



Academies Premises Management Guidance

Cheshire Academies Trust

Background

Employers have a duty to ensure that buildings under their control comply with appropriate statutory, regulatory and corporate standards.

This document highlights the key areas where some sort of compliance monitoring is required, along with some background information. It establishes the status of each area (e.g. statutory, recommended good practice), suggests good practice frequencies and provides links to further information.

This document is not a legal document and should be read as a guidance note for those responsible for the management of Cheshire Academies Trust. The aim of the document is to provide a summary of relevant responsibilities and to assist Principals to organise appropriate testing and inspection of systems and equipment within their premises.

Introduction to Legislation

The basis of British health and safety law is the Health and Safety at Work etc Act 1974 (HSWA). This HSWA sets out the broad principles for managing health and safety legislation in most workplaces. The HSWA which came into force on 1st April 1975, still remains the main health and safety legislation in existence today.

In addition to the Health and Safety at Work Act there are Approved Codes of Practice (ACOPs) and Health and Safety Executive (HSE) guidance documents and standards to be considered.

ACOPs are codes of practice which are approved by the Health and Safety Commission on consent of the Secretary of State. ACOPs give guidance with regard to the intentions of Acts and Regulations. Non-compliance with an ACOP is not in itself an offence although failure to observe an ACOP can be used in evidence in criminal proceedings.

The Health and Safety (Offences) Act 2008 came into force in January 2009 and amends section 33 of the Health and Safety at Work, etc. Act 1974. The 2008 Act does not introduce any new legal duties or change any existing ones. It does however give the courts greater powers of sentencing including an increase in the level of penalties for those caught not complying with the existing duties.

Main implications of the 2008 Act are:

- There is a widened range of offences for which an individual can be imprisoned
- Length of prison sentences from the magistrates' courts have increased from 6 months to 12 months
- Maximum penalties that can be imposed have increased from £5,000 to £20,000 for breaches in the lower courts
- Certain offences which could previously only go to trial in lower courts are now triable in either the lower or higher courts

The Corporate Manslaughter and Corporate Homicide Act 2007 introduced a new statutory offence of 'Corporate Manslaughter'. This new offence came into force on 6th April 2008. The Corporate Manslaughter and Corporate Homicide Act 2007 does not in

itself impose any specific new health and safety duties.

The offence of 'Corporate Manslaughter' applies where an organisation owes a duty of care to the victim. For Academies this 'duty of care' falls within the following broad categories:

1. to its pupils, employees or to others working for it e.g. contractors
2. as the occupier of premises
3. when constructing or maintaining buildings, infrastructure or vehicles or when using plant or vehicles
4. in connection with the supply of goods or services
5. when carrying out other activities on a commercial basis

Risk Assessment

Where a risk assessment is required it should be "a suitable and sufficient assessment of the risks". A suitable and sufficient assessment of risks would:

- correctly identify any significant risk that is reasonably foreseeable
- enables the assessor to decide what action needs to be taken and what the priorities should be
- is appropriate for the type of activity
- will remain valid for a reasonable time
- reflects what employers may reasonably practicably be expected to know about the risks associated with their undertaking.

Risk assessments can be time consuming however, the time and effort put into an assessment should be broadly proportional to the degree of risk. If a school introduces a childcare facility or out of hours club it is regarded as good practice to carry out a regular review of any risk assessment regardless of whether any changes have occurred.

Schedule of Activities

NB: This Schedule merely provides an outline of the specific areas, their servicing requirements and inspection regimes it is important that the requirements of the overarching Health and Safety legislation are recognised

Aspect	Service Requirement	Statutory/Recommended/Best Practice	Frequency/Regularity	Links to Other Information/Documents	Relevant Legislation/British Standard/Approved Code of Practice
Air Conditioning Systems	Inspection	Best Practice Statutory	Annual or bi-annual Not exceeding five years	The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007 No. 991	Under The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007
Asbestos register		Statutory	When circumstances dictate e.g. if changes to the premises have been made	http://www.hse.gov.uk/asbestos/schools.pdf	Control of Asbestos at Work Regulations 2006
Compulsory Display of Notices	Checks made to ensure correct and up to date information is displayed	The display of most information Statutory	Regular checks to ensure information is still on display and is current		The Workplace (Health, Safety and Various
Construction (Design and Management) Regulations 2007	On letting of a construction project	Statutory	As required – on letting of a construction project	http://www.hse.gov.uk/construction/cdm.htm	Construction (Design and Management) Regulations 2007

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Contractor Qualification Check	Checks made on contractors qualifications i.e. NICEIC, ECA	Statutory or Good Practice	On appointment of contractor	See also sections on Gas Safety Regulations and Electricity at Work Regulations	Where contractors are appointed directly by the premises manager then checks should be made to ensure that they have the appropriate qualifications to carry out the specified work. This is covered by various pieces of legislation, such as Electricity at Work Regulations 1989, Gas Safety Regulations 1998 etc
Control of Substances Hazardous to Health (COSHH) Risk Assessment	Check on storage and use of hazardous materials	Statutory	Annual (Best Practice)	COSHH A Brief Guide to the Regulations COSHH Approved Code of Practice (NB this is a priced publication)	The Control of Substance Hazardous to Health Regulations 2002 (as amended)
Disability Discrimination Act	Inspection	Statutory	Checks to be made whenever alteration/changes are made to the building or the external environment	Disability Discrimination Act 1995 Disability Discrimination Act 2005 BS8300	Disability Discrimination Act 1995 and 2005 and BS8300

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Duct Hygiene (Air Conditioning, Plenum Heating)	Inspection and testing		Annual inspection and testing – thorough cleaning routine determined from testing/inspection results		Workplace (Health, Safety and Welfare Regulations) 1992 and COSHH LEV Testing
Electrical - PAT	Portable appliance testing	Statutory	Variable but can be up to annual	The Provision and Use of Work Equipment Regulations 1998	The Provision and Use of Work Equipment Regulations 1998 (PUWER)

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Electrical - Fixed Electrical Installations	Schematic of supply route and primary distribution	Best Practice	Annual Update	Simple precautions - Work on electrical equipment machinery or installations	Electricity at Work Regulations 1989 and BS 7671 IEE Wiring Regulations
	Inspection of fixed wiring and all distribution boards and safety devices	Highly recommended	Annual	The Electricity at Work Regulations 1989 Electrical Safety Council's Best Practice Guide on Periodic Inspection Reporting	Electricity at Work Regulations 1989 and BS 7671 IEE Wiring Regulations
	Testing of all fixed wiring and all distribution boards	Statutory	5 yearly (or more frequently as determined by competent person)		Electricity at Work Regulations 1989 and BS 7671 IEE Wiring Regulations
	Testing of all distribution boards in mobile accommodation	Statutory	Annual		Electricity at Work Regulations 1989 and BS 7671 IEE Wiring Regulations

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Electrical Stage Lighting	Inspection and testing		Annually inspection and test by competent person		
Electrical Stage Lighting	Inspection and testing of portable dimmer racks with no fixed cabling, plugs, sockets, flexible leads		Every 3 months and after every alteration		
Emergency Lighting	Inspection and testing of system	Statutory	Variable but recommend monthly checks by premises manager to check functionality, RCD (Residual Current Device [Circuit Breaker]) test. To include stop button functional test. Every six months - 1 hour duration test Annual full duration test		Electricity at Work Regulations 1989 and Regulatory Reform (Fire Safety) Order 2005

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Extraction Systems including Fume Cupboards	Inspection and Testing of Dust Extraction Equipment	Best Practice	Annual		Control of Substances Hazardous to Health 2002 (as amended)
	Local Exhaust Ventilation	Statutory	Every 14 months	Controlling Airborne Contaminants at Work: A Guide to Local Exhaust Ventilation NB this is a priced publication	Control of Substance Hazardous to Health 2002 (as amended) Building Bulletin 88 Fume Cupboards, DfES applies to installation and maintenance of school fume cupboards There is a British Standard that applies to other fume cupboards
Fire Risk Assessment and Management Plan	Fire Risk Assessment	Statutory	Whenever any changes are made that will impact on the original assessment	The Regulatory Reform (Fire Safety) Order 2005	Regulatory Reform (Fire Safety) Order 2005
Fire Detection and Alarm Systems	Inspection and testing of system	Best Practice	Weekly test with formal quarterly and annual inspections by competent person		Regulatory Reform (Fire Safety) Order 2005
Fire Doors	Inspection		Weekly		Regulatory Reform (Fire Safety) Order 2005

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Fire Fighting Equipment	Inspection and maintenance extinguishers	Best practice	Annual		Regulatory Reform (Fire Safety) Order 2005
	Inspection and testing of fire sprinkler system	Best practice	Annual, although further checks may be necessary for specific insurance requirements.		Regulatory Reform (Fire Safety) Order 2005
First Aid Equipment	Inspection		Regular checks to ensure no equipment is outside of expiry date	HSE - First aid at work: Legislation	Health and Safety (First Aid) Regulations 1981
Fuel Oil Storage	Plan of primary pipe work and main isolation points	Best Practice	Annual Update	The Control of Pollution (Oil Storage) (England) Regulations 2001	The Control of Pollution (Oil Storage) (England) Regulations 2001
	Visual Condition Inspection	Recommended	Annual		The Control of Pollution (Oil Storage) (England) Regulations 2001
	Maintenance checks on all pipe work devices	Best Practice	Annual		The Control of Pollution (Oil Storage) (England) Regulations 2001

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Gas Safety					The Gas Safety (Installations and Use) Regulations 1998
Gas Appliance	Gas Safety Inspections and certificates	Statutory		THE GAS SAFETY (INSTALLATION AND USE) REGULATIONS 1998	The Gas Safety (Installations and Use) Regulations 1998
	Identification and location	Statutory	Annual updating		The Gas Safety (Installations and Use) Regulations 1998
	Servicing for efficient operation, combustion	Recommended for all premises Statutory duty on Landlords	Annual Servicing to include check on ventilation, adequate flues, heat input combustion conformance, appliance is stable and safety devices working		The Gas Safety (Installations and Use) Regulations 1998
Gas Pipe Work	Visual condition inspection and testing if required	Recommended	Annual		The Gas Safety (Installations and Use) Regulations 1998
Glazing	Checks	Statutory	Initial survey of building to identify areas where safety glazing should be in place, ongoing checks that any glazing replacements are with safety glass as req'd.		Workplace (Health, Safety and Welfare Regulations 1992) and Building Regulation Part M

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Lifts and Hoists	Thorough examination, full maintenance and Inspection	Statutory	Every 6 months minimum for passenger lifts Every 12 months for goods lifts After substantial and significant changes have been made	The Lifting Operations and Lifting Equipment Regulations 1998	Lift Operations and Lifting Equipment Regulations 1998 Thorough examination and testing of lifts
Lighting Conductors	Inspection and testing	Best Practice	Every 11 months full test to assess adequacy of earthing, evidence of corrosion, alterations to structure (by competent persons to BS 7430)		BS 6551, 1992
Mobiles – Stability of	Structural inspection of mobile accommodation	Best Practice	Annual		

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Playground & Gymnasium equipment - Fixed	Inspection and testing	Best Practice	Annual		BS 5696, BS 7188, BS7044,BS 1892 Part 1 2003
Slips and Trips	Risk Assessment		As required	www.hse.gov.uk/slips/index.htm	The Workplace (Health and Safety and Welfare) Regulations 1992
Tree Safety	Risk Assessment/Survey		Annual and following any works that could have caused damage and high winds		Health and Safety at Work etc Act 1974 Occupiers Liability Act 1957 and 1984
Water Hygiene and Safety (Legionnaires' Disease etc)	Risk Assessment	Statutory	Risk assessments reviewed regularly or in any case if there is a reason to believe original assessment is no longer valid	HSE Legionnaires' Disease – further information	Health and Safety Act Work Act 1974 Control of Substances Hazardous to Health Regulations 2002 (COSHH) The Notification of Cooling Towers and Evaporative Condensers Regulations Legionnaires' Disease – The Control of Legionella Bacteria in Water Systems Approved Code of Practice

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Water Hygiene and Safety Legionnaires' Disease Water Systems Cold water Systems	Plan of Primary pipe work and main isolation points	Best Practice	Annual Updating		Health and Safety Act Work Act 1974 Control of Substances Hazardous to Health Regulations 2002 (COSHH) The Notification of Cooling Towers and Evaporative Condensers Regulations Legionnaires' Disease – The Control of Legionella Bacteria in Water Systems Approved Code of Practice
	Visual Condition and Compliance inspection	Recommended	Annual		
	Tank condition and compliance inspection	Statutory	Annual		
	Water Quality Check	By exception from supply company	By exception		
Water Hygiene and Safety Legionnaires' Disease Water Systems – Low pressure hot water systems	Visual condition inspection	Recommended	Annual		
	Maintenance checks on all pipe work devices (strainer, valves, blending valves, pumps etc	Best practice	Annual updating		

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Water Hygiene and Safety Legionnaires' Disease Water Systems –	Water Systems Risk Assessment	Statutory	Bi-annual review, any change to the system to initiate a review or user can initiate		Health and Safety Act Work Act 1974 Control of Substances Hazardous to Health Regulations 2002 (COSHH) The Notification of Cooling Towers and Evaporative Condensers Regulations Legionnaires' Disease – The Control of Legionella Bacteria in Water Systems Approved Code of Practice
Water and Surface Temperature	Water Quality checks	Statutory	Subject to risk assessment		
	Water and Surface Temperature	Statutory	Risk Assessment		Education (School Premises Regulations) 1999
Workstation Assessment	Analysis of workstation to assess any health and safety risks		Change of employee or relocation of workstation	The Health and Safety (Display Screen Equipment) Regulations 1992	Health and Safety (Display Screen Equipment) Regulations 1992
Working at Height	Risk Assessment			The Work at Height Regulations 2005 HSE Guide to Working at Height Regulations 2005	Working at Height Regulations 2005
Working at Height – safety Eyes Bolts and Cradles	Inspection and testing	Statutory	Annual		Lift Operations and Lifting Equipment Regulations 1998

