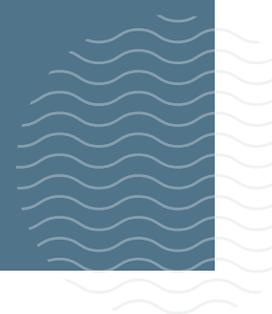




PART B

Index to Frequently Asked Questions (FAQs)



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Index to Frequently Asked Questions (FAQs)

The following is a current list of frequently asked questions that you will find answers to online at the Guidelines area on www.hsa.ie/education. These will be updated and added to over time.

Legislation and Guidance

- Q 1. What is the Safety, Health and Welfare at Work Act 2005?**
- Q 2. What are the Safety, Health and Welfare at Work (General Application) Regulations 2007 to 2016?**
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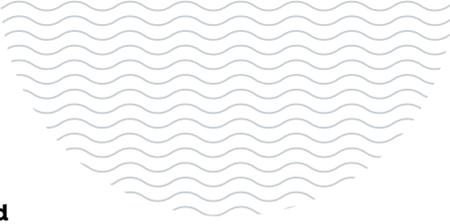
Roles, Duties and Responsibilities

- Q 19. What are the responsibilities of directors and senior managers for workplace safety, health and welfare?
- Q 20. Must a school appoint a safety officer or designate (for example the Principal) to manage safety on the Board of Management/ETB's behalf?
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Q 43. Should the Board of Management/ETB consult staff on the content and implementation of the safety statement?

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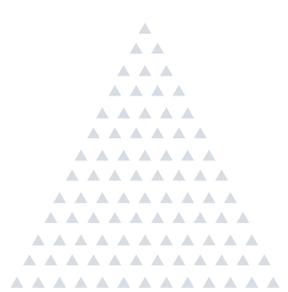
Q 60. What happens if a Health and Safety Authority Inspector finds something wrong in my school?

Q 61. What training/induction should a school provide for new teachers, including substitute teachers, who may be contracted in for a few days?

Q 62. Where can I get further information, advice and resources?

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FREQUENTLY ASKED QUESTIONS (FAQS)

You will find also find these online at www.hsa.ie/education

Legislation and Guidance

Q1. What is the Safety, Health and Welfare at Work Act 2005?

- A.** *The Safety, Health and Welfare at Work Act 2005* details how safety, health and welfare should be managed and it clarifies the responsibilities of employers, the self-employed, employees and various other parties in relation to safety, health and welfare at work. The Act also details the role and functions of the Health and Safety Authority, provides for a range of enforcement measures and specifies penalties that may be applied for breaches of occupational safety, health and welfare rules. As the Act is an enabling Act, new regulations can be added from time to time.

The 2005 Act is available on www.hsa.ie under 'Legislation'

Q2. What are the Safety, Health and Welfare at Work (General Application) Regulations 2007 to 2016?

- A.** These regulations replace, simplify and update many older regulations that apply to all places of work. The term "general application" means the various parts and sections apply to all employments including schools. The regulations set out requirements concerning manual handling of loads, electricity, noise, vibration, first-aid, etc.

The Safety, Health and Welfare at Work (General Application) Regulations apply to the following:

| | | |
|--|--|--------------------------------|
| Workplace | Electricity | Night work and shift work |
| Use of work equipment | Work at height | Safety signs at places of work |
| Personal protective equipment (PPE) Protection of children and young persons | Protection of pregnant, post-natal and breastfeeding employees Manual handling | Manual handling |
| Control of noise at work | First-aid | Display screen equipment |
| Control of vibration at work | Explosive atmosphere at places of work | |

The full set of Regulations are available on www.hsa.ie under 'Legislation'. The Guidelines to the Regulations are available on www.hsa.ie/publications under the category 'General Application Regulations'.



Q3. Are welfare requirements covered under health and safety legislation?

A. General welfare requirements in the workplace are covered under the Safety, Health and Welfare at Work (General Application) Regulations 2007 – Chapter 1 of Part 2: Workplace. The Board of Management/ETB, as the employer, must ensure that the relevant requirements outlined under these Regulations are met, including those relating to:

- maintaining a clean, hygienic place of work
- suitable facilities for sitting (depending on the type of work activity)
- suitable facilities for taking meals
- supply of drinking water
- rest rooms and rest areas
- sanitary and washing facilities
- changing rooms and lockers (depending on the type of work activity)
- pregnant, postnatal and breastfeeding employees
- employees with disabilities

These provisions specifically apply to employers and employees at a place of work. This includes all staff working in an educational establishment. General guidance on Chapter 1 of Part 2: Workplace can be found on www.hsa.ie

Technical Guidelines and Standards applicable to post-primary schools, for example on Sanitary Facilities, are available from the Department of Education and Skills www.education.ie

Q4. What is a competent person?

A. According to the Safety, Health and Welfare at Work Act 2005, a person is deemed to be a competent person where, having regard to the task he or she is required to perform and taking account of the size or hazards (or both of them) of the undertaking or establishment in which he or she undertakes work, the person possesses sufficient training, experience and knowledge appropriate to the nature of the work to be undertaken.

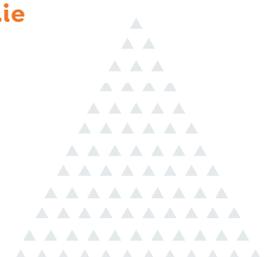
Q5. What are the Fire Services Acts, 1981 and 2003*?

A. The Fire Services Act 1981 makes provision for the establishment of fire authorities and the organisation of fire services and for fire safety, fire fighting, the protection and rescue of persons and property and related matters.

The fire authorities have various powers of inspection and enforcement for fire prevention/safety measures in existing buildings including schools. The 'duty of care' in respect to fire safety in buildings rests with the owner/ occupier under the Fire Services Act 1981.

The Fire Services Act 2003 provides for the licensing of indoor events and amends the Fire Services Act 1981.

*The Fire Services Acts can be accessed on www.irishstatutebook.ie



Q6. Do these Guidelines on Managing Safety, Health and Welfare in Post-Primary Schools have a legal standing?

- A.** This is not a legal document but these Guidelines do provide schools with assistance to meet their legal obligations under the 2005 Act. The aim of these Guidelines is to provide practical assistance to Boards of Management/ETBs in managing safety, health and welfare. The Guidelines also assist Boards of Management/ETBs in their understanding and interpretation of the 2005 Act and international best practice as well as helping employees to meet their legal obligations under the Act.

Q7. Are the Guidelines relevant to all employees within the school?

- A.** Yes. Safety is relevant to everyone. Employers, employees and persons in control of places of work, designers, manufacturers, importers and suppliers of articles and substances all have duties under the Safety, Health and Welfare at Work Act 2005. The Board of Management/ETB has overall responsibility for the safety statement. Employees are required by law to co-operate with the Board of Management/ETB in the safety and health management process. Teachers are in control of their work activity within the classroom, laboratory, workshop, etc. in which they teach and are therefore obliged to play an active part in the management of safety, health and welfare in these areas.

Q8. Is safety, health and welfare planning part of school self-evaluation and planning?

- A.** Planning for the efficient management of safety, health and welfare is an integral part of school self-evaluation and planning. Planning for safety, health and welfare as outlined in these Guidelines conforms to the model of school self-evaluation and planning used in most schools.

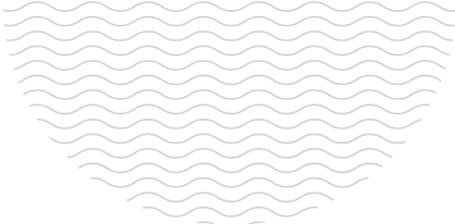
Duties under the Legislation

Q9. What is meant by the term ‘employer’?

- A.** For the purposes of these guidelines, the term ‘employer’ has been replaced with ‘Board of Management/ETB’. Where ‘employer’ is mentioned the reader can interpret this to mean ‘Board of Management/ETB’. The definition of employer is outlined in Section 2(1) of the Safety, Health and Welfare at Work Act 2005 as follows:

“employer”, in relation to an employee—

- (a) means the person with whom the employee has entered into or for whom the employee works under (or, where the employment has ceased, entered into or worked under) a contract of employment,
- (b) includes a person (other than an employee of that person) under whose control and direction an employee works, and
- (c) includes where appropriate, the successor of the employer or an associated employer of the employer;



Q10. What is meant by the term ‘employee’?

- A.** For the purposes of these Guidelines the term ‘employee(s)’ has been replaced with the word ‘staff’ in many instances. Where ‘employee(s)’ is mentioned the reader can interpret this to mean ‘staff’. The definition of employee is outlined in Section 2(1) of the Safety Health and Welfare at Work Act 2005 as follows:

‘employee’ means a person who has entered into or works under (or, where the employment has ceased, entered into or worked under) a contract of employment and includes a fixed-term employee and a temporary employee and references, in relation to an employer, to an employee shall be construed as references to an employee employed by that employer;

Q.11 Who is responsible for managing safety, health and welfare in schools?

- A.** In Ireland, the Board of Management of a school and in the case of an ETB school, the Education and Training Board, being the employer, is responsible for ensuring as far as reasonably practicable, the safety, health and welfare at work of its employees and the safety, health and welfare of those who are in any way affected by the work activities of the school.

The Board of Management/ETB may delegate duties to employees to act on its behalf. Principals, deputy principals and others may assume general and specific roles for managing day-to-day safety, health and welfare in the school as the Board of Management/ETB sees fit. However ultimate responsibility for safety, health and welfare lies with the Board of Management/ETB.

Everybody in the school has a role to play in ensuring good safety, health and welfare within the school; this includes students, visitors and contractors. Established safety, health and welfare legislation and common law duties of care set down specific requirements for employers and employees.

Q12. What are the duties of the Board of Management/ETB as employer under The Safety, Health and Welfare at Work Act 2005?

- A.** The Board of Management/ETB, as employer, has a number of duties under the 2005 Act. These are referred to as the *General Duties of Employer* and are outlined under Section 8 of the Act.

In addition, see FAQ No. 14



Q13. What are the duties of employees/staff while at work?

A. In accordance with the 2005 Act all employees (including full or part-time, permanent or temporary, regardless of any employment or contractual arrangements they may have) are required to co-operate fully with the employer so that appropriate safety, health and welfare policies are established, implemented and adhered to.

An employee's duties while at work include:

- to take reasonable care to protect his or her safety, health and welfare and the safety, health and welfare of any other person who may be affected by his/her acts and omissions at work
- to co-operate with his or her employer or any other person so far as is necessary to enable his or her employer or the other person to comply with the relevant statutory provisions (namely the 2005 Act)
- to attend training and take instruction on the correct use of articles or equipment
- to use personal protective equipment (PPE) or clothing provided for his or her safety
- to report to his or her employer as soon as practicable:
 - any work being carried out which might endanger him/herself or others
 - any defects in the place of work, the system of work, any article or substance which might endanger him/herself or others
 - any contravention of the relevant statutory provisions of which he/she is aware
 - not to engage in any improper conduct or dangerous behaviour.

Q14. What is the Board of Management/ETB's duty of care as an employer?

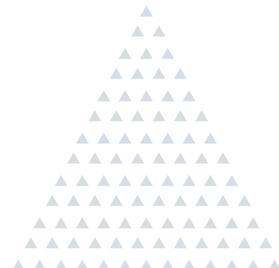
A. A basic common law principle has been developed by the courts over the years that all employers in the state, whether in the public or private sector, have a legal duty to provide a safe working environment for employees. The duty is to ensure in so far as is reasonably practicable the safety at work of all employees. It is not an absolute duty to prevent accidents and if it can be shown that all reasonable care has been taken, then the liability will be avoided. This is known as the employer's duty of care or employer's liability.

The employer's duty of care has, usually, been broken down into four components:

- to ensure a reasonably safe place of work
- to ensure reasonably safe plant and equipment
- to ensure reasonably safe systems of work
- to ensure reasonably safety-conscious (competent*) staff

In addition to requiring employers to take reasonable care for employees, the courts developed a similar principle to protect persons other than employees, whether they are visiting members of the public, contractors, students and/or parents/guardians. This area of law is known as public liability.

*See definition of *competence* under Legislation and Guidance FAQ, No.4: What is a competent person?.





Q15. What is 'negligence'?

- A.** The general definition of negligence is that it is either an omission to do something which a reasonable person would do, or an act which a prudent or reasonable person would not do. Negligence consists of four elements.

These are:

- a duty of care
- the breach of this duty: where the actions/omissions fall below a certain 'standard of care'
- damage: the person suing must have suffered actual loss or injury
- causation: there must be a connection between the breach of the duty (the way the person acted) and the damage suffered by the person suing.

Q16. What is vicarious liability?

- A.** This is where the employer is responsible for the acts or omissions of an employee during the course of their employment, whether that employee is at their place of employment or elsewhere. The essential element is one of control, and that at the time of the act or omission, the employee must have been working within the scope of his/her duties. In effect this means that in civil cases the Board of Management/ETB is the party liable for the actions/omissions of its teachers, caretakers etc. when an injury or illness is caused by their actions or omissions while at work. Generally, where an employee while at work acts outside the scope of his/her employment, for example in a criminal manner, the employer is not vicariously liable.

Q17. What are the duties of the Board of Management/ETB under The Occupiers' Liability Act 1995*?

- A.** The Occupiers' Liability Act 1995 sets out the responsibilities of the occupier of a premises. A lot of civil litigation involving third-party injuries are based on this legislation. An occupier is defined as a person/body who is in control of the premises and in the case of schools, the Board of Management/ETB is responsible for accidents or ill-health arising from the state or condition of the school premises. The Occupiers' Liability Act 1995 imposes duties on occupiers in relation to three categories of entrants: visitors (which includes parents/guardians, students etc.), recreational users and trespassers.

- Visitor – an entrant, other than a recreational user, who is present on the premises at the invitation or with the permission of the occupier. In the case of schools, students present on school premises during normal school hours, teachers or other employees or paid contractors or parents/guardians would fall within the category of visitor.
- Recreational user – an entrant with or without the occupier's permission, present on the premises for the purpose of engaging in recreational activity, who has paid no charge other than in respect of car parking facilities.
- Trespasser – an entrant other than a recreational user or visitor.

Visitor

The duty, in relation to visitors, is to take such care as is reasonable in all the circumstances to ensure a visitor and their property does not suffer injury or damage by reason of any danger existing on the school premises. However a visitor must have regard for his or her own safety and supervise and control any persons under his or her care. Any agreements or notices that are displayed by the occupier must be reasonable in all the circumstances and be brought to the attention of the visitor.

Recreational user and trespasser

The duty owed to both recreational users and trespassers is not to injure the person or damage the property of the person intentionally and not to act with reckless disregard for the person or the property of the person.

*The Occupiers' Liability Act 1995 can be accessed on www.irishstatutebook.ie

Q18. There seems to be a lot of law applying to safety, health and welfare. Must a school be expert in all of it?

- A.** In practical terms there is a convergence of statutory and common law. The thrust of the development is based on the philosophy that the duty of the employer is to take all reasonable care, having regard to all foreseeable risks for the safety and well-being of employees or for other persons under the employer's direction or control. If schools are compliant with the more easily accessible statute law (*Safety, Health and Welfare at Work Act 2005*) then, in the main, this reduces incidents which will ultimately reduce risk and possible litigation.



Roles, Duties and Responsibilities

Q19. What are the responsibilities of directors and senior managers for workplace safety, health and welfare?

- A.** Employers now have greater responsibilities under section 80 of the 2005 Act on "Liability of Directors and Officers of Undertakings" which requires them to be in a position to prove they have proactively managed the safety, health and welfare of their workers.

The liabilities of directors and officers of undertakings under the 2005 Act are dependent on the role that both the Board and senior management team play in the undertaking. Boards of Management/ETBs, principals and in some cases, teachers or other staff may be considered to be directors or officers of undertakings. The regular day to day management, control and direction of the school is usually set by the principal. The principal, supported by deputy principal/s and in some instances by a senior management team, must follow the broad strategic directions on safety, health and welfare management set by the Board of Management/ETB. The principal must also determine how the management of workplace safety, health and welfare should happen at the school and is responsible for ensuring that good practices are followed.

More information can be found in 'Guidance for Directors and Senior Managers on their Responsibilities for Workplace Safety and Health', available on www.hsa.ie/publications.



Q20. Must a school appoint a safety officer or designate (for example the Principal) to manage safety on the Board of Management/ETB's behalf?

- A.** There is no mandatory requirement whereby schools must appoint a safety officer. In most schools, the Principal undertakes this role on its behalf.

However, where the school decides to appoint a safety officer to manage safety on behalf of the Board of Management/ETB, it must be satisfied that this person is competent* to do this.

A safety officer's tasks may be delegated or performed by another member of staff where necessary. However, overall responsibility for managing safety, health and welfare cannot be delegated. This rests with the Board of Management/ETB. For example a teacher with a particular responsibility may carry out some functions of the safety officer but the responsibility remains with the officer and overall responsibility for safety, health and welfare at the school rests with the Board of Management/ETB.

*See definition of competence under Legislation and Guidance FAQ, No 4: What is a competent person?

Q21. Is a safety committee mandatory?

- A.** No. These Guidelines advise that it may be appropriate for the school to establish a safety committee to oversee the planning, operation and management of the school's safety statement. This is not a legal requirement however.

Q22. What is the role of a safety representative in the workplace?

- A.** The role of a safety representative is to represent colleagues (including non-teaching staff) in consultation with the employer on matters relating to safety, health and welfare. The safety representative may consult with and make representations to the principal or the Board of Management/ETB on safety, health and welfare matters relating to employees in the school. This consultation may take the form of involvement with the safety committee.

There are no duties associated with a safety representative but there are several functions. The main function is consultation. A safety representative may consult with, and make representations to the Board of Management/ETB on safety, health and welfare matters relating to all staff in the school. A safety representative, having given reasonable notice to management, has the right to inspect all or part of the school. This should be carried out to an agreed schedule and be based on the nature and extent of the hazards in the school. A safety representative also has the right to inspect immediately where an accident or dangerous occurrence has taken place or where there is an imminent risk.

These guidelines promote the practice of full participation of the safety representative in the school's safety committee.

A *Safety Representatives Resource book* is available on www.hsa.ie/publications.



Q23. Who selects the safety representative?

- A.** All the staff of the school (i.e. teaching and non-teaching, permanent and temporary) are entitled to select and appoint a safety representative to represent them in consultations with the employer on matters of safety, health and welfare in their workplace.

Q24. Can a safety representative be held legally accountable for putting any safety proposals into effect?

- A.** No. A safety representative does not have any duties (as opposed to functions) under the 2005 Act other than those that apply to teachers and staff generally. Therefore, a safety representative who accepts a management proposal for dealing with a safety or health issue can not be held legally accountable for putting the proposal into effect.

Q25. Does a safety representative carry out workplace inspections?

- A.** A safety representative, having given reasonable notice to the Board of Management/ETB/principal, may inspect the whole or part of the school at a frequency or to a schedule agreed with management in advance, and may also inspect immediately, in the event of an accident, dangerous occurrence or imminent danger or risk to the safety, health and welfare of any person. He/she may also investigate accidents or dangerous occurrences provided that he or she does not interfere with or obstruct the performance of any statutory obligation required to be performed by any person under any of the relevant statutory provisions.



Safety Statement and Risk Assessment

Q26. What is a safety statement?

- A.** A safety statement is a live written document of the school's commitment to safeguard the safety, health and welfare of staff (teaching and non-teaching) while they work and the safety and health of other people who might be affected by work activities in the school including visitors, parents/guardians and students. The safety statement includes the school's safety, health and welfare policy and a comprehensive risk assessment. The safety statement outlines how safety is managed in the school and forms part of the overall management system of the school. It includes the school structures, planning activities, practices, procedures, and resources for implementing and maintaining safety, health and welfare.

Planning is the key to ensuring that the safety and health efforts really work. It involves setting objectives, assessing the risks, implementing controls and developing a safety culture.

Q27. Whose responsibility is it to prepare a safety statement?

- A.** It is the responsibility of the Board of Management/ETB to ensure that an accurate safety statement is prepared for the school. The Board of Management/ETB, as the employer, must have a written statement which specifies how it is going to manage and secure the safety, health and welfare of all staff and users of the school. These Guidelines provide schools with the information templates to prepare, draft and implement their safety statement.

Q28. What should be addressed in a school's safety statement?

- A.** The legal basis for the areas that should be covered by the safety statement are specific and are set out under Sections 19 and 20 of the Safety, Health and Welfare at Work Act 2005. They are listed below. They also form the section headings of the Safety Statement Checklist on page 22 of Part A of these Guidelines.

The following areas should be addressed:

1. Safety, health and welfare policy
2. School profile
3. Resources to be applied
4. Roles and Responsibilities
5. Risk Assessment
6. Emergency Procedures
7. Instruction, Training and supervision
8. Communications and Consultation
9. Monitoring, Review and Update

Further information can be found in 'A Guide to Risk Assessments and Safety Statements' available on www.hsa.ie/publications.

Q29. What is a safety, health and welfare policy?

- A.** Every safety statement begins with a declaration, signed at senior management level on the behalf of the Board of Management/ETB. This is often referred to as the health and safety policy. The declaration gives a commitment to ensuring that a workplace is as safe and healthy as reasonably practicable, and that all statutory requirements will be complied with. This declaration provides a framework for managing safety, health and welfare and lists relevant objectives. A copy of the safety, health and welfare policy can be displayed in a public area of the school where it is visible to all. A sample safety, health and welfare policy is on page 8 of Part A of the Guidelines and is available online at www.hsa.ie/education.

Q30. What is meant by the term 'hazard'?

- A.** A hazard is anything that has the potential to cause harm to people, property or the environment. It can be a work material, a piece of equipment or a work method or practice.



Q31. Are there different types of hazards?

- A.** Yes. Hazards may be categorised as:
- physical hazards, e.g. manual handling, slips, trips, and falls, electricity, fire
 - health hazards, e.g. noise, harmful dusts, unsuitable lighting levels, vibration
 - chemical hazards, e.g. glues, solvents, dyes, cleaning agents
 - biological hazards, e.g. viruses, bacteria
 - human-factor hazards, e.g. work related stress, bullying, violence

Q32. What happens if I identify a hazard and do not act on it?

- A.** It is a duty of an employee under the 2005 Act to report to his/her employer any defect in the place of work, the systems of work, any article or substance which might endanger the safety, health or welfare at work of the employee or that of any other person.

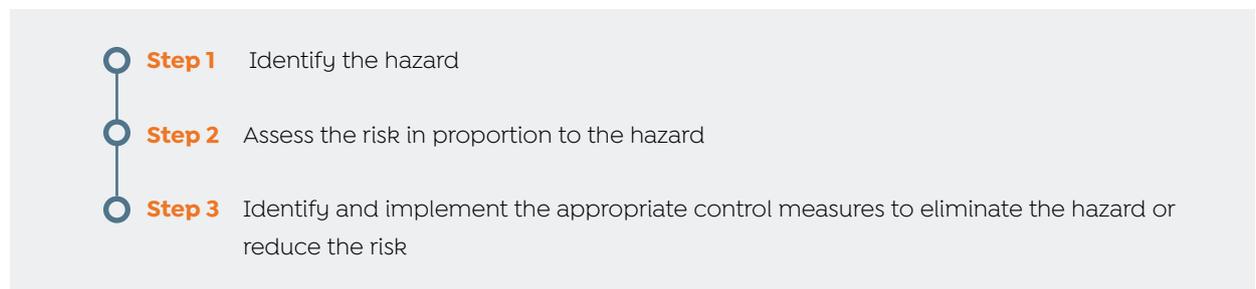
Boards of Management/ETBs must do all that is 'reasonably practicable' to control risk in the workplace. If they are aware of a risk and do nothing, they may be in breach of the 2005 Act.

Q33. What is meant by the term 'risk?'

- A.** Risk means the likelihood, great or small, that someone will be harmed by the hazard, together with the severity of the harm suffered. Risk also depends on the number of people who might be exposed to the hazard.

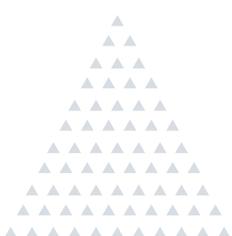
Q34. What is risk assessment?

- A.** Risk assessment is a 3-step process:



Following this, an employer, must prepare a written safety statement and review and update this at regular intervals or when there are any significant changes, such as new plant and equipment, staff changes, or new building layouts and safety procedures.

Further information can be found in 'A Guide to Risk Assessments and Safety Statements' available on www.hsa.ie/publications.





Q35. What is meant by the terms ‘controls/control measures?’

- A.** Controls/control measures are the precautions taken to ensure that the risk is removed completely, or reduced significantly. Identifying and implementing control measures is an essential part of the risk assessment process.

Q36. What are the general principles of prevention and how may these be applied in the school?

- A.** The General Principles of Prevention (outlined in Schedule 3 to the Safety, Health and Welfare at Work Act 2005) provide a methodology for approaching accident prevention. The Board of Management/ETB must take account of these principles when implementing necessary safety, health and welfare measures in the school.

The nine principles include:

1. The avoidance of risks
2. The evaluation of unavoidable risks
3. The combating of risks at source
4. The adaptation of work to the individual
5. The adaptation of the place of work to technical progress
6. The replacement of dangerous articles, substances or systems of work by safe or less dangerous articles, substances or systems of work
7. The giving of priority to collective protective measures over individual protective measures
8. The development of an adequate prevention policy in relation to safety, health and welfare at work, which takes account of technology, organisation of work, working conditions, social factors and the influence of factors related to the working environment
9. The giving of appropriate training and instructions to employees.

Q37. Who needs to be considered in the risk assessments?

- A.** All users of the school facilities must be considered when carrying out your risk assessment. This includes the following:
- teaching staff - permanent and temporary, substitute and trainee staff
 - non-teaching staff - administration, caretaking, cleaning and catering staff
 - contract workers such as cleaners
 - students including visiting students
 - parents/guardians
 - visiting speakers
 - visiting sales people, delivery people and maintenance workers
 - members of the public

Q38. How often should a school write or revise its safety statement?

- A.** A safety statement must always be relevant to the current circumstances of your school. It is recommended that the safety statement be revised at least annually or whenever significant changes take place, such as the introduction of new equipment or systems.
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Q39. As a teacher, can I complete a risk assessment for my classroom?

- A.** Yes – of course. The Principal may ask you to complete a risk assessment for your classroom. This is likely to happen because you are best placed to do this – you are doing the work and are most familiar with your classroom and the activities carried out there. You are more likely to be aware of and dealing with the hazards on a daily basis. The risk assessment templates provided with these Guidelines can be used to help with this process.

Remember it is the Board of Management/ETB who has overall responsibility for ensuring that an up-to-date safety statement (this includes the risk assessments) is in place and active.

Q40. How often should the safety statement be brought to the attention of staff?

- A.** The safety statement should be available to staff at all times. It should be brought to the attention of all staff on an annual basis and they should be notified of important revisions to it. Relevant extracts of the safety statement should also be brought to the attention of others who may be affected by work activities at the school. A system should be in place to ensure easy and regular access to the statement by all parties. Changes to the statement should be readily and widely communicated. New staff should read the statement upon commencement of employment.

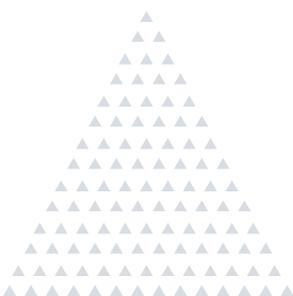
Substitute, temporary staff and contractors should have all relevant sections of the safety statement brought to their attention.

Q41. Should risk assessments (as part of the safety statement) cover off-site school activities and events, e.g. school excursions, day trips, trips abroad?

- A.** Yes. Risk assessments should be carried out for all school activities that occur both in the school and off-campus. These include sports events, field trips and school tours.

Schools should draw up a written risk assessment in relation to 'school trips'. This should be contained in the safety statement. It is considered good practice to have a school tours policy based on the risk assessment which should take account of details of the practices and procedures in the planning and execution of school trips. This can be included in the safety statement.

When conducting the risk assessment, particular care should also be given to the nature and variety of school trips. Furthermore, the safety statement should take into account the competence of teachers and/or other staff in the planning and execution of school trips. It is recommended practice for the teacher in charge of school trips to review the risk assessment and update where necessary. Schools should ensure that an adequate process is in place to competently assess new or emerging risks as they arise during the course of activities.





Q42. Some groups use our premises at night or on weekends. Should risk assessments (as part of the safety statement) include their activities?

- A.** Yes, all activities carried out on school property or on behalf of the school must be carried out safely and any hazards must be identified and dealt with in the safety statement. The Board of Management/ETB should be informed of and approve the use of the school by third parties. A simple formal agreement, should be put in place, clearly setting out the responsibilities of both parties in terms of estate management. As a property owner, the school owes a duty of care to those entering its premises/facilities.

The Board of Management/ETB must have procedures and controls in place to ensure that each activity is conducted in a safe manner and complies with appropriate safety statutory provisions.

Q43. Should the Board of Management/ETB consult staff on the content and implementation of the safety statement?

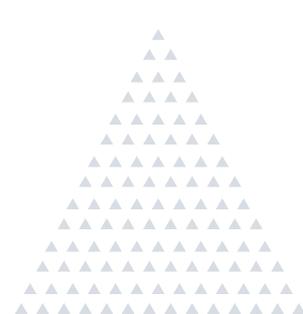
- A.** School management must consult in advance and in good time on anything carried out in the workplace which can have a substantial effect on safety, health and welfare. Consultation must cover:

- the preparation of or the impact on the school's safety statement;
- any risk protections and prevention measures;
- the appointment and duties of staff with safety and health responsibilities;
- the outcome of risk assessments;
- notifiable accidents or dangerous occurrences;
- safety and health planning, organisation and training;
- the introduction of new technologies or equipment.

Note: Where a safety committee is formed in the school, it can be used for such consultation

Q44. Should the Board of Management/ETB consult with parents/guardians and students before drafting the safety statement?

- A.** Safety in schools is a matter for all users of the school and a collective and consultative approach is preferred. A school may decide to consult parent representatives and students on the content and implementation of the safety statement. This may take the form of the safety committee meeting with the representatives of Parents/Guardians Association and/or the student council. However, this is not a mandatory requirement under safety, health and welfare legislation.





Q45. Do I need a safety statement from each contractor coming into the school?

- A.** It is a legal requirement set out in the Safety, Health and Welfare at Work Act 2005 that an employer who contracts another employer to provide services to him/her shall require that employer to have an up-to-date safety statement.

Therefore, in a school, the Board of Management/ETB, as employer who contracts another employer or self-employed person to provide services, must ensure that employer/self-employed person has an up-to-date safety statement.

Note: a construction contractor with 3 or less employees can opt to use the HSA Code of Practice (COP) for Construction Contractors with three or less employees. Using this COP allows them to meet their legal requirements to have a safety statement. Currently there is only a Construction COP in existence. All other contractors must have a safety statement as per normal guidance requirements.

Q46. What is a school's duty if it engages a contractor to carry out construction work?

- A.** Where a school is getting construction work carried out they will have duties as a Client under the Safety, Health and Welfare at Work (Construction) Regulations. These duties include:
- appointing competent designers and contractors
 - appointing competent Project Supervisors for the Design Process (PSDP) and for the Construction Stage (PSCS) where:
 - there is more than one contractor involved in the project
 - the work is scheduled to last more than 30 days (or 500 person days), or
 - there is a particular risk involved
 - notify the Health and Safety Authority if the work is scheduled to last greater than 30 days (or 500 person days) – see Form AFI (available on www.hsa.ie under 'Publications and Forms').

Further information and guidance on the duties of Contractors and Clients is available at www.hsa.ie

Q47. What are the main causes of accidents in schools?

- A.** Evidence suggests that the main causes of accidents in schools are slips, trips and falls, manual handling and contact with machinery and equipment.

Q48. What is the Health and Safety Authority and what does it do?

- A.** The Health and Safety Authority (HSA) is the national body in Ireland with responsibility for securing safety, health and welfare at work. It is an independent body operating under the Safety, Health and Welfare at Work Act 2005 and it reports to the Minister for Business, Enterprise, and Innovation.

The Health and Safety Authority has overall responsibility for the administration and enforcement of occupational safety and health and dangerous chemicals legislation in Irish workplaces. The Authority monitors compliance with the relevant legislation and can take enforcement action (up to and including prosecutions) where appropriate. The primary functions of the Health and Safety Authority are to promote workplace safety, health and welfare, to provide information and expert advice to employers, employees and the self-employed, to propose new regulations, guidelines and policies and to monitor and enforce compliance with occupational safety and health and chemical legislation.

Q49. Who is responsible for reporting accidents to the Health and Safety Authority?

- A.** In a school, the Board of Management/ETB (employer) is responsible for reporting accidents to the Health and Safety Authority.

In the case of staff (employees) this includes:

- the death of a staff member (employee) if this is as the result of an accident at work. The accident may have taken place either at your place of work or at another employer's place of work, or in a location other than the normal place of work.
- the injury of any staff member (employee) as a result of an accident while at work where the injury results in the person being unable to carry out their normal work for more than three consecutive days, excluding the day of the accident. (In calculating the days, weekends and other non-working days should be included.)

The Board of Management/ETB must also report where a staff member dies as a result of an accident at work within one year of that accident, even if it has already been reported.



Q50. What types of accidents must be reported to the Health and Safety Authority?

- A.** Only fatal and non-fatal injuries are reportable. Diseases, occupational illnesses or any impairments of mental condition are not reportable.
- Directly caused mental injuries such as shock or fright as the result of an assault, continue to be reportable. Fatal accidents must be reported immediately to the Health and Safety Authority or Gardaí. Subsequently, the formal report should be submitted to the Authority within five working days of the death.
 - Non-fatal accidents or dangerous occurrences should be reported to the Health and Safety Authority within ten working days of the event.
 - Injuries to any employee as a result of an accident while at work where the injury results in the employee being unable to carry out their normal work duties for more than three consecutive days, excluding the day of the accident, must be reported to the Health and Safety Authority.

Q51. How should accidents be reported?

- A.** Accidents and Dangerous occurrences should be reported using the online reporting system on the Health and Safety Authority's website www.hsa.ie. For hard copies of the Accident Report Form contact the Authority's Workplace Contact Unit, Lo-call 1890 289 389 or email wcu@hsa.ie

Q52. Must a school keep a record of all accidents and dangerous occurrences?

- A.** The school must keep records of all accidents and dangerous occurrences which occur for a period of ten years from the date of the incident. The records can be kept in the same format as the report made – that is, a copy of the report submitted to the Health and Safety Authority will suffice to meet the obligation.

When keeping or processing records, in particular personal data relating to individuals, the requirements under the General Data Protection Regulation (GDPR) are required to be met.

See <https://www.dataprotection.ie> and <http://gdprandyou.ie/>

Q53. Which accidents involving non-workers (e.g. students, visitors, employees of another enterprise) are reportable to the Health and Safety Authority?

- A.** The following accidents involving non-workers are reportable:
- the death of a person who is not an employee of the school, and who is not at work, but who dies from an accident caused by a work activity at the place of work.
 - the injury of a person who is not an employee of the school, and who is not at work but who is injured from a work activity if the injured person has had to be taken from the location of the accident to receive treatment in respect of that injury in a hospital or medical facility.

For the purposes of the Regulations, a medical facility can include a primary care facility, a medical care clinic, or a medical facility at a work site that is staffed by a registered medical practitioner.





For example, the following accidents **are** reportable:

- a visitor to the school slips and falls on a wet floor where the caretaker is mopping up a spillage, and if the extent of the injury requires that they must be brought by ambulance or other vehicle to a hospital or medical facility for treatment by a registered medical practitioner.
- a student at the school is overcome by fumes that escape accidentally during a science laboratory experiment. The person is removed to hospital and treated by a registered medical practitioner.

However, if a pupil trips in the school yard and is injured, this is **not** reportable to the Health and Safety Authority. If a pupil trips during PE class and has to be taken from the location of the accident to receive treatment in respect of that injury in a hospital or medical facility, this is reportable to the Health and Safety Authority. School trips/tours are considered to be a work activity of the school.

Q54. What is the State Claims Agency and what does it do?

- A.** Under the National Treasury Management Agency (Amendment) Act 2000, the management of personal injury and property damage claims against the State and of the underlying risks was delegated to the National Treasury Management Agency (NTMA). When performing these functions, the NTMA is known as the State Claims Agency (SCA).

The Act sets out two objectives for the State Claims Agency:

- to manage claims so as to ensure that the State's liability and associated legal and other expenses are contained at the lowest achievable level; and
- to provide risk advisory services to State authorities with the aim of reducing over time the frequency and severity of claims. In the context of these Guidelines the State Claims Agency's remit extends to community and comprehensive schools. www.stateclaims.ie.

The State Claims Agency provide a risk management service to Community and Comprehensive Schools. If a Community and Comprehensive School is uncertain as to whether State indemnity applies or risk management guidance is required, please contact the Enterprise Risk Management Section by email: stateclaims@ntma.ie

Q55. Which incidents should be reported to the State Claims Agency?

- A.** Under the National Treasury Management Agency (Amendment) Act 2000, community and comprehensive schools are obliged to report all incidents promptly to the State Claims Agency and to facilitate any subsequent investigation.

For further guidance on what incidents should be reported to the State Claims Agency please refer to the Association Community and Comprehensive Schools (ACCS) website at the following link: www.accs.ie.

For assistance on incident reporting to the State Claims Agency, please contact the Enterprise Risk Management Section by email: stateclaims@ntma.ie



Q56. If I am reporting an accident what should I record?

- A.** It is important and good practice to record all accidents that occur in the school or during any school-related activity. The school must ensure that the information gleaned in the accident report is reviewed and control measures are put in place to ensure a similar accident is avoided in the future.

In addition, the school's accident reporting system must recognise the requirement to report certain accidents to the school's insurer, to the Health and Safety Authority and in the case of community and comprehensive schools to the State Claims Agency.

In addition, if there are civil proceedings, it is important to have recorded all the factual information in order to assist with the investigation of the case. The list below can be used as a guide to ensure that the required information is being collected. The information gathered should include:

- date of incident
- time of incident
- person injured or involved and relevant contact details recorded
- witnesses and relevant contact details recorded
- detail of the activity being undertaken at the time of the incident
- exact location of the incident and photographic evidence or plans of area if appropriate
- circumstances of the incident - detailed description and cause of the accident
- injuries sustained
- medical treatment administered, e.g. first-aid
- emergency services involved or called to scene of accident
- details of equipment and service records for same if equipment was involved in the accident
- details of notifier of accident, time, date

Q57. Why do I need to investigate accidents?

- A.** An investigation is an important step to ensure that lessons are learned from an accident and that corrective action/s are taken to make an area safe and in so doing, reduce the potential for the accident reoccurring.

The Board of Management/ETB should appoint a competent person, usually the principal or safety officer where one has been appointed, to conduct an investigation into all incidents and accidents. The level of investigation should be proportionate to the severity of the incident or accident. Information in relation to investigations should be documented and retained on file. The list below can be used as a guide to how to investigate and what to record:

- review paperwork
- visit the location of the incident and document its condition etc.
- isolate the scene/equipment
- photograph area
- interviews and discussions with persons/parties involved
- input from subject matter experts may also be of assistance.

The conclusion of investigations should inform any action that may be required such as updating risk assessments, repairing equipment, training/awareness etc.



Q58. What considerations should the school make for employees with disabilities?

- A.** The Safety, Health and Welfare at Work Act 2005 states that employers must “ensure, as far as is reasonably practicable, the safety, health and welfare at work of all employees”.

Regulation 25 of the General Application Regulations - Employees with disabilities - states that “An employer shall ensure that places of work, where necessary, are organised to take account of persons at work with disabilities, in particular as regards doors, passageways, staircases, showers, washbasins, lavatories and workstations used or occupied directly by those persons”. Access is covered by ‘Part M – Access and Use’ of the Building Regulations published by the Department of Housing, Planning and Local Government. The revised Part M regulations require that: “Adequate provision shall be made for people to access and use a building, its facilities and its environs”.

The publication ‘Employees with Disabilities - An employer’s guide to implementing inclusive safety and health practices for employees with disabilities’, is available from www.hsa.ie under ‘Publications’. Further information on disability issues is available from The National Disability Authority www.nda.ie

This process will lend itself to the needs of students and any other visitors with disabilities to the school. The evaluation of the disability needs for students can be done with the aid of the students care plan in consultation with the parents and GP.

Q59. The safety signs in our school contain text. Is this correct?

- A.** The Safety, Health and Welfare at Work (General Application) Regulations 2007-2016 set out the requirements in relation to safety signs at places of work.

Text should not be used if the meaning is clear by use of a pictogram or symbol alone. If a text explanation is necessary (e.g. where doubt could exist as to the meaning of a symbol) a supplementary signboard containing appropriate text should be provided. This supplementary signboard can be on the same “carrier”. Employees must be provided with information and instruction on measures to be taken and the meaning of signs.



Q60. What happens if a Health and Safety Authority Inspector finds something wrong in my school?

- A.** Depending on the seriousness of the breach of legislation, an Inspector from the Health and Safety Authority may take a number of different actions, at his or her discretion. These include verbal or written actions. An Inspector may:
- give a Report of Inspection letter to the person in charge during the inspection which sets out breaches of the relevant laws and areas where improvements can be made. The employer must take remedial actions based on the contraventions highlighted by the Inspector.
 - serve an Improvement Notice on the employer stating the Inspector's opinion that the employer has contravened a provision of an Act or Regulation, and requiring that the contravention be addressed within a certain time period of not less than 14 days.
 - serve a Prohibition Notice where an Inspector is of the opinion that an activity is likely to involve a risk of serious personal injury to any person. This notice takes effect immediately and has the effect to stop the dangerous work activity until remedial actions are taken to remove the risks
 - apply 'ex-parte' to the High Court to seek an interlocutory Order under Section 71 of the Safety, Health and Welfare at Work Act 2005 to restrict or prohibit work activities at part or all of a workplace.

Q61. What training/induction should a school provide for new teachers, including substitute teachers, who may be contracted in for a few days?

- A.** Substitute and temporary teachers and other temporary staff should be given information regarding safety, health and welfare procedures in the school. This includes evacuation and reporting procedures and specific safety matters relating to the teacher's subject area and place of work, e.g. risk assessments relevant to their work area/classroom.

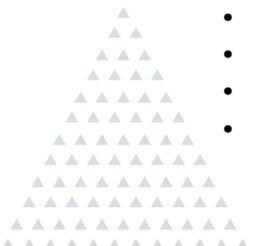
Q62. Where can I get further information, advice and resources?

- A.** The Health and Safety Authority's website www.hsa.ie or www.hsa.ie/education, contains a vast amount of resources, including downloadable publications, information on accidents and accident reporting, and guidance and information on key health and safety topics. The Health and Safety Authority's Workplace Contact Unit (WCU) is a helpdesk resource for employers, employees and the public. Contact the WCU at: Lo-call: 1890 289 389 or email: wcu@hsa.ie

The Health and Safety Authority's Education Unit has developed a range of elearning courses for schools. The following short courses are available, free of charge on <https://hsalearning.ie>.

Boards of Management/ETBs can organise for groups of employees and/or students to take a range of safety and health-related courses. Check out the range of courses here.

- An Introduction to Managing Safety in Schools
- Safety in the Technology Classroom for teachers
- Safety in the Science Laboratory for teachers
- 'Get Safe, Work Safe' for transition year/senior cycle students



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- Slips, Trips and Falls in the Workplace
 - Managing Bullying Complaints in the Workplace (for Managers)
 - Chemical Safety in the Workplace (Introductory and Level 2)
 - A Short Course for Safety Representatives

The Health and Safety Authority's Choose Safety programme is aimed at senior cycle students and students in further education. It is designed to introduce students to the concepts of safety, health and welfare at work and is a preparation for work experience and the world of work. It is available to all post-primary schools free of charge. See www.hsa.ie/education for further information or email educationunit@hsa.ie.

Community and comprehensive schools can also contact the State Claims Agency's Risk Management Unit for safety and health risk management advice and guidance on 01-664 0900.

Relevant information may also be found on the following website: www.stateclaims.ie. The Department of Education and Skills website: www.education.ie is a further source of information.



Q63. Does our school need a transportation policy?

- A.** The school may develop a specific policy relating to road and transport safety. A traffic management plan may be developed to ensure greater safety for students, staff and other users of the school.

A road safety protocol can be put in place for the school addressing the following issues (where applicable):

- exposure of all students to a road safety programme as part of the curriculum
- provision of safe pick-up and set-down points for cars and buses bringing students to and from school
- designated pedestrian routes clearly separated from vehicles
- provision of a secure and safe place for bicycles
- encouraging parents/guardians' initiatives on the promotion of students walking/cycling to school
- encouraging the wearing of safety belts
- promotion of good behaviour on school buses
- encouraging the wearing of reflective gear and helmets when cycling

Q64. Is there a relationship between the taught curriculum and the safety statement?

- A.** You may attach information relating to the school's current subject provision where there is clear relevance to safety, health and welfare matters. This may include references to curriculum content, methodology, usage of equipment, use and storage of resources.



Subjects and curriculum areas may include:

- Social, Personal and Health Education
- Technology
- Materials Technology (Wood)
- Metalwork
- Engineering
- Construction Studies
- Science
- Physical Education
- Art, Craft and Design
- Home Economics
- Field trips and educational visits in e.g. Geography, History, Civic, Social and Political Education
- Transition Year, Leaving Certificate Applied, Leaving Certificate Vocational Programme modules
- Post Leaving Certificate Courses
- Agricultural Science
- Design and Communication Graphics
- Agriculture/Horticulture
- Craft and Design
- Active Leisure Studies
- Hotel Catering and Tourism

