

Decision Maker: Executive

Date: 26th November 2014

Decision Type: Non-Urgent Executive Key

Title: HEALTH AND SAFETY IN BROMLEY SCHOOLS

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Chief Officer: Executive Director of Education, Care & Health Services

Ward: (All Wards);

1. Reason for report

The Council undertook a premises compliance health and safety audit of maintained and voluntary aided education establishments during 2013/14. This report provides a summary of the findings of the report and proposes action to address the issues identified.

2. **RECOMMENDATION(S)**

- 2.1 That the Executive note the outcome of the School Premises Health and Safety Compliance Report as summarised within this report and the actions to address the issues raised within.
- 2.2 That the Executive agree £1.8 million be set aside from the Dedicated Schools Grant and £140,000 from the Education Planned Maintenance Programme to fund the action plan detailed within this report addressing the issues with the School Premises Health and Safety Compliance Report. The £1.8 million allocation from Dedicated Schools Grant will also be subject to consultation with Schools Forum.

3. COMMENTARY

Background

- 3.1 During 2013, as part of the delivery of the Council's capital programme and the implementation of new school catering arrangements, issues were identified at a number of Bromley schools regarding compliance with premises health and safety legislation. The issues identified could have an impact on the safety of staff and pupils and the reputation of Bromley schools and the local authority.
- 3.2 Responsibility for school Health and Safety is split between the local authority and schools. As the Employer the Council has overarching responsibility for local authority maintained and voluntary controlled schools. However, funding is delegated to each maintained school within the authority, so that the school can take control of day to day issues including site management. In delivery of its landlord functions the Council currently undertakes asbestos management and periodic electrical safety testing on behalf of schools and has an education planned maintenance programme that addresses significant condition issues.
- 3.3 In order to gauge whether the issues identified at schools were localised or more widespread a consultant was commissioned to carry a school premises compliance audit. The audit covered 60 educational facilities that has not converted to academy status prior autumn 2013. This audit took place during winter 2013/14 and had 2 key areas of focus:
- The ability of schools to demonstrate compliance with relevant legislation and British Standards
 - A review of the support provided to schools by the authority with regards premises management
- 3.4 Following discussion with the CE Diocese of Rochester and RC Archdiocese of Southwark it was agreed that voluntary aided schools would be included within the audit.
- 3.5 The audit focussed on a number of key areas of premises health and safety including those listed below, but did not cover all areas of health safety as they apply to schools:
- Asbestos
 - Legionella
 - COSHH
 - Working at Height
 - Fire Procedures
 - Emergency Lighting
 - Heating Installations
 - Electrical Installations
 - Lighting Protection
 - Play Equipment

- 3.6 The audit replicated a school premises health and safety compliance audit if undertaken by the Health and Safety Executive. It focussed on schools being able to provide sufficient certification to demonstrate compliance with relevant legislation and standards.
- 3.7 Support provided to schools on health and safety and premises management is currently split between a number of Council departments. Operational Property undertake the landlord functions of asbestos management and electrical testing , all other servicing and testing is then delegated to the schools. Operational Property offer and operate a property management SLA sold service that some schools buy into. The Corporate Safety Team provide health and safety advice for community and voluntary controlled schools..
- 3.8 In addition, the Childrens Act 2004 sets out the responsibilities for management and discharge of children's services. The Act places responsibilities on the Director of Children's Services and Lead Member for Childrens Services to ensure the safety of children. These responsibilities were restated in DfE Guidance published in April 2013.

Report findings and recommendations

3.9 The key findings of the compliance were as follows:

- Many schools failed to demonstrate compliance with current statutory and regulatory requirements
- Confusion existed with regards the split in responsibilities and accountability between the local authority and schools and similarly about the services provided through the Property SLA delivered by Operational Property.
- Quality of record keeping is poor with regards evidence of risk assessments, servicing, testing, inspection maintenance and remedial actions and there is often no single point of contact where all relevant documentation is available for inspection
- The Council is failing to carry out adequate quality assurance to ensure functions delegated to schools with regards premises management are being effectively managed

3.10 The report recommended the following actions to address the current inadequacies in arrangements:

- That a physical on site audit is undertaken to verify certification and records against condition of premises
- To identify and carry out works required in order to ensure compliance with relevant legislation
- Ensure appropriate arrangements are put in place to ensure adequate discharge of responsibilities with regards risk assessments, inspection and testing
- That existing processes, procedures, handbooks and training be reviewed and updated where necessary
- Consider options for better management of health and safety data and compliance
- Review responsibilities and accountability with regards school premises
- Review Property Service Level Agreement to ensure that it adequately describes services offered to schools

Local Authority Response to Recommendations

- 3.11 Following consideration by Chief Officers a task and finish group comprising officers from Education Care & Health Services, Environment and Community Services and Corporate Services was created and tasked with responding to the recommendations raised within the report.
- 3.12 The group has considered the recommendations and have concluded that the recommendations can be dealt with by three key actions
- Undertaking site audits including mechanical and electrical, health and safety and fire risk assessments to ascertain outstanding areas of non-compliance and implement a planned programme of works to address these issues.
 - Creating new guidance for schools regarding their responsibilities with regards health and safety and implement an associated programme of training for governors, head teachers and premises management staff.
 - Ensuring an ongoing periodic audit of schools whilst they remain local authority maintained.
- 3.13 The audit of schools and programme of remedial works will provide a baseline whereby all affected schools are deemed compliant with current health and safety legislation. It is difficult to estimate the cost of any remedial works at schools but an estimate of £25,000 has been allocated for each of the schools surveyed.
- 3.14 Guidance and training will provide governors and staff with the knowledge and understanding to better exercise their devolved responsibilities and ensure that converting schools are aware of their premises and health and safety responsibilities in advance of conversion.
- 3.15 Consultants will be employed to deliver the audits, programme any resulting works and to deliver the training package that will be made available to all Bromley schools.
- 3.16 Copies of the individual school health and safety audits were made available to schools in October 2014.

4. POLICY IMPLICATIONS

- 4.1 The maintenance of safe educational premises contributes to key targets within the Children and Young People Portfolio Plan, particularly the outcome that “Children and young people enjoy learning and achieve their full potential”.

5. FINANCIAL IMPLICATIONS

- 5.1 The table below sets out the estimated cost of the further site audits, remedial work to school premises, training and guidance and ongoing annual audits to ensure compliance with health and safety legislation.

Mechanical & Electrical Premises Audit	£128,440
Full Health & Safety At Work Audit	£72,000
Fire Safety Risk Assessments	£36,000
New Premises Health & Safety Guidance	£10,000

Training for Governors, Head Teachers and Site Staff	£10,000
Annual Audit	£30,000
Remedial works @ estimated average £25k per school	£1,500,000
Contingency (10%)	£150,000
Total cost	£1,936,440

5.2 This will be funded through a combination of £1,800,000 Dedicated Schools Grant and a £140,000 contribution from the Education Planned Maintenance Programme/DfECapital Maintenance Grant.

6. LEGAL IMPLICATIONS

- 6.1 The local authority as Employer has a duty to work with maintained schools to ensure that systems are in place ensuring compliance with health and safety legislation.
- 6.2 The distribution and application of monies received from Central Government is subject to guidance and advice from the Department for Education.

Non-Applicable Sections:	
Background Documents: (Access via Contact Officer)	Health & Safety at Work Act 1974. Regulatory Reform (Fire Safety) Order 2005