

## NEU Guidance for Members, Reps and Local Officers

***This briefing outlines the specific health and safety regulations relating to the use of work equipment in schools and colleges.***

### ***The Legal Framework***

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Section 2 of the Health and Safety at Work etc Act (HASAWA) 1974 places general duties of care on employers relating to use of work equipment by their employees. Section 2 (a) requires employers to ensure that “plant and systems of work” are safe and without risks to health, while Section 2(c) places a duty upon them to provide the information, instruction, training and supervision necessary to ensure employees’ health and safety at work. In both cases, employers must do what is “reasonably practicable” to comply with these duties.

Section 3 of the 1974 Act places a general duty of care on employers relating to non-employees. Employers must seek to ensure, again “so far as is reasonably practicable”, that non-employees are not exposed to risks to their health or safety.

These general health and safety requirements are also supplemented by several specific sets of legal regulations and the following regulations are particularly relevant in teaching:

- the Provision and Use of Work Equipment Regulations (PUWER) 1998
- the Personal Protective Equipment (PPE) Regulations 1992.

### ***Main requirements of the PUWER and PPE regulations***

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The PUWER Regulations require that equipment provided for use at work is:

- suitable for the intended use;
- safe for use, maintained in a safe condition and in certain circumstances, inspected to ensure this remains the case;
- used only by people who have received adequate information, instruction and training; and
- accompanied by suitable safety measures, e.g., protective devices, markings and warnings.

The PPE regulations require employers to provide personal protective equipment to employees who may be exposed to a risk to their health and safety while at work, except where the risk has been adequately controlled by other means which are equally or more effective.

Personal protective equipment would include protective clothing such as aprons, clothing for adverse weather conditions, gloves, safety footwear and protective equipment such as life jackets and eye or ear protectors.

### ***Work Equipment***

## ***What and who is covered by the PUWER and PPE regulations?***

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Generally, any equipment which is used by an employee at work is covered by the PUWER Regulations. In schools, this would include:

- laboratory equipment and workshop equipment (including 'tool box' tools);
- PE equipment
- ICT equipment;
- photocopiers and other office equipment; and
- lifting equipment (which are also covered by the more specific Lifting Operations and Lifting Equipment Regulations 1998).

Motor vehicles which are not privately owned do fall within the scope of the PUWER Regulations but are subject to the relevant road traffic legislation when the vehicle is used on a public road.

Any process which poses a potential risk to health will be covered by the PPE Regulations.

Employees are the only individuals in schools protected by the PUWER and PPE Regulations. Employers' duties under the PUWER Regulations only apply to work equipment provided for use by employees. Work equipment provided by employers for use only by members of the public, including pupils, is not covered by the PUWER Regulations. Employers' duties under the PPE Regulations also only apply to employees. In such circumstances, however, the general requirements of Section 3 of the 1974 Act provide protection for non-employees.

Employees do not have any specific duties under the PUWER Regulations. They are, however, still subject to the duties placed upon them by other legislation.

## ***How do these regulations affect school staff?***

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The employer's obligations mean that school staff (teachers, support staff, technicians, office staff and any other employees) are entitled to expect that any equipment they use is suitable for its intended use and is properly maintained, that they receive adequate health and safety training and that they are provided with necessary protective equipment.

Teachers and other school staff have no specific responsibilities as employees under the PUWER or PPE Regulations. As noted above, however, they are still subject to the duties placed upon them by other legislation. In particular, Section 7 of the Health and Safety at Work etc Act 1974 requires them to take reasonable care of themselves and of others who may be affected by their actions. Failure to supervise pupils properly can be a potential breach of these requirements - one science teacher was prosecuted and fined in the past year for failure to ensure pupils wore protective equipment.

## ***Training***

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HSE guidance to the PUWER Regulations states that training needs to be tailored so as to make up for any shortfall between employees' competence and that required to carry out the work with due regard to health and safety. "Cascade training" of employees by other employees who have themselves been trained by the manufacturer may not in all cases be satisfactory.

Generally, the necessary instructions for daily use of work equipment will be set out in a manufacturer's handbook or manual. Simple precautions for safe use of equipment may be the subject of a checklist or similar warning intended to be attached to the equipment or located nearby. Any manual should be easily available and any checklist or warning sign should always be displayed as intended.

Proper use of work equipment - not just laboratory and workshop equipment but also classroom and office equipment used by school staff - should always be a key issue in any safety rep's safety inspections.

## ***Work Equipment***

Specific information on safety matters should be easily available from manufacturers or suppliers. NEU guidance on safety in practical lessons can be found on the NEU website, [www.neu.org.uk](http://www.neu.org.uk).

### ***Action points for safety reps***

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Make sure that:

- safe use of work equipment forms a key part of your regular safety inspections; and
- manuals are available and proper training provided for staff who are required to use work equipment.

### ***Contact the NEU***

For further information and support, contact the NEU Adviceline (in England) in the first instance on 0345 811 811. Members in Wales should contact NEU Cymru on 029 2046 5000, and in Northern Ireland contact 028 9078 2020.

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