CORPORATE HEALTH & SAFETY
PROCEDURE

PROCEDURE SUMMARY
By implementing this procedure, the Trust will ensure that it complies with statutory requirements under the Health and Safety at Work etc. Act 1974 (HASWA), the Workplace (Health, Safety and Welfare) Regulations 1992 (WHSWR), and the Management of Health & Safety at Work Regulations 1999 (MHSWR). It will also ensure compliance with the Health and Safety Executive (HSE) guidance on leading and managing health and safety. By adopting this procedure the Trust can produce evidence that it has set out its organisational structure for managing health and safety which enables the Trust to comply with its statutory health and safety obligations.

The Trust monitors the implementation of and compliance with this procedure in the following ways:
At regular intervals (on an annual basis) via risk management reports to the HSSC and in line with Health & Safety legislative changes

The Director responsible for monitoring and reviewing this policy is Executive Director of Corporate Governance & Strategy

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<tr>
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<td>Trustwide</td>
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ESSEX PARTNERSHIP UNIVERSITY NHS FOUNDATION TRUST

CORPORATE HEALTH & SAFETY PROCEDURE

CONTENTS

1.0  INTRODUCTION and STATUTORY REQUIREMENTS ........................................ 3
2.0  RESPONSIBILITIES ....................................................................................... 4
3.0  GOVERNANCE STRUCTURE TO SUPPORT HEALTH AND SAFETY MANAGEMENT .................................................................................................. 10
4.0  HEALTH & SAFETY ARRANGEMENTS ......................................................... 11
5.0  IMPLEMENTATION .......................................................................................... 12
6.0  MONITORING AND REVIEW .......................................................................... 13

APPENDICES:

Appendix 1 – Local Health and Safety arrangements pro-forma
Appendix 2 – H&S Flowchart
Appendix 3 – Health and Safety Inspection Template
## 1.0 INTRODUCTION and STATUTORY REQUIREMENTS

1.1. The Trust owes a statutory and common law duty of care to everyone affected by its operations (i.e. patients; employees; contractors; visitors and members of the public). In summary, the Trust’s duty is to ensure the health and safety of those affected by its acts or omissions.

1.2. Criminal liability arises through statute and common law and applies not only to the Trust as a public body but also to its Directors, Senior Managers, clinicians and employees. This means that both the Trust and culpable individuals may be prosecuted for breaching the Health and Safety at Work etc. Act (HASWA).

1.3. Section 2 of the HASWA imposes a duty on an employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of his employees.

1.4. Section 3 of the HASWA places a duty on an employer to ensure; so far as is reasonably practicable, the health and safety of people who are not his employees, but who might be affected by his undertaking.

1.5. Section 7 of the HASWA places a duty on any employee to ensure, so far as is reasonably practicable, his own health and safety and that of others who might be affected by his acts or omissions.

1.6. Regulations 3 - 5 of the Management of Health and Safety at Work Regulations 1999 (MHSWR) and other health and safety regulations impose a statutory duty on the Trust to have in place an effective system for the identification, assessment, control and monitoring of significant health and safety risks posed to its patients, employees, contractors and others (e.g. visitors and tenants). This policy sets out how this will be achieved within the Trust.

1.7. Regulation 7 of the MHSWR places a strict liability on the Trust to appoint one or more competent people to assist it in undertaking the measures it needs to take to comply with the requirements of health and safety law.

1.8. Regulation 10 of the MHSWR places a strict liability on the Trust to provide its employees and contractors with information about any risks posed to their health or safety together with details of the controls the Trust has implemented to control those risks.

1.9. Regulation 13 of the MHSWR places a strict liability on the Trust to ensure that, before it entrusts tasks to its employees, they are provided with adequate health and safety training. In particular the Trust is required to ensure that employees are trained on recruitment to the Trust and on being exposed to new or increased risks as a result of changes in responsibility, introduction of
new or changes to work equipment and introduction of new or changes to systems of work.

1.10. The **Health and Social Care Act 2008** (Regulated Activities) Regulations 2014 impose duties on the Trust in respect of health and safety which, following a patient death (Regulation 20; 7) or a serious incident (Regulation 20; 4 c; 7; 7 b); 7c)) involving a patient, could lead to the Care Quality Commission taking enforcement action against the Trust for any breach of these Regulations.

### 2.0 RESPONSIBILITIES

#### 2.1. Board of Directors

2.1.1. The Board of Directors are ultimately responsible for health and safety throughout the Trust and is deemed as the “employer” for the purposes of the Health and Safety at Work Act. Members of the board have both collective and individual responsibility for health and safety. It therefore needs to ensure that:

- There is visible, active commitment from the board to effective health and safety management and that written policies and procedures exist and are communicated across the organisation;
- There are written systems in place to effectively identify and assess health and safety (and fire safety) risks. The systems the board puts in place must also ensure that those risks are adequately controlled and that these controls are planned, implemented, monitored and reviewed to ensure that they remain effective;
- Effective two way communication systems and management structures relating to health and safety are in place;
- Good health and safety management is integrated with business decisions;
- Employees receive appropriate information, instruction, training and supervision to enable the delivery of a safe working and service delivery environment.
- They identify a board level lead for health and safety across the Trust.

2.1.2. Although the board can (and indeed should) delegate the responsibility for managing health and safety (and fire safety) to managers, it cannot delegate liability for any failure to effectively manage health and safety (and fire safety) risks.

#### 2.2. Chief Executive

2.2.1. There is a general duty on the Chief Executive, as part of the board of Directors, to ensure that the Trust is effectively governed. This includes ensuring that there are effective health and safety management systems in place.
2.2.2. As the most senior Officer in the Trust, to oversee health and safety across the organisation to meet health and safety requirements set by the board, the Health and Safety at Work etc. Act 1974 and associated health and safety legislation and guidance.

2.2.3. The Chief Executive is to lead and monitor the management of the Trust’s health and safety policy and ensure all recommended corrective actions are implemented.

2.3. **Nominated Director**

2.3.1. The Chief Executive has delegated the day-to-day responsibility for health and safety to the Executive Director of Corporate Governance.

2.3.2. The Executive Director of Corporate Governance is responsible for setting and overseeing implementation of the policy for the management of health and safety to be approved by the Trust board. This will include the arrangements for planning, organising, managing, monitoring and reviewing the risks and appropriate systems of health and safety management.

2.3.3. They will also be responsible for ensuring the Trust appoints “competent persons” in accordance with the Health and Safety at Work Act.

2.3.4. The nominated director will be responsible for overseeing and monitoring the response by managers to reports received from the Risk Team Department or external bodies such as the Health and Safety Executive.

2.4. **Risk Management Department**

2.4.1. The Risk Management Department is managed by the Associate Director of Risk and Compliance. The Associate Director of Risk and Compliance is responsible to the Chief Executive, through the Nominated Director, for the implementation of health and safety.

2.4.2. The Risk Management Department consists of ‘competent persons’, as required to comply with Regulation 7 of the MHSWR, whom have relevant experience and are appropriately qualified\(^1\) for the level of Health and Safety duty that they undertake.

2.4.3. They will have overall responsibility for co-ordination and implementation of the Trust health and safety policy and will provide regular reports to the Associate Director of Risk and Compliance, the nominated director, the corporate Health, Safety and Security Committee and the Trust Executive Team in terms of compliance with the health and safety policy across the organisation.

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\(^1\) Institution of Occupational Safety and Health (IOSH) Managing Safely or National Examination Board in Occupational Safety and Health (NEBOSH) Level 3 General Certificate in Health and Safety
2.4.4. The Risk Management Department will:

- Produce Trust-wide safety policies that are approved and then reviewed and updated regularly.
- Maintain central records of department/service policies and ensure they are reviewed and upgraded regularly.
- Advise and assist managers on health and safety matters in order to ensure compliance with current and proposed safety legislation.
- Report all RIDDORs to the Health & Safety Executive (HSE).
- Co-ordinate all Accident and Incident reporting and to oversee the arrangements for RIDDOR.
- Identify and co-ordinate the adequate provision of health and safety training and organisation wide compliance levels. However, the responsibility to ensure that all staff participate in adequate health and safety training lies with the line managers.
- Encourage and co-operate with safety representatives and have an advisory role at the Health Safety and Security Committee. The interpretation of English and European legislation relating to health and safety matters, and the drafting of policy documents advising on compliance with such legislation.
- Conduct periodic health & safety inspections including ligature inspections (to an agreed priority schedule) of work areas/activities; report the findings at the relevant management level.
- Analyse and compile data on Adverse Incidents and Reported Injuries, Diseases and Dangerous Occurrences in order to monitor trends and advise accordingly.
- Ensure all proposals for new work and alterations to premises within the Trust are managed by the Trust estates department and are relayed to the risk management department for review.

2.5. **Local Security Management Specialist (LSMS)**

2.5.1. The Local Security Management Specialist (LSMS) is a member of the Risk Management Department and provides advice and support to the Security Management Director and all Trust staff on security.

2.6. **Infection, Prevention and Control (IPC) Team**

2.6.1. The Infection Prevention and Control (IPC) Team works in partnership with the Risk Management Department. It provides specialist advice and assistance in:

- Infectious disease outbreaks
- Public and occupational health incidents
- Monitoring of standards of IPC
- Promotion of good practice in IPC, including training
2.7. **Occupational Health Services**

2.7.1. The Occupational Health Service aims to promote and maintain the health of staff in the Trust and provides advice on how managers can best fulfil their responsibilities regarding health and safety at work (Management of Health & Safety at Work Regulations 1999, Regulation 6).

2.7.2. The Occupational Health Service is also responsible for completing health surveillance of Trust employees. This service is the first point of contact, advice and support for staff in the event of a sharps injury or contamination incident (e.g. needle stick injury or body fluid splash).

2.8. **Estates and Facilities**

2.8.1. The Director will ensure that advice received from the health and safety advisors is enacted through the actions of the estates and facilities departments. Responsibilities include management of the estate to ensure the provision of safe environments in accordance with legislation, regulations and other compliance and registration standards. This will include ensuring that actions relating to the estates arising from health and safety risk assessments are completed as well as advice relating to new developments / alterations.

2.8.2. The Estates Department is responsible for ensuring that any requisitions for work to address health and safety requirements are progressed and enacted appropriately.

2.8.3. Project Managers and Estates Officers are required to consult with the Trust’s health and safety advisors prior to any proposed changes to a building’s structure or fabric, both externally and internally to ensure that such changes will not affect the existing / proposed health and safety requirements and risk assessments.

2.9. **Physical Security Advisor**

2.9.1. The physical security advisor works alongside the LSMS and estates function and is responsible for the management of all physical security across the trust estate.

2.10. **Directors / Heads of Departments / Service Leads**

2.10.1. In addition to the responsibilities of all line managers (see paragraph 2.11) and all staff (see paragraph 2.12), each Director / Head of Department / Service Lead will:

- Maintain a specific and up-to-date Local Health and Safety Arrangements (Appendix 1), clearly indicating the health and safety responsibilities of managers, supervisors, and staff.
- Review and update the Local Health and Safety Arrangements to reflect changes in safety legislation or Trust policies.
2.11. All Line Managers

2.11.1. In addition to the responsibilities of all staff (see paragraph 2.12), all line managers are also responsible for the day-to-day safety of their staff and the activities in their charge, as identified in the Health and Safety at Work etc. Act 1974, Sections 2 and 36; the Workplace (Health, Safety, and Welfare) Regulations 1992, and the Management of Health & Safety at Work Regulations 1999.

2.11.2. All line managers therefore have the following specific responsibilities:

a. To administer and monitor the Trust's health and safety policies on a daily basis ensuring that these are effectively implemented within their area of responsibility. This will include the following:

   • Ensuring the health, safety and welfare at work of all people working in the Department.
   • Ensuring that information (which may include departmental procedures, instructions, training and supervision) is provided as necessary.
   • Taking immediate action in the event of an emergency.
   • Liaising with other representatives employed by the Trust or any other relevant parties as may be necessary.
   • Ensuring that local rules for health and safety are observed within the department.
   • Ensuring that suitable and sufficient risk assessments are completed and reviewed regularly.
   • Ensuring that the health and safety inspection is undertaken regularly and any necessary corrective action from the report is undertaken within the timescale agreed at the time of the inspection.

b. To ensure all staff receives induction and on-going training in health and safety as befits their role(s) and responsibilities.

c. To ensure all necessary plant, tools and equipment are available for use in a safe working order and are constantly maintained. A record must be made of all maintenance received and all necessary documentation completed.

d. To establish safe systems of work for all activities within their areas of responsibility. This duty also extends to ensuring that all workplaces are maintained in a safe condition.

e. To ensure all accidents or incidents are reported and investigated, with appropriate corrective action taken where necessary.

f. To ensure that all employees receive adequate and appropriate instruction, training & supervision to enable them to carry out their duties in a safe and healthy manner.

g. To ensure that all health and safety requirements concerning contractors and the tender to contract have been considered as specified in the tendering and quotations policy.

h. To act as the “responsible person” under RIDDOR legislation (Reporting of Injuries, Diseases and Dangerous Occurrences Regulations) for reportable accidents within their area of responsibility.

i. To ensure all contractors comply with Trust rules and statutory regulations.
To ensure that staff carry out pre-use inspections of work equipment as laid out in (Provision and Use of Work Equipment Regulations (PUWER) 1998).

2.12. **All employees (including permanent, temporary and bank staff)**

2.12.1. Under the Health and Safety at Work etc. Act 1974 (Sections 7 & 8), all staff, regardless of their position, have a duty to themselves, to other colleagues and to anyone else who may be affected by their acts or omissions, to take reasonable care to work in a safe manner, and to refrain from intentionally or recklessly interfering with or misusing anything provided in the interests of health, safety or welfare. In particular all employees must:

- Abide by all Trust health and safety requirements and statutory health and safety at work obligations, and comply with all written and verbal instructions given to them by management to ensure their safety and the safety of others.
- Ensure they are familiar with and comply with local health and safety rules.
- Report any defective equipment, or potential health and safety hazard, or any practice likely to cause an incident or accident to their manager and health and safety representative, as applicable.
- Report all accidents/incidents, (via Datix as per policy) whether injury is sustained or not.
- Dress safely for their working environment, using any safety equipment and personal protective equipment provided for the task being undertaken.
- Partake in health and safety training course(s) identified for the persons needs and tasks assigned. These may be identified at appraisal or as the need arises.

2.12.2. Failure to co-operate with, or in the implementation of, a healthy and safe environment may result in disciplinary proceedings under the conduct and capability policy and associated procedures.

2.13. **Safety Representatives - Trade Union appointed Safety Representatives and Representatives of Employee Safety (non-union appointed)**

2.13.1. A recognised Trade Union may appoint a safety representative to represent employees in the department. The safety representative may raise matters affecting the health and safety of employees as a whole as well as matters relating specifically to an individual member of the Union. Health and safety representatives may be appointed who are not Union members. The representative will be a member of staff who has volunteered and agreed to undertake the role and been accepted by the employees within the department.
2.13.2. Trade Union appointed safety representatives and representatives of employee safety (non-Union appointed) are entitled to:

a. Investigate potential hazards and dangerous occurrences at work and to assist in the formal investigations of serious accidents.
b. Investigate complaints made by any employee they may represent, relating to that employee’s health, safety or welfare at work.
c. Make representations to managers and supervisors on general matters affecting health and safety.
d. Attend meetings of health and safety action groups in their capacity as safety representative.
e. Represent the employees they were appointed to represent in consultations in the workplace with Inspectors of the Health and Safety Executive or any other enforcing agency.
f. Receive information from Inspectors in accordance with the Health and Safety at Work etc. Act 1974, Section 28.
g. Undertake routine inspection of the workplace and provide written reports with recommended actions and follow-up visits.
h. Suggest priorities for policy development or amendment through the health and safety advisor and the Health, Safety and Security Committee.
i. To attend training courses, as appropriate, to enable them to carry out the above functions.

2.13.3. Appropriate time off to undertake these duties will be supported by the Trust, in accordance with the Time Out for Trade Union Duties and Activities Policy (HR11).

2.14. Contractors and Consultants

2.14.1. All contractors will provide a company health and safety risk assessment and method statement for the work, and details of their insurance cover and will be fully informed of and comply with the Trust's health and safety policies and permit to work procedures which will be issued by the estates department.

2.15. Visitors

2.15.1. All visitors are required to comply with the Trust's health and safety policies and any other rules and conditions applicable to them throughout their period of engagement or visit.

3.0 GOVERNANCE STRUCTURE TO SUPPORT HEALTH AND SAFETY MANAGEMENT

3.1. The Health, Safety and Security Committee will oversee the implementation and operation of this policy and procedure, reporting to the corporate Quality Committee which is a sub-committee of the board of Directors. Local directorate Quality and Safety Committees will oversee health and safety management at a local level and will report to the Health, Safety and Security Committee. This robust governance structure ensures that assurance can be provided to the board of Directors and that any matters of concern are
escalated within the organisation to the appropriate level, up to and including to the board of Directors.

3.2. The Directorate Quality and Safety Committees will consider general issues relating to health and safety in each directorate. The chairperson of each sub group reports to and is a member of the Health, Safety and Security Committee to ensure full exchange of information between the various groups.

3.3. The Health, Safety and Security Committee comprises directors, managers, and employees who have involvement in, or control over, the business of the Trust. It is responsible for the following:

a. Co-ordinating a Trust wide approach to risk management and health and safety, and reporting to the Quality Committee on a regular basis (see paragraph 3.4 below).

b. Monitoring and amending existing safety policies and developing and introducing new safety policies.

c. Receiving reports from the various specialist and directorate health and safety sub-groups set up by the Health, Safety and Security Committee and advising accordingly.

d. Ensuring that management complete all risk assessments, and where corrective actions have been identified, that these are completed.

3.4. The Quality Committee will:

a. Oversee the development of systems and processes that ensure that organisational, clinical, financial and other risks are appropriately managed.

b. Consider and contribute to development of a risk management strategy/framework for the organisation. Approve the Health, Safety and Security Committee (HSSC) work plan and monitor its implementation.

c. Receive assurance reports from the Health, Safety and Security Committee sub group.

d. Receive an annual report on risk management which will detail progress with implementing the agreed work plan.

e. Receive assurance reports on serious or critical incidents that have occurred within the Trust and ensure that action is being taken, trends identified and lessons learnt.

f. Receive reports on specific risk issues as determined by the committee.

4.0 HEALTH & SAFETY ARRANGEMENTS

4.1. The Trust is obliged under the Management of Health and Safety at Work Regulations 1999, Regulation 3, to carry out ‘suitable and sufficient’ assessments of the risks posed to employees and to those who are not employed by the Trust but who may be affected by the Trust’s undertaking (i.e. those affected by the Trust’s work activities or omissions). This will include patients, residents, clients, visitors, staff, contractors and neighbours. Particular account will be taken of the risks to the health of new and expectant mothers, and to any young person at work.
4.2. Although “suitable” and “sufficient” are not defined in the MHSWR, guidance indicates that in practice a risk assessment should:

- Identify the risks arising from or in connection with the work;
- Include / take account of risks the Trust is expected to know about, or could be ascertained by the Trust taking reasonable steps to find out; and
- Be appropriate to the nature of work and identify the period of time for which the assessment is likely to remain valid.

4.3. The Trust has therefore developed a written system for undertaking pro-active and reactive assessments of health and safety risks (and for reviewing these assessments) which is detailed in the Trust’s Non Clinical Risk Assessment Policy (RM11).

4.4. Various regulations (in addition to those mentioned in Section 1.0) set out specific duties imposed on the Trust in respect of particular hazards. The arrangements in place within the Trust to comply with these regulations are laid out in further policies (as detailed in RM01 Section 5.0) which must be read in conjunction with this overarching policy and procedure.

4.5. Health and Safety Inspections will be pre-planned by the Risk Team Department and the process will be according to Appendix 2 to ensure a full and thorough inspection is undertaken in order to ensure all Health and Safety regulations are complied with.

4.6. Health and safety inspections will be conducted by the Risk Management Team in liaison with Management on site at regular intervals using Appendix 3;

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<th>Frequency</th>
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<td>Priority 3 Locations</td>
<td>Staff Bases</td>
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5.0 IMPLEMENTATION

5.1. This procedure and associated policy will be implemented and reinforced by the following means:

- Formal induction of new staff at corporate and local level. Both inductions include health and safety elements.
  - Induction and Mandatory Training Procedure
- Appropriate training of staff throughout their career with the Trust in terms of health and safety. This will include mandatory training, organisational training, local training and specialist training. For example, General Workplace Risk Assessment Training.
- Local Health and Safety Notice Boards detailing:
  - The HSE ‘Health and Safety Law’ poster
  - RM01 Statement of Policy
  - Local Health and Safety Arrangements
  - Employers Liability Insurance Certificate
  - LSMS Poster
The maintenance of a robust system for incident reporting and analysis.
  - CP3 Adverse Incidents Policy

Regular undertaking of scheduled / ad-hoc risk assessments across the Trust and ensuring that actions are taken as a result.

On-going review of risk assessments locally and risk registers at local, directorate and Trust level through established governance and risk management arrangements.

Maintenance and further development where necessary of a suite of detailed organisational policies / procedures relating to health and safety.

The on-going implementation of the Trust’s risk management framework which provides details of how risks will be escalated and managed.

The application of supervision and performance appraisal processes – health and safety is a core dimension at all grades.

Resources relating to health and safety on the Trust Intranet which are available to all staff.

Trust communications – can be used to communicate any changes to health and safety policies and procedures.

Availability of advice and support (including expert advice) from the Risk Management Team in relation to any element of health and safety.

Ensuring that there are established channels for consulting with employees (or their representatives) in respect of all aspects of health and safety.

Maintenance of a robust governance system for monitoring and managing health and safety matters across the Trust.

### 6.0 MONITORING AND REVIEW

6.1. The Risk Management Department will monitor the effective implementation of this policy through review of Risk Assessments, Health and Safety Inspections, internal audit programme, Risk Registers, incidents reported through DATIX and any reported serious incidents. They will report the results of this monitoring to the Corporate Health, Safety and Security Committee for scrutiny and agreement of any actions required.

6.2. The implementation of this policy by all staff at any level will be monitored at their regular appraisal and supervision reviews, by their respective line managers.

6.3. The Risk Management Department is responsible for the regular review of the Health and Safety policy.

6.4. Amendments to the policy will be made as a result of changes which may include (but are not limited to) lessons learnt from monitoring of audits & inspections, the effectiveness of Trust procedures and legislative enactments, amendments, repeals and recessions.

6.5. Any changes to the policy and procedure will be notified to staff briefings and will be held on the intranet for access by staff.

END