

**Frimley CCG Health and Safety Policy
April 2021**

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Health and Safety Policy **v 0.2**

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|--------------|------|----------------|
| Name | Role | Date/ Comments |
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Equality Statement

Frimley Clinical Commissioning Group aims to design and implement services, policies and measures that meet the diverse needs of our service, population and workforce, ensuring that none are placed at a disadvantage over others.

Throughout the development of the policies and processes cited in this document, we have:

Given due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality of opportunity, and to foster good relations between people who have shared a relevant protected characteristic (as cited under the Equality Act 2010) and those who do not share it;

Given regard to the need to reduce inequalities between patients in access to, and outcomes from, healthcare services and in securing that services are provided in an integrated way where this might reduce health inequalities.

Members of staff, volunteers or members of the public may request assistance with this policy if they have particular needs. If the member of staff has language difficulties and difficulty in understanding this policy, the use of an interpreter will be considered.

We embrace the four staff pledges in the NHS Constitution. This policy is consistent with these pledges.”

Contents

| | |
|---|----|
| 1. Statement of Intent | 3 |
| 2. Context | 3 |
| 3. Scope of the policy | 4 |
| 4. Duties and Responsibilities | 4 |
| 5. Policy..... | 7 |
| 6. Reporting an accident or incident | 10 |
| 7. Work Plan..... | 11 |
| 8. Non-compliance with Health and Safety arrangements | 11 |
| 9. People not directly employed by the CCG | 11 |
| 10. Training..... | 11 |
| 11. Review..... | 12 |

Health and Safety Policy

1. Statement of Intent

Frimley Clinical Commissioning Group (the CCG) fully commits itself to the health, safety and welfare of its employees and visitors, and will undertake all reasonably practicable measures to ensure compliance with the Health and Safety at Work Act 1974 and other associated safety legislation, including all new Health & Safety Regulations.

The CCG will also undertake to provide safe work places, work equipment, personal protective equipment and welfare facilities for its employees together with appropriate information, instruction, training and supervision.

Employee participation will be encouraged in the establishment and maintenance of a safe and healthy working environment and the CCG will actively promote the health of its employees.

The CCG Governing Body recognises that people are our most important resource, and therefore will protect and invest in that resource by providing managers and all staff with appropriate health and safety training.

Employees also have a legal obligation under the Health and Safety at work etc., Act 1974 – Section 7 to avoid injury both to themselves and others: therefore the successful implementation of the health and safety policy requires total commitment from employees at all levels, including attending training.

We are committed to ensuring a healthy and safe environment for all people who work, use or visit our premises.

In accordance with the Act the CCG will appoint a 'competent person' to provide guidance on Health and Safety matters for the organisation.

2. Context

The CCG attaches great importance to the Health and Safety of its staff, and, recognises its legal obligations under the Health and Safety at Work Act 1974, to ensure the health, safety and welfare of its staff, so far as is reasonably practicable. Additional guidance will be adhered to during any local incident, epidemic or global pandemic in line with its emergency planning resilience and response plans, but principles of this policy apply throughout. The CCG also accepts such responsibility for other persons who may be affected by its activities whilst working in the CCG's premises or as part of agreed homeworking activities.

Relevant legislation includes the following:

2.1. Health & Safety at Work Act 1974

Health and Safety at Work Act 1974. (HASAW) is the main piece of UK health and safety legislation. It places a duty on all employers "to ensure, so far as is reasonably practicable, the health, safety and welfare at work" of all their employees.

It is the duty of every employer, so far as is reasonably practicable, to ensure the health, safety and welfare at work of all his employees.

- Every employer must conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in his employment are not exposed to risks to health or safety.
- Employees are to take reasonable care for the health and safety of themselves and of others who may be affected by his acts or omissions at work.

2.2. Corporate Manslaughter & Homicide Act 2007

An organisation is guilty of the offence of corporate manslaughter if the way in which any of the organisation's activities are managed or organised by its senior managers – a) causes a person's death; and b) amounts to a gross breach of a relevant duty of care owed by the organisation to the deceased.

2.3. Health & Safety Offences Act 2008

The new maximum penalties under this Act are a) £20,000 fines in lower courts for nearly all summary offences, unlimited fines in higher courts: b) Imprisonment for nearly all offences – up to six months in Magistrates Courts and two years in the Crown Court.

Other relevant legislation:

- **Management of Health and Safety at Work Regulations 2003**
- **Health and Safety (Consultation with Employees) Regulations 1996**
- **Safety Representative and Safety Committees Regulations 1977**
- **First Aid Regulations 1981**
- **Regulatory Reform (Fire Safety) Order**

Further information can be found on:

<http://www.hse.gov.uk/legislation/statinstruments.htm>

3. Scope of the policy

This policy applies to those members of staff that are directly employed by the CCG and for whom each CCG has a legal responsibility. For those staff covered by a letter of authority/honorary contract or work experience the organisations policies are also applicable whilst undertaking duties for or on behalf of the CCG. Further, this policy applies to all third parties and others authorised to undertake work on behalf of CCG.

4. Duties and Responsibilities

All staff whilst at work have a legal duty to take reasonable care for the Health and Safety of themselves and others who may be affected by their acts or omissions, and to co-operate fully with the arrangements made by the organisation to meet its legal responsibilities for Health and Safety as in Section 7 of the Health and Safety at Work Act 1974.

Staff have a responsibility for bringing to the immediate attention of their line manager any issues that could be detrimental to themselves and others, including visitors. In the

event of an incident staff will report (as soon as possible) to their line manager and follow-up with recording the event/ incident onto the Datix incident reporting system. Links are via the staff intranet Hub.

All CCG staff are expected to undertake mandatory Health & Safety training every 3 years via the e-Learning tool on ConsultOD.

According to legislation there are specified roles, as follows:

- 3.1. **Senior Manager(s)** – senior managers play a significant role in making decisions about the management of the whole or a substantial part of their organisation's activities and those who actually manage or organise those activities (ref definition in the Corporate Manslaughter and Corporate Homicide Act 2007).
- 3.2. **Competent Person(s)** – the Management of Health and Safety at Work Regulations 1999, Regulation 7 requires every employer to appoint one or more competent persons to assist with putting measures in place to ensure legal compliance. The Competent Person can be either an individual or a company providing these services. The person is regarded as competent if they have 'sufficient training and experience or knowledge and other qualities to properly assist the employer to meet their safety obligations.'
- 3.3. **Employees' Responsibilities** Employees have specific duties under the Health and Safety at Work Act (HASAWA) 1974. Employees should:
 - a) take reasonable care for the health and safety of themselves and other persons who may be affected by their acts or omissions;
 - b) carry out work activities in accordance with the training they have received;
 - c) inform their manager of any work situation where there is serious and or immediate danger and to identify any shortcomings in the health and safety arrangements for protecting employees, patients, and visitors;
 - d) bring to the notice of managers any equipment which may be defective or unsafe;
 - e) dress sensibly, safely and appropriately for their working environment;
 - f) read, understand and comply with CCG's health and safety policy. Employees have a duty to keep themselves updated with regard to relevant policies and procedures;
 - g) adopt safe working practices;
 - h) adhere to relevant safety measures provided by the CCG;
 - i) comply with instructions in relation to emergency procedures, including fire, first aid procedures and major incident procedures, as well as procedures for hazardous substance spillage, where relevant;
 - j) attend relevant training provided, and apply knowledge gained during training in their work area;
 - k) attend appointments, when necessary, for health surveillance, in the Occupational Health Department;
 - l) use or wear protective equipment and/or clothing, where and when required;

Within the CCG the following responsibilities have been delegated to the following:

3.4. Accountable Officer

The Accountable Officer has overall responsibility for Health & Safety within the CCG. The responsibility includes ensuring that health and safety matters are seen as an important priority for the CCG addressed through comprehensive policies and procedures that are effectively implemented and appropriately resourced within the overall financial position of the CCG.

3.5. Director with responsibility for health and safety

The Chief Finance Officer (Executive Director of Finance) has overall responsibility for monitoring the implementation and upkeep of this policy and for reporting to the Governing Body as appropriate. They will also ensure that:

- A Health & Safety Law poster is displayed on the premises where staff can easily read it. The poster outlines British health and safety laws and includes a straightforward list that tells them what they and their employers need to do;
- All health and safety policies are made available on the CCG's Extranet and website, to enable managers and staff to access them; and
- Adequate competent advice and information is available to managers and staff in respect of existing, new, or changes to, health and safety legislation.
- Ensure that a competent person(s), is appointed in accordance with the requirements of the "Management of Health and Safety at Work Regulations 1999" to advise the CCG on health and safety matters.
- Adequate consultation with staff takes place in respect of health, safety and welfare matters and that an active Health and Safety Committee exists working under a constitution agreed between management and staff representatives
- An adequate and appropriate occupational health service is provided to all CCG employees and that arrangements are in place to monitor the effectiveness of the service. The arrangements will make provision for staff health surveillance where health and safety risk assessments identify this as being appropriate
- Identify health and safety training needs within the CCG and work with the Operational Leadership Team to address those needs.
- Liaise with all relevant external statutory authorities.
- Liaise with Frimley Health NHS Foundation Trust in relating to moving & handling advice, occupational health services and all training requirements.
- Liaise with the site/ office landlord or agent on fire risk assessments and advice; and estates matters.
- ensure health & safety inspections of all department areas are carried out annually in conjunction with the safety representative or with another employee. In addition, that risks are minimised by ensuring remedial action identified is carried out.

3.6. The Designated ‘Competent Person’

The designated ‘Competent Person’ has knowledge and understanding of the work environment and of the principles of risk assessment and the prevention of risk along with the identification of hazards at work. This person will be responsible for developing a culture of heightened awareness of the importance of effective Health and Safety practices.

His/her function will be to:

- Review and co-ordinate the implementation of the Health and Safety Policy.
- Act as a centre of knowledge about the formal implications of all aspects of Health and Safety legislation.
- Maintain contacts with external Health and Safety agencies.
- Distribute Health & Safety guidance documents from relevant organisations to managers as appropriate. Maintain an information centre, including a library of relevant books and journals.
- Ensure that arrangements are made for the co-ordination and collection of statistics and for making official reports to the Health and Safety Executive, local committees as well as any other relevant bodies.
- Liaise with the Occupational Health Service on Health and Safety issues.
- Ensure that inter-departmental problems on health and safety matters are resolved.
- Ensure the Fire Code is followed.

3.7. Managing Directors

Managing Directors have overall responsibility for the health, safety and welfare of employees within their place. A managing director is responsible for ensuring that:

- All new employees attend and receive corporate and local induction programmes.
- Staff are made aware of relevant health and safety training.
- Incidents are reported in accordance with the CCG’s Incident Reporting Procedure and incidents are investigated and appropriately graded.
- Relevant health and safety related policies and procedures are easily accessible to staff.

5. Policy

The CCG fully commits itself to the health, safety and welfare of its employees and visitors, and will undertake all reasonably practicable measures to ensure compliance with the Health and Safety at Work Act 1974 and other associated safety legislation, including all new Health & Safety Regulations.

The CCG will also undertake to provide safe work places, work equipment, personal protective equipment and welfare facilities for its employees together with appropriate information, instruction, training and supervision.

The CCG will assess the working environment to check the following:

- good ventilation – a supply of fresh, clean air drawn from outside or a ventilation system;
- a reasonable working temperature (usually at least 16 °C, or 13 °C for strenuous work, unless other laws require lower temperatures);
- lighting suitable for the work being carried out;
- enough room space and suitable workstations and seating;
- a clean workplace with appropriate waste containers.

To keep a safe workplace the CCG will work with site and office landlords to ensure:

- the premises are properly maintained;
- floors and traffic routes are free from obstruction;
- have windows that can be opened and also cleaned safely; and
- make sure that any transparent (eg glass) doors or walls are protected or made of safety material.

5.1. Assessment of Risk

The CCG will conduct a systematic general assessment of risk associated with the workplace and record any significant findings. The assessment will identify hazards present; quantify risks and what action is proposed to deal with these.

The law does not expect the CCG to remove all risks, but to protect people by putting in place measures to control those risks. Line Managers will decide what risk assessments are required in their areas.

A competent person will be delegated the responsibility to carry out the risk assessment and will be accountable for ensuring that these assessments are undertaken. Risk assessments may be generic or specific (e.g. Manual handling assessments). All risk assessments will be recorded and made available to all staff and any other individuals who may need to be aware of them.

Risk assessments will review:-

- If the risk changes
- After an accident or incident
- At least annually

The following risk assessments may be required but the list is not exhaustive:

- Display Screen Equipment (DSE);
- Assessment of the work environment (including Driving at Work and managing telephone aggression);
- Substances hazardous to health and safety;
- Personal safety assessment (including Lone working);

- Stress;
- Fire risk assessment;
- General manual handling assessment;
- First aid assessment;
- Risk Assessment New and Expectant Mothers.

5.2. Display screen equipment

All staff who are dependent on the daily and prolonged use of Display Screen Equipment are classed as “display screen users”. The CCG will ensure that risk assessments are carried out to identify any workstation hazards and risks that a display screen user maybe exposed to.

New starters are asked to complete a self-user DSE assessment. If desk accessories are required upon completion of a DSE Assessment the CCG will purchase the appropriate equipment as is reasonably practical.

It is the responsibility of the staff member to ensure they adhere to the same health and safety requirements both in the office environment and if working from home

Staff who have been advised to purchase specialist workstation equipment for a long-term condition / disability under the Equality Act 2010 .i.e. specialist chair or height adjustable desk, will be asked to provide a note or recommendation from their medical professional. This is to ensure that the correct equipment is purchased. The CCG is unable to follow up a request for specialist equipment without the relevant clinical recommendation. The recommendation should be discussed and approved by the person’s line manager in the first instance.

Eye and eyesight tests are available free of charge for permanent staff who use Display Screen Equipment (DSE) as defined above.

For further guidance on working with visual display units please refer to the Health and Safety Executive Regulations 1992 <https://www.hse.gov.uk/pubns/books/l26.htm>

5.3. Mobile telephones

In line with guidance from the Health and Safety Executive (HSE) the use of handheld mobile phone whilst driving is not encouraged. It is the advice and strong recommendation of the CCG that mobile phones, even when legally used, should not be used when driving and preference should be given to only using mobile phones when stationary. Guidance is available from the Health & Safety Executive here <https://www.hse.gov.uk/pubns/indg382.pdf> and from the gov.uk website here <https://www.gov.uk/using-mobile-phones-when-driving-the-law>

Consideration must be given to proper rest breaks and staff must not be contacted involuntarily outside normal working hours. Mobile phone users are therefore entitled to switch off their phones during rest breaks, whilst driving and when they are not working.

5.4. Lone Working

The CCG acknowledges its duty to make adequate provisions for the Health and Safety of lone workers in the workplace. Lone working is acknowledged as a significant risk and all foreseeable risks associated with lone working should be identified, assess and controlled as appropriate.

Lone working environments present unique health and safety challenges. Although there is no specific legal guidance on working alone, under the Health and Safety at Work Act 1974 and the Management of Health and Safety Regulations 1999, and following the 2005 guidance from the NHS counter fraud and security management service, the CCG must put in place systems to control the health and safety of lone workers in the workplace.

It is encouraged that staff with support from their line manager undertake a risk assessment before lone working on any CCG premises. Following this assessment any corrective action should be implemented to ensure all aspects of health and safety or where possible lone working discouraged.

Each CCG employee has a responsibility to ensure that their home working environment is safe and fit for purpose. It is, therefore, the CCGs role to ensure relevant homeworking processes and checklists are in place for staff to raise health and safety issues during their working day, but it is recognised that the CCG is not responsible for the health and safety of the employees' home environment.

Where a CCG employee is lone working at home, the CCG has put in place relevant processes to ensure that the employee feels safe and supported in the event of any health and safety issue that may arise during their working day. Each employee working from home must complete a homeworking checklist and liaise with their line manager to identify all potential risks or concerns at their earliest opportunity and where necessary advice sought from the health and safety team.

6. Reporting an accident or incident

It is CCG policy to report any incidents, accidents and near misses in order for an investigation to be conducted to eliminate/minimise the possibility of such an event occurring again in the future.

In the event of an accident or incident relating to a health and safety matter, the injured party (staff / visitor / contractor), or another person on their behalf must report using DATIX. The DATIX icon can be found on the staff intranet 'Hub'.

The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR) is the law that requires employers, and other people in control of work premises to report and keep records of:

- Work related accidents that cause death;
- Work related accidents which cause certain specified injuries;
- Diagnosed cases of certain occupational diseases;
- Certain "dangerous occurrences" (incidents with the potential to cause harm); and

- Any other requirements as set out by national guidance which are included in the CCG DATIX system.

All reportable events will be raised and discussed by the Executive Team and reported to the Staff Partnership Forum as appropriate.

7. Work Plan

Following the annual assessment of risk in the workplace the CCG will develop a work plan to show key actions required to mitigate any risks identified. The designated competent person will be responsible for updating the work plan and report progress to the Executive Director responsible for Health & Safety.

8. Non-compliance with Health and Safety arrangements

Employees also have a legal obligation under the Health and Safety at work etc., Act 1974 – Section 7 to avoid injury both to themselves and others: therefore the successful implementation of the health and safety policy requires total commitment from employees at all levels, including attending training.

Any employee contravening the provisions of the Health and Safety at Work Act 1974, wilfully ignoring this policy and procedure, or other policies or regulations intended to ensure health and safety at work, and acting so as to endanger others, may face disciplinary action. Alleged breaches will be judged against the CCG's disciplinary rules. Serious contravention of policies and/or regulations may lead to dismissal.

Failure to notify any danger to your direct line manager will be viewed as endangering the health and safety of others.

9. People not directly employed by the CCG

The CCG is committed to ensuring a healthy and safe environment for all people who work, use or visit our offices.

Under Section 3(1) of the Health and Safety at Work etc. Act, 1974, the CCG has a responsibility for the health and safety of those not in our employ, this includes voluntary helpers, work experience students, visitors, staff from other organisations, visiting trainees, and official visitors.

A general duty is placed on the manager responsible for a place or area of work to ensure that not only is the equipment safe, but that any activities being undertaken does not endanger any individual.

All potential risks and hazards to visitors will be identified and marked out and/or appropriate notices posted and the attention of visitors drawn to these.

10. Training

Provision will be made ensuring staff receive adequate information, instruction and training with respect to Health and Safety where appropriate. It is a requirement of the CCG that all staff complete the mandatory e-learning Health & Safety module, every 3 years via the e-Learning tool on ConsultOD.

11. Review

This policy will be subject to review after three years.

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