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Management of Health and Safety at Work Policy



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CONTENTS

Introduction.....	1
Policy Statement.....	1
Policy Guidance.....	2
Risk Assessment	2
Health And Safety Arrangements	6
Health Surveillance.....	6
Healty And Safety Assistance.....	7
Procedures For Serious And Imminent Danger And For Danger Areas	7
Information For Employees.....	8
Co-Operation And Co-Ordination Between Employers.....	8
Visiting Workers.....	9
Capabilities And Training.....	9
Employees' Duties	10
Temporary Workers.....	10
Rights Of Trade Unions Safety Representatives	10
Pregnant Women At Work.....	11
Advice.....	11

1. INTRODUCTION

- 1.1 This policy has been produced in response to the Management of Health and Safety at Work Regulations 1999 (MHSW), which were introduced under the provision of the Health and Safety at Work etc. Act 1974.
- 1.2 The duties imposed under the MHSW Regulations are of a **wide-ranging and general nature**, which have the effect of creating an overlap with duties contained in other legislation. Where there is an overlap compliance with those requirements contained in the more specific legislation will normally be sufficient to comply with the duty in the MHSW Regulations.
- 1.3 Where duties under the MHSW Regulations go beyond those in the more specific legislation, additional measures will be needed in order to comply fully with the MHSW Regulations.

2. POLICY STATEMENT

- 2.1 This policy outlines the general procedures required to ensure that sound health and safety management is put into practice. It also secures the health and safety of those persons employed by the Council. The extent to which these recommendations are implemented in practice will depend upon the degree of risk involved.
- 2.2 The responsibility for implementing the provisions of this policy and the preparation of an implementation strategy rests with each Director or Head of Service.

POLICY GUIDANCE

3. RISK ASSESSMENT

- 3.1 Suitable and sufficient assessments of the risks to the health and safety of employees and to anyone else e.g. members of the public who may be affected by the Council's work activity, must be made.
- 3.2 **Purpose of a Risk Assessment** – the purpose of the assessment is to identify the action necessary in order to comply with the requirements of the relevant statutory provisions, for example, to identify the preventative and protective measures necessary to control the hazard highlighted in the risk assessment.
- 3.3 **Competency** – Competent persons must be appointed to carry out risk assessments. The assessor must have an understanding of the workplace, an ability to make sound judgements and knowledge of the best practicable means to reduce the risks identified.

Competency in this sense does not require a particular level of qualification but may be defined as a combination of knowledge, skills experience and personal qualities including the ability to recognise the extent of limitation of one's own competence (refer to Section 6 of the Policy Guidance).

- 3.4 **Hazard and Risk** – as a risk assessment involves identifying the hazards present in any undertaking and then evaluating the extent of the risks involved, it is vital to understand what these terms mean:
- a hazard is something with the potential to cause harm or injury
 - a risk expresses the likelihood that the harm from a particular hazard is realised and to what extent

Examples of hazards and associated risks include:

- handling chemical substances – there may be a risk of exposure to the chemical
 - walking upon floor surfaces – there may be a risk of slips, trips or falls
 - climbing up and down ladders – there may be a risk of falling from, or collapse of the ladder
 - operating an abrasive wheel – there may be a risk of contact with, or explosion of, the abrasive wheel
 - use of electrical equipment – there may be a risk of electric shocks or burns
- 3.5 **Scope and Extent of an Assessment** – to enable a suitable and sufficient risk assessment to be carried out, it is important to adopt a structured approach. In particular, a risk assessment should:
- ensure all relevant risks or hazards are addressed:

- identify hazards
 - identify risks
 - consider specific legislation
 - evaluate risks from identified hazards and prioritise
 - by systematic in looking at hazards and risks
 - ensure all aspects of work activity are reviewed
 - disregard inconsequential risks
- address what actually happens in the workplace during the work activity
 - remember actual practice may differ from a works manual
 - think about non-routine operations
 - interruptions to the work activity are a frequent cause of accidents, therefore look at the management of such incidents
 - ensure all employees and others who may be affected are considered – do not forget cleaners, maintenance staff, security guards and visitors

Identify groups of workers who might be particularly at risk for example, young and inexperienced workers, those who work alone, disabled employees

- take account of existing preventative and protective measures

3.6 **Preventative and Protective Measures** – when deciding what preventative and protective measures need to be taken following the risk assessment the following principles should apply:

- if possible, avoid a risk altogether, e.g. by not using a particular substance
- combat risks at source, e.g. slippery floor – treat or replace rather than put up a warning sign
- where possible, adapt work to the individual
- take advantage of technical and technological progress which is normally safer
- risk prevention measures need to form a coherent policy and approach to progressively reduce risks which cannot be prevented or avoided altogether
- give priority to measures which protect the workforce as a whole thus yielding the greatest benefit
- ensure employees understand what they have to do – inform them
- avoidance, prevention and reduction of risks needs to be an accepted part of the approach and attitudes at all levels of management and apply to all activities

3.7 **Review of Assessment** – an assessment must be kept up-to-date and must be reviewed periodically to ensure it remains valid. Factors that you should consider in determining this review are:

- a change in legislation
- a change in control measures
- any significant change in the work carried out
- transfer to new technology
- any other reason to suspect that the original assessment is no longer valid or could be improved

Remember a risk assessment must be regarded as a “live document” and as such must be periodically reviewed.

3.8 **Generic Assessments** – you can produce a ‘generic’, or ‘model’ risk assessment where similar activities are undertaken in similar places of work. The generic assessment should be able to account for the majority of hazards and risks that arise, but will require fine tuning and adaptation to cater for individual circumstances.

The method of generic assessment must be appropriate to the nature of the work.

3.9 **Assessment Under Other Regulations** – other regulations apart from the MHSW regulations also contain requirements for risk assessment but which address **specifically**, the hazards and risks that are covered by those regulations will cover in part the obligation to make assessments under the MHSW regulations. Where an assessment has already been carried out under the other regulations, it need not be repeated so long as it remains valid; but all significant risks must be covered.

Examples of specific risk assessments under other regulations include:

- Control of Lead at Work Regulations 2002
- Ionising Radiation Regulations 1999
- Control of Asbestos Regulations 2006
- Control of Substances Hazardous to Health Regulations 2002
- Control of Noise at Work Regulations 2005
- Health and Safety (Display Screen Equipment Regulations) 1992
- Manual Handling Operations Regulations 1992
- Personal Protective Equipment at Work Regulations 1992
- Construction (Head Protection) Regulations 1989
- Regulatory Reform (Fire Safety) Regulations 2005

3.10 **Recording Assessments** – an assessment must be supported by accurate record keeping (a legal requirement where there are more than five employees), except where the assessment is straightforward and obvious and can be easily repeated and explained. The records that must be kept, should contain at least the following information:

- a description of the process/activity assessed
- the significant hazards identified in the assessment
- the existing control measures in place and the extent to which they control the risk
- further action necessary to control the risk
- persons who may be affected by these significant risks
- date of assessment and where appropriate, next review
- the name of the competent person carrying out the assessment

3.11 **Setting Priorities** – The risk assessment should enable you to prioritise remedial measures. In most cases it will be clear to the competent person that some risks require attention before others. Where there is an uncertainty, a 'risk rating' may be attributed to each identified hazard by using a simple formula, such as that given below

The risk rating is the effect of hazard multiplied by the likelihood of harm. Set out below is an example:

Severity Likelihood	SLIGHTLY HARMFUL	MODERATELY HARMFUL	EXTREMELY HARMFUL
HIGHLY UNLIKELY	TRIVIAL RISK	ACCEPTABLE RISK	MODERATE RISK
UNLIKELY	ACCEPTABLE RISK	MODERATE RISK	SUBSTANTIAL RISK
LIKELY	MODERATE RISK	SUBSTANTIAL RISK	INTOLERABLE RISK

It is envisaged that the need to quantify risk assessments to prioritise remedial measures will only be required in a limited number of cases, where previously mentioned uncertainty exists.

3.12 **Important** – it is essential to realise the carrying out of risk assessments is a key area in ensuring the health and safety of workers and good management practice and is the foundation upon which successful health and safety management is built on.

'Unless the work involved poses no significant risk then if no risk assessment has been made, whether specific or generic, an employee must contact his/her manager or supervisor who will arrange for an assessment to be carried out and risk management principles put into practice as a result'

4. HEALTH AND SAFETY ARRANGEMENTS

- 4.1 Effective arrangements (measures) that follow from the risk assessment, to plan, organise, control, monitor and review systems and procedures that are designed to cover health and safety at work must be put into practice.
- 4.2 Such health and safety arrangements should be integrated into all management systems and will identify priorities, set objectives, establish necessary organisation structures and ensure decisions and actions are implemented, maintained and reviewed.
- 4.3 The guidelines given in the Health and Safety Executive's publication 'Successful Health and Safety Management (HSG65)' will satisfy the requirements of this section. Further guidance can be obtained from the report to the Corporate Services Scrutiny Committee of 26th November 1999 entitled 'A Health and Safety Report on Managing Health and Safety'.

5. HEALTH SURVEILLANCE

- 5.1 Health surveillance must be carried out as appropriate, having regard to the risks to health and safety identified by the risk assessment. If the risk for example associated with exposure to a substance covered by the Control of Substances Hazardous to Health Regulations 2002 (COSHH) or covered by other specific safety regulations then health surveillance procedures should already be in place. If not, the appropriate action must be taken.
- 5.2 As a guide, health surveillance should be introduced where the assessment shows the following criteria applies:
 - if required by specific legislation
 - if there is an identifiable disease/adverse health condition associated to the work concerned
 - if valid techniques are available to detect indications of the disease or condition
 - if there is a reasonable likelihood that the disease or condition may occur under the particular conditions of work
 - if surveillance is likely to further the protection of the health of an employee
- 5.3 The primary benefit of health surveillance and therefore its objective is to detect adverse health conditions as early as possible so as to enable prevention of further harm. In addition, the results should be used as a means of:

- detecting adverse health effects at an early stage
- checking effectiveness of control measures
- providing feedback on the accuracy of the risk assessment
- identifying and protecting individuals at increased risk

5.4 Where health surveillance is appropriate, then in most cases it should continue for the term of an employee's employment unless the risk to which the worker is exposed and associated health effects are short term.

5.5 Health surveillance and examinations must only be carried out by a responsible and competent person. Expert advice as to the nature and frequency of surveillance should be sought unless guidance is given elsewhere e.g. COSHH Regulations.

5.6 Where health surveillance is necessary individual records must be kept which can form part of an existing health or personnel record.

6. HEALTHY AND SAFETY ASSISTANCE

6.1 Competent persons must be appointed to help devise and apply measures needed to comply with the requirements of the health and safety regulations.

6.2 Persons appointed will only be regarded as competent where they have sufficient training and experience or knowledge and other qualities to enable them to assist in carrying out the measures which the Council needs to take in order to comply with the relevant statutory provisions. Competent persons must have an awareness of their own limitations.

7. PROCEDURES FOR SERIOUS AND IMMINENT DANGER AND FOR DANGER AREAS

7.1 Suitable procedures must be established and followed in the case of serious and imminent danger to those at work in the Council's undertaking.

7.2 A sufficient number of competent people must be nominated to implement the emergency procedures where this involves evacuation from the premises e.g. risk of fire (and possibly bomb alerts). But some workplaces will pose their own additional risks (e.g. the release of toxic gases). Where it is necessary to restrict access to certain areas on the grounds of health and safety, employees must not have access unless they have received adequate health and safety instructions.

- 7.3 Employees and others who are exposed to serious and imminent danger must be informed of the nature of the hazard and the protective steps, so far as reasonably practicable.
- 7.4 Procedures in place must allow for those exposed to serious and imminent danger to stop work and reach a place of safety and be prevented from returning to work while such a danger persists.

8. INFORMATION FOR EMPLOYEES

- 8.1 The risk assessment will help identify information, which has to be provided to employees under specific legislation as well as further information relevant to risks to employees' health and safety. Employees must be provided with comprehensive and relevant information on:
- the risks identified by the assessment
 - the measures to prevent or protect against these risks
 - the procedures to be followed in the event of serious and imminent danger
 - the identity of competent persons appointed to oversee emergency procedures
 - the risks from the work of other people working on the premises. This, for example, means that employees should be informed of risks from contractors' work
- 8.2 All those on fixed term contracts, trainees and employees of other employers who are sharing the premises must also be provided with comprehensive and relevant information.
- 8.3 Special consideration must be given to persons with language difficulties or physical disabilities, which may affect their receipt of information e.g., blind persons.

9. CO-OPERATION AND CO-ORDINATION BETWEEN EMPLOYERS

Where employees of the Council share a workplace with other employees (on a temporary or permanent basis) then it must ensure :

- they co-operate with each other on the premises 'as far as is necessary' to enable each to comply with their statutory duties
- they take 'all reasonable steps' to co-ordinate measures so as to comply with health and safety law
- they take 'all reasonable steps' to inform each other about risks from their work

10. VISITING WORKERS

10.1 Comprehensive information must be provided to the employees of other employers who are working on or visiting the Council's premises. This information is as follows:

- risks to the employees health and safety from the premises or work
- measures taken to comply with the legislation insofar as they relate to the visiting workers
- implementation of evacuation procedures
- identification of nominated persons to implement evacuation procedures

10.2 Such employees would include, for example, contractors, maintenance engineers, agency staff and 'temps'.

11. CAPABILITIES AND TRAINING

11.1 Employees must not be given tasks beyond their capabilities as regards health and safety. Before entrusting tasks to employees, account must be taken of an employee's physical and mental capabilities, as well as their training, knowledge and experience.

11.2 Main areas to be covered in health and safety training are:

- when employees are recruited (induction training)
- when exposed to new or increased risks
- when there is a transfer of job or a change in responsibility
- when new equipment is introduced or use of existing equipment is changed
- when new technology is introduced
- when a new system of work is introduced or there is a change in the existing system of work

11.3 Refresher training must be given as appropriate, and should be modified to take account of changes to circumstances.

11.4 Training should be carried out during normal working hours although, if it is necessary to train outside normal hours, this must be considered an extension to the employee's time at work.

12. EMPLOYEES' DUTIES

- 12.1 The duty for employees' to use plant and equipment etc., properly is adequately covered by Section 7 of the Health and Safety at Work etc., Act 1974.
- 12.2 Employees must bring to their manager's attention, or the competent persons attention:
- any work situation which is a serious and an immediate danger to health and safety; and
 - any shortcomings in the employers' protection arrangements for health and safety
- 12.3 Employees should only report things which they have been trained or informed about. So, for example, employees cannot be expected to report a dangerous situation or faulty equipment which they have not been trained to recognise.

13. TEMPORARY WORKERS

- 13.1 Temporary workers and their employers (or employment agencies) must be informed of any special skills, qualifications or requirements that are needed to enable them to function safely and without risks to health.
- 13.2 Any requirement for health surveillance must be notified.
- 13.3 Any information provided must be before the person concerned commences his/her duties.

14. RIGHTS OF TRADE UNIONS SAFETY REPRESENTATIVES

- 14.1 Trade union safety representatives must be given the following rights:
- (a) to be consulted in good time on:
- any measure which may substantially affect the health and safety of employees whom the safety representative represents
 - appointment of 'competent persons' to provide health and safety assistance to the employer
 - appointment of persons to oversee emergency procedures
 - any health and safety information provided to employees whom the safety representatives represent
 - the planning and organisation of health and safety training

- the health and safety effects of new technologies – safety representative must be consulted from the planning stage
- (b) to have provided by the employers, any facilities and assistance that safety representatives may reasonably require to carry out their safety representative functions.

15. PREGNANT WOMEN AT WORK

15.1 Specific risk assessment must be carried out where women of childbearing age or new or expectant mothers may be at risk from a work process, working condition or physical, chemical or biological agent.

Note: New or expectant mothers are defined as women who are pregnant, who have recently given birth or who are breast feeding

15.2 If measures required by other health and safety legislation cannot control the risks identified you must alter the working conditions, or hours of work (without loss of pay) of the woman, or in extreme cases, suspend the woman from work in order to avoid the risk.

15.3 New or expectant mothers may also be suspended from night work if a registered medical practitioner or midwife signs a certificate stating that the work would affect her health or safety.

15.4 Certain exemptions exist where the woman has not produced a written notification of her condition or has failed to produce the signed certificate for her suspension from night work.

(For further guidance refer to Policy document 'Pregnant Women at Work' – HS8)

16 ADVICE

Advice on the implementation of the policy can be obtained from the Health and Safety Team, Human Resources, Ty Elai, Dinas Isaf Industrial Estate, Williamstown, CF40 1NY

MANAGERS CHECKLIST

	✓ As Appropriate		
	N/A	Yes	No
<ul style="list-style-type: none"> Have suitable and sufficient risk assessments been carried out of the risks to the health and safety of “employees” and ‘anyone else’ who may be affected by the Council’s work activity? 			
<ul style="list-style-type: none"> Has action been taken as a result of the assessment to reduce the risk? 			
<ul style="list-style-type: none"> Are there arrangements in place to ensure that health and safety is being effectively managed? *The Health and Safety Executive’s publication ‘Successful Health and Safety Management-HSG65’, must be used as a yardstick on which divisions must manage their health and safety. Reference must also be made to the report of the County Borough Human Resources Officer of November 1999 entitled “A Health and Safety Report on Managing Health and Safety” 			
<ul style="list-style-type: none"> Where appropriate, are arrangements in place to ensure that health surveillance is being carried out, having regard to the risks to health and safety identified by the risk assessment? (reference must be made to Policy HS3 - Control of Substances Hazardous to Health). 			
<ul style="list-style-type: none"> Have ‘competent persons’ been identified to help ensure that the measures needed to comply with the requirements of health and safety regulations are being met? 			
<ul style="list-style-type: none"> Are there procedures in place and followed, in the event of serious and imminent danger to persons at work? Examples of the above are procedures for evacuation of a building in case of a fire or a bomb alert. 			
<ul style="list-style-type: none"> Are employees and others provided with information on the risks identified by the assessment, the means to prevent or protect against the risks, the procedures to be followed in the event of serious and imminent danger, the identity of competent persons and the risks to the work of others working on Council premises? 			
<ul style="list-style-type: none"> Where the Council as an employer share a workplace with other employers, are there procedures in place to ensure that they cooperate with each other to ensure the health and safety of each other’s employees? 			

	✓ As Appropriate		
	N/A	Yes	No
• Where employees of other employers are working on Council premises are they provided with health and safety information to ensure they can work safely?			
• Are employees given appropriate health and safety training and not given tasks beyond their capabilities as regards health and safety?			
• Are temporary workers given information of any special skills, qualifications and requirements so as to enable them to do the job safely?			
• Are safety representatives consulted on health and safety matters?			
• Is the health and safety of women of child bearing age or new and expectant mothers given consideration. (reference should be made to Policy HS8 - Pregnant Women at Work).			

Note: The questions set out in the checklist are wide ranging and general nature, which has the effect of overlapping with other guidelines and regulations. For example, other regulations apart from the Management of Health and Safety at Work Regulations 1999 also contain requirements for risk assessment. Therefore where an assessment has already been carried out under other regulations, it need not be repeated so long as it remains valid; but all significant risks must be covered.

Completed by: _____	Confirmed by: _____
Name: _____	Name: _____
Designation: _____	Designation: _____
Date: _____	Date: _____