

IPSWICH BOROUGH COUNCIL

HEALTH & SAFETY ESSENTIALS



OCCUPATIONAL HEALTH AND SAFETY

APRIL 2012



IPSWICH
BOROUGH COUNCIL

www.ipswich.gov.uk

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A: Introduction

Purpose of the guide

This guide has been written to provide proprietors of small and medium enterprises with sufficient information and guidance to enable them to ensure that they comply with the basic requirements of health and safety law.

Your duties under health and safety law

In the UK, the central piece of legislation relating to occupational health and safety is the *Health and Safety at Work etc. Act 1974*. Amongst other things, this Act places general duties on employers and the self-employed to both:

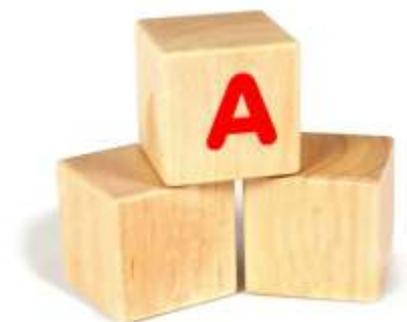
- i) ensure, so far as is reasonably practicable, the health, safety and welfare of their employees whilst at work; and
- ii) ensure, so far as is reasonably practicable, that neither they nor anyone not in their employment is exposed to a health and safety risk as a result of their work activities.

As what is considered “*reasonably practicable*” may not always be immediately apparent, in order to help translate these general duties into practical controls to be applied within the workplace, the legal requirements of the Act are expanded upon by a wide variety of health and safety Regulations. These Regulations stipulate more clearly the precautions that must be taken to control specific workplace risks and comply with the law.

In addition to duties on employers, the Act also imposes duties on employees to take reasonable care of the health and safety of both themselves and others, and to cooperate with their employer on matters of health and safety.

Further reading:

- The HSE leaflet “*An introduction to health and safety – Health and safety in small businesses*”[indg259] - <http://tinyurl.com/a8arw>



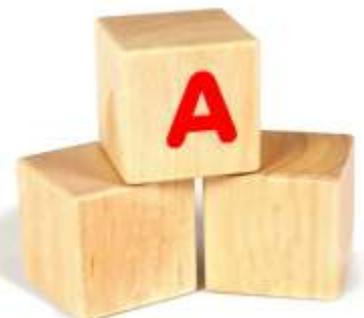
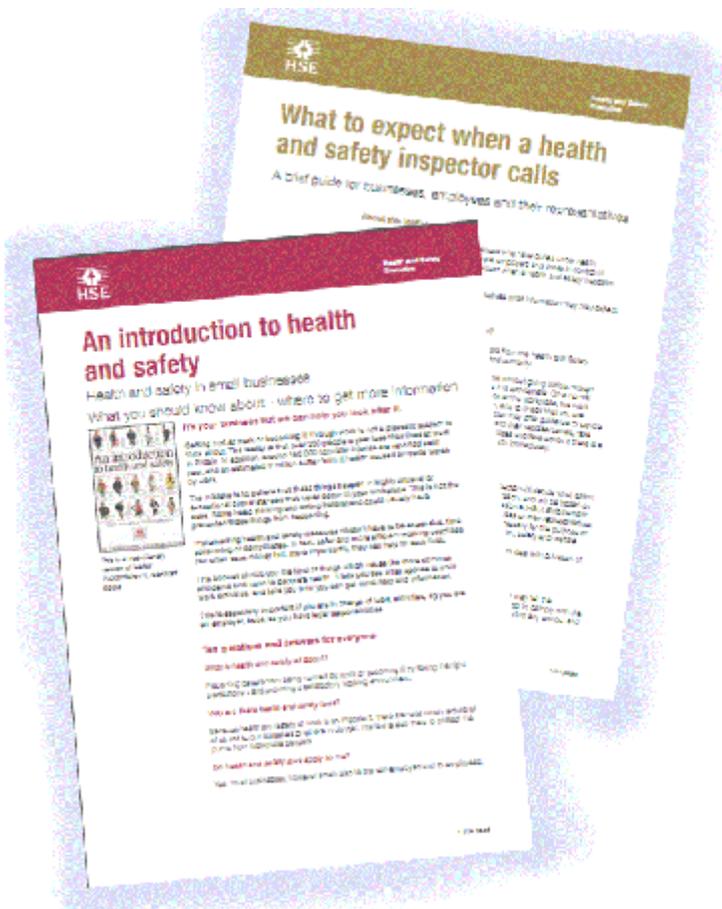
Health and safety enforcement

Depending on the type of work activity undertaken, health and safety law will be enforced at your premises either by inspectors from the *Health and Safety Executive (HSE)* or by inspectors from *Ipswich Borough Council's Occupational Health and Safety Team*.

Inspectors have the right to enter any workplace without giving notice, though notice may be given where the inspector thinks it is appropriate. On a normal inspection visit an inspector would expect to look at the workplace, the work activities, your management of health and safety, and to check that you are complying with health and safety law. The inspector may offer guidance or advice to help you. They may also talk to employees and their representatives, take photographs and samples, serve improvement notices and take action if there is a risk to health and safety which needs to be dealt with immediately.

Further reading:

- The HSE leaflet “*What to expect when a health and safety inspector calls*” [hsc14] - <http://tinyurl.com/5utt2ct>



B: Health & Safety Essentials

9 basic health and safety arrangements that all businesses should have in place.

Further reading:

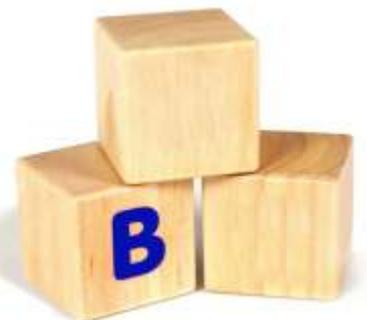
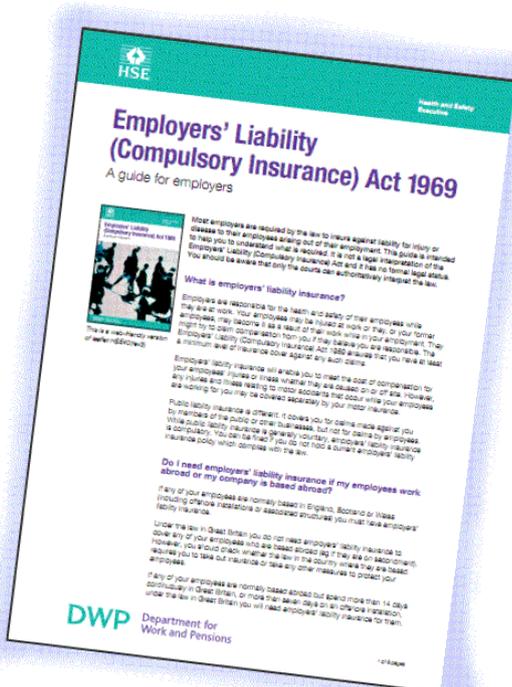
- The HSE “Health and safety made simple - The basics for your business” website - <http://tinyurl.com/5wj3bb>

1: Take out Employer's Liability Compulsory Insurance

If you employ anyone other than close family members **you are legally required to obtain Employer's Liability Compulsory Insurance (ELCI)** from an authorised insurer. This provides cover against claims made by employees for injuries or illnesses that they have suffered as a result of working for you. You must ensure that you **display your certificate of insurance or provide access to an electronic copy where employees can easily access it** – for example, on your company intranet. **You could be fined if you do not have a current policy.**

Further reading:

- The HSE publication “Employers' Liability (Compulsory Insurance) Act 1969 – a guide for employers”[HSE40(rev3)] - <http://tinyurl.com/nxhagl>
- The *Business Link* guide to “Liability Insurance” - <http://tinyurl.com/6b7vvh9>



2: Appoint a competent person to help with health and safety

The law says **you must appoint at least one competent person to help you meet your health and safety responsibilities.** For this purpose a person is regarded as competent if they have “*sufficient training and experience or knowledge and other qualities*” to enable them to assist with undertaking the measures necessary to comply with your duties under health and safety law.

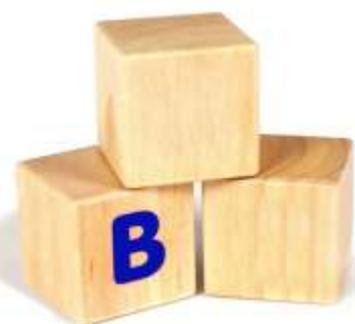
Provided that you are satisfied that you are sufficiently competent to fulfil this role, there is nothing to stop you from appointing yourself as the competent person for your undertaking. Alternatively, either as well as or instead of appointing yourself, depending on their level of competence you could also appoint one or more of your employees and/or someone from outside of your business (e.g. an external health and safety consultant) to assist you with the management of health and safety within you undertaking.

If you do elect to engage the services of an external health and safety consultant, it is strongly recommended that you adopt as rigorous a selection procedure as you would with any other major procurement decision. Care should be taken to ensure that a consultant's expertise is both of relevance to your business and of a sufficient level to be of value. Additionally, as with any commercial transaction, it is advisable to shop around to ensure that you obtain a fair price for the service that the consultant is offering.

Choosing the right consultant for your business can be confusing, a situation made worse by the fact that currently anyone can set-up in business as a health and safety consultant regardless of their level of competence. In order to address concerns regarding professional standards and to help businesses to source competent health and safety assistance, the HSE has launched a registration scheme for health and safety consultants. Called the *Occupational Safety and Health Consultants Register* (<http://www.oshcr.org>), the scheme provides a single national register for identifying safety consultants who have attained a high level of qualification and experience recognised by a relevant professional body.

Further reading:

- The HSE leaflet “*Getting specialist help with health and safety*” (indg420)-
<http://tinyurl.com/32xubt>



3: Write a health and safety policy and undertake a risk assessment

If you employ five or more employees you are legally required to:

- i) prepare a written health and safety policy; and
- ii) undertake a risk assessment and record its findings in writing.

If you employ fewer than five employees the requirement for a health and safety policy **does not** apply to you, and although you still have to assess the health and safety risks associated with your business, you **are not** required to record this assessment in writing. It should be noted that the figure of five employees refers to the total number of employees across the whole of your undertaking, not merely the number of staff working at one particular location.

In order to help employers with five or more employees generate both a written health and safety policy and a documented risk assessment, a combined policy and risk assessment template can be downloaded from the HSE website (<http://tinyurl.com/ykjltvf>).

HEALTH & SAFETY POLICY

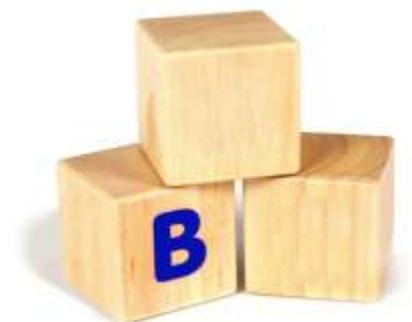
A health and safety policy sets out your general approach, objectives and the arrangements you have put in place for managing health and safety in your business. It is a unique document that says who does what, when and how.

A written health and safety policy does not need to be complicated or time consuming. It tells staff and others about your commitment to health and safety, and simply describes how you will implement and monitor your health and safety controls. To show you what you need to think about and include when preparing your own health and safety policy, an example policy can be downloaded from the from the HSE website (<http://tinyurl.com/268hbmnn>).

Once you have written your policy it is important to remember that it will only be effective if you and your staff act on it, follow it through and review it on a regular basis.

Further reading:

- Business Link online guidance “Create and operate a health and safety policy” - <http://tinyurl.com/d6lznzn>



RISK ASSESSMENT

To complete a risk assessment you must carefully examine what in your work could cause people harm. By considering what could go wrong, how it could happen and who might be hurt, it will be possible for you to determine whether you have taken sufficient precautions to minimise the health and safety risks associated with your business, or whether you should be doing more to prevent harm. When undertaking a risk assessment it is important to remember that the law does not expect you to eliminate all risk, however it does require you to protect people as far as is *'reasonably practicable.'*

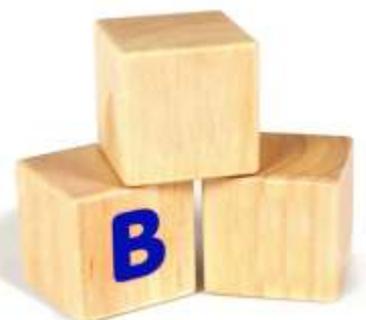
Risk assessment is a five step process:

- 1) identify the hazards;**
- 2) decide who might be harmed and how;**
- 3) evaluate the risks and decide on precautions;**
- 4) record your findings and implement them; and**
- 5) review your assessment and update if necessary.**

When thinking about your risk assessment, remember that:

- a **hazard** is anything that may cause harm, such as chemicals, electricity, working from ladders, an open drawer, *etc.*; and
- the **risk** is the chance, high or low, that somebody could be harmed by these and other hazards, together with an indication of how serious the harm could be.

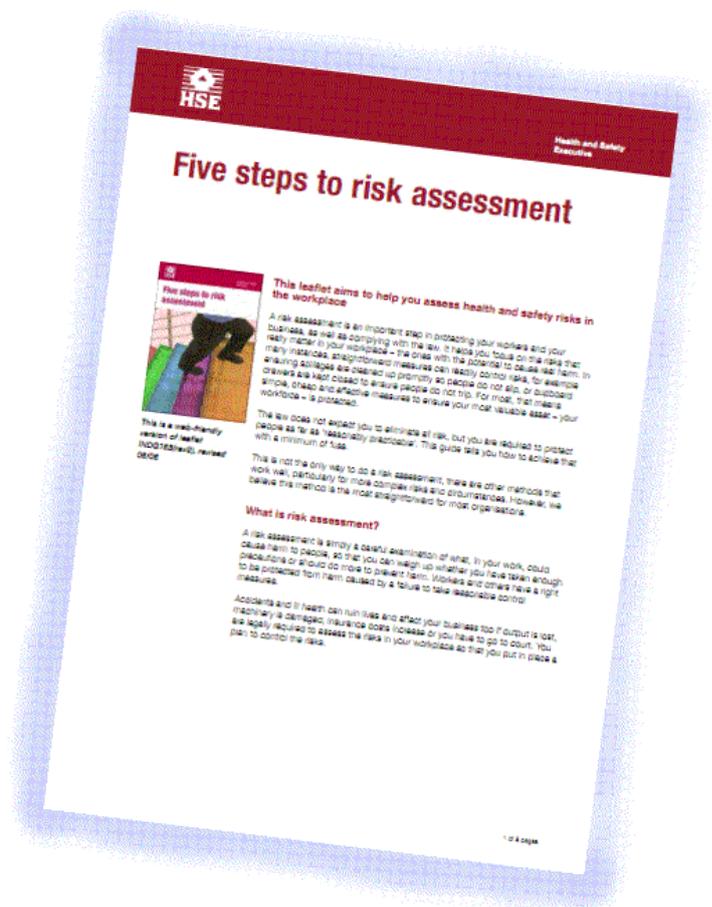
Just as when writing your health and safety policy, when undertaking a risk assessment it is important not to overcomplicate the process. In the majority of workplaces the risks will be well known and the necessary control measures easy to apply. Consequently, **if you are confident that you understand what is involved, you can do the assessment yourself; you do not have to be a health and safety expert.**



The most straightforward way for most businesses to undertake a risk assessment is to fill-in the risk assessment portion of the previously mentioned *combined policy and risk assessment template* using one of the example risk assessments available on the HSE website as a starting point (<http://tinyurl.com/5c6o7p>). Choose the example closest to your own business and use it as a guide, adapting it to meet the needs of your own business. Alternatively, if you work in a low risk office-based environment you can complete your risk assessment in approximately 20 minutes using the HSE's new online Office Risk Assessment Tool (<http://tinyurl.com/2bwt7ae>).

Further reading:

- The HSE leaflet “*Five steps to risk assessment*” [indg163(rev2)] - <http://tinyurl.com/mzbao>
- The HSE “*Risk management*” website - <http://tinyurl.com/5lsww>
- Business Link online guidance “*Managing the risks in your business*” - <http://tinyurl.com/d5urbgk>



4: Provide a safe and healthy work environment for your employees

WELFARE FACILITIES

- **Toilets, wash-hand basins, shower and washing facilities**

You must provide:

- i) clean well-ventilated toilets (separate for men and women unless each convenience has its own lockable door);
- ii) wash basins with hot and cold (or warm) running water;
- iii) showers for dirty work which may result in contamination of the skin; and
- iv) soap and towels (or a hand drier).

- **Drinking water**

You must supply employees with high-quality drinking water.

- **Accommodation for clothing and changing facilities**

You must provide lockers or hanging space for clothing and changing facilities where workers wear special clothing.

- **Facilities to rest and eat meals**

You must provide employees with places in which they can rest, and where appropriate, eat meals.

HEALTH ISSUES

- **Ventilation**

Your workplace must be well ventilated with an adequate supply of fresh clean air

- **Temperature**

Indoor workplaces must be maintained at a reasonable working temperature; usually at least 16°C, or 13°C for strenuous work (unless other laws require lower temperatures). Where a comfortable temperature cannot be maintained throughout each workroom local heating or cooling must be provided as appropriate.



- **Lighting**

You must ensure that your workplace has a suitable and sufficient lighting to enable people to work, use facilities and move from place to place safely without suffering eye-strain.

- **Cleanliness and waste materials**

You must ensure that your premises (along with all of its furniture, fixtures and fittings) are kept clean. You must also ensure that rubbish is not permitted to accumulate within the workplace.

- **Room dimensions and space**

Workrooms should have enough free space to move about easily.

- **Workstations and seating**

Workstations and seating must fit the worker and be appropriate for the type of work being undertaken. Workstations must also be arranged in such a way that they permit workers to leave them swiftly in an emergency.

SAFETY ISSUES

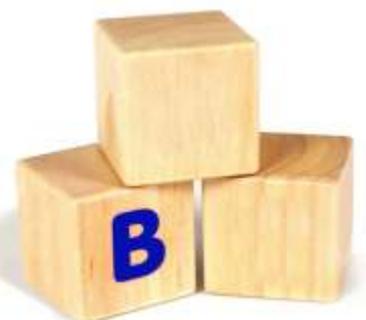
- **Maintenance of the workplace and work equipment**

You must ensure that your premises and work equipment are kept in good repair.

- **Electrical safety**

Electrical equipment must be maintained in a safe condition. Where used in such a way that there is a risk that it may deteriorate into an unsafe condition, equipment must be inspected regularly to ensure that any defects are detected and remedied in good time.

As well as taking appropriate steps to ensure the safety of your electrical equipment, you should also ensure that your premises' fixed electrical installation (*i.e.* its '*wiring*') is subject to "*periodic inspection and testing*" by a competent electrician, such as an NICEIC or ECA registered contractor. It is recommended that electrical installations in shops and offices should be checked at least once every 5 years.



- **Gas Safety**

To ensure that they are maintained in a safe condition, any gas appliances used within your premises must be regularly inspected and serviced in accordance with manufacturers' instructions by a suitably qualified Gas Safe registered engineer. Where no record of the manufacturers' instructions exists, you should consult with a competent Gas Safe engineer to determine how regularly your appliance will need to be inspected and serviced (typically most appliances will require annual servicing).

- **Floors and traffic routes**

All floors and traffic routes within your workplace must be of suitable construction, maintained in good condition and kept free of slip/trip hazards.

- **Transparent and translucent doors, gates, walls and windows**

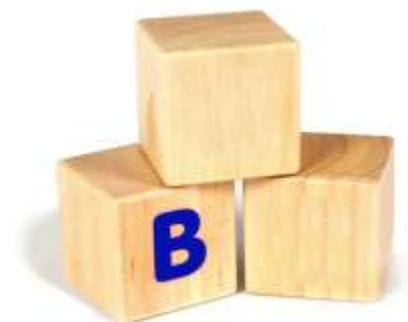
Windows, transparent or translucent surfaces in walls, partitions, doors and gates should, where necessary to protect health and safety, be made of safety material or protected against breakage. You must mark these surfaces clearly if there is a danger that people might collide with them.

- **Windows and safe cleaning**

You must have windows that can be cleaned safely. Openable windows should open safely so that people cannot fall out or bump into them.

Further reading:

- The HSE leaflet "*Workplace health, safety and welfare – A short guide for managers*"(indg244) - <http://tinyurl.com/yjbo9x>
- The HSE leaflet "*Welfare at work – Guidance for employers on welfare provisions*"(indg293) - <http://tinyurl.com/4pmmnbt>
- The HSE booklet "*Maintaining portable and transportable electrical equipment*"(hsg107) - <http://tinyurl.com/639mnxt>
- The HSE leaflet "*Maintaining portable electrical equipment in offices and other low-risk environments*"(indg236) - <http://tinyurl.com/2a8bz6>



5: Identify and manage any asbestos within the workplace

Asbestos is a naturally occurring mineral that was widely used in an extensive range of construction products until its use was finally banned at the end of 1999. Where in good condition and left undisturbed asbestos containing materials (ACMs) pose no risk to health, however if damaged or allowed to deteriorate ACMs can present a serious health risk by releasing asbestos fibres into the air.

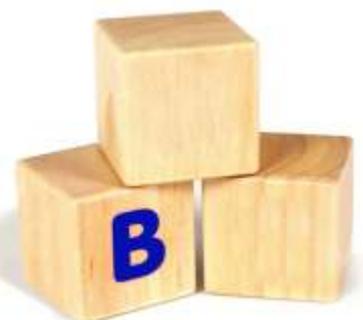
Breathing in air containing asbestos fibres can cause serious diseases, mainly cancers of the lungs and chest lining, which kill approximately 4000 people in the UK every year. As there is no cure for these diseases, which typically do not develop until 15 to 60 years after exposure, the only way to prevent future asbestos-related disease is to take reasonable steps to avoid people being exposed to asbestos fibres in the first place.

In order to prevent exposure to asbestos fibres within the workplace - unless they have documentary evidence that no asbestos was used in the construction of their building, or that it was built in the year 2000 or later - by law anyone with responsibility for maintaining the fabric of a non-domestic property must undertake a survey to locate, identify and assess the condition of any ACMs within their property. The findings of this survey must then be used to devise a suitable plan to manage the risk to health posed by any ACMs found.

In order to assist businesses to comply with their duty to manage asbestos within the workplace, the HSE has developed the "*Managing my asbestos*" website (<http://tinyurl.com/5umoc6p>) which breaks this legal requirement down into 12 simple steps.

Further reading:

- The HSE leaflet "*Manage buildings?*" - <http://tinyurl.com/al65qg>
- The HSE leaflet "*A short guide to managing asbestos in premises*" (indg223) - <http://tinyurl.com/yyltvl7>



6: Provide free health and safety training and supervision

The law says you must train your employees and contractors to work safely, and clearly instruct them in their duties.

Everyone who works for you, including self-employed people, needs to know how to work safely and without risks to health. So you need to train them to be sure they know:

- i) what hazards and risks they may face;
- ii) how to deal with them; and
- iii) any emergency procedures.

Health and safety training should take place during working hours and must not be paid for by employees. Some employees may have particular training needs, for example:

- new recruits;
- people changing jobs or taking on extra responsibilities;
- young employees who are particularly vulnerable to accidents; and
- health and safety representatives.

You must keep records of all training to so that you can see when it might need to be repeated; it is good practice to provide refresher training from time-to-time. You should consult workers or their representatives to make sure training is relevant and effective.

In addition to providing appropriate training, **you must also ensure that new, inexperienced or young employees are adequately supervised.**

Further reading:

- The HSE leaflet "*Health and safety training – What you need to know*" (indg345) - <http://tinyurl.com/5uefxgo>



7: Consult your workers

The law says that employers must consult their workers on health and safety.

Consultation is a two-way process – it does not just mean telling workers about health and safety. It means discussing health and safety with them, allowing them to raise concerns and influence decisions.

You have to consult all workers. In a very small business, you may choose to consult each employee separately. However, most organisations consult staff through their health and safety representatives.

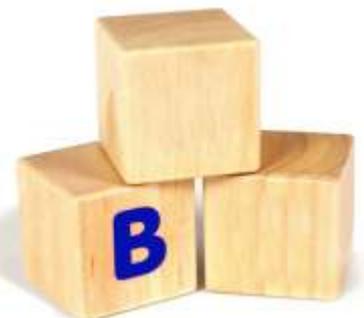
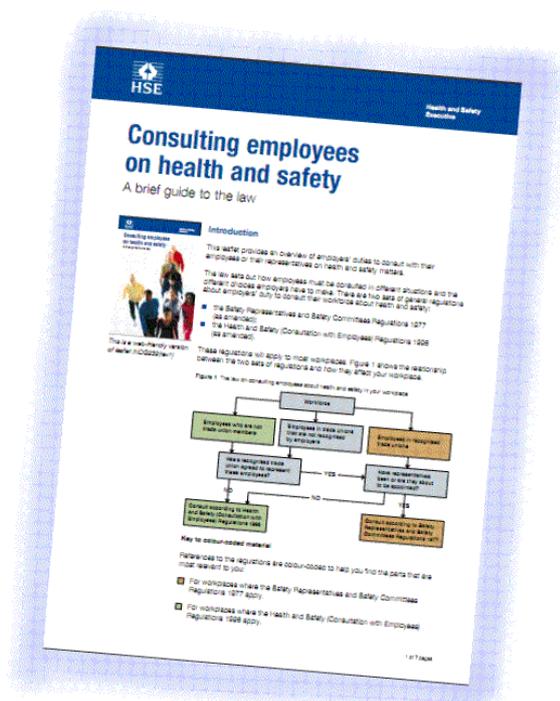
There are two kinds of representative. They can be:

- i) elected by their colleagues; or
- ii) appointed by a trade union.

Managers must not decide who will represent workers on health and safety matters, this is a decision solely for employees.

Further reading:

- The HSE leaflet “Consulting employees on health and safety – A brief guide to the law” (indg232) - <http://tinyurl.com/6tfmb5>
- The HSE “Worker Involvement” website - <http://tinyurl.com/5gvjn2>



8: Display the health and safety law poster

If you employ anyone, you are required by law to either:

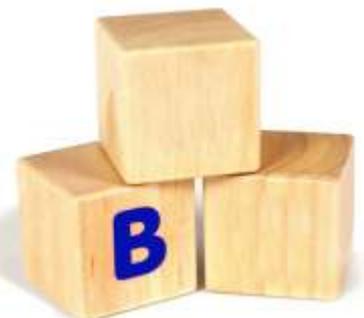
- display a readable copy the HSE's health and safety law poster in a location where it can be easily read by workers; or
- give each of your employees a copy of the HSE leaflet *“Health and safety law: What you need to know.”*

Both documents include basic health and safety information and let employees know who is responsible for both the management and enforcement of health and safety within your workplace.

Copies of the health and safety law poster can be purchased from the HSE Books website - <http://tinyurl.com/6fdxx7v> (Tel: 01787 881165, E-mail: hsebooks@prolog.uk.com). Alternatively, copies of the *“Health and safety law: What you need to know”* leaflet can be downloaded for free - <http://tinyurl.com/yhwtjyjq>

Further reading:

- The HSE *“Health & Safety law poster – What do you need to know about the new health and safety law poster?”* website - <http://tinyurl.com/o6egtq>



9: Understand the RIDDOR reporting procedure

If you are an employer, self-employed or in control of business premises, you have a legal duty to report certain types of work-related accidents, incidents and illness under the requirements of the *Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995* (RIDDOR).

The types of occurrence that must be reported include:

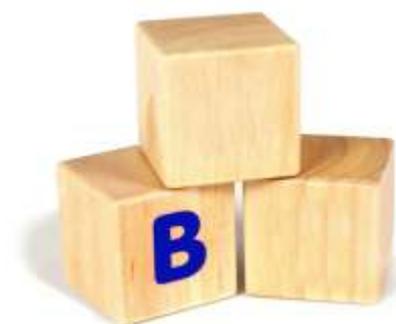
- **deaths;**
- **major injuries** (e.g. fractures, amputations, unconsciousness etc.);
- **over 7-day injuries** – where an employee or self-employed person misses work or is unable to perform their normal work duties for more than 7 consecutive days as the result of an incident at work;
- **injuries to members of the public or people not at work, where they are taken from the scene of an accident to hospital;**
- **some work-related diseases** (e.g. occupational dermatitis, occupational asthma, legionellosis etc.); and
- **some dangerous occurrences** – “near misses” where a serious failing (e.g. an explosion or structural collapse) occurs that does not result in a reportable injury but clearly could have done so.

All reportable incidents should be reported as soon as possible either:

- online: <http://www.hse.gov.uk/riddor> ; or
- by phone: 0845 300 9923 (**fatal and major injuries only** - Monday to Friday 8:30am – 5:00pm)

Further reading:

- The HSE leaflet “*Reporting accidents and incidents at work*” [indg453] - <http://tinyurl.com/cxqhnyr>



C: Other Things That You Need To Do

Other legal requirements that your business needs to comply with.

1: Ensure that the relevant parts of your business are kept smoke-free

(legal requirement enforced by IBC's Occupational Health & Safety Team)

The smoke-free provisions of the *Health Act 2006* require managers to **ensure that all “enclosed” and “substantially enclosed” workplaces, and all roofed work vehicles are kept smoke-free**; failing to do so can result - upon conviction - in a fine of up to £2,500.

Additionally, **no-smoking signs of a specified format (shown below) must be displayed in smoke-free vehicles, and in a prominent position in the entrance to all smoke-free workplaces**; failing to display appropriate signage can result in a fine of £200.



A5 no-smoking sign for display in public entrances to smoke-free premises.



No-smoking symbol (must be at least 70mm in diameter) for display in smoke-free vehicles and in additional staff-only entrances to smoke-free premise.

Further reading:

- The Smokefree (England) website - <http://www.smokefreeengland.co.uk>



3: **[Food businesses only] Register with the Council and devise and implement a documented food safety management system** (legal requirements enforced by IBC's Food Safety Team)

FOOD BUSINESS REGISTRATION

As the operator of an Ipswich-based food business (*i.e.* any undertaking, whether for profit or not, that produces, processes or handles food), **you must ensure that you register your premises with Ipswich Borough Council's Food Safety Team at least 28 days before it opens.** Registration is free and applies to most types of food business, including catering businesses run from home and mobile or temporary premises, such as stalls and vans. If you use two or more premises, you will need to register all of them.

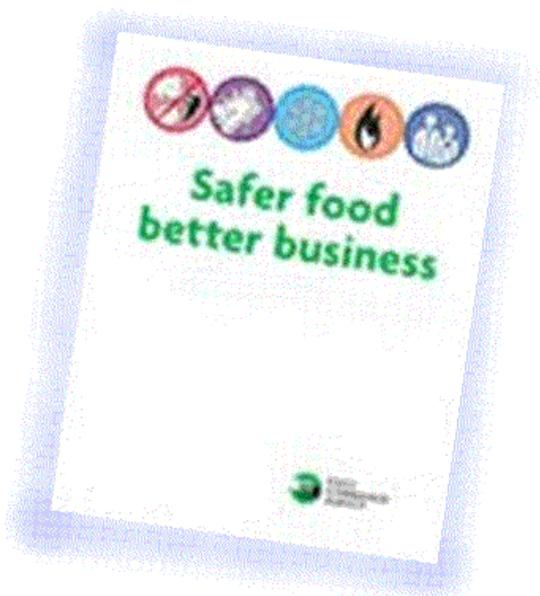
To register your business with Ipswich Borough Council simply download, complete and return a registration application - <http://tinyurl.com/5s3cttu>.

Further reading:

- Ipswich Borough Council's "Registering a Food Business" website - <http://tinyurl.com/69na7v2>

FOOD SAFETY MANAGEMENT SYSTEM

As a food business operator you are legally required to write down simple details of what you do to make sure that the food produced or sold at your premises is safe to eat. For most small businesses the easiest way to comply with this requirement is to follow the *Safer Food Better Business* guidance issued by the *Food Standards Agency* (<http://tinyurl.com/mnyb9c>), which will guide you through how to comply and provide the necessary documentation.





Contact details:

If you have any questions Ipswich Borough Council's Occupational Health & Safety and Food Safety teams can be contacted as follows:

By telephone: 01473 432000

By email: healthandsafety@ipswich.gov.uk
foodsafety@ipswich.gov.uk

By post: Ipswich Borough Council
Grafton House 15-17 Russell Road

Ipswich IP1 2DE

www.ipswich.gov.uk