

Health and Safety Executive		Sector Information Minute	
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See SIM 7/2002/27 supplement 1

Target Audience:
FOD Inspectors

SCHOOL VISITS AND TRIPS

This SIM advises inspectors on responsibilities for ensuring safety during school visits and trips (including overseas visits) and alerts them to existing and supplementary guidance being produced by the Department for Education and Skills (DfES) in England. The guidance is likely to be widely used in Scotland and Wales also.

- 1 There has been significant public concern over well publicised incidents which have occurred in recent years on educational trips and visits. DfES (formerly Department for Education and Employment (DFEE)) are aware of 10 fatalities of pupils since 1999. Many of these fatalities have occurred during visits overseas.
- 2 Educational organisations planning off-site adventure activities or other educational visits should take effective steps to ensure the health, safety and welfare of staff, and the health and safety of pupils and others, eg parents/carers accompanying the children. Formal planning for health and safety in advance of such visits is essential.
- 3 Staff organising and taking part in school visits off-site accept responsibility for the care and welfare of pupils and they act in *loco parentis*. They will also have duties as employees and/or managers under health and safety at work legislation.

LEGAL CONSIDERATIONS

- 4 Visits may take place in holiday periods outside the normal academic year. However, the planning, organisation and execution of the trip itself will still normally constitute part of the employer's undertaking, and appropriate health and safety legislation will apply. In particular, consideration will need to be given to the general duties of employers under the Health and Safety at Work etc Act 1974 (HSW Act) ss.2 and 3, the duties of employees under HSW Act s.7 and the requirements of the Management of Health and Safety at Work Regulations 1999. Employees, eg school managers or teachers, will generally be deemed to be 'at work' whilst supervising

children on the visit in Great Britain (GB).

5 Some educational visits within GB will be to premises licensed under the Adventure Activities Licensing Regulations 1996 (AALR). In broad terms, HSE is the enforcing authority for sites run by educational providers, including all centres run by local authorities (LAs). Many LAs have their own centres, although these are often some distance from the LA itself. LAs will be the enforcing authorities for the remaining providers, including commercial providers such as multi-activity holiday centres. Further information on the AALR is available in **OC 331/5**.

6 The HSW Act and associated legislation apply throughout Great Britain (ie England, Scotland and Wales). Apart from minor provisions, it does not apply to Northern Ireland. Neither does it apply to the Isle of Man or the Channel Isles.

7 Any incident occurring overseas is therefore outside HSE's jurisdiction and HSE cannot investigate or take action in relation to the actual circumstances of the incident itself. HSE can, however, consider any circumstances relating to activities carried out in GB to support a particular visit.

ADVICE TO INSPECTORS

8 Operational staff should apply the normal selection criteria to inform decisions as to how to respond to reported accidents and complaints (fatalities and other incidents occurring overseas are not reportable to HSE).

9 Where HSE is investigating the work-related death of a student or pupil, it will be necessary to liaise with the police in accordance with 'Work-related deaths: liaison with police, prosecuting authorities, local authorities, and other interested authorities including consideration of individual and corporate manslaughter / homicide (see OC 165/9).

10 Because of our lack of jurisdiction it would not be possible to carry out a full investigation of accidents that occur outside GB and it is not HSE's policy to do so. Whether criminal charges should arise from such incidents would be a matter for the relevant national authorities to consider and pursue. Some countries may also allow parents and other parties to institute civil actions or private prosecutions following death or injury.

11 If, however, incidents overseas result in concerns being brought to our attention about how the trip was organised, it may be appropriate to consider these further, particularly if they raise questions about the adequacy of the arrangements for the management of health and safety for school trips in general. Amongst the issues to be considered are: risk assessments for the activities, training and competence of staff, co-operation and co-ordination with other parties such as activity instructors. The presumption would be that significant evidence would be available to demonstrate adequate planning and preparation prior to the trip.

12 In the case of trips undertaken by community schools (ie LA controlled schools), inspectors should ensure the local education authority (LEA) has carried out its own investigation, taken note of any lessons learned from the incident and revised its guidance for schools. LAs should be able to demonstrate how they monitor that schools

organising visits follow appropriate guidance and standards.

13 Guidance being prepared by DfES recommends that it is good practice for an LA to have a nominated outdoor education adviser. Their duties will include advising on risk assessment of planned activities and on appropriate training for staff supervising adventure activities. The guidance will also recommend each school appoints an educational visits coordinator to oversee all such visits.

14 Foundation, voluntary aided and independent schools will be expected to carry out their own investigations. They may use a variety of independent consultants and services or use the LEA's adviser for assistance.

GUIDANCE

15 HSE's Agricultural Information Sheet No 23 and the teachers' supplement provide specific guidance on avoiding ill health at open farms.

16 DfES have taken the lead in producing guidance on the planning of educational visits. This reflects the educational purpose of the visits and the fact that those planning the trips and accompanying the pupils will have to plan for and deal with all the pupils' medical and welfare needs.

17 DFEE produced '*Health and Safety of Pupils on Educational Visits: a Good Practice Guide*' in 1998 (reprinted 2001). The document is available free from Prolog (Tel: 0846 602260; email:dfes@prolog.uk.com). It is also available at <http://www.teachernet.gov.uk/visits>.

18 DfES have now issued '*Health and Safety: Responsibilities and Powers*' (DfES/0803/2001) to all LEAs, headteachers and chairs of governors in England. This document identifies that employers in schools should have effective policies covering off-site visits including school-led adventure activities. DfES have sent copies of the above guidance to the National Assembly for Wales and the Scottish Executive. The Scottish Executive will take note of and seek to apply the main elements of the guidance within Scotland.

19 *Health and Safety Responsibilities and Powers* is one of four supplements to the Good Practice Guide identified at para 17. There are to be three further supplements which will provide more detailed advice and guidance, provisionally entitled:

- Part 2 *Standards for LEAs in Overseeing Educational Visits*;
- Part 3 *Standards for Adventure*; and
- Part 4 *Educational Visits - a Practical Handbook*.

20 Copies of the drafts are available for comment on the above website named at para 17. The DfES would welcome comments from interested parties to assist in developing the guidance. DfES also wish to continue to update the guidance after formal publication.

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