

August 2018
Management Circular No. 20

To **Heads of all Establishments**

Application of the Health and Safety at Work Act 1974 in Education Services

This Management Circular provides the introduction to the departmental Master Safety File which incorporates the general guidelines of Education Services' policy in respect of the Health and Safety at Work Act 1974. All codes of practice and guidelines have been devised by special sub-committees of the Education Health and Safety Committee and, where applicable, have been discussed and accepted by the relevant trade unions and professional associations. Amendments may be made from time to time in the light of experience and these will be notified in the usual way. The Education Health and Safety Committee is chaired, by a Head of Service and has representation from all Trades Unions and both Education and corporate Health and Safety experts.

In terms of the Health and Safety at Work Act the undernoted points are brought to your attention.

1. The duties of the employer are clearly defined in the Act and are stated in the departmental safety policy. The principal duties are the provision and maintenance of:
 - a) a safe place of work and safe access to and egress from it;
 - b) a healthy working environment;
 - c) equipment, machinery and systems of work that are safe and without risks to health;
 - d) safe arrangements for the use, handling, storage, transportation and disposal of materials;
 - e) sufficient information, instruction, training and supervision to enable all employees to avoid hazards and to contribute positively to their own safety and health at work; and
 - f) Adequate welfare facilities.
2. The Act applies to all people at work and accordingly covers all employees within Education Services and all persons contracted to carry out work for the authority. Children and young people, authorised visitors and other users of the premises or service are also protected under the Act although they are not classified as people at work.
3. The Act places upon employees the duty to take reasonable care for the health and safety at work of themselves as well as of others, and to co-operate with their employer so far as is necessary to enable any duty or requirement imposed on the employer by any relevant statutory provisions, to be performed or complied with. They must not interfere recklessly with or misuse anything that is required by law to be provided for health and safety.

4. The Executive Director of Education and the Head of Human Resources recognise their overall responsibility for health and safety, however, the Head of Establishment or service is responsible for the day-to-day running of that establishment or service and for the health and safety of those using the premises. Two exceptions to this are:
 - a) where an establishment is used outwith normal hours the responsibility depends on the arrangements in authorities to implement the letting policies of Glasgow City Council.
 - b) where part of an educational establishment is formally leased to an organisation, the responsibility for that part of the building, its users and its activities, rests with an appropriate representative of the organisation.
5. The Head of Establishment is required to keep two safety files. One of these files, which should contain all documents pertaining to health and safety issued to that establishment or service by Education Services, the other one should be held by the Head of Establishment as a master file. As the Head of Establishment is required also to ensure the dissemination to all employees in the establishment of the information contained in the documents insofar as they are relevant to the activities of individual employees, the second file should be made available for this purpose.
6. Under the terms of the Act, recognised trade unions have the right to appoint safety representatives. Reasonable time off work with salary will be given by the employer to enable trade unions to train members appointed as safety representatives. Their main duties include:
 - a) making representations to the employer on matters concerning health and safety;
 - b) conducting inspections of work places at regular intervals; and
 - c) attendance at safety committee meetings which have been set up in every authority with representation from management and trade unions, where appropriate.
7. A Health and Safety committee meets every term, and will advise the Executive Director of Education, as appropriate, in all aspects of health and safety in Education Services.
8. Specialised advice will be provided to senior staff as required, by the departmental Senior Health and Safety Officer and the Corporate Health and Safety Manager.
9. The contents of this Management Circular should be read in conjunction with appropriate Management Circulars, which have relevance to certain aspects of health and safety and to other documents in the Master Safety File.
10. The prevention of accidents should be a main objective. If an accident does occur the cause should be identified and a record kept of the appropriate action taken to try to avoid recurrence. It should be noted that in the event of a claim evidence may be required from these records. The range and complexity of the activities carried out within Education Services mean that health and safety will best be ensured by safety conscious and responsible attitudes and behaviour on the part of all concerned.

Maureen McKenna
Executive Director of Education