## Introduction

This document defines the roles and responsibilities of duty holders, responsible persons and contractor management arrangements, to assist school governing bodies and Headteachers in understanding the statutory and legal requirements of health and safety statutory compliance within the school environment.

The document is aimed solely at Community and Voluntary Controlled schools where Kent County Council (KCC) is recognised as the employer under the Health and Safety at Work Act 1974 and does not apply to any other school status.

This document is split into **11** sections. These sections hold key information for reference purposes and are supplemented by further detailed policy and guidance information available on KELSI.

**Sections:**

Section 1 – Roles and responsibilities defined and Financial Thresholds

Section 2 - Health and Safety Self Certification

Section 3 – Quick reference guide to statutory compliance

Section 4 – Asbestos Management

Section 5 – Water Hygiene

Section 6 – Fire Safety Management

Section 7 – Electrical Compliance

Section 8 – Gas, Liquid Petroleum Gas (LPG), Oil and Gas Appliances

Section 9 – Lifts

Section 10 – Local Exhaust Ventilation and Extraction Equipment

Section 11 - Trees

**Section 1 – Roles and responsibilities defined**

This section defines the roles and responsibilities of the key stakeholders within the statutory compliance management and supply chain.

**Duty Holder**

KCC is the recognised “Duty Holder” for all Community and Voluntary Controlled schools. KCC is recognised under the Health and Safety at Work Act 1974 to be the employer and therefore all duties apply, including those of subsequent regulations. This duty cannot be relinquished or delegated. However, tasks and responsibilities can be delegated to relevant responsible bodies / people when competent and clearly defined within policy.

**Responsible Persons / Bodies**

The headteacher and governing body are responsible for the day-to-day operation / functioning of the school and are responsible for reasonable maintenance of the premises in this respect. They are defined as responsible persons and have delegated duties from the “Duty Holder” (KCC). These responsibilities are defined within policy and guidance and each school is expected to manage health and safety in accordance with these.

**Contractors & Contract Management**

**Infrastructure** - Infrastructure, via the Facilities Management (FM) team ensures that the TFM providers deliver upon the agreed contractual arrangements and the compliance is maintained.

**TFM Contractors** – These companies conduct planned and reactive maintenance programs across the school estate by utilising their framework of sub-contractors to deliver the requirements at site level.

**Skanska** – Dartford & Gravesham, Tunbridge Wells & Sevenoaks. Telephone 0800 901 2464 email: - [westkenthelpdesk@skanska.co.uk](mailto:westkenthelpdesk@skanska.co.uk)

**Amey** – Tonbridge & Malling, Maidstone and Folkestone and Hythe. Telephone 01622 624 003 email: - [midkentschools@amey.co.uk](mailto:midkentschools@amey.co.uk)

**Skanska** – Dover, Canterbury, Sheppey, Swale & Thanet. Telephone 0800 901 2646 email: - [eastkenthelpdesk@skanska.co.uk](mailto:eastkenthelpdesk@skanska.co.uk)

**Financial Thresholds**

The financial thresholds for maintenance are set as outlined below: -

Tenant responsibilities

* £7500 primary, SEN, PRUs and Kent Health Needs
* £20k for secondary.

Maintenance below this threshold is seen as the school’s responsibility, items above are seen as landlord responsibility of KCC which are in accordance with the criteria set within Section 13 of Scheme for Financing Schools and Capital Revenue Split.

**Section 2 - Health and Safety Self Certification**

KCC as the “Duty Holder” is required to monitor schools’ health and safety performance under The Health and Safety at Work Act 1974 and related legislation.  To comply with the legislation and target support for schools, KCC has developed an electronic “Kent Schools Health and Safety Self Certification Questionnaire”. This will be a 4-year rolling programme for Community and Voluntary Controlled schools as outlined below.

|  |  |
| --- | --- |
| Year 1  50% of schools complete the self-certification questionnaire online.  KCC Health and Safety Team will conduct an analysis of this information and target schools for follow up. | Year 2  Using year 1 data to inform to conduct targeted school visit i.e., auditing and / or telephone advice. |
| Year 3  50% of schools complete the self-certification questionnaire online.  KCC Health and Safety Team will conduct an analysis of this information and target schools for follow up. | Year 4  Using year 3 data to inform to conduct targeted school visit i.e., auditing and / or telephone advice. |

The questionnaire should be completed by the Headteacher and Governors and covers the following subjects:

* Headteacher / business manager health and safety questions – training
* health and safety policy
* asbestos management
* legionella management
* fire safety management
* electrical installations
* oil storage and use
* health and safety inspection
* risk assessments
* other curriculum health and safety
* accident reporting
* data protection

Documentary evidence is not required to be submitted at the time of completing the questionnaire but may be asked for by an auditor if your school is subject to a health and safety audit at a later date.

**Section 3 – Quick reference guide to statutory compliance**

|  |  |  |  |
| --- | --- | --- | --- |
|  | KCC | School | Further information |
| Asbestos Management | Asbestos Survey – every 3 years.  Resultant works from above survey. | Visually inspect asbestos “in situ” based upon survey results.  School managed projects – an asbestos refurbishment survey must be undertaken.  Resultant works required from school managed projects. | KELSI – Asbestos Policy & Procedures.  For further information see section 4 page 6 of this guide. |
| Water Hygiene | Water Hygiene risk assessment every 2 years.  Follow up annually by water hygiene contractor. | Resultant works from the risk assessment subject to agreed financial thresholds.  Temperature monitoring and flushing on site. | KELSI – Management of Hot and Cold-Water Systems.  For further information see section 5 page 7 of this guide. |
| Fire Safety Management | Fire alarm service on annual basis. | Full fire risk assessment every 3 years with annual review and complete any actions arising.  Fire alarm maintenance and resultant works from servicing, in accordance to the capital / revenue maintenance criteria financial threshold. | KELSI – Fire pages.  For further information see section 6 page 8 of this guide. |
| Electrical Safety | 5-year fixed electrical inspection for education establishments.  3 years for leisure complex excluding pool.  Annual fixed inspection for swimming pools.  C1 & C2 remedial works from all inspections. | C3 & H&S remedials from all fixed electrical inspection.  Portable Appliance Testing on an annual basis or in line with PAT testing schedule complying with KCC guidance. | KELSI – Electricity at work guidance.  PAT testing schedule table.  For further information see section 7 page 9 of this guide. |
| Gas, Oil & Liquid Petroleum Gas (LPG) | Annual service of fixed gas and LPG boiler and kitchen appliances.  Oil fired boiler service (6 monthly)  Oil storage tanks inspection annually | Siting of carbon monoxide detector as advised by Gas Safe engineer. To be checked monthly.  Oil – spill training. – Emergency spill procedures.  Maintenance of all gas, oil and LPG equipment and appliances in accordance to the capital / revenue maintenance criteria financial threshold. | For further information see section 8 page 10 of this guide. |
| Lifts | Thorough examination at least every 6 months.  Servicing 6 monthly. | Local escape procedure and training.  Resultant works from examination and service in accordance to the capital / revenue maintenance criteria financial threshold.  Maintenance every 6 months. | KELSI – Lift Policy  For further information see section 9 page 11 of this guide. |
| Local Exhaust Ventilation (LEV) and Extraction Equipment |  | LEV testing and inspection at a minimum of 14 months and resultant works. i.e., Fume Cupboards and DT equipment LEV.  Extraction equipment testing in line with manufacturers recommendation or 12monthly.  Annual deep clean of kitchen extraction and regular cleaning of vents and traps. | For further information see section 10 page 12 of this guide. |
| Trees | Annual tree survey for sites. | Resultant works from the tree survey. | For further information see section 11 page 13 of this guide. |

**Section 4 – Asbestos Management**

The requirements for an asbestos management system are set out in the Control of Asbestos Regulations 2012. Regulation 4 requires Duty Holders to assess and manage the risks from asbestos in non-domestic premises.

KCC as the employer, is the Duty Holder within the Community and Voluntary Controlled school sectors and set out their management responsibilities within the KCC Asbestos Policy and Procedures, which can be located on KELSI.

**The process**

1. KCC through its FM team and subsequent contract management, will carry out an asbestos management survey every 3 years. KCC will also ensure that any works identified within this survey are carried out accordingly and in a timely manner. The report will be delivered to site and a signature is required from responsible person and/or a school representative.
2. The Headteacher / Governing Body will ensure that any asbestos remaining on site is inspected on a regular basis and recorded. The frequency is defined in the risk assessment within the asbestos management survey.
3. If schools wish to conduct works which interferes with the fabric or are intrusive to the building, they must ensure that further asbestos refurbishment survey in undertaken at their cost. Any resultant works from this survey must be carried out prior to works commencing and at the cost of the school.
4. If any asbestos is suspected to have been damaged, discovered or suspected, please refer immediately to the KCC Asbestos Policy and Procedures Appendix 5 – Emergency Procedures.

**Training**

As duty holder KCC requires that all Headteachers and those involved in the management of asbestos attend the free Statutory Compliance training. These sessions are targeted at Headteachers; deputies and site staff to explain what your legal statutory compliance responsibilities are. All Headteachers plus any school leaders / site managers or caretakers with delegated responsibilities are required to attend within 6 months of appointment. Non-compliance with this reasonable management instruction will be addressed via agreed personnel management procedures. Failure to do this may affect employment within KCC.

Governors with health and safety responsibilities are also encouraged to attend relevant training.

**Section 5 – Water Hygiene**

The Control of Substances Hazardous to Health Regulations (COSHH) 2002 requires KCC as the “Duty Holder” to undertake a risk assessment to identify and control known hazards associated with Legionella bacteria. KCC ensures that a monitoring programme is in place which is managed by GEN2 and the TFM contractors.

KCC as the employer, is the Duty holder within the Community and Voluntary Controlled school sectors and set out their management responsibilities within its Policy and Code of Practice for the Management of Hot and Cold-Water Systems that can be located on KELSI.

**The Process**

1. KCC, through its FM team and subsequent contract management, will carry out a Water Hygiene risk assessment every 2 years. The report will be delivered to the school site.
2. The school is responsible for ensuring that any resultant works are completed in the timely manner and funded from the school budget.
3. KCC will ensure that an annual follow up visit is conducted at the school to ensure that the actions have been completed.

**Training**

As duty holder KCC requires that all Headteachers and those involved in the management of Hot and Cold-water systems to attend the free Statutory Compliance training. These sessions are targeted at Headteachers; deputies and site staff to explain their legal statutory compliance responsibilities are. Relevant staff are required to attend within 6 months of appointment. Non-compliance with this reasonable management instruction will be addressed via agreed personnel management procedures. Failure to do this may affect employment within KCC.

Governors with health and safety responsibilities are also encouraged to attend relevant training.

**Section 6 – Fire Safety Management**

KCC as the “Duty Holder” has identified School Headteachers as the responsible person for managing fire safety as they are in control of the premises. The Regulatory Reform (Fire Safety) Order 2005 (RRO) defines the responsible person as: -

1. the employer, if the workplace is to any extent under their control;

or

1. the person who has control of the premises (as occupier or otherwise) in connection with his work activity of a trade, business or other undertaking.

Schools must ensure that a competent person completes a suitable and sufficient fire risk assessment for their site. KCC as “Duty Holder” has set policy requirements for schools to follow and other useful information and guidance available on KELSI and the Fire section of the health and safety pages.

**The Process**

1. The school must arrange for a comprehensive fire risk assessment to be completed every 3 years by a competent person. If significant changes to layout or use occur, then a full fire risk assessment must be undertaken prior to use.
2. The school must take necessary steps if remedial actions are identified within the risk assessment.
3. The school must review the risk assessment on an annual basis in the intervening years.
4. KCC fire guidance and logbook identifies school responsibilities for: -
   * record faults on alarm systems, emergency lights, extinguishers
   * fire extinguisher testing and visual inspection
   * means of escape
   * emergency lighting maintenance and tests
   * fire detection and warning systems maintenance and weekly testing
   * record of fire safety training
   * fire drill records – minimum 3 times per year

**Training**

As duty holder KCC requires all Headteachers and those involved in the management of fire safety to attend the free Statutory Compliance training. These sessions are targeted at Headteachers; deputies and site staff to explain what their legal statutory compliance responsibilities are. Staff are required to attend within 6 months of appointment. Non-compliance with this reasonable management instruction will be addressed via agreed personnel management procedures. Failure to do this may affect employment within KCC.

Governors with health and safety responsibilities are also encouraged to attend relevant training.

**Section 7 – Electrical Compliance**

KCC as the “Duty Holder” is required to meet The Electricity at Work Regulations 1989. The Electricity at Work guidance available on KELSI is designed to assist managers and others who have a duty to ensure that electrical equipment and systems are safe. It deals, amongst other things, with the testing (and frequency of testing) of portable electrical appliances and of fixed installations.

**The Process**

1. KCC arranges for a fixed wired installation inspection, in line with your site’s requirements, outlined in the fixed electrical schedule below and deliver this report to site.
2. KCC is responsible for completing C1 & C2 resultant works from the fixed electrical survey.
3. The school is responsible for C3 & Health and Safety resultant works from the fixed electrical survey.
4. The school is responsible for arranging the testing and inspection of Portable Appliances (PAT testing). A schedule of PAT testing requirements is available on KELSI.

**Training**

PAT testing can be conducted “in-house”. The person carrying out the combined inspection and testing needs to be competent to do and is required to have attended training to obtain a good level of knowledge and experience. The person will need:

* the right equipment to do the tests
* the ability to use this equipment properly
* the ability to properly understand the results.

**Fixed Electrical Schedule**

Educational Establishments – 5 years (maximum interval between testing)

Leisure Complex excluding swimming pool – 3 years (maximum interval between testing)

Swimming Pool – 1 year (maximum interval between testing)

**Section 8 – Gas, Liquid Petroleum Gas (LPG), Oil Appliances**

KCC as the “Duty Holder” is required to meet The Gas Safety Regulations 1998. KCC ensures through contract management arrangements, that sites that contain gas, LPD and oil and gas fire appliances are regularly inspected and maintained by a competent person, as per the regulations. The specific details can be found below.

**The Process**

**Gas, oil and LPG installations**

1. KCC ensures that a competent person services fixed gas and LPG every 12 months.
2. KCC ensures that oil fired boilers are services 6 monthly and oil storage tanks are formally inspected every 12 months.
3. Schools are responsible for remedial works based upon the agreed financial thresholds and maintenance criteria.
4. Schools must regularly visually inspect and record the condition of oil storage tanks and pipework.

**Carbon Monoxide Detectors**

1. Schools are responsible for fitting carbon monoxide detectors as advised by a competent person.
2. The battery should be checked on a monthly basis.

**Training**

Schools are required to ensure that staff who may be involved with the operation of oil storage tanks are adequately trained in the event of an emergency and specifically on oil spill training.

**Section 9 – Lifts**

KCC as the “Duty Holder” is required to meet The Lifting Operations and Lifting Equipment (LOLER) Regulations 1998. KCC ensures through contract management arrangements, that school lifting equipment is regularly maintained by a competent person and also has a thorough examination as per the regulations.

**The Process – Maintenance inspections**

1. KCC will ensure that a competent person will service the passenger lifts and fixed hoists i.e., ceiling track hoists every 6months.
2. The school is responsible for the resultant works that arise from the inspection based upon the agreed financial thresholds.
3. The school is responsible for arranging maintenance for any and all other lifting equipment i.e., mobile hoists.

**Thorough Examination**

1. KCC will ensure that a competent person will conduct a thorough examination of the passenger lifts and fixed hoists i.e., ceiling track hoists every 6 months.
2. The school is responsible for the resultant works that arise from the inspection based upon the agreed financial thresholds.
3. The school is responsible for arranging thorough examinations for any and all other lifting equipment i.e., mobile hoists.

**Other school responsibilities**

1. Schools are responsible for conducting pre use inspections on all lifting equipment
2. Schools are responsible for ensuring that an emergency evacuation procedure for lifts is in place and that staff have been suitably trained.

**Section 10 – Local Exhaust Ventilation (LEV) and Extraction Equipment**

KCC as the “Duty Holder” is required to meet The Control of Substances Hazardous to Health (COSHH) Regulations 2002. Regulation 9 of COSHH relates directly to LEV systems and requires regular examination and testing at least once every 14 months.

Other extraction equipment i.e., kitchen extraction hoods do not require examination and testing under regulation 9. However, they do require regular maintenance from a competent person, in line with the manufacturer’s recommendations.

**Schools responsibilities LEV equipment**

1. The school is responsible for arranging the examination and testing of LEV equipment once every 14 months.
2. The school is responsible for the remedial works of the LEV equipment, subject to the financial threshold and maintenance criteria.

**Schools responsibilities for extraction equipment**

1. The school is responsible for arranging servicing and maintenance of extraction equipment in line with manufactures instructions.
2. The school is responsible for arranging for kitchen extraction hoods grease traps to be cleaned at regular intervals and an annual deep clean to be conducted by competent persons.

**Section 11 – Trees**

KCC as the “Duty Holder” is required to meet The Health and Safety at Work Act 1974 in particular to do all that is reasonably practicable to ensure that people are not exposed to risk to their health and safety.

In addition to these duties there are a number of reasons why we want to manage the tree stock:

* reduce risk of property damage from subsidence
* maintain stocks to preserve their amenity, conservation and environmental value
* prevent personal injury through trips and falls on footways disturbed by tree roots
* prevent vehicle damage and person injury from obscure sightlines on the highway.

KCC works to the following assessment of risk to identify the frequency of tree inspections:

**The Process – Tree Surveys**

1. KCC is responsible for arranging annual tree surveys by a competent person for schools which have trees that are within the “zone one” category.
2. The school is responsible for ensuring that any remedial works identified within the survey are carried out.