



Leytonstone Secondary Practical Block



Edinburgh Primary and Queens Road Adult Education



Fredrick Bremer Secondary



Belmont Park Therapeutic Centre

London Borough of Waltham Forest

Schools Property Management

Guidance – Part 1: Roles and Responsibilities

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Content

Part 1: Roles and Responsibilities

Section 1: Capital Delivery Team Who we are and what we Do.	6-7
Section 2: Division of responsibilities	8-10
Section 3: Legal Requirements	11-14

PART 1: ROLES AND RESPONSIBILITIES

Section 1: Schools Capital Delivery – Who we are and what we do:

We spend approximately 90% of our time inside buildings and yet take it for granted that they are fit for purpose, wind and watertight. However, premises are complex resources and need to be invested in correctly to support the continued delivery of education, just as headteachers invest in people it is essential that building form an integral part of delivery of education services also.

The Schools Capital Delivery Team provides a technical client-side function to relating to schools in terms of property investment. The team works collaboratively with the Education Business Effectiveness Team in providing property and project management related assurance. The Team is responsible for the delivery of the Schools Capital Programme which is currently focussed on expansion of the secondary sector, investment in Alternative Provision and SEND and renewal and refurbishment of the existing school's estate through the capital maintenance programme, and sustainability.

The team engages and works collaboratively with internal Council departments on supporting the Council's growth strategy through:

- Developing and commissioning the capital investment strategy for the schools' estate supported by the Schools Strategic Development Manager – Capital Delivery Team
- Engaging and working collaboratively with property and other colleagues to ensure the quality and value for money of works commissioned.
- Engaging and working collaboratively with internal departments including Planning, Highways and Property to deliver good, robust, quality school environments as outlined in the School Planning Charter.
- Supporting the planning of essential educational infrastructure as new homes are built, ensuring there are sufficient places at nurseries, primary and secondary schools whilst exploring opportunities for possible mixed-use developments.
- Exploring opportunities and constraints to expand existing schools and delivering expansions.
- Exploring opportunities and constraints of potential new school sites.
- Working collaboratively with the schools' community to inform, develop and deliver the schools capital condition programme, ensuring our school estate remains fit for purpose.
- Seek funding opportunities, support the education community to identify and apply for funding or bid opportunities.
- Working closely with Pupil Place Planning colleagues to ensure places are created to meet local need and to minimise any negative impact on existing provision.
- Developing accommodation strategies to support the creation of new pupil places (expansion strategies) for primary, secondary and SEND schools and ensuring sufficient accommodation is in place across the school's estate.

Schools Asset Management

The Schools Asset Manager works collaboratively with the maintained school's community to inform, develop, and deliver the schools capital repairs programme, ensuring our school estate remains fit for purpose. The Schools Asset Manager provides the first point of contact for any building related issues/questions/concerns. Annual Asset Management visits are carried out with the Headteacher or responsible officer to review documentation and undertake a site walk, make recommendations for improvement or repairs where necessary.

The main functions of the Schools Asset Manager are as follows:

Capital Repairs and Maintenance and Asset Management

- Commission, monitor and review the financial and physical delivery of the rolling schools Capital Repairs Programme.
- Work collaboratively with the school community to develop and maintain asset information on schools.
- Use this knowledge to inform the prioritisation of works included in the schools Capital Repair Programme.
- Support schools to utilise Concerto as an asset management tool / database.
- Engage and work as part of the Schools Delivery team, Property and other colleagues to ensure capital works delivered are value for money and of the required quality.
- Liaise with the Corporate Property Asset Management team on school asset management issues, including academy conversions, assets surplus to requirements, asset valuations etc.
- Commission capital works on the education estate where these exceed the council de minimis cost of £10,000.
- Seek funding opportunities, supporting the education community to identify additional funding or bid opportunities and provide support during the application / bids stage and delivery stage.
- Monitoring of schools' management of projects in their role of custodianship of premises, including Health and Safety procedures.
- Work with schools to help them to become better informed and more confident in handling property issues.

Health & Safety

- To work in collaboration with the Corporate Health and Safety team to ensure schools are compliant with Statutory Health and Safety requirements and good practice with specific regard to Fire, Water Hygiene, LOLER and Asbestos Management.
- The Health and Safety Team can provide training on a variety of compliance issues on request.
- Working collaboratively with schools to ensure that the respective parties understand their roles and responsibilities.
- Advise schools of any relevant statutory changes and disseminate information to schools as required.
- Supporting the Property and Health and Safety Teams on setting standards and providing guidance on school's maintenance, technical issues, health and safety and other property-related matters.

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Section 2: Division of Responsibilities

The identity of the employer as the Duty Holder varies with the type of school. The table below, sourced from the HSE website, is an indication of where these responsibilities lay:

ACCOUNTABILITY FOR HEALTH AND SAFETY IN SCHOOLS		
School type		Employer
Group 1	Community schools	The local authority through the role of the Chief Executive. Devolved down to Governing Bodies and Head Teachers
	Community special schools	
	Voluntary controlled schools	
	Maintained nursery schools	
	Pupil referral units	
Group 2	Foundation schools	The governing body
	Foundation special schools	
	Voluntary aided schools	
	Independent schools	The governing body or proprietor
	Academies and free schools	The Academy Trust
	Independent private or fee-paying schools	The proprietor, board of trustees or equivalent

Employers' Responsibilities

Legislation demands that “employers must have effective arrangements in place to plan organise, control monitor and review systems and procedures that are designed to cover Health and Safety at work. The Health and Safety at Work Act places a duty on every employer to ‘ensure so far as reasonably practicable the Health, Safety and Welfare at work of all their employees’.

Employers must:

- Provide a safe place of employment;
- Provide a safe working environment;
- Provide a written safety policy and risk assessment policy
- Provide and maintain safety equipment and safe systems of work
- Ensure suitable and sufficient risk assessments are in place

- Ensure that materials used are properly stored, handled, used and transported;
- Provide information, training, instruction and supervision – ensuring staff are aware of instructions provided by manufacturers and suppliers of equipment;
- Look after the health and safety of others, for example the public;
- Consult with safety representatives.

Employees' Responsibilities

Specific responsibilities fall to employees too, they must:

- Co-operate with their employer;
- Take care of their own health and safety, and that of other persons;
- Not interfere with anything provided in the interest of health and safety.

Lack of clarity around roles and responsibilities can lead to increased risks if safety is not adequately managed and items of essential Maintenance are missed.

The Council has a duty to monitor how Head Teachers and Chairs of Governors are delivering their delegated duties and it is a requirement that records are kept in an asset register. This is managed via the CONCERTO Asset Management Information System. This System will be used as a common platform for all asset management planning (AMP) matters within the council.

Duty of care

"An occupier of premises owes a duty to take that care that in all the circumstances of the case is reasonable to see that a person, and the person's property, on the premises, and property on the premises of a person, whether or not that person personally enters on the premises, will be reasonably safe in using the premises.

"(This) duty of care ... applies in relation to the condition of the premises, activities on the premises, or conduct of third parties on the premises."

Justice Martinson, 2008, in *Wilde v. The Cambie Malone Corporation*:

Responsibility of Head Teacher

The school and the Local Authority have shared responsibility for suitability, sufficiency, and condition of school buildings, with the Local Authority undertaking a monitoring role as the Landlord.

The Head Teacher has day-to-day responsibility for the deployment of staff and financial resources of which premises management including the planning of building works is an integral part of this responsibility. Both teaching and support staff have a role to play also, whether by job description responsibilities e.g. identifying and reporting building disrepairs, or more general "duty of care" responsibilities for health and safety.

Headteachers are 'the responsible person' for the school premises. Together with the governing body, Headteachers need to:

- Ensure that the site(s) and building(s) are managed in an appropriate manner
- Ensure that staff/users operate buildings and facilities in a healthy and safe environment
- Identify, monitor and manage required maintenance, planned preventative maintenance and potential improvement projects in the school development plan
- Ensure identified projects are prioritized, cost-estimated and set against a realistic timeline
- Plan, budget for and manage those works and projects for which they have responsibility
- Manage property budgets for which they are responsible such as devolved formula capital
- Prepare and regularly review policies for security, fire safety and health and safety
- Ensure risk assessments are prepared and that action is taken to minimise risk
- Where appropriate, make the building and facilities available for community use
- Identify the future premises needs of the school through the school improvement plan
- work in partnership with the LA, Diocesan bodies, or Academy Trust to prepare and implement the school-based AMP
- work in partnership with the LA, Diocesan bodies or Academy Trust to develop and deliver LA Capital or EFA funded projects work within their level of knowledge and experience and obtain advice from competent sources where the level of knowledge and experience is insufficient

Schools can also undertake their own building projects utilising delegated / devolved budgets or a combination of funding. They must, however, ensure that projects have appropriate approval, including that from the LA using the project notification form prior to works being tendered. The Health and Safety team can act as the school's competent adviser, through the enhanced service provision, to provide a guidance document on managing contractors and support schools in the tendering process in relation to Health and safety.

The Governing Body

The Governing Body should be focused on the strategic role of overseeing the use, maintenance and development of the school premises and facilities to support the priorities in the school development plan and school improvement.

The Governing Body should also be aware of:

- The legal responsibilities relating to its overall control and use of the premises.
- The development of the school's facilities to ensure they consider the LA's strategic approach to delivering education
- Legal responsibilities relating to the overall control and use of the premises under the School Premises Regulations 1999.
- Making property related decisions. However, it can choose to delegate these powers to the Premises Committee.

The Local Authority (LA)

The Role of the Capital and Delivery Team, is

- Commission and deliver new build projects to provide the requisite number of school places
- Commission and deliver school capital building maintenance programmes
- Rapidly coordinate emergency maintenance work to minimise periods of school closure
- Advise schools on maintenance, health & safety and other property-related matters
- Advise schools on the management of building projects
- Manage the Landlord Consent process for school managed building projects
- Ensure schools understand these roles and responsibilities

The Schools Asset Management Team will work with the schools to monitor health and safety by undertaking regular inspections/checks. The Health and Safety Team will provide an annual Premises Safety and Health Check and where employed as the school's competent advisor, provide training for managing buildings safely for responsible staff within the Council. This can also be purchased through the Traded Services website at an hourly rate.

In some cases, the Schools Asset Management Team may, after notification to the school, undertake essential work that the governing body has failed to carry out, and recharge the school the full cost. These include areas such as:

- Health and safety work, or capital expenditure for which the LBWF is liable, where funds have been delegated to the governing body for such work.
- Making good defects in building work funded by capital spending from the School's budget share.
- Work necessary to safeguard the fabric of the building and to ensure the continuing availability of the premises for use by the School.

Diocesan Authorities

Diocesan authorities are responsible for:

- assisting church school governing bodies in maintaining, managing, and improving their school buildings.
- administer the payments and recovery of grant aid for all building projects carried out at schools.
- administer schools' Devolved Formulae Capital (DFC) on behalf of the school governors.
- As part of its responsibility under the Diocesan Boards of Education Measure 1991 (amended

2006), provide advice and guidance to Voluntary Aided schools in relation to the design, specification and contract administration of building projects.

School Building Manuals

School building manuals and records are important documents that should always be kept on the premises so that they can be referred to whenever needed. The user manuals should contain all the details relating to the current materials and equipment in the school and how to use and maintain them safely.

Building information should include:

- Up to date drawings showing positions of equipment and materials.
- Plans of electrical circuits, water supply, heating and gas pipework, etc.
- Plans of fire equipment and escape routes, etc.
- Up to date test certificates, maintenance records.
- Asbestos register/surveys
- Health and safety manual and records
- Any other pertinent information including photos

Any work completed at a school, which in any way affects the building, must be reflected by revising and updating manuals and records. Failure to do this could cause serious risk if contractors are given out of date information and could result in legal action being taken against a school.

Health and Safety Traded Services

Where the Health and Safety Team have been chosen as the schools competent advisor they will provide comprehensive and timely information, advice and support to assist the School and its Governors in achieving compliance in all matters relating to Health and Safety to help ensure that at all times, the school remains a safe environment.

If you are signed up to enhanced provision you can view and download [a range of Health and Safety guidance, forms and templates](#).

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Section 3: Legal Requirements

It is a requirement by law to ensure that Head Teachers and Governors, as employers, comply with the Health and Safety at Work etc Act 1974, which states; *“It shall be the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees”*.

The Health and Safety at Work etc Act 1974 (often referred to as HASAW or HSW) provides the legal framework to promote, stimulate and encourage high standards of health and safety in places of work. Everyone has a duty to comply with the Act, including employers, employees, trainees, self-employed, manufacturers, and suppliers. The Act contains sections and schedules, and below is a summary of some of the more relevant parts of the Act.

Schools are required to comply with the Occupier’s liability act

In this Act “occupier” means a person who

- (a) is in physical possession of premises, or
- (b) has responsibility for, and control over, the condition of premises, the activities conducted on those premises and the persons allowed to enter those premises and, for this Act, there may be more than one occupier of the same premises; “premises” includes land and structures.

Equality Act 2010 - Disability and Discrimination

The Equality Act 2010 supersedes the Disability Discrimination Act 1995 along with the amendment “Reasonable Adjustments 2012”. The Equality Act provided rights for disabled people, with the act defining a disabled person as someone having ‘a physical or mental impairment which has a substantial and long-term adverse effect on a person’s ability to carry out normal day to day activities.

Equalities Act, 2010 places the legal duty on the Local Authorities to have an Accessibility Strategy and Action Plan and to keep the plan under review during the period to which it relates.

- a) increase the extent to which disabled pupils can participate in the school’s curriculum;
- b) improve the physical environment of the school to support inclusion;
- c) improve the delivery to disabled pupils of information which is readily accessible to pupils who are not disabled.

1.1. Each individual school must also have an ‘Accessibility Plan’ that over a prescribed period is a plan to ensure the school; meets their duty to;

- a) Increase the extent to which disabled pupils can participate in the school’s curriculum
- b) improve the physical environment of the school to support inclusion
- c) improve the delivery to disabled pupils of information which is readily accessible to pupils who are not disabled

LAs and schools are required to prepare accessibility strategies and accessibility plans respectively for increasing, over time, the accessibility of schools and education for disabled pupils.

Resources

School should use their delegated budget for building works including the use of devolved capital.

It is essential that the maintenance of these buildings is kept to a high standard which will support the LA, Head Teachers and Governing Bodies to prioritise funding in the right place at the right time.

Maintenance, Plant and Equipment Testing

As a result of delegation of funding under the Financial Scheme for Schools, Governors have responsibility for those elements of building maintenance covered by statute. Schools must arrange for the servicing and testing to be undertaken at the appropriate time and frequency. For further information, advice and guidance, the school should contact their Competent Health and Safety Advisor

The Council's technical partners, NPSL can meet all these requirements through a single service level agreement.

All contractors employed must be recognised by an appropriate industry standards body (for example be a member of the Safety Schemes in Procurement (SSIP) like construction line or be CHAS registered) to secure safe maintenance and management through competent, trained and qualified operatives and contractors.

Responsible persons

The responsible person within schools is the Head Teacher as delegated by the Governing Body. The responsibility for the day-to-day management of fire safety may be delegated to a designated competent person, but the overall responsibility stays with the people named above.

The Workplace Health, Safety and Welfare Regulation 1992

Regulations outline the minimum standards that all workplaces should comply with to ensure the health, safety and welfare of staff. Schools are subject to additional Schools Premises Regulations that go further than the regulations that affect other workplaces for certain issues, such as indoor temperature. Some parts of the Health, Safety and Welfare Regulations are not applicable to school classrooms, such as the requirements for minimum working space; these areas are identified with the Education Funding Agency Design Guides.

The majority of the regulations do, however, apply, and are concerned with health issues such as having suitable and sufficient lighting, waste removal and adequate ventilation; safety issues such as prevention of falls from height, management of traffic in and around the premises, provision of adequate flooring and safety of doors and gates; welfare issues such as the provision of a rest area for pregnant women and nursing mothers, suitable facilities for changing clothing if required, provision of suitable drinking water and provision of suitable toilet facilities.

Monitoring Standards of Health and Safety

Schools, in common with any other workplace, need to monitor health and safety within the workplace by undertaking regular inspections of the premises, investigation and analysis of accidents and audit of systems and procedures. Noise levels below the statutory limits should also be minimised wherever possible, particularly where the level is likely to affect the effectiveness of the teaching environment.

Safe Systems of Work

High risk activities in schools may, on occasion, require very strict controls. Control can be applied using a Safe System of work. The systems should identify the safe conditions and requirements that must be present before any work can be started and must be signed by a competent person.

Conclusion

It is everybody's responsibility to make Health & Safety arrangements work. Any member of staff noticing a failure to comply with the policy should immediately report the circumstances to their line manager. If no action is taken, then, guidance should be sought from the schools Health and Safety Competent Advisor.

If the enforcing authority (Health and Safety Executive of Fire Brigade) attends site, the school must immediately contact the Health and Safety Team by telephone 020 8496 4444 option 3 for support. If an Improvement or Prohibition Notice is served by an Enforcing Officer to a Head Teacher, they should immediately advise the appropriate Executive Director, the Health and Safety Team, and Schools Asset Manager in order to ensure that the LA provides support to ensure that School and LA remain compliant and meet the requirements of the notice. In the case of Voluntary aided schools this will be the Diocese of Brentwood.

The Schools Health and Safety Policy will be monitored by the Health and Safety Team to assess its effectiveness and to determine whether satisfactory standards of safety performance are being achieved. Monitoring can be achieved by training records, accident/incident reporting, safety inspections, audits etc. The Health and Safety Team will undertake Premises Safety and Health Checks on an annual basis which will be upload to concerto. These are working documents and should be updated regularly as part of the school's maintenance checks.

Suggestions by any member of staff to improve standards of health and safety are welcomed by the Head teacher and Governing Body.

Contact(s)	
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