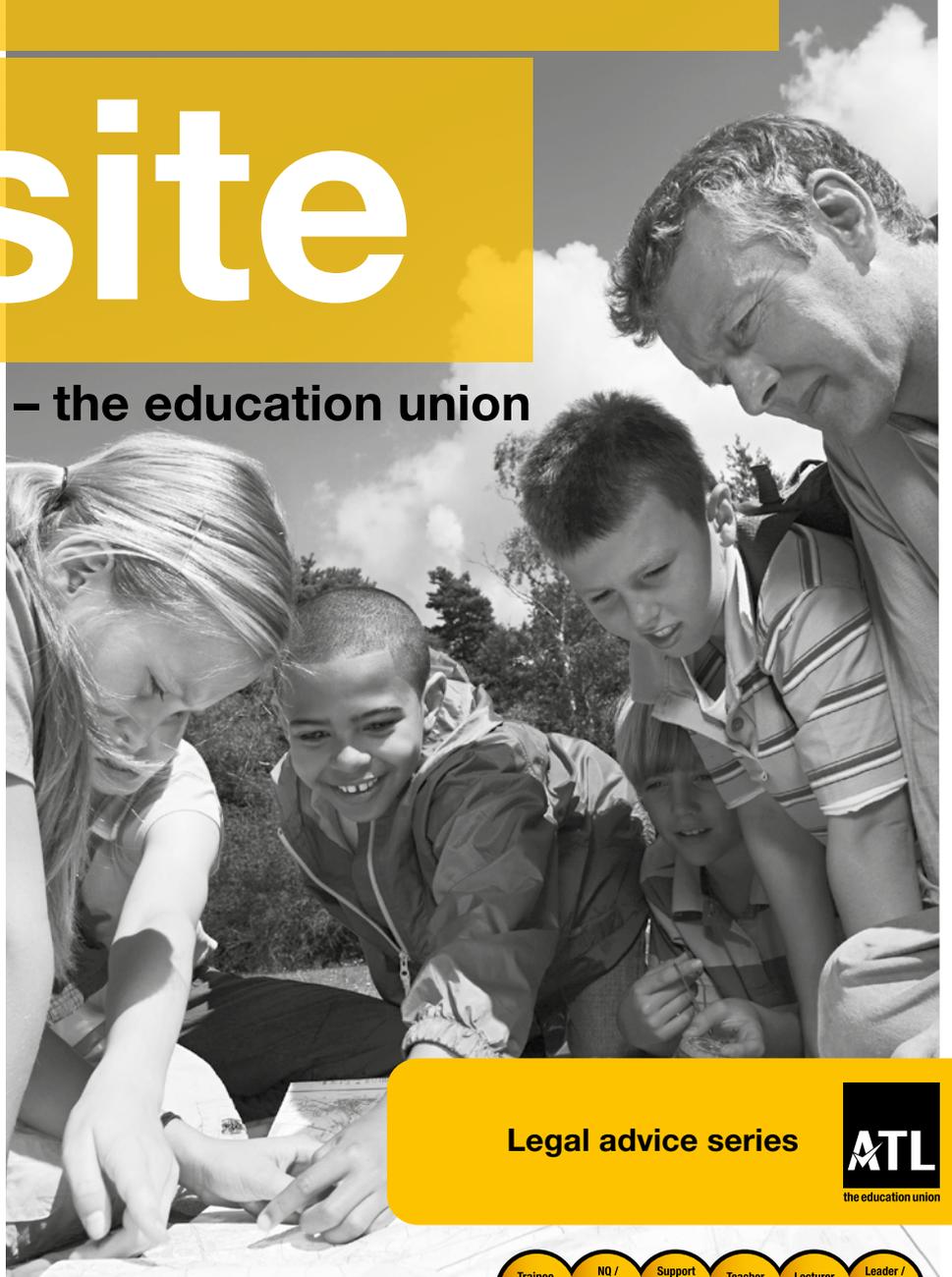


Taking students off site

Your guide from ATL – the education union



Legal advice series



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 careers.

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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. Learning outside the classroom enjoys a long tradition. According to the Government, in the UK, school-age children undertake seven to 10 million days of activities outside the classroom each year. ATL believes these activities are an essential part of any young person's learning.

The 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.

Comprehensive guidance is available on the website of the Outdoor Education Advisers' Panel (OEAP), which can be found at www.oeap.info.

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 at www.hse.gov.uk.

The Department for Education's *Health and Safety: Advice on Legal Duties and Powers* is available at www.gov.uk/government/publications.

The Royal Society for the Prevention of Accidents (RoSPA) *Planning and Leading Visits and Adventurous Activities – Guidance for Schools and Colleges Teaching Children and Young People from 5 to 18 years* can be downloaded from www.rospace.com.

The Welsh Assembly Government has published guidance *Educational Visits: A Safety Guide for Learning Outside the Classroom (2010)* and further information is available at www.gov.wales.

In Northern Ireland, the Western Education and Library Board (WELB) has published *Educational Visits – Best Practice 2009*, which provides comprehensive guidance for all those involved in planning and leading educational visits. The document can be downloaded at www.welbni.org.

The Scottish Government has produced the following guidance entitled *Health and Safety on Educational Excursions: A Good Practice Guide*, which can be downloaded at www.gov.scot/Publications.

Managing educational visits 02

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

Responsibilities of employers

There are a variety of employers in educational establishments, eg local authorities (LAs), governing bodies, individual proprietors, trusts, foundations, corporations or limited companies. Whoever they are, under the Health and Safety at Work etc 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, eg 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 etc 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 while at work.

Responsibilities of headteachers and principals

Headteachers and principals are responsible for the internal organisation, management and discipline in schools and colleges, as well as 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 coordinator (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, is 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 that caters for any changes in the itinerary or for any delays.

Responsibilities of EVCs

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 headteacher/principal to ensure that visits meet the employer's requirements, including those of risk assessment
- support the headteacher/principal 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')
- ensure that medical and first-aid issues are addressed
- review policies/procedures periodically.

Responsibilities of education advisers

It is good practice for local authorities to appoint education advisers with responsibility for the following:

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

Responsibilities of 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
- plan transport arrangements
- inform parents and obtain parental and medical consent
- prepare students for the visit
- conduct an exploratory visit.

During the visit, the group leader must ensure that:

- he or she 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.

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 and the competence/experience of the adults, as well as the time of 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 older students.

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

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

Volunteers must also be subject to the checks that are necessary to ensure child protection.

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 it 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 any change in 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.

Under the Corporate Manslaughter and Corporate Homicide Act 2007, the criminal offence of corporate manslaughter is committed by an organisation or company if the manner in which their activities were managed or organised caused or contributed to the death of a person. The organisation or company must have owed a duty of care to the deceased and its actions amounted to a gross breach of that duty.

The HSE’s guidance *School Trips and Outdoor Learning Activities – Tackling the Health and Safety Myths*, assesses the myths surrounding prosecutions. The document explains the factors taken into account by the HSE in deciding whether or not to prosecute following an accident, such as the seriousness of the breach of law, how far good practice was followed and the severity of the injury. It is available at www.hse.gov.uk.

Risk assessments 04

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.

Risk assessment involves 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.

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 and might include:

- the medical needs of students, including medication and contingency plans if an adult has to accompany a student to hospital
- behaviour of students and control measures, including a code of rules
- environmental/weather conditions and control measures, including local information about tides, potential for flooding and the likelihood of sudden weather changes, for example.

The assessment should always include a '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 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 planning the visit and risk assessments so 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.

Reviewing risk assessments

It is important to review risk assessments. Lessons learned from ongoing/dynamic risk assessments should be taken into consideration in generic assessments when planning future visits.

05 Insurance

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 injury 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. A treasurer should be appointed to take charge of the finances. Information on the finances should be available to those who may 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 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 overestimate 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.

Informing parents and obtaining parental consent

06

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 that may not be taken on the trip (parents should always be asked to sign a code of conduct form and be made aware of the consequences if these standards are not met, eg withdrawal from activities and asking parents to collect their child early)
- what the insurance arrangements are for lost luggage, accidents, cancellations, medical cover, as well as any exclusions from 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 overseas travel or adventure activities.

In 2011, the Government advised that schools have a ‘one-off’ consent form that 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. A consent form is available to download on the Government website: www.gov.uk/government/publications. 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. Educational establishments 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 raise the issue with the headteacher/principal, and/or seek advice from 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.

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.

For students with disabilities, every effort should be made to ensure they participate, should they so wish. The Equality Act 2010 and the Special Educational Needs and Disability Act 2001 give protection to these students from unfair treatment. From the outset, there should be planning for inclusion and “reasonable adjustments” made to enable students with disabilities to take part in educational visits.

Apart from specific information that might be required by the venue/tour operator/external organiser, 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 illness 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 (eg sleepwalking)
- about their child’s swimming abilities or other competencies, if relevant (eg skiing standard)

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

- to provide their contact details, including their reserve contact information
- if there is any other information they consider relevant.

Section 100 of the Children and Families Act 2014 obliges maintained schools, academies and PRUs to make arrangements to support pupils with medical conditions.

The statutory guidance, *Supporting Pupils at Schools with Medical Conditions*, is available at www.gov.uk.

Sufficient supplies of any medicines should be taken on the visit. Medicines should be labelled, stored appropriately (refrigerated, if necessary) and records kept of their use. Since September 2014, it has been possible to carry emergency Salbutamol inhalers and use them, with prior parental consent.

All supervising adults should be informed of individuals’ medical needs and of procedures to be followed in an emergency. Schools/colleges should also ensure that their insurance policies cover adults and students with pre-existing medical needs.

Particular visits 07

Foreign-language exchanges

Foreign-language exchanges have increased in popularity as they give students valuable experience of visiting the country in which the language they study is spoken. To alleviate concerns about potential problems of students staying with families in a foreign country and in seeking to minimise 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 that has twinned with yours
- agree a clear 'modus operandi' in respect of timing and frequency of visits
- ensure that all costings are accurate
- all accompanying staff, adults and students must be fully briefed
- provide students at both ends of the exchange with literature and map
- the exchange of telephone calls/texts/emails/letters between families on both sides will help build 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.

Adventure activities

Under the Adventure Activities Licensing Regulations 2004, those offering certain activities on a commercial basis taking place in England, Wales and Scotland to young people under the age of 18 must hold a licence to do so. The Regulations cover the following activities:

- caving
- climbing
- trekking
- water sports.

The Adventure Activities Licensing Service (AALS) retains a register that includes the names of licensed centres as well as the activities for which they are licensed. The functions of AALS are as follows:

- considering applications for and issuing licences
- carrying out inspections, including spot checks
- revoking or varying licences to secure safety
- investigating complaints
- making information about licence holders available to the public
- responding to general enquiries.

AALS can be contacted at 44 Lambourne Crescent, Cardiff Business Park, Cardiff CF14 5GG; tel. 029 2075 5715.

ATL advises schools/colleges to consult the licence register prior to making bookings at www.hse.gov.uk/aala.

When organising adventure activities abroad, it is important to ensure that all passports are valid and relevant visas obtained beforehand. Some countries require passports to be valid for at least six months after the date of entry to the country. Details of the nearest British Embassy should be ascertained.

It is advisable for the adults to be fully briefed, to familiarise themselves with the basic laws and cultural requirements of the country and at least one should be competent in the language. Prohibited acts shall be communicated to the students to avoid allegations of criminal conduct. To minimise health and safety risks, any medical needs of the participants should be checked. The recommended vaccinations should be carried out – group discounts might be available. In some countries, drinking tap water should be avoided – taking water-sterilising tablets and a basic first-aid kit is advisable.

A distinctive badge should be worn by each student. The address of the accommodation written in the language of the country should be written on a card and handed to everyone in the group. Everyone should know how to contact the emergency services and what to do if someone becomes ill. Ideally, everyone should know the basics of the language, such as ‘excuse me’ and ‘please’.

When selecting organisations/individuals who offer overseas adventure activities, check they conform to the British Standard for adventurous activities BS 8848. The Standard helps venture providers show prospective participants that their activities are organised and managed properly. The Standard can be cited where there is a dispute over whether a provider’s behaviour accorded with recognised good practice.

It is advisable for at least one qualified lifesaver to be present during these activities.

Information on BS 8848 can be found at: www.bsigroup.com/BS8848. Copies of it can be purchased at: www.bsigroup.com/shop, or via BSI customer services on 0345 086 9001.

Activities in or near water

Fatalities on 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 the water easily
- changes in weather
- tidal conditions.

It is advisable for at least one qualified lifesaver to be present during these activities.

Farm visits

Risk assessments on taking students to farms should include hazards associated with E. coli O157 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 the students wash their hands thoroughly before and after eating, after any contact with animals and before leaving the farm – alcohol gel and wipes are not a substitute
- 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 giving advice to teachers and others who organise visits for children (updated June 2015) and can be downloaded from the HSE website: www.hse.gov.uk/pubns/.

08 Transport

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

Minibus safety

Educational establishments should ensure that minibus drivers are competent and that they have undertaken the appropriate training. Minibus drivers must know what checks to carry out at the start of any journey, for example oil levels, tyre tread/pressures, lights and indicators, as well as the requirement for carrying safety equipment (fire extinguisher, warning triangle, first-aid kit and reflective jackets). Written procedures for recording checks and reporting defects need to be in place.

A minibus should never be driven if the driver 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 he or she was too tired to drive a minibus safely to be instructed to do so, and would defend him or her vigorously if they were to refuse.

A minibus driver should not be expected to ensure passengers remain well behaved and strapped into their seats throughout a journey while 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 that 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 before 1 January 1997 can legally drive minibuses as volunteers and “not for hire and reward”. This can be interpreted as students not being obliged to pay in exchange for the right to be passengers. Independent establishments that do not have charitable status could be viewed as commercial entities and are, therefore, advised to seek advice on their position.

Advice on when a minibus driver can be regarded as acting as a volunteer has been issued by the Department for Education, Department for Transport and the then Association of Chief Police Officers, and is available at: www.gov.uk/government/publications.

Volunteer drivers aged over 21 who passed their tests after 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)
- the vehicle is within the UK
- no trailer is being towed.

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 seatbelt
- aged 12 and 13 years (and younger children who are 1.35 metres or taller) use the seatbelt.

Passengers aged 14 years or more must wear a seatbelt 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 seatbelt. Unrestrained passengers could put themselves and others at greater risk in an accident.

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

Further advice on seatbelts is available from the Department for Transport at www.gov.uk.

Buses at the school gate

So that they can see students on 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.

Buses 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 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 advisable 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.

Unless there is an emergency, it is usually best to refrain from driving students in a private car to avoid allegations of improper conduct.

Using private cars

It is generally inadvisable to use private cars on educational visits. ATL members who volunteer to do so must ensure that their insurance policies cover business use, that parents'/guardians' consent is confirmed beforehand and that their vehicles are roadworthy.

Unless there is an emergency, it is usually best to refrain from driving students in a private car to avoid allegations of improper conduct.

Schools/colleges are advised to retain records of the names and insurance details of those who are permitted to transport children in their private vehicles.

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 and 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 notifies 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) 2013, 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 away from work or unable to perform their normal work duties for more than seven consecutive days
- accidents that cause pupils or other members of the public to be taken from the scene to the hospital for treatment
- 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/riddor/.

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.

10 Travel agents

Schools/colleges that engage the services of travel agents should ensure they are members of the Association of British Travel Agents (ABTA), which operates a strict code of conduct and whose members have financial backing. The Package Travel, Holidays and Package Tours Regulations 1992 (SI 1992 No. 3288) obliges travel organisers to safeguard consumers' money. Consumers are also entitled to compensation and/or repatriation in the event of insolvency, so that people are not left stranded abroad, for example.

School Travel Forum

Many educational visits are arranged through tour operators. The School Travel Forum (STF), a group of tour operators, aims to provide best practice in educational travel. The STF has a Code of Practice, to which all its members must adhere. Annual external verification of safety systems are carried out on its members. ATL supports the initiatives of the STF. Its website www.schooltravelforum.com provides information and advice on its objectives, safety management and standards, and risk assessment.

The Council for Learning Outside the Classroom

The STF is the awarding body for the Learning Outside the Classroom Quality Badge. The Council for Learning Outside the Classroom has a website, www.lotc.org.uk, which provides advice and resources on outdoor activities for young people up to the age of 19. Its Quality Badge is an accreditation, aimed at assisting those who are planning educational visits, by identifying good-quality, safe services and reducing red tape. If a venue/organisation displays the Quality Badge, it should not be necessary for educational

establishments to undertake their own risk assessments. Activities include educational visits to museums, zoos, farms and science centres, as well as field studies and activity centres, but not adventure activities.

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 that organises a package tour "otherwise than occasionally" will have to comply with the Package Travel, Holidays and Package Tours Regulations 1992 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 bookings) 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.

Guidance on work experience covering issues such as supervision, health and safety, and insurance can be found in the following:

Post-16 Work Experience as a Part of 16 to 19 Study Programmes and Traineeships (March 2015): www.gov.uk/government/publications.

Employer guides to work experience (Feb 2014): www.gov.uk/government/publications.

Young People and Work Experience – A Brief Guide to Health and Safety for Employers (June 2013) INDG 364 (rev 1): www.hse.gov.uk/pubns/.

Work Experience: A Guide For Secondary Schools (Feb 2002) Ref: SPD/WES/01/02(rev): www.education.gov.uk/publications.

For those in Scotland, see also *Work Experience in Scotland* (2008; ISBN 978 0 7559 7324 8): www.gov.scot/Publications.

12 Duke of Edinburgh's Award

The Duke of Edinburgh's Award (DofE) website **www.dofe.org** contains comprehensive advice on running activities under the scheme.

Operating Authorities (eg local authorities, charities and uniformed organisations) in the UK are responsible for administering, under licence, the DofE activities in their area and for authorising the Awards. Each Operating Authority has a number of DofE Centres that are licensed to ensure they meet the standards required for safety and child protection etc.

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

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



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ATL product code: PED03
Date: November 2015
ISBN: 1-902466-47-0
Price: £9.99 (non members)/Free (members)

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