

PHOTO REDACTED DUE TO THIRD PARTY RIGHTS OR OTHER LEGAL ISSUES

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## External Implementation Guide





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# Learner Health and Safety: External Implementation Guide

## Background

### Learning and Skills Act 2000

1 The Learning and Skills Act 2000 requires the Learning and Skills Council (LSC) to secure proper facilities for education and training and this includes facilities of sufficient quality to meet the needs of learners. Health and safety is an essential part of this quality requirement in securing proper facilities. Additionally, the LSC must take account of the places where facilities are provided, the character of facilities and the way they are equipped.

2 The LSC can, in discharging its powers, require those it funds to give to the LSC information it requests for the purposes of carrying out its functions. The Act also requires some assessment of the suitability and performance of those it funds.

### LSC policy for learner health and safety

3 The LSC's policy statement on learner health and safety was approved by the management board, and signed by the LSC's former chief executive John Harwood in April 2002. The policy has since been reviewed, updated and signed by the LSC's chief executive Mark Haysom in January 2004. The policy is built on the health and safety of learners being a fundamental value for the LSC and applies to all types of provision. The policy confirms that the LSC will promote the raising of standards of health and safety to protect and benefit the learner. Key to this are the promotion of the 'safe learner' concept and continuous improvement through effective health and

safety management. The policy confirms that the LSC will seek assurance from those it funds that suitable and sufficient arrangements have been made for learner health and safety.

## Details of the LSC Approach

### Activities to be carried out

4 Based on the Act and the policy, our two main objectives are raising standards and seeking assurance. These will often operate simultaneously. Within these two objectives there are three connected themes or areas of health and safety the LSC will focus on:

- the safe, healthy and supportive environment
- the 'safe learner' concept
- health and safety management.

5 Everything we do will be based around the above. The LSC operates at three levels:

- the LSC National Office – strategy and policy role
- regional health and safety managers – predominantly a raising standards role
- local LSCs and the National Contracts Service (NCS) – predominantly a seeking assurance role.

6 The three levels will work together with common aims and objectives ensuring clarity and consistency.

## Style

7 We will be open, honest and listen to those we fund and other key stakeholders. Above all we will be professional in how we undertake our work. Our aim is to make a difference in learner health and safety and provide solutions, not obstacles. This is particularly true in respect to bureaucracy and we will cut any unnecessary red tape and look to savings by reducing duplication of work amongst those we fund. Partnerships will be very important to us in taking forward learner health and safety. We will look to innovation and new approaches to make a difference and raise standards.

## Arrangements for 'seeking assurance'

### Risk-targeted approach

8 The LSC recognises that 'one size does not fit all' and will take account of the risk to learners and target our resources accordingly – higher risks will demand a higher level of assurance, lower risks less so. However, there is no 'lighter touch' or 'backing off' in respect to learner health and safety. The approach is different from the past but is focused, consistent and clear. Learners and their health, safety, welfare and general well-being are of paramount importance to us.

### Common processes

9 There are a number of ways in which we will seek assurance. Which ones we use and when will depend on all the circumstances, but will reflect overall risk. The purposes of the processes listed below are to provide assurance that learning takes place in a safe, healthy and supportive environment, that a health and safety

management system is working effectively and that the safe learner concept is being promoted:

- quality assurance of responses to an LSC health and safety questionnaire and declaration (form HSQ1) prior to funding and periodically thereafter
- assessment of health and safety within self-assessment and annual development plans
- quality assurance of reported learner incidents
- reviewing the health and safety performance of those we fund
- risk-targeted quality testing including surveys
- quality assuring learner complaints and feedback
- examining information from other sources, for example reports by the Office for Standards in Education (Ofsted) and the Adult Learning Inspectorate (ALI), Health and Safety Executive (HSE) and local authority (LA) enforcement action, three-year development plans, and eyes and ears reports.

10 We will use learner incident data to inform the system, identifying trends and risks. This will feed in to our strategy when determining plans and where to target resources. We will take action through our intervention strategy when standards are not met.

## Raising standards

### The safe learner

11 Seeking assurance will identify actions for improvement in learner health and safety and will therefore contribute to the raising of standards. In addition, however, the LSC wants all learners, through the quality of their learning experience, to gain an understanding of the importance of health and safety and for those it funds to help them identify and control risk and to assume responsibility for their own health and safety and that of others – that is, for learners to take a positive and practical perspective on health and safety from their experience.

12 The safe learner concept brings together a number of positive aspects including elements of existing best practice, a Health and Safety Executive (HSE) interest in promoting risk education and with young persons, Department for Education and Skills (DfES) statements at a high level (including references within Success for All) and a positive, learner-focused partnership objective that providers, colleges and others respond to. Skilled and competitive workers also need transferable skills in this important area. This will make a contribution to 21st Century Skills and the EU Rome Declaration (October 2003) on mainstreaming health and safety into education and training.

### Working in partnership

13 We are committed to working with others. We will establish collaborative partnerships to support good practice in the promotion of safe learners, and to help develop common nation-wide arrangements ensuring consistency and reducing duplication and unnecessary red tape.

Organisations with an interest in learner health and safety include the HSE, professional associations, the Sector Skills Councils, trades unions, and umbrella organisations such as the Association of Colleges and the Association of Learning Providers. We have established a National Learner Health and Safety Partnership Group to facilitate strategic partnerships with organisations that can promote the safe learner.

14 We will work with Jobcentre Plus, the ALL and Ofsted and the DfES to harmonise and co-ordinate activities, and to reduce bureaucracy. The LSC has given a commitment to support the work of the HSE, in particular in relation to the HSE's Revitalising Health and Safety strategy.

## Work of Local Offices and National Contracts Service

15 The work of local offices and the National Contracts Service is described in the following bullet points.

- **Health and safety questionnaire** – This is issued to potential learning organisations prior to funding. It is evaluated on receipt and any further information and follow-up assurance required is undertaken. This may involve discussion and/or a visit to the organisation to clarify answers or to seek further assurances, but is targeted and based on an assessment of risk. The questionnaire is re-issued to existing funded organisations periodically based on risk and is re-assured.
- **Learner incidents** – These are required to be reported to the local office or NCS and we expect that

organisations report and effectively assess learner incidents, identifying where improvements can be made, focusing on the safe, healthy and supportive environment and the 'safe learner'. Local offices and NCS quality assure incident reports and on a risk-targeted approach will follow up with the organisation reporting the incident. We will use information from learner incidents to identify where lessons can be learnt, and disseminate the lessons learnt to others as appropriate.

- **Self-assessment reports and development plans (SARDPs)** – Local offices and NCS will provide assurance that funded organisations are self-assessing health and safety performance against the common inspection framework and LSC requirements. This is needed as part of an effective health and safety management system such as in HSG65 'Successful Health and Safety Management'. Local offices and NCS, on receipt of a self-assessment report, will quality assure the health and safety element. As part of this and again on a risk-targeted basis, local offices and NCS may need to discuss and visit organisations about the strengths and weaknesses identified and the overall health and safety performance. Local offices and NCS will want to agree any annual development or action plans as part of raising standards of health and safety to benefit the learner and assure the effectiveness of the health and safety management system. We will monitor such plans in partnership.
- **Performance review** – Local offices and NCS will periodically assess the health and safety performance of those it funds to manage and deliver learning. To do this they will use a variety of information sources and evidence including:
  - i self-assessment reports and development plans
  - ii learner incident reports
  - iii HSQ1 (health and safety questionnaire and declaration)
  - iv seeking assurance visits
  - v risk-targeted quality testing findings
  - vi reports from ALI/Ofsted
  - vii three-year development plans
  - viii learner complaints, surveys and feedback
  - ix enforcement action.
- **Unsatisfactory standards** – Where health and safety standards are not met, the LSC has an intervention strategy to raise standards so that learners are not exposed to undue risk. Local offices and NCS will invoke the intervention strategy appropriate to the circumstances and risk.
- **Promoting the safe learner** – Local offices and NCS will seek opportunities to promote the safe learner concept. For some this may include agreeing safe learner objectives and targets as part of performance setting and measuring.
- **Support** – Local offices and NCS liaise with regional health and safety managers to:
  - i support regional partnerships and local networks
  - ii promote the 'safe learner' concept
  - iii share information and lessons learnt from incidents
  - iv identify and promote good practice

## Work of Regional Health and Safety Managers

16 The work of the Regional Health and Safety Managers is described in the following bullet points.

- **Policy implementation** – Apply expert knowledge and experience to achieve effective policy implementation within the context of the LSC as a strategic planning and funding body. Analyse and advise on best options for the LSC and local offices on particular types of provision where learner health and safety has not been an established feature. Use information gained from working with partnerships and providers at a regional level to review the implementation of the policy at a regional level, identifying where additional action needs to be taken, and to make a major contribution to the future development of the policy.
- **Partnership working** – Identify opportunities for strategic partnership working (in conjunction with local offices) with providers, colleges and other stakeholders and organisations. Work pro-actively to facilitate and build these partnerships with the aim of promoting the safe learner, good practice and confidence in the LSC approach. Develop initiatives within the region that will result in improved partnership working and help raise provider capability and improve learner health and safety.
- **Good practice** – Design, develop and deliver regional initiatives and programmes to raise the capability of providers, with a particular focus on the safe learner. Contribute to national health and safety team good practice initiatives, reviewing and determining the timing of their implementation within the region.
- **Working relationships** – Establish close working relationships with local offices, NCS and the LSC National Office. Produce regional and national progress reports to enable reviews of the effectiveness of the policy implementation.
- **Incident management** – Oversee the gathering, analysis and quality of data on learner accidents, including implementation in new areas.
- **Promote consistency** – Ensure consistency in implementation of the LSC policy and strategy through regular reviews of the effectiveness of working relationships and the quality of advice/mentoring.
- **Selective quality testing** – Regional responsibility for organising and overseeing arrangements for the assessment of providers' arrangements for learner health and safety. Design and develop, implement and monitor an annual programme.
- **Reporting** – Regional health and safety managers will periodically inform regional health and safety lead executive directors of progress in achieving learner health and safety objectives. They will also report on where standards have not been met and on necessary actions. Learner incidents and lessons to be learnt will form part of the reports.



## Work of the National Health and Safety Team

17 The national team will advise the LSC and put in place strategies and policies to provide assurance that health and safety standards are met and raised to benefit the learner. The main activities will include the following.

- **Ensuring consistency of approach and standards** – It is important for a number of reasons that the approach to learner health and safety is consistent throughout all local offices and areas of learning. Not only does it help reduce bureaucracy, it reduces duplication and provides clarity. However, resources for seeking assurance and raising standards will be targeted towards higher risk provision.
- **Promoting the 'safe learner' concept** – The safe learner concept is a developing one and the LSC National Office will be working with partners to develop a safe learner or safe worker framework. The safe learner concept is more than just safety and naturally includes health, welfare and well-being as an integral part.
- **Developing national partnerships** – We will work with key partners and the DfES to influence those we fund and others and we consult the right people who can contribute to our strategy. Key to this will be the National Learner Health and Safety Partnership Group.

- **Monitoring the learner health and safety management system** – We will take an overview of all provision and monitor the system so as to provide data and information so as to raise standards.
- **Monitoring performance of those we fund** – It is important we know how well those we fund are performing in terms of health and safety, both generally and specifically in relation to the safe learner concept. The LSC National Office will report on performance and introduce policies and strategies appropriately. We will also maintain a learner incident database to identify trends and risk areas and to share any lessons learnt with others.

## Corporate Accountability

18 The Chief Executive has overall responsibility and is accountable for this function. There is a clear line of accountability for learner health and safety from the Chief Executive to regional directors and in turn local office executive directors. Local office executive directors have responsibility to ensure sufficient local resource is available to fulfil the local office functions and meet performance measures.

19 The National Health and Safety Manager provides expert competent advice to the Management Board and monitors the effectiveness of the LSC strategy and plans. Regional health and safety managers will provide periodic reports to regional directors on the learner health and safety performance in their region. The LSC has appointed a 'Champion' for learner health

and safety who reports annually to the Council on LSC performance in this area. All LSC employees have a responsibility to report health and safety concerns they identify, including any case where they believe learners are at risk.

## Communication

### Internet

20 Learning and health and safety moves with a pace that reflects our changing society and needs. Most of our information on health and safety will therefore be produced electronically and held on the LSC health and safety internet pages ([www.lsc.gov.uk/National/Partners/Quality/default.htm](http://www.lsc.gov.uk/National/Partners/Quality/default.htm)). This will allow changes to be made as required without the need for constant paper publishing and re-publishing. It should also help our partners keep up to date with developments and through the use of hyperlinks make information more accessible.

## References

- 1 *The Learning and Skills Act 2000* (HMSO) ([www.hmso.gov.uk](http://www.hmso.gov.uk))
- 2 *LSC Policy on Learner Health and Safety* ([www.lsc.gov.uk/National/Partners/Quality/default.htm](http://www.lsc.gov.uk/National/Partners/Quality/default.htm))
- 3 *Successful Health and Safety Management* (HSG65) ([www.hsebooks.co.uk/homepage.html](http://www.hsebooks.co.uk/homepage.html))
- 4 *The Safe Learner – Exploring the Concept* (The Institute for Employment Studies) (available from LSC internet page above)
- 5 *Be Safe* booklet (available free by calling 0845 6022260)
- 6 *21st Century Skills: Realising our Potential* (DfES, July 2003 available from [www.dfes.gov.uk/learning&skills/index/shtml](http://www.dfes.gov.uk/learning&skills/index/shtml))
- 7 *Supervising Learners' Health and Safety: A Good Practice Guide for Employers*
- 8 *Health and Safety Supervision of Learners in the Workplace: A Good Practice Guide for Providers*
- 9 *Pocket Guide to Supervising Learner Health and Safety*
- 10 *Supervisors'/Team Leaders' Health and Safety Aide-Mémoire*
- 11 *Be Safe – Promoting a Safe Learner Culture* (DVD)
- 12 *Good Practice Toolkit* ([www.ghkeurope.com/lsc-toolkit/](http://www.ghkeurope.com/lsc-toolkit/))

References 7–12 are available free of charge by calling 024 7682 3239.



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