



## **Standards for School Premises – England NEU guidance for reps and local officers**

This briefing identifies the various regulations and other sources of information which safety reps and local officers will need to be familiar with in order to find a standard on health and safety problems. In particular, it sets out the most important provisions of the key sets of regulations on health, safety and welfare facilities in schools.

Acts and regulations applying to school premises and facilities in England

There is a vast range of legislation on health and safety matters which applies in whole, or in part, to schools. This briefing identifies those which will be most relevant and the areas which they cover. It sets out the relevant provisions of the two most important sets of regulations on health, safety and welfare facilities for teachers.

### **The Workplace (Health, Safety and Welfare) Regulations 1992**

These regulations apply to all workplaces of all kinds, including schools, academies and sixth form colleges. They are part of the 'six pack' of regulations introduced in 1992 as a result of EU legislation.

The regulations, and their accompanying Health and Safety Executive (HSE) Approved Codes of Practice (ACoP) and guidance notes, set out some very detailed requirements for standards at the workplace in terms of heating, lighting, standards for access and egress, welfare facilities etc. The provisions of the regulations, ACoP and guidance notes are set out in what is known as the Blue Book.

### **The School Premises (England) Regulations 2012**

These regulations set out standards which specifically apply to maintained schools in England. They replace the Education (School Premises) Regulations 1999.

There are fewer regulations than previously, and they are less prescriptive, allowing schools more flexibility in how they use their premises and, as a result, offering less protection to staff and pupils than was previously the case.

Many regulations state that provision must be 'suitable'; this is not precisely defined, but Department for Education (DfE) guidance states that schools must take into account the age, number and sex of pupils, and any special requirements that they have, when determining whether provision is suitable.

The standards in these regulations are not enforced by the HSE, unlike those of the Workplace Regulations, described above, but schools are nevertheless expected to meet them.

The regulations do not apply to academies, free schools, sixth form colleges and independent schools. However, on 1 January 2013, the Education (Independent School Standards) (England) Regulations 2010 were amended so that Part 5 of these regulations mirrors the School Premises (England) Regulations 2012. Academies, free



schools, sixth form colleges and other independent schools are, therefore, covered by the same provisions which apply to schools maintained by local authorities.

### **Health, safety and welfare standards in schools**

The following sections set out the minimum health, safety and welfare standards for accommodation and facilities in schools set out in the Workplace (Health, Safety and Welfare) Regulations 1992 and the School Premises (England) Regulations 2012. The specific regulation(s) or relevant sections of the HSE Code of Practice (ACoP) and guidance notes are identified.

Many of the standards set out in the regulations are phrased in terms of 'suitable', 'sufficient' or 'adequate' provision. In many cases these will be amplified in the accompanying ACoP or guidance. Where they are not, the NEU considers that the expectations of its members in the school are the relevant standard to pursue.

### **Toilet facilities for staff**

Toilets must be provided for staff that are readily accessible, adequately lit and ventilated, and kept in a clean condition. Separate facilities must be provided for men and women unless each toilet is in its own room with a door capable of being secured from inside. Source: Workplace (Health, Safety and Welfare) Regulations 1992, Regulation 20.

Toilet facilities and washrooms for staff must be separate from those provided for pupils, except in the case of facilities provided for disabled people. Toilet and washing facilities for staff may also be used by visitors. Source: School Premises (England) Regulations 2012, Education (Independent Schools Standards) (England) Regulations 2010. NEU policy is that staff and pupils should never have to share facilities, including facilities for disabled people. DfE guidance confusingly states that toilet and washing facilities for staff should, rather than must, be separate from those for pupils but the legal requirement in schools and academies is for facilities for the 'sole use of pupils'.

### **Washing facilities for staff**

Washing facilities must be provided in the vicinity of every toilet, be supplied with hot and cold running water, must contain soap and towels or other means of drying hands, must be sufficiently ventilated and lit, and must be kept clean. Source: Workplace (Health, Safety and Welfare) Regulations 1992, Regulation 21.

### **Minimum number of toilets and washbasins for staff**

The tables below shows the minimum number of toilets and washbasins which should be provided for staff. As noted above, employers must provide separate toilets for use by men and women unless each toilet is in its own room with a door capable of being secured from inside.

Where men and women are provided with separate toilets, then separate calculations should be made for the men's facilities and women's facilities using this table.



Number of people at work	Number of WCs	Number of washbasins
1-5	1	1
6-25	2	2
26-50	3	3
51-75	4	4
76-100	5	5

Source: Workplace (Health, Safety and Welfare) Regulations 1992, Regulation 20/21: ACoP, paragraphs 201-202.

Where separate toilets are provided for men and women, the facilities provided for men will usually include urinals as well as WCs. The following table should be used to calculate the number of WCs and urinals required for men when both are provided rather than WCs alone.

Number of men at work	Number of WCs	Number of urinals
1-15	1	1
16-30	2	1
31-45	2	2
46-60	3	2
61-75	3	3
76-90	4	3
91-100	4	4

Source: Workplace (Health, Safety and Welfare) Regulations 1992, Regulation 20/21: ACoP, paragraphs 201-202.

Sufficient facilities must be provided to enable everyone at work to use them without undue delay. Consideration should be given to providing more toilets if, as is the case in schools, breaks are taken at set times and employees finish work together. Source: Workplace (Health, Safety and Welfare) Regulations 1992, Regulation 20: ACoP, paragraph 193.

### **Toilet and washing facilities for pupils**

'Suitable' toilet and washing facilities must be provided for the sole use of pupils. All schools must have separate washrooms for male and female pupils aged eight and over, except where the toilet facility is provided in a room that can be secured from the inside and is intended for use by one pupil at a time.

Where separate facilities are provided for pupils who are disabled, the regulation specifies that they may also be used by other pupils, teachers and others employed at



the school, as well as visitors, whether or not they are disabled. As noted above, however, NEU policy is that staff and pupil facilities should always be separate. 'Suitable' changing accommodation, including showers, must be provided for children aged 11 or over at the start of the school year. Consideration may also be given to providing changing rooms, with or without showers, at primary schools for pupils who need to wear sports kit for physical education, but this is not required under the regulation. This means that suitable changing accommodation is only required from year 7.

Source: School Premises (England) Regulations 2012, Regulation 4; Education (Independent School Standards) (England) Regulations 2012, Regulation 23A.

### **Number of fittings – guidance**

Unlike the 1999 regulations, the 2012 regulations do not set the minimum number of fittings to be provided in relation to the ages and numbers of pupils, nor do the regulations governing independent school premises. Guidance for the local authority (LA) maintained sector states that generally the needs of younger pupils are likely to be greater than those for older ones. So, for example, a provision of one toilet and washbasin for every ten pupils under five years would be adequate, while that ratio could be doubled for pupils aged five to 11 to one toilet and washbasin for every 20 pupils. For pupils aged over 11, one toilet per 20 pupils would be sufficient, but there is scope to reduce the number of washbasins where the washing facilities are shared.

This guidance accompanying the 2012 regulations satisfies the Statutory Framework for the Early Years Foundation Stage, which says that an adequate provision is usually one toilet and one washbasin for every ten children over the age of two.

### **General planning – DfE guidance**

For maintained schools, the DfE advises that toilet facilities need to be planned and designed so that:

- hand washing facilities are provided within or in the immediate vicinity of every toilet
- the rooms containing them are adequately ventilated and lit
- they are located in areas around the school that provide easy access for pupils and allow for informal supervision by staff, without compromising pupils' privacy.

### **Facilities for disabled pupils – guidance**

Each toilet for disabled pupils needs to contain one toilet and one washbasin (and possibly a shower or other wash down fitting) and have a door opening directly onto a circulation space that is not a staircase, which can be secured from the inside. Where possible, the number and location of accessible toilets will be sufficient to ensure a reasonable travel distance for users that does not involve changing floor levels.

### **Water supplies**

An adequate supply of wholesome drinking water must be provided for all people at work in a workplace. The water must be readily accessible and a sufficient number of cups must be provided unless the source is a drinking fountain. (This provision does not



cover pupils' access to drinking water.) Source: Workplace (Health, Safety and Welfare) Regulations 1992, Regulation 22.

A school must provide 'suitable' drinking water facilities. They will only be suitable if they are readily accessible and separate from toilet facilities.

Cold water supplies that are suitable for drinking must be clearly marked as such. Washbasins, baths and showers must have an adequate supply of hot and cold water. The temperature of hot water at the point of use must not pose a scalding risk to users. Source: School Premises (England) Regulations 2012 : Regulation 9, Education (Independent School Standards) (England) Regulations 2010, Regulation 23F.

### **Drinking water – guidance**

DfE guidance to regulation 9 of the School Premises (England) Regulations 2012 states that drinking water facilities need to be maintained in good working order and kept clean, and the outlets need to be clearly marked 'drinking water'. Tanked supplies can be difficult to maintain in good condition so DfE guidance is that it is generally preferable if drinking water supplies in schools can be connected directly to the cold water main.

### **Water supplies for other uses – guidance**

To avoid the risk of scalding, DfE guidance to regulation 9 states that 43°C is generally the maximum temperature for hot water in baths and showers, and in all cases where the occupants are severely disabled. It is also good practice to limit hot water supplies to washbasins in nursery and primary schools to 43°C.

Distribution temperatures and legionella controls need to comply with HSE guidance on managing legionella in hot and cold water systems. Separate NEU guidance, Legionnaire's Disease in Schools, is available on the website: [neu.org.uk](http://neu.org.uk)

### **Staff accommodation: facilities for rest and to eat meals**

Employees must be provided with suitable and sufficient rest facilities at readily accessible places. Suitable rest facilities must be provided for pregnant women and nursing mothers at work.

Suitable and sufficient facilities must be provided for persons at work to eat meals where necessary.

Source: Workplace (Health, Safety and Welfare) Regulations 1992, Regulation 25. Eating facilities should include a facility for obtaining a hot drink (eg a kettle), vending machine or a canteen. Eating facilities should be kept clean and hygienic.

Facilities for pregnant women and nursing mothers to rest should be conveniently situated in relation to sanitary facilities and, where necessary, include the facility to lie down.

Source: Workplace (Health, Safety and Welfare) Regulations 1992, Regulation 25: ACoP paragraphs 233 and 237.



The School Premises (England) Regulations 2012 do not include a requirement for a staff room for teachers, or for a head teacher room; nor do the Education (Independent School Standards) (England) Regulations 2010.

### **Accommodation for clothing**

Suitable and sufficient accommodation must be provided both for employees' clothing not worn during working hours (eg coats) and for special clothing worn at work but not taken home (eg protective clothing, overalls, etc). Source: Workplace (Health, Safety and Welfare) Regulations 1992, Regulation 23.

Such accommodation should enable work and personal clothing to hang in a clean, warm, dry, well ventilated place where it can dry out during the course of the working day if necessary. The accommodation should consist of, as a minimum, a separate hook or peg for each worker. Source: Workplace (Health, Safety and Welfare) Regulations 1992, Regulation 23: ACoP, paragraph 218.

### **Medical accommodation**

Suitable accommodation must be provided in order to cater for the medical and therapy needs of pupils, including accommodation for:

- the medical examination and treatment of pupils
- the short-term care of sick and injured pupils, which includes a washing facility, and is near to a toilet facility.

The accommodation provided may be used for other purposes (apart from teaching), provided it is always readily available to be used for the purpose set out above.

Where a school caters for pupils with complex needs, additional medical accommodation must be provided which caters for those needs.

For the purposes of this regulation, a pupil has 'complex needs' if the pupil has profound and multiple learning difficulties in addition to other significant difficulties, such as a physical disability or sensory impairment, which require provision which is additional to, or different from, that generally required by children of the same age in schools other than special schools or by children with special requirements.

Source: School Premises (England) Regulations 2012, Regulation 5; Education (Independent School Standards) (England) Regulations 2010, Regulation 23A.

### **Heating**

During working hours, the temperature in all workplaces inside buildings shall be 'reasonable'. Source: Workplace (Health, Safety and Welfare) Regulations 1992, Regulation 7.

The temperature in workrooms shall normally be at least 16°C unless much of the work involves severe physical effort, in which case the temperature should be at least 13°C. Source: Workplace (Health, Safety and Welfare) Regulations 1992, Regulation 7: ACoP, paragraph 43.



Where the temperature in a workroom would otherwise be unreasonably high, all reasonable steps should be taken to achieve a reasonably comfortable temperature.

Where a reasonably comfortable temperature cannot be achieved, local cooling should be provided. In extremely hot weather, fans and increased ventilation may be used instead of local cooling. Source: Workplace (Health, Safety and Welfare) Regulations 1992, Regulation 7: ACoP, paragraph 46 & 47.

Thermometers should be available at a convenient distance from every part of the workplace but need not be provided in every workroom. Source: Workplace (Health, Safety and Welfare) Regulations 1992, Regulation 7: ACoP, paragraph 57.

The regulation contained in the Education (School Premises) Regulations 1999 which previously established minimum temperatures for different areas of a school (classrooms, sickrooms and gymnasias) is not included in the School Premises (England) Regulations 2012. This does not prevent NEU representatives arguing that 18°C should remain the minimum temperature for areas with normal levels of physical activity, for example, classrooms.

### **Ventilation**

'Effective and suitable' provision must be made to ensure that every enclosed workplace is ventilated by a sufficient quantity of fresh or purified air. Source: Workplace (Health, Safety and Welfare) Regulations 1992, Regulation 6.

The fresh air supply should not normally fall below 5-8 litres per second per occupant. Factors to be considered include the floor area and the nature of the work involved. Source: Workplace (Health, Safety and Welfare) Regulations 1992, Regulation 6: Guidance, paragraph 38.

### **Lighting**

Every workplace must have suitable and sufficient lighting which, so far as is reasonably practicable, should be by natural light. Source: Workplace (Health, Safety and Welfare) Regulations 1992, Regulation 8.

The lighting in each room or other internal space must be suitable, having regard to the nature of the activities normally taking place.

External lighting must be provided in order to ensure that people can safely enter and leave the school premises.

Source: School Premises (England) Regulations 2012, Regulation 8; Education (Independent School Standards) (England) Regulations 2010, Regulation 23E.

For lighting to be suitable, DfE guidance for the maintained sector states that attention needs to be paid to:

- achieving adequate light levels, including the lighting of teachers' and pupils' faces for good visual communication



- giving priority to daylight in all teaching spaces, circulation, staff offices and social areas
- providing adequate views to the outside or into the distance to ensure visual comfort to help avoid eye strain
- providing lighting controls that are easy to use
- providing means to control daylight and sunlight, to avoid glare, excessive internal illuminance and summertime overheating
- providing external lighting to ensure safe pedestrian movement after dark
- floodlighting outdoor sports areas
- providing emergency lighting in areas accessible after dark.

### **Lighting for pupils with special educational needs**

Pupils with special educational needs, including visual impairment and other disabilities, may have additional lighting requirements and specialist advice may be needed. Key points in DfE guidance for the maintained sector include:

- colour and contrast, which can help people locate doors and their handles, stairs and steps, switches and socket outlets etc
- glare should be avoided (including from high gloss finishes that can appear as glare sources when they reflect bright lights)
- use of light sources such as high frequency fluorescent luminaires to avoid subliminal flicker that can induce epileptic fits in susceptible pupils
- large areas of glazing should be clearly marked to avoid accidents
- additional local task lighting may be needed.

### **Acoustics**

The acoustic conditions and sound insulation of each room or other space must be suitable, having regard to the nature of the activities that normally take place. Source: School Premises (England) Regulations 2012, Regulation 7; Education (Independent School Standards) (England) Regulations 2010, Regulation 23D.

DfE guidance to Regulation 7 states that in a school with a good acoustic environment, people will experience:

- good sound quality – enabling people to hear clearly, understand and concentrate on whatever activity they are involved in
- minimal disturbance from unwanted noise (such as from activities in adjacent areas, teaching equipment, ventilation fans or road traffic).

In classrooms, class bases and other areas used for teaching, this will allow teachers to communicate without straining their voices. In some types of spaces, such as music rooms, recording studios, open-plan areas and rooms where pupils with hearing impairment are taught, there are additional requirements that may require higher acoustic standards than those for normal class bases. NEU guidance on classroom acoustics is available in the health and safety section of the website.





### **Cleanliness**

Every workplace including furniture, furnishings and fittings must be kept sufficiently clean. Waste materials must only be allowed to accumulate in suitable receptacles. Source: Workplace (Health, Safety and Welfare) Regulations 1992, Regulation 9. Floors and indoor traffic routes should be cleaned at least once a week. In cases where dirt and refuse accumulates, any dirt and refuse which is not in suitable receptacles should be removed at least daily. Cleaning should also be carried out when necessary in order to clear up spillages or to remove unexpected soiling of surfaces. Workplaces must also be kept free from offensive waste matter or discharges, for example, from drains or sanitary conveniences. The cleaning process must not expose anyone to a health or safety risk.

Source: Workplace (Health, Safety and Welfare) Regulations 1992, Regulation 9: ACoP paras 90-92.

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

Check that:

1. you are familiar with the above standards and refer to them during your safety inspections
2. these standards are actually met in your school.

### **Further guidance**

The Blue Book containing the Workplace (Health, Safety and Welfare) Regulations 1992, Approved Codes of Practice and Guidance Notes are available from the HSE website at: [hse.gov.uk/pubns/books/l24.htm](http://hse.gov.uk/pubns/books/l24.htm)

The School Premises (England) Regulations 2012 is available at: [legislation.gov.uk/uksi/2012/1943/contents/made](http://legislation.gov.uk/uksi/2012/1943/contents/made)

The Education (Independent School Standards) (England) Regulations 2014 is available at: [legislation.gov.uk/uksi/2014/3283/schedule/made](http://legislation.gov.uk/uksi/2014/3283/schedule/made)

DfE Standards for school premises – departmental advice for local authorities, school leaders and governing bodies is available at: [gov.uk/government/publications/standards-for-school-premises](http://gov.uk/government/publications/standards-for-school-premises)



## **Appendix Accommodating school staff with disabilities**

This appendix gives NEU advice on employers' obligations to employees who have or who develop disabilities, and on sources of guidance with regard to redesigning school premises, accessing funds and getting assistance.

### **Employers' responsibilities: The Equality Act 2010**

The Equality Act 2010 makes it unlawful for employers to discriminate against current or prospective disabled employees. The definition of a disability under the terms of the Act is "a physical or mental impairment which has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities".

The Act requires employers to make reasonable adjustments to prevent physical features of their premises, or equipment or any arrangements, from causing substantial disadvantage to a disabled employee or disabled applicant for employment. Where teachers are covered by the terms of the Act, therefore, their employers are legally obliged to make such adjustments to enable them to continue to provide effective and efficient teaching.

Even where teachers are not specifically covered by the terms of the Act, employers should consider reasonable adjustments as a matter of good practice in complying with their general statutory obligations under the Health and Safety at Work etc Act 1974 to take steps to ensure their employees' health, safety and welfare.

The Equality Act also incorporates the Special Educational Needs and Disability Act 2001 to require school employers to increase progressively the accessibility of schools to disabled pupils. Many of the features introduced to make schools more accessible to pupils will also benefit disabled teachers.

### **Government occupational health guidance**

The Education (Health Standards) (England) Regulations 2003 set out staffing activities where employers must consider the individual's fitness. Guidance on these regulations was published by the then Department for Education and Skills (DfES), but has since been discontinued by the Government. However, it is still available online, via the national archives at:

[webarchive.nationalarchives.gov.uk/20130108164403/http://www.education.gov.uk/get-into-teaching/life-as-a-teacher/teachers-with-disabilities](http://webarchive.nationalarchives.gov.uk/20130108164403/http://www.education.gov.uk/get-into-teaching/life-as-a-teacher/teachers-with-disabilities)

The guidance advised that medical advisers should be involved in recommending adjustments which would enable teachers to continue in work, return to work, or work in a different role or in a different location. The NEU recommends that the disabled teacher should also be fully involved in these discussions.

The guidance also advised that reasonable adjustments might, in addition to physical adjustments to premises or equipment, include:

- part-time working



- some additional sick leave
- redeployment to other duties
- the transfer of minor duties to another employee.

NEU guidance on reasonable adjustments, Making Work Fit, is available on the website.

### **Government guidance on assisting access to school premises**

In 2008, the then Department of Children, Schools and Families (now the DfE) produced detailed advice on how to make school buildings accessible to people with special needs and disabilities in Building Bulletin 102: Designing for disabled children and children with special educational needs (SEN). This provided non-statutory design guidance on accommodation for children with SEN and disabilities.

Much of the guidance is focused on making premises accessible to people with mobility problems. Specific areas covered include toilets, refuge areas in the event of the evacuation of a building, steps, ramps, floor surfaces, handrails and doors. Advice is also offered on designing features which are suitable for people with visual and hearing impairments.

However, in 2012 the Government announced its intention to reduce space requirements for new school buildings designed as part of the Priority Schools Building Programme. The DfE has sought to argue that the reductions will result in cheaper, more efficient and sustainable outcomes when compared to those achieved under the Building Schools for the Future initiative.

It has furthermore stated that the new designs will reduce 'wasted space' to the tune of 15 per cent for secondary and five per cent for primary schools – "whilst maintaining the same size teaching space, classrooms, staff rooms, sport and art and design facilities". However, DfE architectural plans reveal that classroom space is likely to be less generous than proposed above. For example, the DfE 'baseline designs' for certain primary classrooms are between 55m<sup>2</sup> and 62m<sup>2</sup>, compared with the 70m<sup>2</sup> or so recommended by Building Bulletin 99.

### **Funding for adjustments**

Financial assistance which might help with adjustments may be available from the Government's Access to Work programme. Access to Work (AtW) is a Government scheme which brings together a range of services available to disabled people and their employers.

The type of help that can be accessed from AtW can include:

- communicators for people who are deaf or have a hearing impairment
- additional fares to work
- equipment or adaptations to existing equipment to suit individual needs
- adaptations to a car, or taxi fares or other transport costs for someone who cannot use public transport to get to work
- alterations to premises or to the working environment so that a disabled employee can work there.