



National
Guidance

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Status, Remit and Rationale

Status

“National Guidance” – Guidance for the Management of Outdoor Learning, Off-Site Visits and Learning Outside the Classroom.

This guidance has been developed with the intention that it can be adopted to fulfil the function of an employer’s guidance.

The Health and Safety at Work etc. Act, 1974, places a duty on employers that they **must** supply their employees with the information necessary to carry out their duties safely. This National Guidance is designed to help employers to carry out this duty. Where an employer wishes to use this guidance as their own employer guidance, they should formally adopt it.

The guidance has been written to be consistent with employers’ legal duties under Health and Safety legislation, as well as employment and criminal law. If conflict arises, the following priorities should be followed, in this order:

1. Obey the law.
2. Fulfil the requirements of your employer.
3. Work within good practice expectations as set out by professional organisations and national governing bodies.

Remit and Definition

This guidance applies to most situations where adults acting in the course of their employment take responsibility for children and young people taking part in off-site activities and visits, as well as when taking part in on-site outdoor activities.

The following terms may all be used to capture this range of ventures, experiences and environments:

- Off-Site Visits
- Outdoor Learning
- Learning Outside the Classroom (LOtC) and
- Educational Visits

For the purposes of this guidance, we use the definition:

*"Any occasion when a young person takes part in an establishment-led or organised learning activity which is carried out beyond the boundary of the normal operational base, but **excepting** the following:*

- Where establishments operate on a split site
- Work experience placements
- **Physical Education:** only the journey to and from the venue is covered by this guidance. The activity supervision should be that required or recommended by specialist PE guidance, such as that provided by the employer and Association for Physical Education (AfPE)."

Foundation Principles

For more detail on the philosophy and principles underpinning production of this guidance please refer to the section 'About NG'.

Under the Health and Safety at Work etc. Act (1974), health and safety responsibilities lie with the employer, who has the legal responsibility to carry out the duties imposed by the Act. However, employers can delegate the tasks necessary to discharge these duties, even though the overall responsibility for health and safety remains with the employer.

This guidance builds on the foundation provided by earlier DfES publications:

- "Health and Safety of Pupils on Educational Visits " (HASPEV) (1998)
- "Health and Safety: Roles and Responsibilities" (2001)
- "Standards for LEAs in Overseeing Educational Visits" (2002)

These government publications have now been withdrawn and replaced with a more generic statement 'Health and Safety: Advice for Schools" (available from DfE). It leaves this National Guidance as the primary source of advice on good practice in this area.

The widespread adoption of the Outdoor Education Advisers' Panel Educational Visit Coordinator (EVC) and Visit Leader training has improved safety and quality in outdoor learning. The training is recommended for anyone using this guidance.

Other sources of guidance (e.g. those issued by government departments and professional associations) may be useful in reinforcing or clarifying understanding, but in terms of legal expectation, your employer's guidance will prevail. It is therefore of critical importance for those using this guidance to understand "who is my employer"? This may not be quite as simple as it seems ...

Who is my employer?

- For community schools, community special schools, voluntary controlled schools, maintained nursery schools and pupil referral units, the employer is usually the local authority.
- For trust schools, city technology colleges, foundation schools, foundation special schools and voluntary aided schools, the employer is usually the governing body.
- For academies, the employer is usually the academy trust.

- For independent schools, the employer is usually the owner or the board of directors or trustees.
- For charities, the employer is the board of trustees.
- For companies, the employer is the board of directors.

Some local authorities have contracted out the provision of services to external providers, which may be (for example) a company or a charity. If you work in this situation, you should ensure that you are clear who your employer is.

Where a local authority contracts the provision of a service to an external provider, it should require that the provider follows local authority guidance or operates guidance of a similar standard. This is most easily done when the local authority adopts this National Guidance and requires the provider to do likewise.

Summary

If this guidance has been adopted by your employer and your employment involves any one of the following:

- **direct supervision of young people undertaking experiences beyond the boundary of their normal operational base**
- **direct supervision of young people undertaking experiences that fall within the remit of Learning Outside the Classroom (LOtC)**
- **facilitating experiences for young people undertaking experiences beyond the boundary of their normal operational base**
- **deploying staff who will supervise or facilitate experiences of or for young people undertaking experiences beyond the boundary of their normal operational base**

(with the exceptions of split-site working, work experience and PE as outlined above), you must ensure the young people are supervised in accordance with the contents of this guidance, regardless of whether or not the activities take place within or outside normal working hours, including weekends and holiday periods.

