

KEY FACTS ABOUT THE HEALTH AND SAFETY EXECUTIVE (HSE) AND ITS RELATIONSHIP WITH SCHOOLS/COLLEGES

NEU Guidance for Members, Reps and Local Officers

What is the Health and Safety Executive (HSE) and what does it do?

HSE is the national independent enforcement body for work-related health, safety and welfare, with the aim of reducing work-related death, injury and ill health across Great Britain's workplaces.

What is its role in relation to schools and colleges?

HSE inspectors are entitled to offer schools information and advice, warn them that they are failing to comply with the law, serve prohibition or improvement notices and prosecute.

If there's a health and safety problem in my workplace should I contact the HSE?

No, raise your concern with management and if you are not satisfied with the response contact your NEU health and safety adviser or the Advice Line (in England and Wales) at 0345 811 8111¹.

A system exists for union health and safety representatives to use to report serious concerns to the HSE. The HSE's 'Concerns and Advice Form for Safety Representatives' which can be submitted by post or on-line, is intended to be used only when other formal processes have been exhausted.

Where a health and safety representative believes there to have been a breach in the law which the employer fails to resolve, the health and safety representative should raise the issue with a senior union representative (for the NEU this will be the health and safety adviser) or paid union official. If, despite doing this, the issue still remains unresolved, the health and safety representative has the option of contacting the HSE. The form for doing this can be found at <http://www.hse.gov.uk/involvement/hsrepresentatives.htm>

Serious concerns about work-related stress?

The HSE will **consider** investigating concerns about work-related stress where there is evidence that a number of staff are currently experiencing work-related stress or stress-related ill health.

¹ Members in Northern Ireland should contact the Northern Ireland NEU Office on 028 9078 2020. In NI a different regulator, the [Health and Safety Executive for Northern Ireland](#) (HSENI) is the enforcement body for occupational health and safety in schools and colleges.

It will not consider individual cases of stress, or individual cases of bullying or harassment, but may consider bullying and harassment as part of a wider organisational failing.

The HSE would expect concerns about work-related stress to have been raised already with the employer, and for the employer to have been given sufficient time to respond.

Any HSE intervention will focus on the organisational arrangements in place and will not address individual circumstances.

How to make a complaint

If you believe that there are grounds for making a complaint to the regulator, and have already tried, and failed, to get the employer to act, you should seek to get a dossier of evidence together. That should include

Evidence of the problem – that could be sickness records, survey results, reports from an occupational health or EAP provider, or any else that clearly shows that there is a problem affecting a number of staff. As a union health and safety representative you are entitled to ask for any information that your employer has on this.

Evidence of the efforts that have been made to resolve the problem with the employer – This can include letters, reports or emails, or minutes of meetings. If the employer has introduced change and it has not been successful then you would need to provide proof of that.

Prior to formally raising the issue with the HSE or Local Authority you seek advice from your district/branch secretary or health and safety adviser about whether there are any other steps that can be taken to resolve the issue, but, if you are unable to resolve the issue, you can contact the HSE by completing the [Concerns and Advice form for safety representatives](#). You can only do this if you are a recognised health and safety representative. Alternatively you can use the [online form](#) which is intended for general complaints.

When might the HSE or local authority investigate allegations of workplace stress?

- Where a union representative can provide significant evidence of stressors, that these have caused actual ill-health and the employer has failed to act
- Where there is evidence of stress that has caused actual ill-health and the employer has made some effort to control the stress, but the union representative can show that this has been inadequate.

They are unlikely to act:

- Where there is significant evidence of stress and actual ill-health but the union has not raised the issue with management.
- Where there is significant evidence of stress but no evidence of ill-health to a number of people as a result.
- Where the employer has taken reasonable efforts to prevent stress (such as the stress management standards)
- Where there is only an individual complaint of stress, bullying or harassment.

Does the HSE routinely visit schools and colleges?

No. Since 2011, schools have been classed as 'low risk' (the NEU disagrees with this interpretation) which means that routine visits do not take place.

In what circumstances would an HSE inspector visit a school or college?

If there is a serious incident in a school involving serious injury or a fatality the HSE will become involved. If there are concerns that the law is being broken and approaches to management and through the NEU have had no effect then reporting the matter to the HSE would be the next step.

Is there a cost if the HSE does visit?

If a health and safety law has been broken, then yes. If this has happened, then the school would be liable for recovery of HSE's related costs, including inspection, investigation, administration and enforcement. Every hour spent is charged at £154.

Does a safety rep have the right to speak to an inspector during a visit?

Yes, in fact HSE inspectors are instructed to seek out health and safety representatives.

Does the HSE have specific advice for schools and colleges?

Yes it does. See www.hse.gov.uk/services/education/index.htm. There is guidance on reportable incidents, educational visits, work experience, as well as inspection.