

# Health & Safety in Schools

## Questions

- Who is responsible for health and safety at a school?
- Is the school board liable if a child is hurt in the school playground?
- Who has the primary duty of care at a school?
- If there is an incident will WorkSafe prosecute?
- Who is responsible for the health and safety of students when they are on an Education Outside the Classroom experience such as a school camp?
- Is a board of trustees responsible for the health and safety of parents who help out at a school camp?

### Q: Who is responsible for health and safety at a school?

The simple answer is everybody – the board of trustees, the principal, staff, parents and others. But there are specific responsibilities for specific roles.

- Collectively, the board of trustees as a legal entity holds the primary duty of care to ensure the health and safety of everybody involved with the school (staff, children, parents, members of the public) 'so far as is reasonably practicable'.
- Individually, the board members, including the principal, are 'officers' under the new Act. They are responsible for exercising due diligence to ensure the school is meeting its health and safety obligations. They need to assure themselves the school has the appropriate policies, procedures and resources in place and to monitor them.
- Principals, as well as being officers, are workers. In this capacity, like all workers, they must make sure that what they do or don't do doesn't adversely affect the health and safety of others in the school.
- Parents and other visitors also have a responsibility to take reasonable care for their own and others' health and safety.

### Q: Is the school board liable if a child is hurt in the school playground?

The focus here should be on managing the risk rather than the accident because managing the risk (as far as is reasonably practicable) is how you will meet your duties. If a risk is not adequately managed there could be enforcement action whether or not there is an accident. That means that:

- If a school board is aware of a risk, manages that risk so far as is reasonably practicable and a child is still hurt as a result of that risk, then the school board is unlikely to face a penalty.
- If a school board is aware of a risk, does nothing about it and a child is hurt as a result of that risk, then the school board could face some form of penalty.
- If a school board is aware of a risk, does nothing about it and a child isn't hurt, then the school board could still face some form of penalty.

While there has been a lot of focus on playground health and safety, there are many school activities where stringent health and safety practices are already necessary, and most schools routinely manage these.

Consider the risks associated with a secondary school chemistry lab, metal and wood working workshops, stored chemicals for the school pool, sporting equipment, etc.

School boards should already have clear policies and practices for health and safety in all the school's activities and for all affected people.

### Q: Who has the primary duty of care at a school?

The **primary duty of care** is the responsibility of the board of trustees as a legal entity.

The duty of exercising **due diligence** to make sure the school is doing all that is practicable to ensure the health and safety of workers and others, is the duty of the individual members of the board of trustees, including the principal.

While the board of trustees, as an entity, can fail in its primary duty of care, the individual members of the board could still be meeting their duty of due diligence as officers and vice versa. They are two separate duties for two separate duty holders.

The principal, as an ex-officio member of the board, is not exempt and can be liable for a failure to meet the due diligence duty.

### Q: If there is an incident will WorkSafe prosecute?

The decision by WorkSafe to take enforcement action is not an automatic one and lots of things will need to be taken into consideration before deciding what, if any, enforcement actions are appropriate. For example:

- What was the level of harm?
- What was the level of knowledge about the risk?
- What options were available to manage the risk?
- What is the board of trustees doing about it?
- Was this a one-off incident or part of a series of issues?

Prosecution is usually a last resort and is not a decision taken lightly.

An incident in a school playground will rarely result in a visit by a health and safety inspector.



**Q: Who is responsible for the health and safety of students when they are on an Education Outside the Classroom experience such as a school camp?**

The board of trustees and the organisation running the school camp are responsible for the health and safety of students.

Where there is more than one organisation (PCBU) involved, each has a duty to ensure the health and safety of the people affected by the work they do or service they provide.

In the case of a school camp, the board of trustees and the camp organisers have to consult, cooperate and coordinate to ensure the health and safety of the students, parents, and teachers attending the camp.

Together they will need to make sensible arrangements to ensure risks are managed. These arrangements are largely in place already.

**Q: Is a board of trustees responsible for the health and safety of parents who help out at a school camp?**

Volunteers are a vital part of the support network for schools, particularly in the area of Education Outside the Classroom (EOTC).

The new law won't get in the way of parents and caregivers playing their part to help kids experience the great outdoors.

People volunteering to support a school camp or other one-off activities such as school fairs and sausage sizzles, will be classed as 'casual volunteers' – a category that applies to people volunteering for educational, sports or recreational institutions.

The school has a duty to these volunteers just as it does to parents or other members of the public when they are in the school.

The duties of the board of trustees, the EOTC provider and the volunteers are effectively the same as those that exist under the current law.

<http://www.business.govt.nz/worksafe/hsa/mythbusting/schools>

02/04/16

## BOT ELECTIONS 2016

*Are you passionate about the education of children in your community?*

*How about becoming a Trustee and using your skills and experiences to help shape a positive future for our children?*

**Trustees** are active leaders in our schools and we need more people willing to use their skills and experiences for the benefit of Windwhistle School students.

Both parents and people from throughout the wider community can be school Trustees. It is important that boards represent the diversity of their school communities to ensure a bright future for our children. The elections also give parents of children at Windwhistle School the opportunity to vote for candidates who will make a difference for our school. It is an important responsibility and all eligible parents should use their vote in an informed way.

### **What do Trustees do?**

School Trustees have a very important role in making sure every child achieves their potential at school. Here are some of the things they do:

- Work with the Principal and consult with staff, students and the community.
- Set the educational goals and strategic direction of the school.
- Monitor progress and let parents know how the school is progressing against its annual targets and how well students are achieving.
- Decide how the school's funding will be spent.
- Select the school's Principal and support the development of all staff.
- Oversee the management of staff, property, finances, curriculum and administration.

### **What sort of skills do Trustees need?**

Trustees are active leaders in their schools and need a balance of skills and experiences. They need to work well in a team, be able to put plans in place for the school's future, ask challenging questions and have good communication skills. It helps to have an understanding of financial matters and the education sector, and experience in managing people.

### **If you are interested in becoming a Trustee of Windwhistle School:**

Contact: Nicole Ditchburn (Windwhistle School Administrator) on 318 6828 to add your name to the list of nominees; or email [office@windwhistle.school.nz](mailto:office@windwhistle.school.nz) for an information pack.



Rise from the dead, you won't be forgotten

Empty world without those soldiers fighting for us so we can have peace and freedom.

Memorials stand bold where every soul can see them

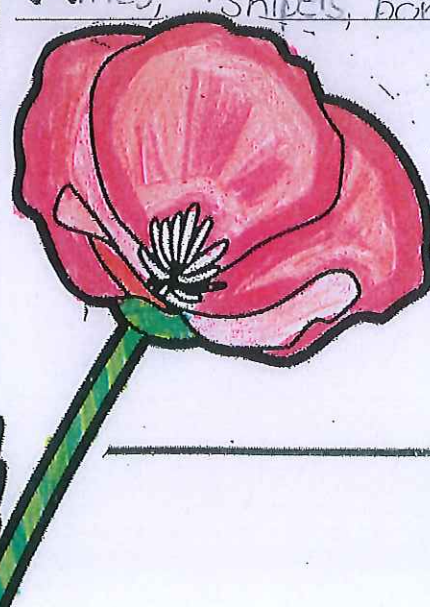
Embroidered with poppies on the big battle field

Mix of all countries fighting the enemy

Battered and bruised but still fighting on

Empty thoughts but open hearts

Rifles, snipers, bombs as well yelling screaming shouting in agony.



**Lest we**  
**forget**

Georgie Veronese



Emma Richards

Remember the soldiers that fought for us

Extraordinary sights on the battlefields

Medals jingaling against my chest in the wind

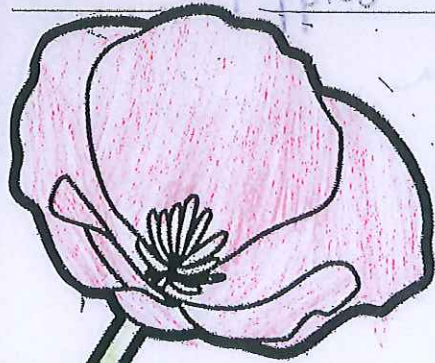
Ears hurting by the sound of guns

Messenger dogs running for help

Beautiful poppies in the battlefields

Envelopes getting sent to homes

Red poppies glowing in the sunlight



**Lest we  
forget**



Max. Bell.

Remember the day they had to go to war

Everyone runs around while they shoot.

Machetes jingling together while people fall down.

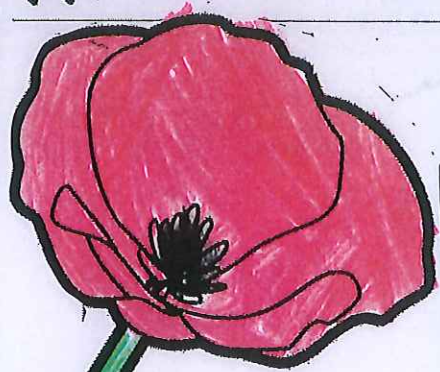
Explosive bombs falling out of planes.

Meadows full of red poppies.

Bugles playing while soldiers go to sleep.

Everyone in pain while in hospital

Remembrance at the memorial while kids sing



**Lest we  
forget**



Remember the soldiers who died

Each and Every soldier is very special

Monuments help us remember them

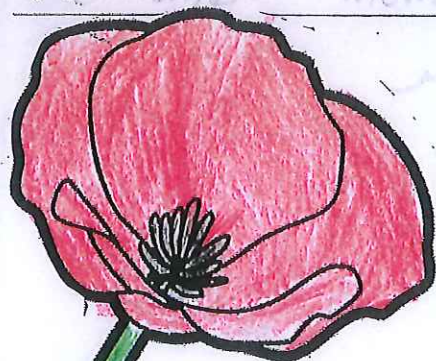
Enemies are what caused the war

Marching is sometimes what the soldiers do

Blood drops if they get shot

End of war is very exciting

Remember them every day, especially on Anzac Day



**Lest we  
forget**

By Emily Richards



WILLOW PRODUCTIONS PRESENTS

# GLORIA'S Handbag

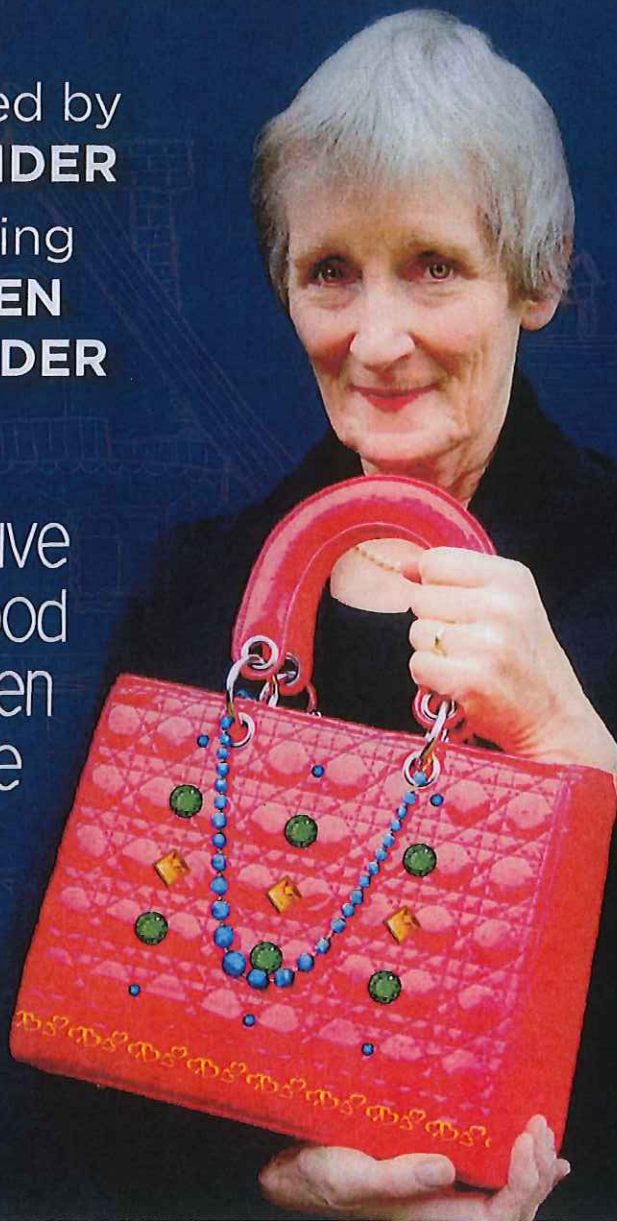
Directed by  
**SUE RIDER**

Starring  
**HELEN  
MOULDER**

A modern  
magical  
mystery with  
MUSIC FROM  
*The Magic FLUTE*

"It IS IMPERATIVE  
to have a good  
handbag when  
you'RE on the  
way out"

*"Highly  
enjoyable  
entertainment"*  
DOMINIONPOST



**Saturday 16th April 7.30pm**  
**Glenroy Community Hall**

TICKETS: \$20 from Catherine Ritson 03 318 6565

Light supper included

*"Six characters, expert storytelling, opera singing and magic tricks; all performed by a cast of one."* - Keeping up with NZ