

Don't Risk It

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Recently a school in Boston, England received a fine of £16,500 following a prosecution by the Health and Safety Executive ("HSE") arising out of an injury to a 16 year old pupil in January 2007. The pupil lost eight fingers following an incident during an art lesson in which pupils were attempting to make plaster cast moulds of their own hands. The pupil's teacher had instructed her to place her hands into clay to make a mould but, unfortunately, the pupil placed her hands into a bucket filled with plaster which set around her hands causing severe burns.

The HSE decided to prosecute after they were informed of the incident by the surgeon who operated on the pupil and who could only save two of her fingers. The school's governing body pleaded guilty to breaching the Health and Safety at Work Act 1974 in respect of a failure to conduct an appropriate risk assessment. The pupils had simply not been advised of the potential dangers of plaster of paris. The school had also failed to report the incident to the HSE contrary to the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995.

The Northern Ireland Health and Safety Executive ("NIHSE") is responsible for the enforcement of similar legislation as it applies in Northern Ireland. Such legislation requires appropriate bodies to carry out adequate risk assessments and report dangerous incidents. There is an obligation on all staff to ensure accidents are avoided as best as possible but accidents do happen and, when they do, legislation places obligations on organisations to act accordingly. Indeed, the requirement to carry out risk assessments under the Management of Health and Safety at Work Regulations (Northern Ireland) 2000 will apply to educational establishments in a variety of situations covering not only the suitability of buildings but also what is taught in the classroom. In addition, such establishments owe a duty of care not only to pupils but also to teachers and other employees. By virtue of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1997 any incidents where students or employees are injured requiring hospital treatment must be notified to the NIHSE without delay.

It is incumbent on all educational establishments to have appropriate health and safety and risk management policies and procedures in place. For instance, a senior member of staff should have designated responsibility for ensuring relevant incidents involving pupils or staff are reported. Every member of staff should be made aware of the health and safety policy and should also receive suitable training to ensure that they are aware of the need for risk assessments in certain situations.

Please note: The content of this article is for information purposes only and further advice should be sought from a professional advisor before any action is taken.