team.
- Estates and Property are continuing to work with Community Services in order to identify the schools that are not purchasing the Service Level Agreement. Letters have been forwarded by Community Services setting a deadline for response, which ends on the 28th March 2007. Three schools are yet to respond.
- All the schools visited to date as part of the review have required improvements or updates to their health and safety policies, which continues to be done by individual Health and Safety Officers in close conjunction with each School Management Team. The updated policies have been welcomed and are being implemented as they are passed by the Governing Bodies.
- Councillor Richmond expressed concern and frustration that the Local Authority were unable to impose actions on schools that failed to co-operate with Health and Safety practice. Stuart explained that he felt schools were fed up paying for a service they were not getting adequate return for, and that there was a need to improve confidence and communication between schools and the Local Authority.
- Councillor Hughes enquired as to whether a record of the Legionella Checks conducted by the Community Services Department is held within Schools and by the Local Authority. Stuart stated that he was unsure whether Schools maintained an up to date record of such checks. Stuart confirmed that there should be a record retained by the Local Authority, however stated that only a representative from Community Services would be able to confirm whether that record was up to date.
- Councillor Richmond suggested that there should be some form of sanction for those schools that do not keep the Local Authority informed when Health and Safety checks are made.
- Stuart reported that the Director of Children's Services had written to schools to advise them of their Health and Safety responsibilities and that dialogue had now started.
- Members of the Task and Finish Group discussed the possibility of having the 'Competent Person' responsible for Health and Safety in all schools being a Local Authority employee, as opposed to a member of staff within the school itself. Stuart suggested that this was not an approach that, to his knowledge, had been considered.
- Councillor Richmond felt that, in some ways, the Group was missing the point, and that policy should not necessarily be formed around culpability, but focused on prevention. Stuart felt that the issue lay with changing a culture and, if the Health and Safety Unit were able to get Risk Assessments completed from the schools then this would lead them down the road to this. Councillor Richmond wanted to know whether there was any way we could bring Health and Safety in Schools function back into the remit of the Local Authority and impose the required actions on schools. Councillor Hughes felt that the best Health and Safety practice was that which worked at ground level.

- Discussion ensued on methods of changing the culture in schools and how it would be possible to instil a Health and Safety ethos in both teachers and children. Stuart explained each school could have a Health and Safety Committee, with at least one pupil on the Committee.
- Stuart also stated that hopefully six of Darlington's schools would be attempting to obtain a RoSPA Award in 2008 for their Health and Safety Performance, and that this would indirectly act as an incentive to those schools that still need to improve their safety culture.
- Councillor Hughes enquired whether it would be possible for an event to be held for School Governors to celebrate good Health and Safety practice, and to act as a Forum to raise any Health and Safety concerns.
- Stuart concluded by stating that it was a minority of schools holding things up, with the majority of schools being on board.

RESOLVED – (a) That a Health and Safety event be organised for school governors to celebrate good practice and provide a Forum to explain responsibilities and raise concerns.

(b) That the Health and Safety in Schools Task and Finish Review Group will meet again at the end of May 2007 to review the progress made with the 'Schools Health Check' and meet with a representative with responsibility for the Service Level Agreements from Community Services, and a representative from the Audit Section, with responsibility for the Corporate Risk Assessment.