

# Glenridding Beck – Investigation Report

## Drowning of Max Palmer in Glenridding Beck 26 May 2002

### **PART G: HEALTH AND SAFETY MANAGEMENT WITHIN LANCASHIRE COUNTY COUNCIL (LCC) AS A LOCAL EDUCATION AUTHORITY (LEA)**

These pages describe the education H&S management arrangements within LCC in the environment of Fair Funding. The lessons learned cover particularly the need for:

- unambiguous systems for assuring the competencies of staff
- LEAs to have policies which cover the eventuality of schools wishing to do activities for which there are no nationally defined standards or awards.
- clear arrangements for the monitoring by the LEA of schools' Health and Safety performance consistent with the requirements of Fair Funding
- training and support for Governors to help them ask the right questions on Health and Safety

The left hand column sets out some facts and the right hand column provides comment and further sources of information.

**Note:** Comments in *bold italics* draw particular attention to points that those involved in educational visits and adventurous activities may need to consider.

#### **This Part has nine sections:**

- Statutory responsibilities
- Local management of schools
- Appointing staff and checking competencies
- Standards for outdoor activity providers
- Role of School Advisers
- General Health & Safety advice to schools
- Health and safety training
- Monitoring and audit
- Support for governors

It ends with a summary of the key points.

Note: The present tense is used for much of the text as many of the procedures are still current. It will be clear from the context where procedures have since been changed.

## Facts

### Statutory responsibilities

1. The investigation concentrated on the health and safety management arrangements in LCC's Education and Cultural Services Directorate, particularly on the role of LCC as a Local Education Authority (LEA).

2. Within LCC, H&S responsibilities are largely delegated to Directorates, but there are several cross-directorate policies, procedures and structures, such as a central health and safety committee. At the time of the accident there was a Director and an elected member with specific briefs for Health and Safety.

3. Lancashire is a large LEA with over 600 schools. About half the primary and secondary schools in Lancashire are voluntary aided or foundation schools, in which the LEA is not the employer.

4. The statutory responsibility for H&S has not been changed substantially by the requirements (under the Education Reform Act 1988 and subsequent legislation) for Local Management of Schools (LMS) - also referred to as "Fair Funding" or "Delegation".

## Comment

The Health and Safety at Work Act 1974 (HSW Act) places overall responsibility for health and safety with the employer.

Employers' duties in respect of schools include ensuring, so far as is reasonably practicable:

- the health and safety of pupils in-school and on off-site visits
- the health, safety and welfare of staff
- the health and safety of visitors to school and volunteers involved in any school activity.

LCC, as the LEA, is the employer in community, voluntary controlled, community special, and maintained nursery schools. Also in pupil referral units.

The governing body is the employer, for most staff, in foundation, foundation special and voluntary aided schools.

LEAs also have wider responsibilities under education law in connection with all maintained schools in their area.

## Local management of schools

5. As a result of local management, an increasing number of decisions are taken at school level by governing bodies and head teachers, but in practice much day-to-day responsibility for Health and Safety functions was devolved to schools before LMS.

In those schools where the LEA is the employer, it can delegate certain H&S tasks and functions to head teachers. **The LEA cannot delegate its HSW Act statutory duties as an employer.** Further information is contained in the DfES publication "[Health and Safety: Responsibilities and Powers](#)".

***Where tasks/functions are delegated, the LEA should make clear who is doing what, and monitor to confirm that tasks are being carried out.***

***It is good practice that Schemes should contain such provisions. However, in practice, achieving the correct balance between autonomy and support can be difficult.***

An important lesson from the investigation was the need for much greater clarity and guidance on monitoring arrangements and responsibilities.

6. LCC's "Scheme for Financing Schools" requires schools to have regard to H&S requirements. However, their health and safety management arrangements also have to take account of the DfES view that LEAs should strike a balance between the reasonable autonomy that individual schools can expect under Fair Funding and the provision of support to them.

Where an LEA believes that the Health and Safety of anyone on-site or engaged in school activities off-site is at risk, it can make a direction to the Governing Body and Head teacher of a community or voluntary controlled school.

7. The Fair Funding legislation gives LEAs some powers of intervention and direction in the event of non-compliance with health and safety requirements. LCC has not had to apply the sanctions available under the Scheme or issue directions to schools, but has given advice to schools on Health and Safety concerns.

Education law allows LEAs to retain funds:

- where compliance with Health and Safety duties cannot reasonably be achieved through tasks delegated to schools
- to monitor the performance of these tasks by schools
- where necessary, to give Health and Safety advice to schools

## Appointing staff and checking competencies

8. Under Fair Funding, all categories of schools are responsible for appointing and dismissing staff and for arranging the checking of staff qualifications.

*It needs to be absolutely clear who is to do these checks and what monitoring is appropriate.*

LCC's guidance also advises schools to contact the LEA to arrange for Criminal Records Bureau (CRB) clearance for voluntary helpers on educational visits.

9. Schools may buy personnel services from the LEA or elsewhere. Safe recruitment practice includes scrutinising applicants, verifying identity and any academic or vocational qualifications, obtaining professional and character references, checking previous employment history and physical capabilities.

***If schools buy a service they need to be very clear about the extent and limits of any checks undertaken by the service provider. Likewise LEAs should also make clear to schools their expectations and requirements regarding the checking of qualifications etc where schools use alternative providers.***

10. LCC provides model personnel policies to help schools. They advise that all candidates should be asked to show proof of their qualifications prior to appointment. LCC also issues a model letter to schools for inviting candidates to interview. This includes the text: *"Where possible, please produce at the interview documentary evidence for all qualifications stated on your application form. The successful applicant will be required to produce original certificates prior to the appointment being confirmed."*

***A requirement to produce original certificates is very valuable, but there is no substitute for cross-checking with the awarding bodies. It is good practice for LEAs to provide guidance for Governors on how this can be done.***

***For adventurous activities, ensuring the competence of proposed leaders may be a wider task than a simple check of qualifications, for instance, it may need to involve "field" monitoring by a competent technical adviser. The DfES supplements to "Health and Safety of Pupils on Educational Visits", which were published in July 2002, contain helpful advice on arrangements for assessing and ensuring competence.***

## Standards for outdoor activity providers

11. LCC operates four Outdoor Education Centres (OECs) through its Outdoor Service. These centres are visited by LEA Advisers and are subject to AALA inspection and licensing. The LEA encourages schools to use the OECs, which have a good health and safety record.

Many schools deliver the outdoor education part of the curriculum by arranging visits to an OEC.

***Where OECs are used, schools should clarify respective roles with the OEC to ensure that appropriate risk assessments are carried out for all aspects of the visit and activities to be undertaken.***

12. LCC's Youth and Community (Y&C) Service has for many years overseen extensive arrangements for outdoor activities, including those associated with the Duke of Edinburgh (DoE) Award Scheme. Many secondary school groups have participated in the DoE Award Scheme. LCC's arrangements involve a system of approval for instructors and provide for sample field monitoring of activities. The Y&C Service also provides training and accreditation for instructors and leaders.

In-house training and assessment, verified by a Statement of Competence signed by a suitable experienced person may be the most appropriate way of verifying technical competence, and is the only option when no external qualification exists. The DfES publications "Standards for LEAs in Overseeing Educational Visits" and "Standards for Adventure" contain much good advice on competence.

[Standards for Adventure](#)  
[Standards for LEAs](#)

## Role of School Advisers

13. LCC has an Advisory Service with a team of about 100 school advisers. They provide the direct interface between schools and the LEA. Most have held senior management posts in schools. The Service is available to schools to purchase.

14. The main role of the Advisory Service is to help schools identify their needs (including helping Governing Bodies prepare and implement action plans) and to promote professional development. Advisers did not have a specific remit in terms of H&S (including monitoring), but were expected to report evident concerns to the head teacher or, if necessary, to their own superiors.

15. For some time, the Physical Education (PE) Advisers have provided training for teachers based on the BAALPE Guidelines.

16. The PE Advisory Service gives advice and guidance to schools about visits involving adventurous and/or outdoor activities as part of its role in supporting delivery of the National Curriculum. As noted above, monitoring of outdoor education by the PE Team is targeted at the LEA's Outdoor Education Centres (which a significant number of the LEA's schools attend) through a programme of systematic inspection and review.

***It is good practice for all school advisers to be aware of and consider health and safety matters both in their general role and their area of specialist expertise.***

The focus for LCC's monitoring arrangements was on the OECs and DoE activities. Responsibilities for monitoring other visits by schools were not made clear.

Hence the importance of an LEA being clear about who is responsible for monitoring what. Priorities for field monitoring should be established using risk management procedures.

***Further information on the BAALPE guidelines is given in Part C.***

***HASPEV's supplementary guidance "Standards for LEAs in Overseeing Educational Visits"***

***states that it is good practice for LEAs to have an Outdoor Education Adviser and sets out (at paragraph 3) the functions of such an adviser, recognising that the adviser should be suitably experienced and might need to obtain advice from specialists in connection with particular activities.***

At the time of the tragedy LCC's PE and Sports Development Adviser undertook many of these functions. They are now incorporated into the policy for educational visits and reflected in staff roles/job descriptions. Specialist tasks are undertaken by technical advisers with relevant accreditation.

Before the Glenridding tragedy, the Advisory Service did not receive any enquiries from schools about combined water/rock activities and had no intelligence that individual schools were doing them.

***In the event of an LEA becoming aware of such activities, it should, as an immediate precaution, assume that they are "high risk". The school should be advised not to proceed until the LEA is satisfied that all reasonable precautions have been taken to control the risks (see also comment against Part C, paragraph 4).***

***It is important that LEAs have policies to cover the eventuality of schools wishing to do activities outside the scope of NGB or other defined standards (see Part A).***

17. PE Advisers did not routinely check qualifications such as NGB awards, but would do so if requested by a school.

18. LCC teachers are encouraged to take part in off-site activities and to obtain NGB awards if appropriate. LCC also runs its own qualifications in outdoor education for leaders not requiring NGB qualifications

19. Advisers and the H&S Team were involved in the periodic review of Lancashire's guidelines on educational visits. Following the Stainforth Beck tragedy in which two schoolgirls died, LCC's arrangements for school trips were reconsidered and the view was taken that, because the BAALPE and DfES guidelines had been issued to every Lancashire school and LCC had its own procedure, LCC needed to take no further action.

#### **General Health and Safety advice to schools**

20. The Education and Cultural Services Directorate has a dedicated Health and Safety Team. They provide health and safety training, an audit service, advice and investigate any serious or unusual incidents. The Manager is responsible for issuing to each school a "School Safety Manual" which contains corporate and directorate policies and procedures

21. LCC's School Safety Manual states that schools should have a named co-ordinator for health and safety. For a secondary school that person should be a member of the Senior Management Team. In a number of larger schools there might be more than one co-ordinator to cover different tasks.

22. All generic correspondence from the Health and Safety Team to a school is addressed to head teachers. Replies to specific enquiries from a co-ordinator are sent to the co-ordinator.

See also comment against Para 12 (above)

***It is good practice to review policies, procedures, guidance and training in the light of incidents locally and nationally, changed national guidance etc.***

The lack of detailed information on the root causes of a number of previous tragedies involving school trips has often made it difficult for schools and LEAs to identify and implement the relevant lessons. *Schools and LEAs are encouraged to share the lessons as widely as possible.*

LCC's involvement in preparing the present report reflects its determination that others may learn from the Glenridding tragedy.

The Health and Safety Team had occasional enquiries from schools relating to off-site activities. Most came via the Advisory Service. People asking specifically about outdoor activities would be referred to the LCC and BAALPE guidelines and/or to the Advisory Service.

Little guidance was given in the manual on the expectations of co-ordinators, although this was covered in training courses and at audit. It should be clear who in a school has specific health and safety responsibilities and the extent and limits of their functions should be clearly set out. Those people should have training relevant to their role.(see also paragraph F 3).

***Health and Safety information and any implications need to reach the right people and be shared appropriately. LEAs and head teachers should ensure effective arrangements are in place for communication with and within schools.***

***LEAs may wish to consider having document house styles which require the author to identify clearly the intended readers, distribution and action required.***

## Health and safety training

23. LCC's "Scheme for Financing Schools" required schools to provide health and safety training, but was not specific on what was required, nor did it set any minimum standard. It was considered that the school should identify its own needs, in consultation with the H&S Team. That Team also asked questions about training during Biennial Reviews and Audits (see below)

24. It was considered that subject-specific health and safety training was the responsibility of the Advisers for that subject, but this was not clearly set out.

25. The Health and Safety Team monitors requests for general health and safety training. The team also keeps registers of attendance on training courses provided by them. It was expected that schools would keep records of training done in-house.

## Monitoring and audit

26. The Health and Safety Team has two main mechanisms for checking on schools' health and safety performance:

- a five yearly "audit" visit to the school by a member of the Health and Safety Team. Since 2001 these have covered (in addition to premises issues) the Health and Safety management systems, including the school's internal monitoring and audit processes
- A "Biennial Review" form sent to Head teachers seeking information on the school's health and safety management arrangements and training needs.

***The level of detail on Health and Safety training required by Fair Funding schemes is very limited.***

***It is good practice for LEAs to provide supplementary information to indicate their general expectations of schools in respect of H&S training.***

***It is good practice to ensure that roles are clear in order to avoid misunderstandings and gaps in provision.***

***It is important to have clear arrangements for the maintenance of training records.***

***Monitoring and audit provide mechanisms for identifying when Health and Safety systems are degraded or abused.***

***Organisations with otherwise robust H&S management systems are often weak on monitoring.***

The Health and Safety Team was not involved in the "field" monitoring of educational visits e.g. Team members had not accompanied any school parties on visits. ***Hence the Team was lacking any first-hand information on an important area of school activity.***

***It is important that LEAs have arrangements for ensuring that schools have appropriate mechanism for H&S monitoring. These can be part of wider performance management systems. Regular questionnaires or governors' Core Agenda Items (see para 34) are two mechanisms for achieving this.***

***The LEA's monitoring and audit arrangements should include H&S management systems, not just premises issues.***

***Monitoring done by the LEA is not a substitute for the day-to-day monitoring which a school should be doing, but should check that such monitoring is being done.***

***LEAs also need to be clear on what is monitoring and what is audit – they are different processes.***

LCC's Biennial Review is a form of monitoring. Part of the value of the Biennial Review is in providing a periodic challenge to schools to review their H&S arrangements and training.

***It is good practice for an LEA to make the Governing Body aware of such reviews and to invite them to ask the head teacher for copies of any monitoring documents returned to the LEA.***

27. At the time of the Glenridding tragedy, decisions on what monitoring systems might be appropriate were left largely to individual schools. The Health and Safety Team encouraged Heads to involve Governors in monitoring health and safety, but did not routinely seek information on monitoring from governors.

Since the incident, and in view of the emphasis on increasing self-management by schools, LCC has put additional guidance on monitoring and audit in the School Safety Manual and provided training and support in self-assessment of H&S for school governors and senior managers.

***LEAs are encouraged to critically review the training and support in self-assessment of H&S that they provide for school governors and senior managers.***

28. The School Safety Manual issued in 1999 contained a Model Health and Safety Policy for schools setting out LCC's expectations.

The manual has since been revised

29. It also contained a hazard checklist. There was nothing specific on school visits, but the section on Physical Education referred the reader to the BAALPE guidelines.

***Hazard checklists have their value, but can often distract from looking deeper into management systems where the real problems may lie. However, LEAs may find it helpful to provide an aide-memoir for leaders on its main requirements for educational visits.***

### **Support for governors**

30. The Directorate has a "Governor Services" unit which provided comprehensive information, training and support to the 9800 governors associated with the schools funded through the Council.

Governors have commented positively on the support and training they had received from LCC.

31. The unit has organised H&S training for governors since 1993. The training was revised in 2000 to provide a greater emphasis on accountability and helping governors "to ask the right questions".

***It is good practice for governors to receive training to help them in their role as "critical friend".***

Since the tragedy at Glenridding Beck, LCC has provided workshops for governors on the educational visits guidance.

32. The LEA keeps records of governors' participation in training courses provided by the LEA. Governors may also access training courses offered by other providers.

***It is good practice for records of staff/governor Health and Safety training to be updated and reviewed annually. It should be clear who is responsible for such tasks.***

33. The LEA governor training is available through a "buy-back" system. The training programme is issued termly to each governor.

34. Each term, LCC issues a "Core Agenda" of matters for consideration by governors and also provides a briefing service for Clerks to Governing Bodies. The subject of Educational Visits has been a regular Core Agenda item for many years. Governor Services were not responsible for monitoring educational visits.

***It is good practice for LEAs to provide governing bodies with guidance on the issues they need to be considering. The "core agenda" is one way of doing this.***

***It is good practice for clerks to governing bodies to be briefed to remind governors of the approval procedures and the questions they should ask in connection with proposed visits.***

35. While Governors were understood to have a monitoring role, LCC's expectations of this role in respect of health and safety were not set out, rather the expectation was "that the governors would ask pertinent questions".

***There was no guidance from LCC to schools or governors on what monitoring of H&S might look like or to whom any reports should be sent.***

36. LCC's Model Health and Safety Policy for Schools" stated that "...a Monitoring Report must be submitted to the Governing Body and to the LEA annually".

***It is good practice for clear guidance on these matters to be given by LEAs to governors and head teachers.***

37. LCC's corporate procedure on monitoring had been finalised, but not yet issued, at the time of the incident.

38. In December 2003 LCC produced a booklet of practical guidance for Governing Bodies and head teachers on monitoring, evaluation and

***It is good practice for LEAs to have clear policies and guidance for governors and head***

accountability.

39. Further guidance for governors on monitoring is currently being developed by Governor Services in association with the H&S team.

***teachers on monitoring, evaluation and accountability.***

***The lack of clarity on monitoring was a weakness in an otherwise largely sound health and safety management system.***

***LCC has now revised its Policy and Guidelines on Educational Visits and developed integrated approval and monitoring processes.***

## Key Points

- Fair Funding Schemes should require schools to have regard to H&S (Para G 6).
- Where H&S tasks/functions are delegated under Fair Funding, the LEA should make clear who does what, and monitor to confirm that the tasks are being carried out (Para G 5).
- It is good practice for LEAs to provide guidance on their general expectations of schools in respect of H&S management and training in the context of Fair Funding (Para G 23).
- It should be clear who in a school has specific health and safety responsibilities. The extent and limits of their functions should be clearly set out. They should receive relevant training (Para G 21).
- LEAs and head teachers should have clear communication arrangements. LEAs could use document house styles to require authors to identify clearly the intended readers, distribution and action required (Para G 22).
- It should be clear who is to provide generic Health and Safety training and who is to provide subject-specific H&S training (Para G 24).
- There should be clear arrangements for maintaining training records (Para G 25).
- Records of staff/governor Health and Safety training should be updated and reviewed annually (Para G 32).
- LEAs need clear arrangements for checking qualifications and competencies and identifying what monitoring is appropriate (Para G 8).
- It is good practice for LEAs to provide concise guidance for head teachers and governors on their expectations for checking staff qualifications and competencies (Para G 10).
- If an external provider handles recruitment, the service user needs to be very clear about the extent and limits of any checks of staff qualifications and competencies undertaken by the provider (Para G 8).
- A requirement to produce original certificates to demonstrate qualifications held is very valuable, but there is no substitute for cross-checking with the awarding bodies (Para G 10).
- For adventurous activities, ensuring the **competence** of proposed leaders may be a wider task than a simple check of qualifications and technical skills (Para G 10).
- For adventurous activities, in-house training and assessment, verified by a Statement of Competence signed by a suitable experienced person is acceptable, and is the only option for verifying technical competence when no external qualification exists (Para G 12).
- As recommended in "[Standards for LEAs in Overseeing Educational Visits](#)" it is good practice for LEAs to have a suitably qualified and experienced outdoor education adviser or a member of staff with the relevant functions in their job description, and clear arrangements for obtaining specialist/technical advice where needed (Para G 11).
- All school advisers should be aware of and consider health and safety matters both in their general role and their area of specialist expertise (Para G 13).
- Schools using Outdoor Education Centres (OECs) should clarify roles with the OEC to ensure that appropriate risk assessments are carried out for all aspects of the visit (Para G 11).

- If an LEA becomes aware of schools doing combined water/rock activities, it should:
  - as an immediate precaution, assume that they are “high risk”
  - advise the school not to proceed until the LEA is satisfied that all reasonable precautions have been taken to control the risks (Para G 16).
- LEAs should have policies to cover the eventuality of schools wishing to do activities outside the scope of NGB or other defined standards (Para G 16).
- LEAs should review policies, procedures, guidance and training in the light of known incidents, changed national guidance etc (Para G 19).
- Schools and LEAs are encouraged to share as widely as possible the lessons from any incidents (Para G 19).
- Monitoring and audit provide mechanisms for identifying when Health and Safety systems are degraded or abused (Para G 28).
- Organisations with otherwise robust Health and Safety management systems are often weak on monitoring (Para G 28).
- Priorities for field monitoring should be established using risk management procedures (Para G 14)
- LEAs need to make clear to head teachers, Governors and advisers:
  - what effective monitoring “looks like”
  - who is responsible for monitoring what
  - how the findings should be recorded and reported
  - how reports should be evaluated and actioned (Paras G6, G14, G35).
- Training and support for school governors and senior managers in the self-assessment of Health and Safety will support the monitoring and audit processes (Para G 27).
- Monitoring and auditing of schools by the LEA should be wider than just premises issues and include evaluation of the monitoring and auditing done by the school (Para G 26).
- Hazard checklists have their value, but can often distract from looking deeper into management systems where the real problems may lie (Para G 29).
- It is good practice for LEAs to
  - provide governing bodies with guidance on the issues they need to be considering. A “core agenda” is one way of doing this
  - brief clerks to governing bodies to remind governors of the visit approval procedures and indicate questions they might ask in connection with proposed visits
  - make the Governing Body aware of reports of any monitoring or review of Health and Safety performance done by the LEA and of any monitoring documents that the school submitted to the LEA
  - have clear policies and guidance for governors and head teachers on monitoring, evaluation and accountability
  - provide training and support for governors in the self-assessment of Health and Safety performance to help them in their role as “critical friend”. (Paras G 27, G 34)