

**September 2017**

## **Some things you should know about Education Outside the Classroom (EOTC) and the new Health and Safety changes**

Health and safety has moved to something everyone is involved in and to actually managing risks. Worker participation is expected in schools. The '*person conducting a business or undertaking*' (PCBU) is responsible for health and safety matters – in schools this is the board, including the staff and student representatives.

An 'officer' is someone senior who can both influence and significantly alter the running of the operation. In schools this is the principal and the board. Senior leaders who are acting principals on a day to day basis are not the 'officer' as they cannot make significant changes. A senior leader appointed acting principal for a long period becomes an 'officer' for the purpose of the Act.

You are expected to do what is reasonably practicable to manage hazards. There are penalties for failure, but since 1992 only three penalties have been handed out, none to principals. If negligence is found then the responsibility lies with the board. The key is due diligence – finding all the relevant information, identifying the hazards and taking reasonable steps to minimise them. Board need to do due diligence, consult, cooperate and coordinate through an appointed EOTC coordinator and they must have a health and safety committee. In practice, if you have current robust systems and were meeting previous requirements, the new requirements should not be a big change.

The definition of 'worker' includes subcontractors on site. They have to be included in the school's health and safety processes and will have their own PCBU (the owner of the business which employs them). PCBUs they are required to consult with each other. For example, if the outdoor education coordinator hires a kayaking company the education coordinator and the kayaking company owner have to consult on all aspects of the operation. The other PCBU must provide their risk management plan and a list of the qualifications of instructors.

Where there are multiple PCBU involved on a site, e.g. basketball tournament or Polyfest, each PCBU must ensure they know the venue is safe by sighting the host PCBU safety plan. You must check standards are met. This can be through a declaration from the provider. If they are providing first aid they must show they are trained and qualified.

If there are any notifiable events on site, even outside the school day, it is the duty of the PCBU to notify Worksafe. If you have students at another venue it is the host PCBU who should notify,

PPTA represents the professional and industrial interests of some 17,500 secondary teachers in state secondary, area, manual training and intermediate schools, as well as tutors in community education institutions, alternative education and activity centres, and principals in secondary and area schools.

but you can too by calling 0800worksafe. The requirement to notify is not about imposing a penalty but about identifying trends to look for ways to improve safety.

A recent coroner recommendation is that drivers transporting students to and from school events should have observers to monitor fatigue. That may require a review of the school's transport policy.

After each activity there is a need to debrief on what went wrong/right and what can be improved.

The EOTC coordinator should be aware of the Adventure Activities register and its list of registered (approved) providers. There is no requirement to have a memorandum of understanding with each provider unless they are doing assessments. They should show the staff training and their management plan, etc, but these will be covered if they are on the approved provider register,

The EOTC guidelines have been updated to align with the Health and Safety at Work Act and the Vulnerable Children's Act. However, a lot of regulations underpin them and Worksafe and other regulators can adjust the regulations without an adjustment to the Act. The latest version is online. It has several minor changes. Changes have also been made to the MoE guide to health and safety. If changes are made to the guidelines schools will not automatically get new hard copies.

It will help to have someone at the school registered with EONZ to get their newsletter. They have a national EOTC data base and provide a very good course. If you are signed up they will tell you when there have been changes to guidelines. The information will be useful to HoDs of Sport and EOTC.

If you have a planned activity which the teacher deems too dangerous for some students there might need to be another type of assessment, or perhaps it could be done elsewhere which is safer– this is a question which should be asked right back to planning stage.

If a PCBU puts in place a plan but a teacher declines to go because they reasonably believe it is still unsafe then PPTA will support the member. If staff are working unsupervised one-one there are further considerations under Vulnerable Children's act.

## **Useful links**

<http://eotc.tki.org.nz/EOTC-home/EOTC-Guidelines>

<https://education.govt.nz/assets/Uploads/9-checks-overview.PDF>

<https://education.govt.nz/assets/Documents/Ministry/Initiatives/Health-and-safety/Factsheets/HS-Factsheet-What-Events-to-Notify-14.pdf>

<https://www.worksafe.govt.nz/worksafe/notifications-forms/notifiable-events/forms/form-notifiable-death-injury-illness.pdf>

<https://education.govt.nz/school/property/state-schools/day-to-day-management/leasing-or-hiring-to-third-parties/sleepovers/>