Learner Health, Safety and Welfare: The Learning and Skills Council Approach

November 2006

This is of interest to LSC staff and LSC funded organisations
The purpose of this publication is to inform LSC funded organisations that learner health, safety and welfare are of fundamental value to the LSC. The publication explains the LSC approach to learner health and safety welfare.
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Foreword

Learner health, safety and welfare are of fundamental value to the Learning and Skills Council (LSC) and must be part of every learning experience.

As the LSC National Learner Champion, I place great emphasis on the importance of the safe, healthy and supportive environment to which all LSC-funded learners are entitled. I report annually to the Council on LSC performance in this area.

As the funding body for the further education (FE) system, the LSC is in the unique position of being able to influence those we fund to have appropriate policies and systems in place to the benefit of the learner. It is important that all those who receive funding from the LSC to educate and train learners are clear on how we operate as an organisation and our role in ensuring learner health, safety and welfare.

Regional directors will continue to ensure that our two objectives – raising standards of health and safety to the benefit of the learner, and seeking assurance from and through those we fund – are carried out effectively. Our nine learner health and safety teams and NES health and safety manager will be the mechanism through which this will be achieved. They will also be there to work in partnership by building relationships within the FE system.

Malcolm Gillespie
National Learner Health and Safety Champion
August 2006
Executive Summary

The Learning and Skills Act 2000 requires the Learning and Skills Council (LSC) to secure proper facilities for education and training and this includes ensuring that facilities used for activities funded by the LSC are of sufficient quality to meet the needs of learners.

The LSC learner health, safety and welfare policy confirms that the LSC will seek assurance from those it funds that suitable and sufficient arrangements have been made before a learner starts to learn and continue to be made throughout his or her learning experience for health, safety, and welfare.

In LSC terms, a learner is an individual receiving training and support on LSC-funded programmes. The term includes “employees”, “trainees”, “clients”, and “pupils or students”. The LSC recognises that “one size does not fit all” and will take account of the risk to learners to target its resources accordingly – higher risks will demand a higher level of assurance, lower risks less so.

The LSC is clear that if its funded organisations are in breach of the funding conditions in relation to health and safety it will take the necessary steps to ensure compliance. Failure to comply will result in action including, where considered necessary to ensure the well-being of learners, removal of approved provider status with consequent loss of funding.

The LSC is committed to working with others. The LSC has established collaborative partnerships to support good practice in the promotion of safe learners, and to help develop common, nationwide arrangements ensuring consistency and reducing duplication and unnecessary red tape.

The LSC approach is implemented by the regional and National Employer Service (NES) health and safety managers.

There are clear lines of accountability from the Chief Executive, with overall responsibility for learner health and safety, down to individual accountability.
The Learning and Skills Council approach

Background

Learning and Skills Act 2000

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

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

Learning and Skills Council policy for learner health and safety

3. The LSC’s policy statement on learner health, safety and welfare was approved by the management board in April 2002. The policy has since been reviewed, updated and was signed by the LSC’s chief executive Mark Haysom in January 2006. The policy is built on the principle that health, safety and welfare of learners is a fundamental value for the LSC and applies to all types of provision. The policy confirms that the LSC will promote the raising of standards of health and safety to protect and benefit the learner. Key to this is the promotion of the “safe learner” concept and continuous improvement through effective health and safety management. The policy confirms that the LSC will seek assurance from those it funds that suitable and sufficient arrangements have been made before a learner starts to learn and continue to be made for learner health, safety and welfare throughout his or her learning experience.

Definition of a learner

4. A learner is an individual who is learning by receiving training and support on LSC-funded programmes. The term includes “employees”, “trainees”, “clients”, and “pupils or students”.

Definition of a safe learner

5. A safe learner, through the quality of the learning experience:
   • gains an understanding of the importance of health and safety
   • identifies and controls risk
   • develops a set of safe behaviours.

In other words, learners play an active part in the process and develop practical, transferable skills from their experience.

Details of the Learning and Skills Council Approach

Activities to be carried out

6. Based on the Act and the policy, our two main objectives are seeking assurance and raising standards. These will often operate simultaneously. Within these two objectives there are three connected themes or areas of health and safety that the LSC will focus on:
   • the safe, healthy and supportive environment
   • the “safe learner” concept
   • health and safety management.

7. Everything we do will be based on the above. The LSC operates at two levels:
   • the LSC National Office – strategy and policy role
   • regional health and safety teams and NES – raising standards and seeking assurance roles. Experiences inform policy.

8. The two levels will work together with common aims and objectives ensuring clarity and consistency.

Learner health and safety funding clauses

9. All funded organisations have the same health and safety funding clauses within their funding agreements with the LSC which apply equally to each category of provider. Failure to comply with the health and safety clauses may result in the withdrawal of funding for learning.

Style

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

Arrangements for “Seeking Assurance”

Risk-targeted approach

11. The LSC recognises that “one size does not fit all” and will take account of the risk to learners and target its resources accordingly – higher risks will demand a higher level of assurance, lower risks less so. Learners and their health, safety, welfare and general well-being are of paramount importance to us. The LSC Approach will be fully integrated with other quality improvement processes.
Common processes

12 There are a number of ways in which we will seek assurance. This will depend on all the circumstances, and will reflect overall risk. The purposes of the processes listed below are to provide assurance that learning takes place in a safe, healthy and supportive environment, that a health and safety management system is working effectively and that the safe learner concept is being promoted:

- quality assurance of responses to an LSC health and safety questionnaire and declaration (form HSQ1) prior to funding and annually thereafter. No learner shall be funded by the LSC before this questionnaire and declaration has been cleared acceptable by an employee of the LSC
- assessment of health and safety within self-assessment and quality improvement plans
- quality assurance of reported learner incidents
- reviewing and seeking assurance on the health and safety performance of those we fund
- risk-targeted quality testing including surveys
- quality assuring learner complaints and feedback
- examining information from other sources, for example reports by Ofsted and the Adult Learning Inspectorate, Health and Safety Executive and local authority enforcement action, three-year development plans, and eyes and ears reports.

13 We will use learner incident data to inform the system, identifying trends and risks. This will feed into our strategy when determining plans and where to target resources. We are clear that if our funded organisations are in breach of the funding conditions in relation to health and safety we will then take the necessary steps to ensure compliance and make it clear that failure to comply will result in action including, where considered necessary to ensure the well-being of learners, removal of approved provider status with consequent loss of funding.

The safeguarding of vulnerable groups

14 The LSC’s conditions of funding require all its funded organisations to adopt recruitment processes that comply with the law. Funded organisations are also required to register with the Criminal Records Bureau (CRB) where their employees may have regular contact with learners under 18 or other vulnerable learners. They are required to ensure that the appropriate checks are made to ensure that employment that involves regular contact with young people under the age of 18 or other vulnerable learners is not offered to or held by anyone who has been convicted of certain specified offences, or whose name is included on lists of people considered unsuitable for such work held by the Department for Education and Skills (DfES) and the Department of Health. These requirements are part of our overall risk management strategy for learner health and safety.

Arrangements for “Raising Standards”

The safe learner

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

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

Working in partnership

17 We are committed to working with others. We have established collaborative partnerships to support good practice in the promotion of safe learners, and to help develop common, nationwide arrangements ensuring consistency and reducing duplication and unnecessary red tape. Organisations with an interest in learner health, safety and welfare include the HSE, professional associations, the sector skills councils, trade unions, and umbrella organisations such as the Association of Colleges (Aoc) and the Association of Learning Providers. We have established a National Learner Health and Safety Partnership Group’ to facilitate strategic partnerships with organisations that can promote the safe learner.

18 We will work with the Quality Improvement Agency (QIA), the Learning and Skills Network (LSN), Jobcentre Plus, the Adult Learning Inspectorate (ALI) and Ofsted and the DfES to harmonise and coordinate activities and to reduce bureaucracy. The LSC has given a commitment to support the work of the HSE, in particular in relation to the Health and Safety Commission’s Revitalising Health and Safety strategy.

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1 The National Learner Health and Safety Partnership Group members include the DfES, HSE, Aoc, ALI, NIACE, QCA, the NEBOSH, IOSH, RoSPA, CIEH, SSDA, TUC, and ABI.
Regional Teams and the National Employer Service

19 Regional health and safety teams sit within the learning, planning and performance in each region. The NES sits within the skills group at national office. The work of regional health and safety teams and the NES is described in the following paragraphs.

Health and safety questionnaire (HSQ1)

20 This is issued to potential learning organisations prior to funding. It is evaluated on receipt and any further information and follow-up assurance required is undertaken. This may involve discussion and/or a visit to the organisation to clarify answers or to seek further assurances, but is targeted and based on an assessment of risk. The questionnaire is re-issued to existing funded organisations annually. No LSC-funded learner may be learning with a learning organisation that has not been deemed acceptable following evaluation of the HSQ1 by an LSC employee.

Learner incidents

21 These are required to be reported to the regional teams or NES and we expect that organisations report and effectively assess learner incidents, identifying where improvements can be made, focusing on the safe, healthy and supportive environment and the “safe learner”. Regional teams and NES quality assure incident reports and on a risk-targeted approach will follow up with the organisation reporting the incident. We will use information from learner incidents to identify where lessons can be learnt, and disseminate the lessons in a timely manner to others as appropriate.

Self-assessment reports and quality improvement plans

22 Regional teams and NES will provide assurance that funded organisations are self-assessing health and safety performance against the common inspection framework and LSC requirements. This is needed as part of an effective health and safety management system such as in HSG65 Successful Health and Safety Management. Regional teams and NES, on receipt of a self-assessment report, will quality assure the health and safety element. As part of this and again on a risk-targeted basis, regional teams and NES may need to discuss and visit organisations about the strengths and weaknesses identified and the overall health and safety performance. Regional teams and NES will want to agree any quality improvement plans as part of raising standards of health and safety to benefit the learner and assure the effectiveness of the health and safety management system. We will monitor such plans in partnership.

Performance review

23 The LSC has a role in assuring the quality of provision including health, safety and welfare. It will use a variety of data and evidence such as:

- self-assessment reports and quality improvement plans
- learner incident reports
- HSQ1
- seeking assurance visits
- risk-targeted quality testing findings
- reports from ALI or Ofsted
- three-year development plans
- learner complaints, surveys and feedback
- HSE or local authority enforcement action (improvement or prohibition notices).

Unsatisfactory standards

24 We are clear that if our funded organisations are in breach of the funding conditions in relation to health and safety we will then take the necessary steps to ensure compliance and make it clear that failure to comply will result in action including, where considered necessary to ensure the well-being of learners, removal of approved provider status with consequent loss of funding.

Promoting the safe learner

25 Regional teams and NES will seek opportunities to promote the safe learner concept. For some this may include agreeing safe learner objectives and targets as part of performance setting and measuring performance.

Support

26 Regional teams and NES will liaise with regional partnership teams to:

- support regional and local networks’ safety management systems
- promote the “safe learner” concept
- share information and lessons learnt from incidents
- identify and promote good practice.

27 LSC regional teams and the NES are not health and safety inspectors and do not enforce health and safety legislation. LSC staff are not empowered to provide LSC-funded organisations with advice and assistance on health and safety legislation. This role must be fulfilled by the health and safety competent person within the funded organisation.

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2 Sample quality testing may be conducted by an organisation independent to the LSC and determined by a regional or NES health and safety manager.

3 Competent advice as required by the Management of Health and Safety at Work Regulations 1999.
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28 LSC regional teams and the NES do not have control over or the responsibility for the health and safety content of the training programmes delivered to the learners.

The Roles of Regional and National Employer Service Health and Safety Managers

29 The roles of the regional and NES health and safety managers are described in the following paragraphs.

Policy implementation

30 Apply expert knowledge and experience to achieve effective policy implementation within the context of the LSC as a strategic planning and funding body. Analyse and advise on best options for the LSC on all types of provision. Use information gained from working with partnerships and providers at a regional level to review the implementation of the policy at a regional and area level, identifying where additional action needs to be taken and making a major contribution to the future development of the policy.

Partnership working

31 Identify opportunities for strategic partnership working with providers (including employers), colleges and other stakeholders and organisations. Work proactively to facilitate and build these partnerships with the aim of promoting the safe learner concept, good practice and confidence in the LSC approach. Develop initiatives within the region that will result in improved partnership working and help raise provider capability to improve learner health, safety and welfare.

Good practice

32 Design, develop and deliver regional and NES initiatives and programmes to raise the capability of providers, with a particular focus on the safe learner. Contribute to national senior policy manager good practice initiatives, reviewing and determining the timing of their implementation within the region.

Working relationships

33 Establish close working relationships within the regions, NES and the LSC National Office. Produce progress reports to enable reviews of the effectiveness of the policy implementation.

Incident management

34 Oversee the gathering, analysis and quality of data on learner accidents, including implementation in new areas.

Promoting consistency

35 Ensure consistency in implementation of the LSC policy and strategy through regular reviews of the effectiveness of working relationships and the quality of advice or mentoring.

Selective quality testing

36 Responsible for organising and overseeing selective quality testing of providers’. Design and develop, implement and monitor an annual programme.

Reporting

37 Health and safety managers will periodically inform directors of progress in achieving learner health and safety objectives. They will also report on where standards have not been met and on necessary actions. Learner incidents and lessons to be learnt will form part of the reports.

The Role of the National Senior Policy Manager

38 The National Senior Policy Manager will advise the LSC and put in place strategies and policies to provide assurance that health and safety standards are met and raised to benefit the learner. The main activities will include the following.

Promoting the “safe learner” concept

39 The safe learner concept is a continuously developing concept and the LSC National Office will work with partners to develop a safe learner or safe worker blueprint. The safe learner concept is more than just safety and naturally includes health, welfare and well-being as an integral part.

Ensuring consistency of approach and standards

40 It is important that the approach to learner health, safety and welfare is consistent throughout all areas of learning. Not only does it help reduce bureaucracy, it reduces duplication and provides clarity. However, resources for seeking assurance and raising standards will be targeted towards higher risk provision.

Developing national partnerships

41 The LSC works with key partners, including the DfES, to influence those we fund and others. We will consult with those who can contribute to our strategy. Key to this will be the National Learner Health and Safety Partnership Group.

Monitoring the learner health and safety management system

42 The National Senior Policy Manager will continuously monitor the health and safety management system, modifying the system where evidence shows that improvements can be made.

Monitoring the performance of those we fund

43 If we are to improve continuously, it is important we know how well those we fund are performing in terms of health and safety, both generally and specifically in relation to the safe learner concept. The LSC National Senior Policy Manager will report on performance and act on trends. It will also maintain a learner incident database to identify trends and risk areas and to share any lessons learnt with others.
Corporate Accountability

44 The Chief Executive has overall responsibility and is accountable for the learner health and safety function. There is a clear line of accountability for learner health and safety from the Chief Executive to regional directors and in turn local office area directors. Local office area directors have responsibility to promote the safe learner and work to meet performance measures.

45 Regional directors are responsible for ensuring that learner health and safety processes are implemented in their regions.

46 The Director of Work-based Learning provides advice to the LSC’s Management Board and monitors the effectiveness and consistency of the LSC strategy and plans. Regional and NES health and safety managers will provide periodic reports to directors on the learner health and safety performance within their areas.

47 The National Senior Policy Manager provides expert competent advice and develops LSC policy on learner health and safety.

48 The LSC has appointed a “champion” for learner health and safety who reports annually to the Council on LSC performance in this area.

49 All LSC employees have a responsibility to report health and safety concerns they identify, including any cases where they believe learners are at risk. All LSC staff have responsibility to ensure that the LSC’s policies are implemented through their daily work.

Communication

Internet

50 Learning and health and safety moves with a pace that reflects our changing society and needs. Most of our information on health and safety will therefore be produced electronically and held on the safe learner website (www.safelearner.info). This will allow changes to be made as required without the need for constant paper publishing and re-publishing. It should also help our partners keep up to date with developments and through the use of hyperlinks make information more accessible.

References

3 HSE, Successful Health and Safety Management (HSG65), London: HSE (www.hsebooks.co.uk/homepage.html)
5 Be Safe booklet (available free by calling 0870 900 6800)
7 Guidance for Employers: Safe Behaviour is Sound Business
8 Guidance for Providers: Safe Behaviour is Sound Business
9 Safeguarding Pupils on Young Apprenticeships
10 Pocket Guide to Supervising Learner Health and Safety
11 Supervisors/Team Leaders Health and Safety Aide-Memoire
12 Be Safe – Promoting a Safe Learner Culture (DVD)
13 Good Practice Toolkit (www.safelearner.info)

References 7–12 are available free of charge by calling 0870 900 6800.
Health and Safety