

Taking students off site

Your guide from ATL - the education union



Legal advice series

ATL
the education union



ATL is the union for education professionals across the UK. Active in the maintained, independent and post-16 sectors, we use our members' experiences to influence education policy, and we work with government and employers to secure fair pay and working conditions. From early years to HE, teachers to support staff, lecturers to leaders, we support and represent our members throughout their career.

Not yet a member?

To be part of the union that puts education first, join ATL today. As a member you will have peace of mind knowing ATL offers first-class support, insurance protection, professional advice and representation, plus unrivalled publications, resources and continuing professional development (CPD) for your personal and professional development.

To join or check our competitive rates, including special offers for students and newly qualified members, visit www.atl.org.uk/join or call **0845 057 7000**.*

* Terms and conditions available online. Local rates apply.

Already a member? You've joined us, now join in and get on

Getting involved with your union is the best way to achieve effective change, both in working conditions and in education. And it can enhance your professional development too. There are many ways to get involved, from giving your views on education policy to attending one of our training courses or becoming the ATL rep for your workplace. **Look up: www.atl.org.uk/getinvolved for more.**

Contents

01 Introduction	2
02 The management of educational visits	3
Responsibilities of employers	3
Responsibilities of employees	3
Responsibilities of governing bodies	3
Responsibilities of headteachers and principals	3
The Educational Visits Co-ordinator	4
Outdoor education advisers	4
Group leaders	4
Volunteers	5
03 Liability and negligence – who is accountable?	6
Glenridding Beck case	6
04 Risk assessments	7
Generic risk assessments	7
Visit/site specific risk assessments	7
Ongoing/dynamic risk assessments	7
Activities in or near water	7
Farm visits	8
05 Insurance	9
Accounting for money	9
06 Informing parents and obtaining parental consent	10
Obtaining information about students	11
07 Supervision	12
Foreign language exchanges	12
08 Transport	13
Minibus safety	13
Driving licences	13
Seatbelts	14
Buses at the school gate	14
Within the school grounds	14
Buses outside the school grounds	14
09 Accidents and emergency procedures	16
Reporting injuries and accidents	16
Fire precautions and security	16
10 Travel agents	17
Organising your own visit	17
11 Outdoor activity centres	18
12 Work experience	19
13 Further information	20
Publications	20
Websites	20

01 Introduction

Taking students off site covers a vast range of activities, from supervising students onto buses at the end of the school or college day to taking an intrepid group of youngsters to Tibet. Outdoor education enjoys a long tradition. It is estimated that over one million educational visits/trips take place each year. ATL believes that these activities are an essential part of any young person's learning.

The vast majority of educational visits are very successful. However, high profile incidents have caused some ATL members to be particularly concerned about liability for accidents. This guide examines these concerns and demonstrates that members can safely and carefully plan and lead most types of educational visits.

Guidance is also available from the government's 'Advice on legal duties and powers for local authorities, head teachers, staff and governing bodies', which can be downloaded from www.education.gov.uk.

The Health and Safety Executive (HSE) has also produced guidance, 'School trips and outdoor learning activities – tackling the health and safety myths', which can be found online at www.hse.gov.uk.

In Northern Ireland, the Western Education and Library Board has published the following document, 'Educational Visits - Best Practice 2009', which provides comprehensive guidance for all those involved in planning and carrying out educational visits. The document can be downloaded at www.welbni.org.

In Scotland, the Scottish Education Department has produced the following guidance entitled, 'Health and Safety on Educational Excursions: A Good Practice Guide', which can be downloaded at www.scotland.gov.uk.

If you are leading or participating in an educational visit, you need to understand where your responsibilities lie. If in doubt, ask your headteacher or principal.

Responsibilities of employers

There are a variety of employers in educational establishments, eg local authorities (LAs), governing bodies, individual proprietors, corporations or limited companies. Whoever they are, under the Health and Safety at Work Act 1974 an education employer has a duty to ensure, as far as is reasonably practicable:

- the health, safety and welfare of staff
- the health and safety of students
- the health and safety of its visitors, e.g. parents and volunteers who are involved in their activities.

The duty is owed when activities take place on and off site. It is therefore incumbent on education employers to ensure that clear and sufficient arrangements for educational visits are in place.

Responsibilities of employees

Employees also have duties under the Health and Safety at Work Act 1974. They must:

- take reasonable care of their own and others' health and safety
- cooperate with their employers on health and safety matters
- carry out activities in accordance with training and instructions
- report hazards and defects observed whilst at work.

Responsibilities of governing bodies

Governors should be consulted and give their approval to trips overseas, those involving travel by air or by sea and those involving at least one night's absence. The following information ought to be conveyed to governors when their approval is sought:

- the nature/purpose/length of the trip
- the number and ages of the students
- the number of staff and volunteers who will be present
- the experience of the volunteers
- the name and relevant experience of the party leader.

Governors should satisfy themselves that a sufficient number of staff will remain to run the schools/colleges effectively when educational visits take place during term time.

Written procedures for approval of educational visits should be in place. Approval could be given by the full governing body by the Chair on its behalf or through a sub-committee.

Responsibilities of headteachers and principals

Headteachers and principals are responsible for the internal organisation, management and discipline in schools and colleges and for consulting their employers to ensure that satisfactory arrangements are made for educational visits. ATL nevertheless recognises that some of these responsibilities can be and often are delegated to a member of staff such as the Educational Visits Co-ordinator (EVC). However, the delegation must be reasonable and the person concerned should have received appropriate training, information and support to enable him or her to carry out their duties competently.

It should be ensured that:

- all preparatory work, including travel arrangements and risk assessments, are completed
- adequate child protection measures are in place
- the group leader has sufficient experience and time to organise the visit
- training needs have been considered by a competent person
- any necessary approval has been given
- adult to student ratios are appropriate

- first aid facilities are adequate
- arrangements are in place for those with special educational and/or medical needs
- appropriate insurance cover is in place
- all consent forms have been signed
- the group leader/supervisor and nominated persons have a list of all the students and adults on the visit, the contact details of each of them and a copy of the procedure to be followed in an emergency
- the address, telephone number and name of contact person at the venue are obtained
- a contingency plan is in place which caters for any changes in the itinerary or for any delays.

The Educational Visits Co-ordinators

Every educational establishment is advised to appoint an EVC who has received sufficient training and resources to enable him/her to carry out his/her functions capably. Among other things, the functions of the EVC are to:

- liaise with the employer to ensure that visits meet the employer's requirements, including those of risk assessment
- support the headteacher and governors in their decision-making roles
- assign competent people to lead or supervise a visit
- make sure that the appropriate child protection checks have been made
- work with the group leader to obtain the consent or refusal of parents
- organise emergency arrangements
- keep records of individual visits (including reports of accidents and 'near-accidents').

Outdoor education advisers

The functions of outdoor education advisers, who are appointed by LAs, include the following:

- assessing the risks of all school visits
- reviewing policies and procedures and disseminating good practice

If you are the group leader of an educational visit, you will have overall responsibility for the group at all times.

- monitoring the work of EVCs to help identify training needs and levels of delegation
- determining which visits require their approval and which may be approved by a school
- approving (or barring) visits where approval does not rest with the school
- advising on adult to student ratios
- providing expert advice on visits generally, and on adventure activities specifically.

For more information see the Outdoor Education Advisers' Panel website at www.oeap.info.

Group leaders

If you are the group leader of an educational visit, you will have overall responsibility for the group at all times. Before a visit, either the group leader or the EVC should:

- obtain approval for the visit
- undertake or secure a risk assessment of the proposed visit, including appropriate contingency and emergency arrangements ('Plan B')
- decide what the staffing, supervision and training needs are
- ensure that the visit is insured adequately, in accordance with school, college or LA authority policy
- plan transport arrangements
- inform parents and obtain parental and medical consent
- prepare students for the visit
- conduct an exploratory visit.

During a visit, the group leader must ensure that:

- she/he takes general charge of the visit and activities and considers the risks involved in any decisions to follow the normal course of the visit, or in implementing any alternatives

- accompanying adults fully understand their supervision responsibilities
- regular head counts are carried out
- supervision is ongoing during downtime before, between and after activities
- the accommodation is safe and secure
- there is proper supervision and basic safety during travel
- ongoing risk assessments are undertaken
- everyone understands/agrees the emergency procedures.

support from a member of staff. It should also be ensured that the insurance arrangements for the visit cover volunteers.

Volunteers should be subject to checks for criminal record and those appropriate to ensure child protection.

Volunteers

Many educational establishments take parents and other adults who are not members of staff to help out on visits. The role of these volunteers should be made clear, they must be told who they are responsible to and whether (and if so, when) they can act alone without

03 Liability and negligence – who is accountable?

It is clear from cases that have come before the courts that the concept of ‘in loco parentis’ (literally meaning ‘in place of parents’) dominates the legal responsibilities of members of staff in their relationship with students in their care. Consequently, those accompanying or supervising students on educational visits may, throughout, do what is reasonable to safeguard or promote the interests of the students. They are therefore expected to exercise at least the same degree of care as that which would be taken by the average, careful parent in the same circumstances. The standard of care that a court expects might vary according to the type of activity, the age and maturity of the students and the changing conditions.

Personal liability for the health and safety of students on educational visits concerns many ATL members and press reports of accidents and deaths on visits always serve to heighten this concern. For claims to succeed, negligence must be proven. ATL believes that, provided members exercise reasonable care and follow the employer’s instructions and policies, they are highly unlikely to be held negligent on the rare occasions when an accident occurs. Claims are seldom brought against individuals and will nearly always be taken against the employer, who is vicariously liable for the actions and omissions of employees. Your employer’s insurance arrangements should include cover for claims of negligence. If you are unsure, seek confirmation from your headteacher or principal.

Should an incident arise in the course of a member’s professional duties, whether on or off site, ATL will provide support.

Glenridding Beck case

Ten years old, Max Palmer drowned while ‘plunge pooling’ during a school trip to Cumbria in May 2002. ‘Plunge pooling’ involved jumping four metres into a rock pool in a mountain stream and swimming to an exit point. The HSE subsequently conducted a thorough investigation, and produced a report of their findings, which concluded: ‘The weather was poor. The stream was in spate. The water was very cold. And, most of all, there were serious deficiencies by the party leader in planning and leading the activity.’ The group leader was tried and convicted of manslaughter for deciding to continue with the activity, despite very bad weather. Whilst such action is rare, this case illustrates the need for group leaders to consider the safety of students at all times, even if this means abandoning a planned event.

According to the HSE, some of the lessons to be learned from this tragedy are as follows:

1. The competence of the leaders needs to be assessed by a technical expert.
2. Leaders and others should never create unrealistic expectations.
3. The correct adult to student ratios must be based on a risk assessment.
4. Risk assessments should cover the foreseeability of a ‘panicking swimmer’ and make provision for the necessary precautions.
5. The importance of having in place clear monitoring arrangements.

Further information on this case can be obtained from the HSE website at www.hse.gov.uk.

The Management of Health and Safety at Work Regulations 1999 require employers to assess the risks of activities, introduce measures to control those risks and inform their employees of these measures. Employers must ensure that those carrying out risk assessments are competent to do so. The five steps to risk assessment involve the following:

- identifying the hazards
- decide who might be harmed and how
- consider what safety measures need to be implemented to reduce the risks to an acceptable level
- record the findings
- review the assessment at intervals.

When assessing the risks of educational visits, the following should be considered:

- a) the type of activity
- b) the age/competence/fitness/usual standard of behaviour of the students
- c) any special educational/medical needs of students
- d) adult to student ratios
- e) the competence/experience/qualifications of the adults
- f) modes of transport, journey routes and location(s) of visits
- g) emergency procedures.

The HSE's 'Five steps to Risk Assessments' is available from the HSE website at www.hse.gov.uk/risk/fivesteps.htm.

Generic risk assessments

Generic risk assessments consider the risks inherent in the activities to be undertaken and will involve an examination of issues outlined in a–g above, identifying the precautions necessary to ensure that risks to health are minimised.

Visit/site specific risk assessments

These consider the risks associated with the particular visit/site, which might include:

- the medical needs of students, have enough medication and contingency plans if an adult has to accompany a student to hospital

- behaviour of students, control measures including a code of rules
- weather conditions, control measures include obtaining local information about tides, potential for flooding and the likelihood of sudden weather changes.

The assessment should always have a pre-assessed 'Plan B' for contingencies. For example, what is the 'Plan B' if your coach breaks down abroad?

It is good practice for an exploratory visit to form part of the visit/site specific risk assessment, which will assist with pre-planning. If this is not possible information/advice could be sought from others involved in previous visits or from reliable local guides.

Consider involving students in the planning of the visit and risk assessments so that they are better prepared and will therefore make more informed decisions and be less at risk.

Ongoing/dynamic risk assessments

Ongoing/dynamic risk assessments involve a reassessment of the risks while the visit is taking place and as the need arises. Risks may need to be reassessed in the light of changing weather, new safety warnings, illnesses, behavioural problems or emergencies.

Activities in or near water

Fatalities in educational visits have tended to occur when students are involved in activities in or near water. It is therefore important that risk assessments should take account of:

- the competence of the group leader and the other adults who will be present
- adult to student ratios
- potential hazards – an exploratory visit will assist in identifying these but if this is not possible obtain as much information as possible by other means

- the likelihood of someone falling into the water
- foreseeability of a 'panicky swimmer'
- underwater hazards (eg rocks or strong currents)
- getting the group in and out of water easily
- changes in weather
- tidal conditions.

The document above also stresses the need to have a range of alternative plans if arrangements need to be changed for any reason.

Farm visits

Risks assessments on the taking of students to farms should include hazards associated with *E.coli* 0157 and other infections as well as those arising from the misuse of farm equipment. Precautionary measures include:

- making sure that students wear appropriate footwear and clothing
- covering cuts and grazes on hands with waterproof dressing
- not allowing students to eat, drink or chew anything (including sweets) outside of designated areas
- reminding students not to suck fingers or put hands/pens/pencils/crayons etc in their mouths

- never allowing students to kiss animals or place their faces against them
- ensuring that students wash their hands thoroughly before and after eating, after any contact with animals and again before leaving the farm
- making sure that students do not use or pick up tools (eg spades and forks) unless permitted to do so by farm staff and that they do not ride on tractors or other machinery.

If a member of the group shows signs of ill health after a farm visit, they should consult a doctor as soon as possible and explain that they have been in recent contact with animals. For further information, see the HSE's information sheet, 'Preventing or controlling ill health from animal contact at visitor attractions,' which includes a supplement for teachers and others who organise visits for children and can be downloaded from the HSE website at www.hse.gov.uk/pubns/ais23.pdf.

All participants on an educational visit must be fully and correctly insured. With a vast range of travel insurance policies and firms to choose from, it is important to study policies carefully before paying the premium. Examples of cover needed may include:

- public liability
- third party liability, (ie cover for adults supervising students)
- claims for negligence
- personal accident cover for all adults and students
- costs of medical treatment
- specialised or high risk activities
- damage to or loss of hired equipment
- programmed and non-programmed activities
- expenses in emergencies
- cancellation and delay
- transport and passenger liability
- loss of baggage and personal property
- failure or bankruptcy of provider
- legal assistance/fees in the recovery of claims.

It is also essential to be aware of the risks excluded from a policy. Approval for visits should not be confirmed until minimum insurance cover has been arranged.

Accounting for money

A budget should be prepared well before departure. It should list all items of potential expenditure (eg transport, insurance, additional staff costs, entrance or other fees, board and lodging or hiring costs) and include a clearly

identified contingency/emergency fund. One person should be appointed as treasurer to take charge of the finances. Information on the finances should be available to those who may reasonably wish to see them. Money allocated for the visit should be paid into a separate account, ideally with more than one signatory. Clear written accounts of money collected should include:

- the date of each transaction
- who the payment was to or from
- the cheque number
- the resulting balance.

Staff who agree to collect money are 'bailees' and are therefore responsible for the money while it is in their possession/safekeeping. Therefore, they may be expected to reimburse money that is lost or stolen. Arrangements for insurance should consider cover for this event.

It is preferable to over estimate the cost of the trip and give a refund rather than to undercharge and pursue payments after the event. Schools/colleges should have a written policy for charging for educational visits, which should include information on the circumstances in which charges can be remitted in whole or in part.

06

Informing parents and obtaining parental consent

Parents must be fully informed (in writing) about the proposed visit before they are asked for their consent. This means that parents should be given some information of the risks involved in the visit as well as the measures in place to minimise these risks. In addition, as individuals have the right to access 'recorded information held by any public body', under the Freedom of Information Act 2000, this information should be prepared with public access in mind. Written information should normally include:

- the date and purpose of the visit
- the departure and return times
- the collection point(s)
- the travel arrangements (and name of any travel company)
- the number of students in the group and what the supervision arrangements are (including times of remote supervision)
- accommodation information (including security and supervision arrangements on site)
- what the provision for special educational or medical needs are (see below)
- what the procedures are for students who fall ill (see below)
- the names of the group leader and the other members of staff and adults who will be present
- the staff contact at home
- information about activities, the risks they present and how they will be managed (including information about 'Plan B')
- the standards of behaviour expected (eg in relation to alcohol, sexual behaviour, smoking, discipline, and items which may not be taken on the trip). Parents should always be asked to sign a code of conduct form and be informed of the consequences if these standards are not met (eg withdrawal from activities and asking parents to collect their child early in extreme cases)
- what the insurance arrangements are for lost luggage, accidents, cancellations, medical cover, as well as any exclusions from

It is common practice to invite parents to attend meetings before residential visits, overseas travel or adventure activities.

- policies and whether parents need to purchase additional cover
- the inoculations necessary
- what clothing/equipment/money should be taken by each student
- information about host families (on exchange visits)
- the cost and what it covers.

It is common practice to invite parents to attend meetings before residential visits, overseas travel or adventure activities.

The government has advised that schools have a 'one-off' consent form which parents are asked to sign on enrolment, covering their child's participation in trips and other off-site activities throughout their time at the school. It has produced a consent form which is available from the Department for Education website at www.education.gov.uk. The form includes consent to any first aid or urgent medical treatment required by their child while they are away, which could include anaesthetics or blood transfusions. Whether educational establishments choose to use one-off consent forms or a separate form for each trip, they will need to consider the possible consequences of a refusal, for example, the feasibility of allowing a student to go on a trip.

Sometimes, there is pressure to take a student with a known record of serious behavioural difficulties on a visit. Employers should consider carefully the extra responsibility and potential risks to staff and the group if the student is present. If members face strong pressure to take a student whose behaviour record gives them real cause for concern, they should seek advice from their employer, their EVC or ATL.

Obtaining information about students

Any information about a student that is likely to be relevant to the management of the educational visit should be provided by parents.

The needs of students with special educational needs and/or medical needs must be considered when making decisions on the number of adult supervisors and of any special skills that might be required. Educational establishments will be mindful of their duties under the Equality Act and should try to ensure that the benefits of visits are available to disabled students.

Apart from specific information which might be required by the venue or tour operator, parents should be asked:

- if their child has any allergies or phobias
- if their child takes any medication (if so, who should administer it during the trip and how should this be done)
- if their child has had any illnesses recently
- what the contact details for their child's doctor are

- if their child has any dietary needs
- whether their child suffers from travel sickness
- whether their child has any irregular sleeping patterns
- about their child's swimming abilities or other competencies, if relevant (eg skiing standard)
- to provide their contact details, including their reserve contact information
- if there is any other information they consider relevant.

On one residential field trip, for example, a student wandered from the dormitory in the night and fell from a balcony; her parents had failed to advise the school that their daughter was a sleep-walker. Parents have a duty to provide adequate information about their child to those who are organising a trip.

07 Supervision

How many adults should accompany a group? ATL is often asked to advise on the adult to student ratio for various visits. There are no legal requirements. Supervision should be based on an assessment of the numbers and expertise of adult supervisors necessary, taking into account the nature and hazards of the trip, the number/age/gender aptitudes/special needs of the students/the competence/experience of the adults, as well as the time of the year. As an absolute minimum, ATL believes that at least two adults should accompany any group of up to 20 students on a visit. If a student is taken ill or another emergency arises, one adult can deal with it while the other looks after the rest of the party (suitably altering the activities to reflect the lower level of supervision). Trips involving hazardous activities will normally require a smaller ratio than those that do not. It is also advisable that at least one female and one male adult should accompany a mixed gender group, especially if it comprises of older students.

Foreign language exchanges

Though more difficult to organise, foreign language exchanges have increased in popularity. There is nevertheless public concern about potential dangers of students staying with families in a foreign country. In seeking to minimise these risks, educational establishments should consider the following:

- select a partner school carefully and establish a close line of communication. A good start is to consider schools in a district which has twinned with yours
- agree a clear 'modus operandi' in respect

- of timing and frequency of visits
- ensure that all costing are accurate
- all accompanying staff, adults and students must be fully briefed
- provide students at both ends of the exchange with literature and maps
- the exchange of telephone calls/emails/ letters between families on both sides will help build up confidence
- inform hosting families in writing of any special dietary requirements and that guests should not be taken on hazardous activities (eg skiing) without prior consent
- contact with host colleagues in the link school should be maintained throughout the exchange
- ensure that emergency procedures are in place.

After the exchange has taken place, it should be evaluated, with input from students, staff and host families. Feedback should be given to the partner school to assist in the planning of future visits.

When planning a visit, careful thought needs to be given to transport. This aspect of the visit must be subject to risk assessment and include:

- passenger safety
- competence level and training of the driver, and whether she/he has the correct licence
- number of driving hours
- capacity and experience of the driver to maintain concentration (for example, is more than one driver needed to avoid fatigue?)
- type of journey (eg is it a local trip or long distance one?)
- traffic conditions
- contingency funds and arrangements in case of a breakdown or an emergency
- insurance cover
- the weather
- stopping points on long journeys
- supervision.

Minibus safety

The law covering minibuses is complex. The most authoritative guide to their use by schools/colleges is, 'Minibus safety: A Code of Practice (RS GEN 146)', published by the Royal Society for the Prevention of Accidents (RoSPA) and is available from their website at www.rosipa.com. ATL endorses the Code and recommends that all schools/colleges follow it and make copies available to their staff. Any ATL member who drives a minibus or is asked to do so should read the Code.

While a minibus can be driven on a normal car driver's licence, RoSPA advises that formal training should take place before anyone is authorised to do so and that regular re-testing occurs. RoSPA runs minibus driving courses in centres nationally. The Minibus Driver Awareness Scheme, a national assessment and training scheme organised by the Community Transport Association, is also available for minibus drivers in the voluntary and not-for-profit sectors; visit www.communitytransport.com for further details. Many LAs also run minibus training and assessment courses.

ATL will support any member who refuses to drive or accompany a minibus which breaches legal or best practice requirements.

A minibus should never be driven if one feels too tired or unwell to do so safely; the safety of passengers and other road-users is paramount. ATL would regard it as unreasonable for a member who said she/he was too tired to drive a minibus safely to be instructed to do so, and would defend him/her vigorously if she/he were to refuse.

A minibus driver should not be expected to ensure passengers remain well behaved and strapped into their seats throughout a journey whilst driving. Ideally, at least one other adult should be on board to maintain discipline and be a trained minibus driver, unless the journey is very short.

ATL will support any member who refuses to drive or accompany a minibus which breaches legal or best practice requirements.

Driving licences

In most instances, minibus drivers must hold a D1 PCV (Passenger Carry Vehicle) licence. However, drivers who gained their ordinary (category B) licence prior to 1 January 1997 can legally drive minibuses 'not for hire and reward'. This can be interpreted as students not being obliged to pay in exchange for the right to be passengers. The Driver and Vehicle Licensing Agency (DVLA) appears to regard school/college minibuses as being driven on this basis and as long as they have a permit under the scheme for non-profit making groups, individuals can drive their minibuses. Independent establishment schools which do not have charitable status could be viewed as commercial entities and are therefore advised to seek confirmation from the DVLA that they meet this criteria.

Volunteer drivers aged over 21 who passed their tests after 1 January 1997 are also exempt from the requirement to hold a PCV licence and are allowed to drive a minibus with up to 16 passenger seats if:

- they have held a category B licence for at least two years
- the vehicle's gross weight does not exceed 3.5 tonnes (4.25 tonnes including any specialised equipment for carriage of disabled passengers).

More information is available from the guidance, 'Licensing Incidental Drivers of the School Minibus', which is available from the Council for Learning Outside the Classroom (LotC) website at www.lotc.org.uk.

Seatbelts

Seatbelts are required on all minibuses/coaches where groups of three or more children aged-15 or under are taken on 'organised trips' and where their transportation is central to the purpose of the event. It is the driver's responsibility to ensure that children:

- aged under three years of age use an appropriate child restraint
- aged from three years up to their 12th birthday and below 1.35 metres (4'5") in height use an appropriate child restraint if available, and if not, wear the seat belt
- aged 12 and 13 years (and younger children who are 1.35 metres or taller) use the seat belt.

Passengers aged-14 years or more must wear a seat belt and are personally responsible for doing so.

ATL advises schools/colleges to have clear policies on what should happen if a student refuses to wear a seat belt, as unrestrained passengers could put themselves and others at greater risk in an accident.

Further advice is available in the Department of Transport's website at www.dft.gov.uk.

ATL advises schools/colleges to have clear policies on what should happen if a student refuses to wear a seat belt, as unrestrained passengers could put themselves and others at greater risk in an accident.

Buses at the school gate

So that they can see students onto and off the site, it is common practice for staff to remain on rostered duty for a reasonable period (approximately 10 minutes, for example) before and after the school day.

Within the school grounds

Some schools receive a large number of students via contract buses and, to minimise the risk of an accident when students are entering or leaving the buses, have created parking bays within the school grounds. The buses come into named bays and students can be released to board the buses in an orderly way. Occasionally, buses arrive late. ATL's view is that staff should not be expected to stay more than 15 minutes after the bus is due to arrive before reporting the matter and handing responsibility for the students left on site to a designated senior manager. Parents and staff should be told about the procedure to be used if buses arrive late.

Buses outside the school grounds

Members may not realise that seeing students onto either hired transport or service buses outside the school grounds constitutes taking them off site. Special care needs to be taken in these situations, especially if this involves seeing students across the road. Only the police, traffic wardens and official school crossing patrols have the legal right to control traffic. Those who assume responsibility for seeing students across a road in the absence of a school crossing patrol must discharge this activity reasonably and to the best of their

ability. A safe crossing point must be chosen carefully. Most groups will probably require more than one adult to supervise the road crossing adequately. Staff who perform these tasks should be treated as volunteers, unless their contracts/job descriptions oblige them to do so. It is essential that:

- they obtain written confirmation from their employer that, in the event of an accident befalling a student during that supervision, there is full insurance cover
- they write to their employer making it clear that they will carry out this task in a voluntary capacity.

09

Accidents and emergency procedures

Emergency procedures form an essential part of planning a visit. They should be clearly set out in written policies for educational visits, and every group leader should have a checklist for immediate action in an emergency. This checklist should cover the following:

- pre-planning to establish the nature and extent of any emergency promptly
- ensuring that everyone in the group is safe
- establishing the names of casualties and arranging immediate medical attention
- ensuring that at least one adult accompanies casualties to hospital, providing doctors with any relevant medical information
- notifying the police if necessary
- informing the school/college contact and provider/tour operator; someone from the school/college should be contactable on the telephone at all times during the visit
- informing the school/college of the nature, date and time of the incident, where it happened; names of casualties and details of their injuries; what has been done so far and action yet to be taken
- notifying the British Embassy/Consulate if the incident occurs abroad
- ensuring that the school/college notify parents and, normally, insurers
- ascertain phone numbers for future calls
- writing down what happened promptly, noting witnesses and preserving vital evidence
- keeping an account of events, times and contacts after any incident
- completing an accident report as soon as possible. Your employer may need to report some accidents/incidents to the enforcing authorities, usually the HSE

- referring any media enquiries to a named contact at the LA/school/college
- not discussing legal liability
- retaining receipts of costs incurred in the emergency (for the insurers).

Reporting injuries and accidents

Under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 1995, your employers are responsible for reporting serious work-related injuries to the HSE. The following must be reported:

- deaths
- major injuries
- accidents resulting in an employee being incapacitated for more than three consecutive days
- accidents which cause pupils or other members of the public to be taken from the scene to the hospital
- a dangerous occurrence, as specified in RIDDOR.

Staff may be asked to prepare a report. Further information is available on the HSE website at www.hse.gov.uk.

Fire precautions and security

If the visit includes an overnight stop, party leaders should satisfy themselves as soon as the party arrives that they are familiar with the layout of the building(s) and surroundings, and are certain of the means of evacuation in the event of fire. Consider carrying out a fire drill shortly after arrival.

Schools/colleges are advised to engage the services of travel agents who are members of the Association of British Travel Agents, which operates a strict code of conduct and whose members have financial backing. The Package Travel, Holidays and Package Tours Regulation 1991 (SI 1992 No. 3 288) obliges travel organisers to safeguard consumers' money and that money to be repatriated in the event of insolvency.

The School Travel Forum, founded in 2003, aims to provide best practice in educational travel and to ensure that travel companies are independently assessed, in line with the government's LotC Quality Badge Scheme. ATL supports the initiatives of the School Travel Forum. Their website at www.schooltravelforum.com provides information/advice on its objectives, safety management/standards, risk assessment and Lotc.

Organising your own visit

There is nothing to prevent a school/college from organising a visit. However, visits must be thoroughly researched beforehand, especially if they are overseas. Those in charge should have prior experience of organising them.

A school/college which organises a package tour 'otherwise than occasionally' will have to comply with the Package Travel, Holidays and Package Tours Regulations 1992 (SI 1992 No. 3288) if the package is sold or offered for sale and two or more of the following elements are involved:

- transport
- accommodation
- tourist services.

To be an organiser, the school/college/individual concerned must purchase the services that make up a package (ie flights, ferry crossings, hotel booking) direct from the service provider. Those who book a package through a professional travel agent or tour company are not organisers because the agent/company buys the individual services.

It is advisable for schools/colleges to have all the necessary documents and publications relating to educational visits readily available for consultation by staff and parents. Particular attention should be given to the small print of insurance policies and brochures. Maintained schools should be in possession of all guidance issued by their LAs.

11

Outdoor activity centres

After the Lyme Bay tragedy in 1993, in which a number of canoeists died, an examination of health and safety standards in outdoor activity centres took place. The Activity Centres (Young Persons' Safety) Act 1995 and the Adventure Activities Licensing Regulations 1996 established a licensing scheme which obliges providers in England, Scotland and Wales of activities involving caving, climbing, trekking and water sports to persons under age-18 to be registered, hold a licence and abide by its conditions.

When a centre applies for a licence it is inspected and the following health and safety issues are examined:

- qualifications/competence of staff
- lines of responsibility for safety management
- accident and emergency procedures
- arrangements for supervision
- adequacy and appropriateness of equipment
- safety reviews.

A licence can be initially granted for up to three years, with an inspection taking place during and on renewal.

For further information, contact Adventure Activities Licensing on tel: **029 2075 5715** or visit its website at **www.aals.org.uk**.

The government proposes to abolish the existing statutory licensing scheme and replace it with a non-statutory safety scheme, called Adventuremark, in 2012. Until this happens, providers of licensable activities are required to comply with the requirements of the current licensing scheme.

Under Adventuremark, providers are permitted to demonstrate that they meet the appropriate standards of good practice in adventure activities. Its website address is **www.adventuremark.co.uk**. For further information on adventurous activities, visit the LotC website at **www.lotc.org.uk**.

Guidance on work experience covering issues such as health and safety and insurance can be found in the booklets entitled, Work experience: A Guide for Secondary schools (ref. DfES – SPD/WES/01/02) and Work experience: A guide for employers (ref. SPD/WES/01/1199[rev]); both are available from the DFE website at www.education.gov.uk.

13 Further information

Publications

Community Transport Association

Website: www.communitytransport.com
Guidance: Minibus driver awareness scheme.

Department for Education

Website: www.education.gov.uk
The DFE offers advice on legal duties and powers for LAs, headteachers and governing bodies.

Department for Transport

Website: www.dft.gov.uk
Guidance: Guidelines on incidental driving of minibuses: licensing incidental drivers of the school minibus.

Health and Safety Executive

Website: www.hse.gov.uk
Guidance:

- School trips and outdoor learning activities: tackling the health and safety myths
- Preventing or controlling ill health from animal contact at visitor attractions, which includes a supplement for teachers and others who organise visits for children
- Five steps to risk assessment
- Reporting of injuries and dangerous occurrences.

Royal Society for the Prevention of Accidents

Website: www.rospa.com
Guidance: Minibus safety: A code of practice.

Scottish Education Department

Website: www.scotland.gov.uk
Guidance: Health and Safety on Educational Excursions: A Good Practice Guide

Northern Ireland Western Education and Library Board

Website: www.welbni.org
Guidance: Educational Visits: Best Practice 2009

Websites

Adventure Activities Licensing

Website: www.aals.org.uk

Adventuremark

Website: www.adventuremark.co.uk

Council for Learning outside the Classroom

Website: www.lotc.org.uk

Driver and Vehicle Licensing Authority

Website: www.dvla.gov.uk

Outdoor Education Advisers' Panel

Website: www.oeap.info

School Travel Forum

Website: www.schooltravelforum.com

Found this helpful? ATL has lots of other resources, all free to members, which you might be interested in. Visit ATL's website at www.atl.org.uk to view the full range of legal advice publications and factsheets on offer from ATL, along with a full section of help and advice.

Further relevant publications from ATL include:

Bullying at work

Product code: PE29

Violence, threatening behaviour and abuse

Product code: PE28

Part-time working

Product code: PE31

Family, work and you

Product code: PE24

Finished with your copy? Why not pass it on to other colleagues who might find it useful.



ATL – the education union
7 Northumberland Street
London WC2N 5RD

Tel: 020 7930 6441 Email: info@atl.org.uk
Fax: 020 7930 1359 Website: www.atl.org.uk

ATL product code: PED03
Date: October 2011
Edition: Third
ISBN: 1-902466-47-0
Price: £9.99 (non members)/Free (members)

Cardiff
Tel: 029 2046 5000
Email: cymru@atl.org.uk

Belfast
Tel: 028 9078 2020
Email: ni@atl.org.uk

Edinburgh
Tel: 0131 272 2748
Email: scotland@atl.org.uk