

Health and safety policies

a guide for contractors, suppliers and service providers



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1 Introduction

This booklet is for guidance only and doesn't set out to give an authoritative interpretation of the law. Compliance with legislation can only be achieved by companies ensuring that their management and employees thoroughly understand the legislation and procedures of implementation, and adopt measures of enforcement, tailored to meet the demands of their organisation.

Why Should I Have A Safety Policy?

The Health And Safety At Work etc Act 1974 places a moral and legal duty on an employer to ensure, so far as is reasonably practicable, the health and safety at work of his or her employees and others affected by its activities.

If you employ five or more people you must, by law, have a written statement of your health and safety policy.

Besides these requirements, a safety policy can bring real benefits. If it is well thought out, has your backing, commands respect and is thoroughly implemented it should lead to better standards of health and safety.

The consequences of accidents are often costly to the employee, but always costly to the employer. Statistics show that even with sufficient insurance cover, over 50% of the costs incurred by an employer are never recovered. A poor company health and safety record will damage your reputation and business turnover. Good health and safety management is too costly to be ignored.

The most effective way of demonstrating management commitment and support is by issuing a health and safety policy document, then ensuring that managers, supervisors and workers actively carry out its requirements.

What Should I Include In The Policy?

The format or layout of a policy is not rigidly defined in the legislation, however, guidance notes show a clear content and appropriate presentation, which is now generally accepted within the various industry sectors.

The document must clearly reflect the company structure, its operations and take into account the health and safety legislation that relates to those operations. An essential requirement for management involvement is to define health and safety responsibilities at all levels within the document, together with a system of monitoring to ensure those responsibilities are competently discharged.

It is essential however, to recognise that a health and safety policy is a working document, made available to all employees, easy to understand, and clear in showing how employees should conduct themselves to ensure the health and safety of themselves and others at work.

Wherever possible, **risks should be eliminated** by the careful selection and design of facilities, equipment and processes, or minimised by the use of physical control measures. Where this is not possible, systems of work and personal protective equipment will be used to control risks to an acceptable standard to all interested parties.

As every company is unique, **there is no “off the peg” policy** that can be used, and care must be taken to tailor a policy to the company’s activities. Also, each industry sector has particular safety issues that need to be covered in a policy, which may be distinct from other sectors – the safety policy of a construction firm will differ greatly from that of a domiciliary care agency, for example.

The normal format for a policy consists of:

- the **General Statement**, which should be an expression of management intention;
- the **Organisation**, which details individual responsibilities at all levels; and
- the **Arrangements**, which should show in detail how health and safety is managed.

These sections are clarified in the following pages.

2 The contents of a health and safety policy

2.1 The General Statement

This section should be concise, but adequately show the employer's awareness of legislation, and make a clear declaration of the objectives and intentions to ensure the adequate management of health and safety. It should also confirm that health and safety are the responsibility of management, to see that everything practicable is done to prevent personal injury in the process of production, design, construction and operation of plant, machinery and equipment, and to maintain a safe and healthy place of work.

As well as identifying the senior director having responsibility for health and safety, the policy should be signed and dated by them to give it authority. To ensure that it is a 'live' document, it should show the regular revisions and the fact that it is brought to the attention of all staff. Aspects that should be addressed include:

- recognition that the prevention of accidents and ill health is one of the most important functions of management and employees;
- recognition of the company's obligations and sets out its intentions to manage health and safety to meet the requirements of section 2(3) of the HSAWA '74;
- identification of the principle elements included in section 2(2) of the Act;
- confirmation for the employer to safeguard the health and safety of persons other than employees e.g. contractors, visitors, public etc., that may be affected by his/her activities;
- recognition to ensure all articles and substances provided and used in company activities do not present a risk to health and safety;
- a statement that employees have a responsibility to actively ensure the health and safety of themselves and others and not do not endanger themselves and others by their actions or inactions;
- a statement that employees must co-operate with and assist the employer in meeting statutory obligations;
- confirmation that it is an offence for any person to intentionally or recklessly interfere with or misuse anything provided in the interests of health and safety or welfare in pursuance with any of the statutory provisions;
- advice that a breach of the statutory legislation can result in criminal prosecution of the company and where applicable employees, from which a guilty verdict can result in heavy fines and/or imprisonment;
- a statement that the policy will be displayed and brought to the notice of all company management and employees;
- confirmation of the continual monitoring, review and revision of the policy as necessary and state the date of the last policy revision;
- inclusion of details relating to legal penalties for breach of the legislation by company or employee, to convey the importance of the policy;
- identification of the Health and Safety adviser; need to identify if this is provided in-house or is bought in (competency requirements change – see later)

- identification of the most senior person within the company who will be responsible for the implementation of the company's policy;
- the signature and name of that person, along with the date.

2.2 The Organisation Section

This section relates to people and their duties, and should detail the responsibilities of management and supervisors at all levels, together with the duties of workers. Ideally, an 'organogram' or organisation chart should be provided showing the management structure and designations regarding health and safety management.

Key personnel should be identified who are accountable to top management for ensuring that detailed arrangements for safe working are drawn up, implemented and maintained.

Specific job descriptions should be shown relating to the roles of line and functional management, defining functional support for line management where necessary, e.g. safety advisers.

There should be a clear indication of the human and financial resources available for health and safety. Individuals must be certain as to the extent to which he or she is supported by the policy and the organisation needed to fulfil its requirements.

Details should be provided on the role and functions of the health and safety staff engaged by the organisation.

Areas that should be defined include:

- a traceable management structure - highest to lowest level;
- clearly defined duties and responsibilities of all managers, supervisors and workforce with regard to health and safety;
- the required interaction between managerial levels to ensure effective health and safety observance and accountability;
- a commitment to consultation and a means to accommodate safety committees;
- the procedure to ensure the allocation of suitable financial and technical resources, i.e. line management responsibilities;
- the extent to which personnel should be conversant with the policy;
- the procedures that will ensure proper monitoring and accountability;
- the role and function of professional health and safety staff and/or advisers;
- the identification of a 'competent person' (either in-house or consultant);
- recognition of the Construction, Design and Management Regulations (CDM);
- management of the Health & Safety Plan and a Health & Safety File (CDM);
- responsibility for identification, elimination/control of hazards/risk assessments, and the preparation of method statements;

- the appointment and control of sub-contractors;
- disciplinary responsibilities and enforcement;
- a warning against drug and alcohol abuse and resulting removal from work associated activities.

Particular reference should be made to:

- provision for reporting, investigations and recording accidents;
- provisions for fire precautions, fire drill, evacuation procedures;
- first aid and welfare provisions;
- safety inspections;
- training programmes;
- ensuring legal requirements are met e.g. testing of lifts, notifying accidents to Health and Safety Executive;

Post holders must be identified (not necessarily by name) and the individual health and safety duties specified, even if this means repetition. It is not enough to state that "the Company will..." and then list duties. It is essential to allocate responsibility and show an active discharge of duties by the responsible person - this is *accountability*.

2.3 The Arrangements Section

This section is where most policies fail to achieve a suitable standard, although they may contain considerable and invaluable information. It is not sufficient to state that the employer recognises its duties or responsibilities under a particular piece of legislation - safety procedures or a list of "do's and don'ts" do not amount to "arrangements".

In addition, the range of operations and procedures should not be limited to the obvious but cover a wide range of activities that will impinge upon the company's operations directly and indirectly.

The emphasis should be on the controls and procedures that are implemented by management and employees at all times to ensure compliance with the relevant legislation.

The interaction between all levels of management and employees should clearly be shown concerning any operation or procedure, so that everyone is aware of their responsibility and accountability. Indicating what should be done is not enough. The information given should state not only what should be done but who should do it, when and how it should be done and to whom, so that there is no doubt in the mind of the reader.

Typical issues to include are:

- the procedures for dealing with common hazards e.g. fire, housekeeping, ladders, machine guarding, inspection and maintenance of plant and equipment, safe access and egress from places of work;

The contents of a health and safety policy

- the identification of, and precautionary procedures for dealing with, any special hazards associated with the company's activities;
- keeping the workplace, including staircases, floors, ways in and out, washrooms etc. in a safe and clean condition by cleaning, maintenance and repair;
- procedures for introducing new plant, equipment, substances or processes - by examination, testing and consultation with the work force;
- maintenance of equipment such as tools, ladders etc. - are they in safe condition - how is this ensured;
- maintenance and proper use of plant, machinery and guards;
- provision and proper use and maintenance of personal protective equipment such as helmets, boots, goggles, respirators etc;
- regular testing and maintenance of lifts, hoists, cranes, pressure systems, boilers and other dangerous machinery, emergency repair work, and safe methods of doing it;
- first aid provisions, training and information to ensure proper awareness and instruction;
- welfare facilities provided for use of employees and shared use provisions;
- emergency procedures, e.g. fire, explosion, the collapse of scaffolding, excavation or structure;
- safe storage, handling and, where applicable, packaging, labelling and transport of dangerous substances;
- controls on work involving harmful substances such as lead and asbestos;
- procedures for monitoring the implementation of the policy and rectifying and shortcomings.
- noise, control of unauthorised access (permit to work), lifting, manual handling, control and use of forklift trucks, cranes excavators etc. authorised operators, proper training and certification, site fire prevention plan;
- procedures to effect good communication of requisite information to all employees, Safety Representatives and Safety Committees arrangements together with training provisions.

Where training is used to provide competence*, it should meet the criteria of current best practice and effective arrangements to identify new and refresher health and safety training needs. Health and safety training should be designed with guidance from competent health and safety training advisors and that relevant health and safety training is given to all personnel. The health and safety training provided to employees is to ensure that all employees have sufficient knowledge and information to ensure that they work safely and without risk to their health or others.

2.4 Competence & competent advice

Regulation 6 of the Management of Health and Safety at Work Regulations 1999 (MHSWR) requires the appointment of one or more persons to assist employers in complying with their legal duties. Competence as defined in Regulation 6 does not solely rest on skills or qualifications. The Approved Code of Practice of the MHSWR states that competence rests upon:

- an understanding of relevant current best practice
- awareness of the limitations of one's own experience and knowledge
- and the willingness and ability to supplement existing experience and knowledge

However, when choosing a consultant the definition of competence changes. This is not least because when choosing an expert from outside the organisation, an employer would expect the consultant to make up for all the recognised deficiencies that exist in-house. However, employers do not absolve themselves of their legal responsibilities by appointing outside consultants who provide competent advice.

2.5 General observations

Your organisation should

- issue an annual report on its health and safety performance.
- pursue a progressive / continual improvement in its health and safety performance
- promote health and safety policies within the organisation eg. stress, smoking, healthy lifestyles etc.
- accept the principle that successful healthy and safety management can contribute to successful business performance.
- recognise that the development of people as a key resource.
- be aware that accidents, ill health and incidents result from failings in management and are not necessarily the fault of individual employees.
- identify the contribution that employees can make to policy implementation.
- acknowledge the importance of consultation i.e. with staff, Health & Safety representatives, Trade Unions etc.
- maintain effective systems of communication on health and safety matters

3 Health and safety in contracts

3.1 Pre-tender evaluation:

If you want to be considered for work from the Council you must complete the standard business questionnaire, and then we will examine the financial, technical, quality, health and safety, environmental, and equality information you have given.

As well as completing the business questionnaire, you will need to submit a full copy of your health and safety policy and procedures (not just extracts), along with worked examples of risk assessments, training records, etc. It is important that you answer the questions as fully as possible and that you ensure that your policy and procedures are adequate. You will be evaluated on your responses to the questions on health and safety, and on the documentation you provide to substantiate them.

3.2 Tender evaluation:

The tender evaluation process for some contracts takes into account different aspects, including health and safety. You may be asked to provide detailed method statements, which may include, for example:

- How you deal with your practices and procedures to promote a safety culture.
- How you meet your obligations under health and safety legislation.
- How you undertake risk assessments.

3.3 Monitoring

Once a directorate awards a contract, you will be monitored to make sure you continue to meet our general requirements, including the specific health and safety requirements of the contract.

We can monitor you by doing the following.

- Site visits - We can arrange site visits to see how you are meeting the conditions.
- Contractor Performance Reports – These are produced by Supervising Officers during the contract period, and can be used to note anything relevant to the performance of the contract including health and safety.

We also have access to the HSE Prosecutions database. Any firms appearing on that database, and who wish to obtain Council contracts, will need to give details of what they have done to make sure that the incident does not happen again.

4 Checklist for managing health & safety

4.1 Develop Policy

- Do you have a clear policy for health and safety? Is it written down and up to date?
- Does it allocate responsibilities to individuals/ posts throughout the firm?
- Does it specify the organisation and arrangements for identifying hazards, assessing risks and controlling them?
- Are staff aware of, and understand, the policy?
- Is safety documentation in place/appropriate/ current?

4.2 Organise

- Have you allocated responsibilities for health and safety to specific people/posts throughout the firm?
- Do you consult and involve your staff(including safety representatives), if appropriate, on matters of health and safety?
- Do you provide sufficient information, instruction and training regarding hazards, risks and preventative measures?
- Do you have an appropriate level of health and safety expertise in, or available to, the firm?

4.3 Plan and Implement

- Do you have a health and safety plan, including objectives?
- Have all hazards been identified, risks assessed and preventative measures taken?
- Are safety standards implemented?

4.4 Measure Performance

- Do you know whether your safety plans have been implemented and objectives achieved?
- Do you know how effective your risk controls are?
- Do you have accurate records of injuries, ill-health and accidental losses? Do you analyse these?

4.5 Audit and Review

- Do you learn from your mistakes?
- Do you operate a health and safety audit system?
- Do you periodically review your health and safety policy statement and your safety performance?

5 Sources of further information

There are a number of health and safety specialists and consultants who may be able to help if you feel that you need professional assistance; it would be wise to get an idea of the fees involved before committing yourself further. If you are a member of a trade association or federation, they may be able to give guidance, too.

Further advice is available from the Health and Safety Executive as follows:

Main HSE Website

www.hse.gov.uk/index.htm

HSE Infoline

Infoline is HSE's public enquiry contact centre and is your first point of contact with HSE. You can contact HSE's Infoline by telephone, e-mail, minicom, fax and letter. Infoline is a 'one-stop shop', providing rapid access to HSE's wealth of health and safety information, and access to expert advice and guidance.

Opening Hours 8 am - 6 pm Monday to Friday

Telephone: 0845 345 0055

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HSE Books

HSE Books is the name of the mail order and warehousing services for the distribution of HSC/E publications and multimedia products. HSE Books distributes both priced and free publications and also operates a number of subscription services, mainly priced, on the subject of health and safety at the workplace.

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Contractors Health and Safety Scheme (CHAS)

This Council is also a participating member of the Contractors Health and Safety Assessment Scheme, or CHAS, for contracts not tendered through its Approved List of Contractors. The scheme is administered by the London Borough of Merton, and provides a useful resource of information for contractors and Councils alike. Further details of the CHAS Scheme can be found on the internet at www.chas.gov.uk

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