



Health and Safety in Sixth Form Colleges NEU guidance for members, reps and local officers

This briefing summarises the basic framework of health and safety law in the context of sixth form colleges; and in particular the pivotal role played by NEU health and safety representatives in upholding safety standards in the workplace.

Responsibility for health and safety in sixth form colleges

The Health and Safety at Work etc Act 1974 places overall responsibility for health and safety with the employer. In a sixth form college this will be the college corporation.

All employers have a duty to ensure, as far as is reasonably practicable:

- the health, safety and welfare of teachers and other staff
- the health and safety of students both on campus and on off-site visits
- the health and safety of volunteers involved in any college activity.

Managing health and safety in sixth form colleges on a day-to-day basis involves the delegation of management responsibilities to specific employees within the college. Having a management responsibility for health and safety matters does not mean that the employer's legal obligations and duties have also been transferred to this member of staff. Ultimate legal responsibility remains with the college corporation, as employer. In Wales, sixth form colleges are part of the Further Education sector but, unlike in England, are not a legally distinct category.

When control of sixth form colleges was ceded from local authorities (LAs) to individual corporations, colleges were no longer able to benefit from LA advice on health and safety matters. Moreover, college employers have had to draw up, and periodically update, their own health and safety policies and risk assessments, no longer being covered by LA provisions in this regard.

In order to discharge its health and safety responsibilities, a corporation must:

- have a health and safety policy and arrangements to implement it, and
- assess the risks of all activities, introduce measures to manage all those risks and tell their employees about the measures (in compliance with the Management of Health and Safety at Work Regulations 1999).

These duties and responsibilities for health and safety within the college are statutory obligations and cannot be waived or ignored.

The health and safety policy document

The fundamental document underpinning employers' health and safety management systems is the employer's health and safety policy statement, and this is a requirement of the 1974 Act.

The statement should begin with the employer's commitment to meeting its health and safety responsibilities, and then should set out details of:



- the organisational and management structure for health and safety, including the responsibilities of particular managers and other employees for health and safety matters
- the consultative structure for health and safety, setting out the ways in which the employer will consult employees and safety reps
- the procedures to be followed and the standards to be reached in order to ensure that the employer's responsibilities for health and safety are met
- the arrangements for monitoring and review
- any supplementary statements to be implemented and followed in particular parts of the employer's organisation.

This policy document should be supplemented by the college's own procedures covering additional matters such as:

Incident/injury reporting	Hygiene control
Asbestos management/dignity at work	Infectious diseases
Bullying/harassment	Lifting/handling
Construction work/contractors on college site	Medicines
Control of Substances Hazardous to Health (COSHH) assessments	Minibuses/transport safety
Electrical safety	New and expectant mothers
Emergency procedures	Risk assessment
Fire safety	Safety on educational visits
First aid	Safety in practical subjects
High/low temperatures	Smoking
Home visits	Stress – prevention of work-related stress
ICT equipment use	

This list is not exhaustive and should be reviewed regularly, with policies being updated as and when necessary. The NEU provides comprehensive guidance on all these matters which can be found in the health and safety section of the NEU website at: neu.org.uk

The NEU has a model health and safety policy and an accompanying checklist which can be used to ascertain the acceptability of an employer policy. Both documents are available in the health and safety section of the NEU website.

The role of the health and safety representative

Trade unions have the legal right to appoint health and safety representatives. This right derives from a central plank of health and safety legislation, the Safety Representatives and Safety Committees Regulations 1977. These regulations, with accompanying codes of practice and guidance notes, are collectively known as the '[Brown Book](#)'.



Functions of safety representatives

NEU safety representatives enjoy a range of powers and rights, which enable them to help their colleagues deal with any health and safety problems at their place of work. Safety representatives can make a real difference to their colleagues' lives.

NEU-appointed safety representatives have the legal right to undertake various functions, as and when they and their colleagues feel it is necessary, to help raise health and safety standards including:

- carrying out inspections of the workplace
- investigating complaints by any employee they represent
- making representations to their employer
- investigating potential hazards and examining the causes of accidents at the workplace.

These rights are enshrined in regulations 4 and 5 of the Brown Book.

Safety representatives are legally entitled to paid time off during working time to undertake their functions. They also have a legal entitlement, although not an obligation, to paid time off to attend training. The NEU's five-day health and safety representatives' training course is held annually at a national level, and many regions also offer this training locally. Details of any upcoming courses will be listed in the training section of the NEU website.

Other rights of safety representatives include:

- the right to represent employees in consultations at the workplace with Health and Safety Executive (HSE) inspectors, and receive information from them
- the right to be informed and consulted by the employer on health and safety matters
- the right to carry out safety inspections on a routine basis or where there has been an accident or dangerous occurrence
- the right to call for the convening of a safety committee to oversee health and safety standards in the workplace.

Last but not least, safety representatives do not carry any additional legal responsibilities beyond those of any other employee.

Minimum standards for college premises

The Workplace (Health, Safety and Welfare) Regulations 1992 apply to workplaces of all kinds, including sixth form colleges. They set out detailed requirements for standards at the workplace in terms of heating, lighting, number of staff toilets, welfare facilities etc.

There are specific regulations that apply to academies, sixth form colleges and independent schools, known as the Education (Independent School Standards) (England) Regulations 2012. Advice to help schools and colleges understand their obligations in relation to these regulations is contained in the Department for Education (DfE) document Standards for School Premises available at: gov.uk/government/publications/standards-for-school-premises



These regulations are enforced by the DfE.

Key points of the Education (Independent School Standards) (England) Regulations 2012

- Suitable toilet and washing facilities must be provided for the sole use of students.
- Separate toilet facilities must be provided for boys and girls (except where the toilet is in a room that can be secured from the inside and that is intended for use by one student at a time).
- Toilet and washing facilities for staff should be separate from those provided for students, except where they are designed for use by those who are disabled.
- Suitable accommodation must be provided to cater for the medical and therapy needs of students. It must include a washing facility and be near a toilet facility. It can be used for other purposes, apart from teaching, provided it is always available for medical use when needed.
- Lighting in each room or other internal space must be suitable, having regard to the nature of the activities that take place; and external lighting must be provided to ensure that people can safely enter and leave the premises.
- Suitable drinking water facilities must be provided and they will only be suitable if they are readily accessible at all times when the premises are in use and are in a separate area from the toilet facilities.