

HEALTH AND SAFETY AT WORK

Statutory Inspection Policy
Redditch Borough Council

Statutory Inspection Policy

As an employer and premises provider Redditch Borough Council is required to undertake various types of Statutory Inspections of equipment and facilities. These need to be completed by a competent, trained member of staff or Contractor.

The frequency of Inspection in some circumstances will be dictated by legislation and some based on risk assessment and or best practice and previous experience. If any form of defect is found at the time of inspection equipment must be taken out of service until the defect can be rectified.

The Council is required to undertake Inspections in all areas of the business and all with far ranging and differing requirements. Therefore this is an overarching policy and should form the basis of a service specific Inspection Schedule formulated at a local level ensuring all relevant legislative requirements are met.

Further guidance and schedules of testing arrangements will be created and maintained at a local level including, but not exclusive to the following:

- All Council owned/leased/shared buildings including Fire Alarms, Gas and Electrical testing and lifting equipment (not exhaustive list)
- Vehicles including MOTs, Lifting Equipment and accessories
- Parks and Open Spaces including Playgrounds and other Leisure facilities
- Highways

Councils have a duty to ensure that facilities under their control comply with appropriate statutory, regulatory and corporate standards. This task has become increasingly complex, onerous and difficult in the context of various potentially competing drivers including:-

- An increased burden of legislative and regulatory duties falling on building and facilities occupiers/owners.
- Delegation of relevant budgets and responsibilities to individual establishments, but with ultimate accountability still seen as resting with the corporate body of the Council.

Councils now regularly face challenges in terms of their ability to control and manage what goes on in their buildings and on the land which they own and which are used by staff, and members of the public for which they have legal responsibility. In addition to this Councils are faced with a wide range of health and safety responsibilities that fall on building occupiers. Even where rigid policies and procedures are set out at corporate level, responsibilities for their implementation are frequently delegated to local managers in individual properties and land users who do not always appreciate the importance of ensuring that regular checks and control measures are carried out and recorded.

Overall responsibility for ensuring the Statutory Inspection Policy is adhered to rests with the Executive Director Finance and Corporate Resources. This document highlights the key areas where some sort of compliance monitoring is required along with some background information.

If a statutory inspection is not completed by the due date the lead officer will escalate to their Head of Service. The Head of Service will then make a decision as to whether to agree a new target date or to escalate to the Executive Director Finance and Corporate Resources.

This is not a legal document and should be read as a guidance note for those responsible for the management of local authority facilities. The aim of the document is to provide a summary of relevant responsibilities and to assist managers to organise appropriate testing and inspection of systems and equipment within their area of responsibility in creating a schedule of testing.

The Health and Safety at Work Act 1974 places a general duty on employers to ensure “so far as is reasonably practicable the health, safety and welfare at work of all their employees”. Under Sect 3 of the Act, **General Duty to Others** requires employers to conduct their undertaking in a way that does not pose a risk to the health and safety of non-employees. This section is designed to give protection to the general public and other non-employees such as members of the public, Contractors, Visitors etc.

In addition to the HSWA there are Approved Codes of Practice (ACOPs) and Health and Safety Executive (HSE) Guidance documents and standards to be considered. HSE guidance documents contain advice on requirements to be followed and actions that an employer should take in order to comply with the law. HSE guidance itself does not have any legal status.

Failure to meet our legal obligations for Statutory Inspections of our council premises could lead to a number of implications:

- Prosecution under the Health and Safety at Work Act 1974
- Prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007
- Prosecution under other relevant legislation

Duties of Managers and Directors

Where an offence is committed under the HSWA by a body corporate with the “consent, connivance or neglect” of any director, manager, secretary or similar officer, that person may be prosecuted as well as the Corporate body. Enforcement Inspectors tend to look closely at the role of directors and managers when carrying out inspections.

Duty Holder

The Duty Holder is the person or organisation that has clear responsibility for the maintenance or repair of the premises through an explicit agreement such as a lease or contract.

The actual extent of the duty will depend on the specific details of the agreement. However, where there is no agreement or contract or where one exists but it is silent on such matters, the duty is placed on whoever has control of the premises, or part of the premises. The duty to manage covers all non-domestic premises, including industrial, commercial, or public buildings such as offices and shops.

Persons undertaking the Inspections

Any inspections must be undertaken by persons (Staff or Contractors) who are deemed to be suitably trained and competent to undertake such work. Often there will be a legal requirement for the Independent inspection of certain items of equipment and facilities for Insurance and legal purposes.

Persons undertaking inspections on Council premises and or land will have the following responsibilities:

- Ensure that any equipment is inspected at the recommended intervals.
- Record such Inspections on the necessary paperwork and provide copies for independent inspection.
- Report any defects immediately to the person in charge and advise of any remedial actions required.
- Ensure that any equipment, facilities etc. that they inspect meet or exceed the legal and statutory requirements laid down by the relevant authorities.
- Maintain their knowledge and understanding of the legal and statutory requirements.

Officer in Charge

Any person with responsibility for premises will be required to ensure that any such inspections are completed and records are kept on site for inspection by interested parties. These can be held either in paper format or electronically but need to be readily available at all times.

While some inspections can be carried out by a member of staff with basic training some will need more in-depth knowledge and training. Also whilst periodic checks can be done in house there will also be a requirement for independent maintenance and servicing at set intervals.

Independent checks and maintenance will be arranged via HO Customer Access & Financial Support and in conjunction with Place Partnership Ltd and/or Zurich. However, local managers will be responsible for ensuring that the schedules are monitored and reviewed within the legal and statutory requirements.

Each area will have requirements for inspection at differing intervals according to legal requirements and best practice.

Air-Conditioning Systems

Under The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007 an air conditioning system should be inspected by an energy assessor at regular intervals not exceeding 5 years, although bi annual checks and an annual maintenance schedule as described above should continue as best practice.

It is the duty of the relevant person to ensure that this is carried out; under the Regulations the relevant person is classified as the person who has control of the system. A copy of the report should be retained.

Asbestos

The Control of Asbestos Regulations 2012 came into force on 6 April 2012.

They mean that some types of non-licensed work with asbestos now have additional requirements, i.e. notification of work, medical surveillance and record keeping. All other requirements remain unchanged.

The Control of Asbestos Regulations 2006 requires employers to prevent the exposure of their employees to asbestos as far as is reasonably practicable. If this cannot be achieved then employers must take measures to reduce the employee's exposure to asbestos to the lowest level reasonably practicable. The duty to manage asbestos in non-domestic premises falls under Regulation 4 of the Control of Asbestos Regulations (CAR 2006).

Under Regulation 4 the "duty holder" must ensure that a suitable and sufficient assessment is undertaken to determine whether asbestos is on the premises, the assessment should take into account the likely condition of any asbestos.

Once the assessment has been completed then the conclusions from the assessment and any subsequent reviews must be recorded. In addition to this the duty holder must also consider building plans, other relevant information and the age of the premises, and inspect reasonably accessible parts of the premises.

Where asbestos is identified or suspected the duty holder must:

- determine the risk from asbestos
- prepare a written plan identifying the areas of the premises concerned and the measures necessary for managing the asbestos risk
- implement the measures in the plan
- record the measures taken to implement the plan

These measures should include means for:

- monitoring the condition of any asbestos or suspected asbestos
- maintaining the asbestos or safely removing it
- providing information which identifies the location and condition of identified asbestos to any person likely to disturb it. This would include caretakers and contractors working on the premises, the information must also be made available to the emergency services.

The assessment and written plan must both be reviewed if they become invalid or if there have been significant changes to the premises.

If employees are likely to carry out work that is liable to expose them to asbestos, then under Regulation 5 employers must identify the type of asbestos they are likely to be exposed to or if this is not done then the assumption must be made that the asbestos is not solely chrysotile.

Under Regulation 5 employers must also undertake an assessment of any health risks to employees exposed to asbestos at work. This assessment should identify the steps that need to be taken to meet the Control of Asbestos Regulation 2006 and these steps must then be implemented.

The assessment described above should:

- identify the type of asbestos which the employee is liable to be exposed.
- assess the nature and degree of likely exposure
- consider the effectiveness of control measures
- take into account the results of air monitoring and medical surveillance
- identify the measure necessary to prevent or deduce asbestos exposure to the lowest level reasonably practicable.

Any significant findings from this assessment should be recorded and then reviewed regularly. In particular if there are any reasons to suspect that the situation has changed or to suggest that the original assessment was inaccurate then the assessment should be review as soon as possible.

Under Regulation 7 of the CAR 2006 employers must prepare a written plan of work prior to any work commencing that may expose their employees to asbestos. This plan must include details of how the asbestos work will be undertaken and a copy of the plan must be kept on the premises.

It should be noted that under Regulations 8 & 9 of the CAP 2006 work with asbestos cannot be carried out unless the employer holds a licence granted by the Health and Safety Executive.

Under Regulation 10 of the CAR 2006 employees that are liable to be exposed to asbestos, who supervise asbestos work or who undertake work in connection with their employer's duties under the regulations must be given adequate and regular information, instruction and training. This is to ensure their own and other employees' safety.

Where reasonably practicable employers must prevent employee exposure to asbestos. However if this is not possible then under Regulation 11 exposure must be reduced to the lowest level reasonably practicable and the number of employees likely to be exposed reduced to the lowest number that is reasonably practicable.

Car Parking and Pedestrian/Vehicle Segregation

The Workplace (Health, Safety and Welfare) Regulations 1992 (regulation 17) covers the layout of traffic routes, traffic management systems and the provision of signage. The main areas of the regulation are:

- Every workplace shall be organised in such a way that pedestrians and vehicles can circulate in a safe manner.
- Traffic routes in a workplace shall be suitable for the persons or vehicles using them, sufficient in number, suitable positions and of sufficient size. It may
- sometimes be difficult to provide “sufficient separation” between pedestrians and vehicles where layouts and traffic routes have already be constructed, therefore
- the regulation is qualified by the statement “so far as is reasonably practicable”
- All traffic routes shall be suitably indicated, where necessary, for reasons of health and safety.

A risk assessment should therefore be carried out to include, traffic movement within the site, pedestrian/vehicle segregation, car parking and how the routes are signed. This risk assessment should consider these areas at different key times in the day.

Compulsory Display of Notices

There are a number of notices and documents that employers have to display on their notice board or anywhere where the information is easily accessible to employees.

There are some very specific requirements depending on the type of property however in general terms employers are required to post the following:

- Details of the person in charge of the first aid box
- Any information necessary to comply with fire legislation
- A certificate of insurance as required by the Employers Liability (Compulsory Insurance) Act 1969
- A thermometer on each floor
- A copy or abstract of relevant regulations (where still relevant)

Construction (Design and Management) Regulations 2015

The Construction (Design and Management) Regulations 2015 (CDM 2015) came into force on 6 April 2015 replacing the previous Construction (Design and Management) Regulations 2007.

The CDM Regulations have far-reaching implications for duty holders in particular the client and cover all construction work (except domestic) to some extent.

Under the CDM 2015 Regulations a client is defined as any person for whom a project is carried out. This is irrespective of whether the project is carried out by another person or in-house.

For any project the client has an overriding duty to ensure that arrangement made for managing it would be carried out, as far as it reasonably practicable, without risk to the health and safety of any person.

The client must also ensure that there are suitable welfare arrangements for the workers and if the work involves the construction of a building that will be used as a workplace the client must ensure that once completed it will comply with the Workplace (Health, Safety and Welfare Regulation 1992.

It is important that those managing premises have an understanding of the requirements of CDM 2015 Regulations.

Contractor Qualification Checks

Where a person responsible for the management of a local authority property appoints a Contractor, this should be carried out in accordance with the local authority's procurement procedures, or in consultation with the local authority, to ascertain whether call-off contracts are already in place to cover such areas of work. Where this is not possible, that person must ensure that the contractor that is proposed for carrying out the work has a current health and safety policy approved by the local authority, has current suitable insurances in place, and where necessary has the appropriate qualifications, for example Gas Safe or NICIEC registered for work in connection with gas and electrical installations respectively.

Control of Substances Hazardous to Health (COSHH)

The Control of Substances Hazardous to Health Regulations 2002 (COSHH) (as amended) place a duty on employers to control the risks to employees and others which arise from exposure to substances hazardous to their health that are associated with the employers' work activities. This can be done through identifying, assessing and where possible preventing or adequately controlling exposure to the hazardous substances. The purpose of the regulation is to prevent ill health.

The Control of Substances Hazardous to Health (Amendment) Regulation 2004 (COSHH 2004) introduced changes to the regulations; a simpler exposure limit was introduced so that workplace exposure limits now replace occupational exposure standards and maximum exposure limits.

From April 2005 employers are required to:

- Apply the eight principle of good practice to control substances hazardous to health;
- Ensure that the workplace exposure limit is not exceeded and
- Ensure that exposure to substances which can cause occupation asthma, cancer or damage to genes that can be passed on from one generation to another are reduced as low as is reasonable practicable

The eight principles of good practice are:

1. Design and operate processes and activities to minimise emission, release and spread of substances hazardous to health.
2. Take into account all relevant routes of exposure- inhalation, skin absorption and ingestion- when developing control measures.
3. Control exposure by measures that are proportionate to the health risk
4. Choose the most effective and reliable control options which minimise the escape and spread of substances hazardous to health.
5. Where adequate control of exposure cannot be achieved by other means, provide, in combination with other control measures, suitable personal protective equipment.
6. Check and review regularly all elements of control measures for their continuing effectiveness.
7. Inform and train all employees on the hazards and risks from the substances with which they work and the use of control measures developed to minimise the risks.
8. Ensure that the introduction of control measures does not increase the overall risk to health and safety.

Equality Act 2010

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society.

It replaced previous anti-discrimination laws with a single Act, making the law easier to understand and strengthening protection in some situations. It sets out the different ways in which it's unlawful to treat someone.

The DDA 1995 departed from the fundamental principles of older UK discrimination law (the Sex discrimination Act 1975 and the Race Relations Act 1976. These Acts, also repealed and replaced by the Equality Act 2010, made direct discrimination and indirect discrimination unlawful. However, these concepts are insufficient to deal with the issues of disability discrimination.

The core concepts in the DDA 1995 are, instead:

- less favourable treatment for a reason related to a disabled person's disability; and
- failure to make a "reasonable adjustment".

"Reasonable adjustment" or, 'reasonable accommodation', is the radical concept that makes the DDA 1995 so different from the older legislation. Instead of the rather passive approach of indirect discrimination (where someone can take action if they have been disadvantaged by a policy, practice or criterion that a body with duties under the law has adopted), reasonable adjustment is an active approach that requires employers, service providers etc. to take steps to remove barriers from disabled people's participation. For example:

- employers are likely to find it reasonable to provide accessible IT equipment;
- many shops are likely to find it reasonable to make their premises accessible to wheelchair users;

- councils are likely to find it reasonable to provide information in alternative formats (such as large print) as well as normal written form.

The Disability Rights Commission's Codes of Practice give more information to bodies with duties on assessing whether a particular adjustment is reasonable. In general, the factors to consider would include:

- whether the proposed adjustment would meet the needs of the disabled person;
- whether the adjustment is affordable;
- whether the adjustment would have a serious effect on other people.

Sometimes there may be no reasonable adjustment, and the outcome is that a disabled person is treated less favourably. For example, if a person was not able to understand the implications of entering into a mortgage or loan agreement, and they did not have anyone authorised to act for them, it would not make sense to require a bank or building society to enter into that agreement. The Act therefore permits employers and service providers to justify less favourable treatment (and in some instances failure to make a reasonable adjustment) in certain circumstances.

Service providers and those responsible for managing buildings need to ensure that all customers can use their service effectively. An access audit should be carried out to identify those areas where there are physical features which make it impossible or unreasonably difficult for a disabled person, to use the service, whether or not this is related to the building from which the service is being provided.

The access audit forms the basis of an action plan to consider issues such as physical constraints, alternative ways of providing the service and the reasonableness of making the adjustments identified by the access audit.

This may include the provision of any necessary extra help or special equipment as well as for example, adjustments to stairways; building entrances and exits; internal and external doors; gates; toilet, washing, and public facilities etc.

The service provider can remove, alter, or bypass the physical feature causing difficulty to a disabled person. Alternatively the service could be provided in an alternative way, this may include management solutions.

Whichever course of action the service provider decides to take the action plan should contain clear details of what is being done and what is not in terms of adjustments and the reasoning behind such decisions. This will help in the event of a customer complaint and assist in monitoring the premises should the facilities or services change in the future.

The access audit and action plan should be reviewed if there are alterations made to the premises or if the use of the premises is changed.

Electrical Safety

Electrical safety in all work places and/or work activities is specifically legislated for over and above the general duty of care owed by employers to their employees and members of the public under Sections 2 and 3 of the Health and Safety at Work etc. Act (1974). This expansion of responsibility for electrical safety was brought about by The Electricity at Work Regulations 1989 which came into effect on 1st April 1990.

Portable Appliance Testing (PAT).

A portable electrical appliance can be defined as an electrical appliance which is normally connected to a lead and a plug and which can usually be easily moved. The Provision and Use of Work Equipment Regulations 1998 (PUWER) covers the safe provision and use of all work equipment including portable electrical appliances, the maintenance of such equipment falls under the Electricity at Work Regulations 1989 (EWR) (PAT testing) and is part of the duty holders responsibility under PUWER.

There are three main electrical equipment classifications:

1. Class 1 equipment has its live components protected by basic insulation and is surrounded by a metal enclosure. This metal enclosure could become live in the case of the basic insulation failure and is protected by being earthed. The supply cable will have an earth wire in addition to the normal live and neutral. Examples of this sort of equipment include electric cookers, free standing electric heaters and some kettles, toasters and IT equipment.
1. Class 11 equipment separates the user from live conductors by two sets of insulation.
2. Class 111 equipment is supplied from a safety isolation transformer and will not exceed 50V, typical uses include IT equipment such as answering machines and chargers for mobile phones.

As there is such a wide range of portable electric equipment available which can be used in very varied environments the risks that are present can be very different and therefore a range of control measures is required. It is necessary to carry out a risk assessment to determine the maintenance requirement for each piece of equipment and the following five steps should be followed:

1. Identify all portable appliances that need to be maintained and tested. An inventory of this equipment should be made.
2. Carry out an assessment of the risk posed by each type of equipment,
3. Categorise into high, medium or low risk for example a PC that is rarely, if ever moved would be a low risk
4. Determine if the appliance needs to be tested and examined or examined only, taking into account the tests that can be carried out on Class 11 and 111 appliances are very limited.
5. Determine the frequency of examination/testing.

There are three types of maintenance activities that are usually carried out on portable electrical appliances

1. User checks should be carried out on hand held appliances, Class 1 (earthed) and frequently moved equipment and in particular, on cable leads and extension

leads.

2. Formal visual examination – this is a more formal examination of the equipment than a user check. All electrical appliances should be subject to such an examination at predetermined intervals and only a competent person should carry them out.

3. Combined inspection and test; Class 1 apparatus and leads and extension leads should be subject to a routine test in conjunction with the formal examination. A purpose made portable appliance tester should be used. Any competent person can normally carry out testing using such devices but some formal training is recommended. A record should be made and kept of the tests.

Unfortunately there are no statutory frequencies for any of the above maintenance measures, however in order to satisfy the general legal requirement to prevent “danger” some, all or a combination of the maintenance activities as set out above should be carried out.

The risk assessment carried out on the equipment will determine any further measures that will be required to be implemented.

Fixed Electrical Installation Tests

The Electricity at Work Regulations 1989 state that all electrical systems and equipment

used in the working environment should be in a safe condition. The installations should be maintained to prevent danger; the Health & Safety Executive recommend that to comply with the regulations, an appropriate system of periodic visual inspection and testing by a competent person should be implemented at all places of work. The frequency of inspection must be determined taking into account:

1. the type of installation
2. its use and operation
3. the frequency and quality of maintenance
4. the external influences to which it is subjected

Emergency Lighting

Emergency Lighting is lighting that is installed in a building to provide a degree of illumination when the normal lighting fails. In terms of fire safety the most important component of an emergency lighting is the “escape lighting” which is provided to illuminate escape routes to an extent sufficient to enable occupants to evacuate the building in safety. Under BS 5266 Part 1: 2011, there are recommendations for routine inspection and testing of emergency lighting. This includes daily, monthly, six monthly and three yearly regimes of inspection and/or testing.

Extraction Systems

The Health and Safety at Work etc. Act 1974 requires employers to provide and maintain working conditions that are safe and without risk to the health of employees, so far as is reasonably practicable. COSHH Regulations expands on this general duty and requires employers to prevent worker exposure to hazardous substances or, where this is not reasonably practicable, to ensure adequate control. Employees are required to make full and proper use of the control measures provided and to report any defects in them promptly to their employer.

Adequate control may mean the installation of suitable extraction systems. Where such systems are installed they must be adequately maintained to ensure that they are kept in an efficient and effective working order, and they must be examined and tested against their performance standard, records of these checks must be kept for at least five years.

Local Exhaust Ventilation Systems (LEVs) must be examined and tested generally every fourteen months.

Fire

The Regulatory Reform (Fire Safety) Order 2005 places general fire safety duties on the “responsible person”. The responsible person is the employer where the premises are to any extent under his/her control. Where this does not occur then the responsible person is:

- the person who has control of the premises (as occupier or otherwise) in connection with the carrying on by that person of a trade, business or other undertaking
- the owner, where the person in control of the premises does not have control in connection with the carrying on by that person of a trade, business or other undertaking.

The general fire safety duties placed upon the responsible person are:

- general fire precautions are to be taken that will ensure, as far as is reasonably practicable, the safety of any employees. In relation to relevant persons who are not employees, the responsible person must take general fire precautions “as may be required in the circumstances of the case” to ensure that the premises are safe.
- A suitable and sufficient assessment of the risks to which persons are exposed must be made, this is known as the “fire risk assessment”
- Appropriate arrangements for the effective planning, organisation, control, monitoring and review of the preventive and protective measures must be undertaken.
- Where a dangerous substance is present in or on the premises, risks from that dangerous substance must either be eliminated or reduced.
- Premises must be equipped with appropriate fire-fighting equipment and with fire detectors and alarms. Any non-automatic fire-fighting equipment provided must be easily accessible, simple to use and indicated by signs.
- Routes to emergency exits from premises and the exits themselves are to be kept clear at all times and emergency routes and exits must lead as directly as possible to a place of safety,
- Procedures for serious and imminent danger must be established.
- Any facilities, equipment and devices provided must be maintained in an efficient state, working order and good repair.
- The responsible person must appoint one or more competent persons to assist in undertaking the preventive and protective measures.
- Employees must be provided with comprehensible and relevant information.
- The employer of any employees from an outside undertaking who are working in or on the premises must be provided with comprehensible and relevant information on the risks.

- At the time when they are first employed employees must be provided with adequate safety training and if they become exposed to new or increased risks.
- Where two or more responsible persons share, or have duties in respect of the premises, each person must co-operate with the other responsible person concerned
- Every employee must, while at work take reasonable care for the safety of himself and of other relevant persons who may be affected by his acts or omissions at work.

Fire Risk Assessment and Management Plan

Consideration needs to be given to those employees that have physical or sensory impairment and the risk to the disabled person should be assessed. Factors such as the inability of the person to recognise alarms/evacuate the building without assistance, length of time for them to evacuate the building must be taken into consideration. Any potential adjustments and/or systems required to ensure the safety of the individual need to be identified and implemented.

Fire Detection and Alarm Systems

Fire detection and alarm systems should have a weekly alarm test with all call points being tested over a 13 week cycle. The system should also be subject to quarterly and annual inspections and tests by a competent person.

Fire Doors

All fire doors and associated hardware must remain in efficient working order and should be regularly checked and maintained by a competent person in accordance with the relevant British Standard and the manufacturer's recommendations; it is advisable to keep a record of any maintenance. The inspection of fire doors should include some or all of the following:

- Self-closing device operate properly
- Hold open device release when the fire alarm operates
- Glazed panels are intact and undamaged
- Warning signs are in place "Automatic Fire Door – Keep Clear"
- Door open and close freely and there is no physical damage to the door
- There is no distortion or warping of the door or frame
- Seals and smoke strips are in place and not damaged
- Hinges and locks are properly lubricated

Fire Fighting Equipment

Extinguishers

These should be maintained and inspected by a competent person at least once a year. This involves a visual inspection of the extinguisher and a check of the contents and stored pressure. A written record should be kept of the date of the last maintenance examination and this should usually be attached to the body of the extinguisher.

Hose Reels

Hose reels are for the use of the fire service and staff should not normally be trained in the use of this equipment. All hose reels should be inspected on a yearly basis by a competent person.

Fixed Systems

Fixed systems are those which when activated by the warning/alarm system, release the extinguishing medium e.g. sprinkler systems. All fixed systems should be inspected on a yearly basis or to manufacturer's guidelines. It is advisable to keep a record of any maintenance and testing.

Fire Service Facilities

Facilities for the fire service may include dry riser, access for emergency vehicles, emergency switches for installations and information in respect of the premises and its contents. Where these facilities are provided they should be maintained and kept in good order.

Fuel Oil Storage

The Control of Pollution (Oil Storage) (England) Regulations 2001 cover the storage of oil at industrial, commercial and institutional premises where the amount stored is more than 200 litres and it is stored outside and above ground. This includes storage at schools, museums, offices, businesses and warehouses.

All tanks, bunds and pipework should be regularly checked for signs of damage and it is recommended that they are checked at least weekly with a more detailed annual inspection and service by qualified inspectors to ensure that any potential defects are found and rectified

There are security issues regarding oil storage areas and these areas should be as resistant as possible to unauthorised interference and vandalism. If there are any permanent taps or valves through which oil can be discharged from the tank to open areas then these should be fitted with a lock and should be locked shut when not in use.

Where appropriate, notices should be displayed telling users to keep valves and trigger guns locked when they are not in use. Pumps should also be protected from unauthorised use, taps and valves should be marked to show whether they are open or closed. Where these are not in use then they should be fitted with a blanking cap or plug.

First Aid Equipment

Under the Health and Safety (First Aid) Regulation 1981 all establishments should provide at least one first-aid box. All first aid boxes, first aid kits and first aid rooms (where provided) should be checked regularly to ensure no contents are outside their expiry date.

First aid boxes should be made of suitable material, protect the contents and be clearly marked. It should be noted that first aid does not include the treatment of minor illnesses e.g. headaches – therefore headache pills and/or other medications must not be kept in the first aid box.

An adequate and appropriate number of 'suitable persons' must be provided to render first-aid treatment at work. The decision on what is adequate and appropriate

should be based on a risk assessment. There is no ratio for the number of first aider to employees although the Approved Code of Practice does offer some guidance:

- low risk workplaces such as office one trained first aider to every 50 employees with an additional first aider for every 100 employees.
- High risk workplaces one trained first aider for five or more employees, with an additional first aider for every 100 employees.

In terms of what constitutes a 'suitable person' this is defined as a person who holds a Health and Safety Executive approved first-aid course certificate. Consideration must also be given to any temporary or exceptional absence of trained first-aid personnel.

Gas Safety

The Gas Safety (Installation and Use) Regulations 1998 place duties on gas consumers, installer, suppliers and landlords. It is the duty of the employer to ensure any gas appliance associated pipe work and flues in the work places are maintained in a safe condition. These regulations link with other safety controls on combustion equipment, such as the Building Regulations, which provide standards for ventilation and flues.

By law anyone carrying out work on gas appliance or fittings as part of their business must be registered and have a valid certificate of competence relevant to the particular type of gas work involved see section also on Contractor Qualification Checks .Gas Safety Register replaced CORGI as the register of approved gas engineers in the UK from 1st April 2009. By law a gas appliance or fittings must not be used if it is known or suspected that they are unsafe.

In the HSE Approved Code of practice it is recommended that periodic routine maintenance is carried out gas appliances, pipe work and flues by a registered person.

Routine maintenance would normally involve ongoing regular periodic examination of the installation/appliance and remedial action taken where necessary. Reference should be made to the manufactures installation instructions for servicing intervals, however where this is not available the physical condition of the flue, air vents and pipe work should be checked for deterioration and performance checks carried out, where necessary remedial should be taken.

Glazing

Glazing requirements are covered under Regulation 14 of the Workplace (Health, Safety and Welfare) Regulations 1992. The duty to comply with the regulations will normally fall to the employer or those in control of the premises. Under the Regulation every window or other transparent or translucent surface in a wall, partition, door or gate should, **where necessary for reasons of health or safety**, be of a safety material or be protected against breakage and be appropriately marked.

As the Regulation only requires action "**where necessary for reasons of health or safety**" it is necessary to assess every window, door etc. to establish whether there is a risk of anyone being hurt if people or objects come into contact with it, or if it

breaks. This risk assessment needs to take into account all relevant factors such as the location of the glazing, the activities taking place, the volume of traffic and pedestrians, and any previous experience of incidents. Glazing in some locations may be a higher risk, for example doors and windows which are at or below waist level or in particular areas of a building where the activity taking place may increase the risk.

If it is assessed that there is no risk then it is not necessary to take any further action. Where there is a risk then further action is required in order to comply with the regulations to:

- prevent people or objects coming into contact with the glazing, or
- upgrade the glazing so that if it breaks, it breaks safely, and
- mark large expanses of glazing in some way so that people know it is there

Following the risk assessment it may be necessary to take further action however this will depend on the individual circumstances examples of further action that may be required could be to replace the glazing with a safety material, or apply a safety film which prevents the glass from shattering in a dangerous manner.

Hydrotherapy Pools and Swimming Pools

Under the Health and Safety Act Work Act 1974 it is the responsibility of swimming pool operators “to carry out a suitable and sufficient risk assessment of their operations and to identify necessary control measures. A suitable and sufficient risk assessment for a swimming pool would have to take account of the whole user population of the swimming pool and the fact that a fatal incident i.e. drowning can occur very quickly.

The Health and Safety Executive publication Managing health and safety in swimming pools (HSG179) is a comprehensive guidance document on managing health and safety in swimming pools to assist pool operators and pool hirers put in place appropriate safety precautions. When considering appropriate control measure to be put in place it is recommended that operators take into account this guidance.

Lifts and Hoists

The maintenance and inspection of lifts and hoists is a complex area covered by numerous pieces of legislation:

- Under regulation 5 of Provision and Use of Work Equipment Regulation 1998 lifts need to be maintained in a safe condition and free from fault and defects.
- Under Regulation 9 of Lift and Operations and Lifting Equipment Regulations 1998 (LOLER) lifts must be tested and inspected by a competent person at regular intervals.
- Under the Management of Health and Safety at Work Regulation 1999 there is a duty placed on employers to carry out a suitable and sufficient assessment of risks associated with their work activities. This includes the risks associated with lifts.
- Under the Health and Safety at Work etc. Act 1974 (HSWA) there is a duty to ensure the health safety and welfare of employees including ensuring that safety risk are not created by the type and use of lifts (and escalator) within the premises. This includes ensuring that lifts are maintained, serviced,

checked and inspected as required and otherwise checking that they remain in a good, safe condition.

- There are similar duties to non-employees which are created by s3 (1) of the HSWA Section 4 places similar duties on those in “control” of non-domestic premises that are used as a place of work by someone else’s employees. Basically this places duties on landlords/occupiers of non-domestic premises used as a place of work.

Under the Lift Regulations 1997 all lifts supplied after June 1999 must comply with the Lifts Regulations 1997. The regulations require lifts and their associated safety components to satisfy the relevant essential health and safety requirements, meet appropriate national standards, undergo the appropriate conformity assessment procedure, have the CE marking applied (if necessary), have an EC declaration of conformity and be safe.

Under The Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) a duty holder has a legal responsibility to ensure that any lift on the premises is thoroughly examined and safe to use.

A thorough examination will entail a systematic and detailed examination of the lift and all its associated equipment by a competent person. In order to determine the extent of the thorough examination, the competent person should assess the risks, taking into account factors such as where the lift will be used, frequency of use, the weight of loads to be lifted and its age and condition.

Part of the thorough examination may include some testing, if considered necessary, the thorough examination may also be supplemented by an inspection. Inspections should be carried out at suitable interval between thorough examinations.

As well as considering the risks associated with lifts in normal use, it is important to consider the safety of users in the event of the lift breaking down or stopping between floors. It may be appropriate to set up breakdown response contract in addition to normal maintenance contracts. It may be appropriate to train some employees in lift lowering and emergency door opening. In order to alert people to any problem, consideration should be given to providing a suitable means of raising the alarm (e.g. alarm call buttons, emergency telephones). In order to avoid panic in the event of an electrical failure it may also be appropriate to provide emergency lighting.

The Lifting Operations and Lifting Equipment Regulations 1998 require employers to ensure that any equipment that is used for lifting people is thoroughly examined and inspected by a competent person at intervals of no more than six months. Where a lift is only used to carry goods then this interval can be increased to every twelve months.

A competent person is someone with sufficient technical and practical knowledge of the lift to be able to detect defects and assess how significant they are. The competent person should also be sufficiently independent and impartial to allow them to make an objective assessment of the lift and it is therefore not advisable for the same person who performs routine maintenance to carry out the thorough

examination, as this would mean that they would then be responsible for assessing their own work.

As an item of lifting equipment the safe working load of a lift must be determined and displayed in a suitable, prominent place.

Mobile Buildings

Due to the fact that mobile buildings are designed and constructed as temporary structures it is recommended that an annual inspection is carried out on their structural stability.

Playground and Gymnasium Equipment

Due to the very use that PE equipment is put to it carries a high risk and requires regular inspection British Standard 1892 Part 1 2003 states “an inspection should be carried out at least once a year”. There are also British Standards to cover playground equipment (BS 5696) and for surfaces (BS 7188 and 7044) outside play areas should comply with BS5696.

Radon

Radon is gas which is odourless, tasteless and colourless and can only be detected using specialised equipment. Radon occurs naturally in rocks and soils throughout the country although levels tend to be higher in some granite areas. Radon can be found in high concentrations in buildings as it tends to be sucked in to the building from soil.

It may then collect in buildings and under certain conditions can reach concentrations where the risk to people in the workplace requires control under the Ionising Radiation Regulations 1999.

Under the Management of Health & Safety at Work Regulations 1999 in areas affected by Radon Employers should undertake an initial assessment to determine whether there may be a radon hazard within the workplace, this includes cellars and basements.

Radon surveys should be conducted in any building where its location and characteristics suggest that elevated levels may be found. Due to the fact that radon levels can vary widely throughout the day and from season to season measurements should be made over a period of three months and the annual average estimated using seasonal correction factors.

Shared Premises

Where a building is occupied by more than one user then it is important that the results of any risk assessments should be shared with other occupiers of the premises where relevant e.g. fire safety, the control of vehicle movements, asbestos etc.

Under Regulation 11 of the Management of Health and Safety at work Regulations 1999 there is a duty of cooperation and coordination on those sharing a workplace.

Even if there is no direct control over common areas of the premises the employer needs to ensure that access and egress through these areas is safe for employees,

visitors and contractors. Common areas of premises are those that are used by tenants (or occupiers) but are not controlled by them e.g. car park, access routes, internal staircases, corridors and lifts.

Where there is shared services such as electrical installation, gas supply, fire safety systems the tenant needs to ensure that they are and remain to be safe and without risks to the health of employees and visitors. This applies even though the tenant may not have any control over these services.

Slips and Trips

As well as responsibilities under the Health and Safety at Work etc. Act 1974, The Workplace (Health and Safety and Welfare) Regulations 1992 impose a specific requirement that floors must be suitable and in good condition. They must also be free from obstructions and people must be able to move around safely.

Steps and staircases should be regularly inspected for wear and tear. It is preferable for them to have;

- High visibility, non-slip, square nosing on the step edges
- A suitable handrail
- Steps of equal heights
- Steps of equal width.

Trees Safety

As well as responsibilities under the Health and Safety at Work etc. Act 1974, an occupier of land where a tree stands has responsibilities under the Occupiers Liability Act 1957 and 1984. An occupier of land on which a tree stands will normally be liable for any personal injury or other damages caused by a tree breaking or falling where a tree is hazardous because of decay or structural weakness and shows external signs of being in such a condition. It should be noted that within the provisions of the previously mentioned Acts the courts expect occupiers to be prepared for children to behave less carefully than an adult for example, by climbing trees which may have weak branches.

Therefore it is important that a “suitable and sufficient” risk assessment should be carried out on the trees on a site. An effective system for identifying the risks from trees should meet the requirements set out in the management of Health and Safety at Work regulations 1999 and the associated ACoP.

The HSE in circular; ‘Management of the risk from falling trees

<http://www.hse.gov.uk/lau/lacs/23-22.htm>’ suggest that a suitable risk assessment for trees should address the following:

1. An overall assessment of risks from trees, particularly identifying groups of trees by their position and degree of public access. This will enable the risks associated with tree stocks to be prioritised and help identify any checks or inspections needed. As a minimum, trees should be divided into two zones: one zone where there is frequent public access to trees (e.g. in and around picnic areas, schools, children’s playground,); and a second zone where trees are not subject to frequent public access. As a rough guide ‘trees subject to frequent public access are those that are closely approached by many people every day. Maps may be useful as individual records for individual trees are unlikely to be necessary if zones and the trees in the zones are clearly defined.

2. For trees in a frequently visited zone, a system for periodic, proactive checks is appropriate. This should involve a quick visual check for obvious signs that a tree is likely to be unstable and be carried out by a person with a working knowledge of trees and their defects, but who need not be an arboriculture specialist. Duty holders should ensure that any system that is put in place for managing tree safety is properly applied and monitored.
3. A short record of when an area or zone or occasionally an individual tree has been checked or inspected with details of any defects found and action taken.
4. A system for obtaining specialist assistance/remedial action when a check reveals defects out with the experience and knowledge of the person carrying out the check.
5. A system to enable people to report damage to trees, such as vehicle collisions, and to trigger checks following potentially damaging activities such as work by the utilities in the vicinity of trees or severe gales.
6. Occasionally a duty holder may have responsibility for trees that have serious structural faults but which they decide to retain. Where such a condition is suspected and the tree also poses a potentially serious risk because, for example its proximity to an area of high public uses, a specific assessment for that tree and specific management measure, are likely to be appropriate.
7. Once a tree has been identified a check to have a structural fault that presents an elevated risk, action should be planned and taken to manage the risk. Any arboricultural work required should be carried out by a competent arboriculturist as such work tends to present a relatively high risk to the workers involved. Duty holder should not be encouraged to fell or prune trees unnecessarily.
8. Inspection of individual trees will only be necessary where a tree is in, or adjacent to, an area of high public use, has structural faults that are likely to make it unstable and a decision has been made to retain the tree with these faults.
9. Monitoring to ensure that the arrangements are implemented in practice.

Water Hygiene and Safety - Legionella

Under Section 2 of the Health and Safety at Work etc. Act 1974 employers so far as is reasonably, practicable, have to ensure the health, safety and welfare at work of all employees. The risk assessment of work activities and premises required under the Management of Health and Safety at Work Regulations 1999 is of particular relevance when considering the health and safety risks from disease. Under the Control of Substances Hazardous to Health Regulations 2002 (as amended) (COSHH) pathogenic bacteria, including legionellae are deemed to be “substance hazardous to health” and therefore are subject to the assessment, prevention/control and monitoring, provision of these Regulations.

The Health and Safety at Work etc. Act 1974 covers the risk from legionella bacteria which may arise from work activities. In addition to the legislation mentioned above The Notification of Cooling Towers and Evaporative Condensers Regulations and Legionnaires’ Disease – The Control of Legionella bacteria in water systems Approved Code of apply to the control of legionella bacteria in water systems. An employer or a person in control of the premises (e.g. a landlord), must identify and assess the sources of risk; (it may be necessary to call on outside assistance to complete this), prepare a scheme (or course of action) for preventing or controlling the risk and implementing and managing the scheme. A person must be appointed to be managerially responsible, sometimes referred to as the ‘responsible person’. This responsible person must keep records and check that what has been done is

effective; and, if appropriate, notify the local authority that there is a cooling tower(s) on site. In order to carry out the risk assessment an employer should find out if the water systems (including the equipment associated with the system such as pumps, heat exchangers, showers etc.) are likely to create a risk. If after carrying out the risk assessment it is considered that the risks are insignificant then no further action is needed other than to review the assessment periodically in case anything changes in the system.

If a risk is identified which cannot be prevented then proper controls must be introduced. In order to control the risks it will be necessary to implement a successful management policy, have competent staff and ensure that proper control strategies are put in place. One way of preventing the risk of legionella is by looking at the type of water system needed. For example it may be possible to replace a wet cooling tower with a dry air cooled system.

A written scheme should be prepared which sets out how it is intended to control the risk from legionella. This should:

- describe the system (an up to date schematic diagrams will be adequate to do this),
- advise who is responsible for carrying out the assessment and managing its implementation;
- set out the safe and correct operation of the system;
- describe what control methods and other precautions will be used and,
- provide details of the checks that will be carried out on the control scheme and how often they will be carried out.

It is important to appoint someone to take responsibility for managing the control scheme that has been put in place. The 'responsible person' needs to be competent – this means that they need to have sufficient knowledge and experience of the system to enable them to manage and control the scheme effectively. If there is more than one person responsible for managing the system and/or control scheme, then it is important to ensure that everyone knows their responsibilities and how they fit into the overall management of the system.

Where contractors are employed to carry out water treatment or other work it is still the responsibility of the appointed responsible person to ensure that the treatment is carried out to the required standards. Before appointing a contractor it is necessary to be satisfied that they are capable of doing the work to the required standard. The Health and Safety Executive has prepared A Code of Conduct for Service Providers to assist with this.

The significant findings from the risk assessment should be kept in writing along with details of any monitoring or checking that is carried out. A written record should also be kept of the written scheme and who is responsible for managing the scheme. Prepared, the results of the routine monitoring should also be recorded and all of these records need to be kept for a minimum of five years. Risk assessments should be updated every two years or earlier if circumstances change i.e. when any changes are made to the system.

Water and Surface Temperature Restrictions

There is a risk of scalding to individuals from surface areas such as radiators and hot water pipes and from water which is too hot at point of use for example washbasin and baths.

Under the Education (School Premises Regulation) 1999, for example, there is a requirement that the temperature of water at point of use should not be above 43oC for baths and showers and where occupants are severely disabled, in addition to this it is recommended that hot water supplies to washbasins in nursery and primary schools are limited to 43oC. Under these regulations in a special school or teaching accommodation used by a nursery class in a school the surface temperature of any radiator, including exposed pipework, which is in a position where it may be touched by a pupil should not exceed 43oC. The Health and Safety of those individuals who use care services is covered under the general requirements of Section 3 of the Health and Safety at Work Act 1974 and also by the risk assessment requirement of the Management of Health and Safety at Work Regulations. The maximum surface temperature of space heating devices in care establishment should not exceed 43oC and the temperature of water at point of use should be no more than 44oC.

The risk of burns from hot surfaces may be reduced by:

1. Providing low surface temperature heat emitters, e.g. cool wall;
2. Locating sources of heat out of reach, e.g. at high-level;
3. Guarding the heated areas, e.g. providing radiator covers, covering exposed pipework;
4. Reducing the flow temperatures (although usually not practicable in existing heating systems without sacrificing their effectiveness).
5. The risk of scalding may be reduced by carrying out a risk assessment for the individuals
6. concerned and introducing appropriate control measures

Suitable arrangements should be in place to ensure that control measures are in place and functioning effectively. Adequate training and supervision should be given to staff to ensure that they understand the risks and precautions to be taken and also the need to report any difficulties to a responsible person.

Workstation Assessment

Under the Health and Safety (Display Screen Equipment) Regulations 1992 employers are required to perform a suitable and sufficient analysis of work stations used by users to enable an assessment of the health and safety risks to be carried out. A user means an employee who habitually uses Display Screen Equipment as a significant part of their normal work. This assessment will need to be reviewed or updated if there is a significant or major change to the equipment, the environment, the furniture, the task or the software. Where a work station is relocated then it should also be re-assessed.

Where an individual workstation is shared by more than one person, then the analysis should be carried out in respect of each person. A record of the analysis should be kept.

The user or operator must be take part in the assessment as some of the required criteria in the analysis and assessment may be subjective.

Where risks have been identified through the analysis then these must be reduced so far as is reasonably practicable. The risks identified could relate to physical problems, visual fatigue and mental stress and apply to both users and operators, the risks identified in the assessment must be remedied as quickly as possible.

Working at Height

Fall Protection

The Work at Height Regulations 2005 covers all workplaces where work is carried out at height, as well as covering construction sites, the Regulations cover offices, shops and schools. A risk assessment must be carried out under regulation 3 of the Management of Health and Safety at Work Regulations 1999, where possible work at height must be avoided. Where work at height cannot be avoided work equipment must be used to prevent falls. Where the risk of falls cannot be eliminated, measures must be taken to minimise the distance and consequences of any fall. The duty holder must ensure that equipment used to work at height such as scaffolding and ladders are maintained and inspected. Where such equipment is exposed to conditions which may cause deterioration then they must be inspected at suitable intervals and following any exceptional circumstances.

It should be noted that a ladder can only be used for work at height if:

The risk assessment had found that the use of more suitable work equipment is not justified because the risk is low and the use if for short duration or there are existing features on the site which cannot be altered.

Window Cleaners

The Workplace (Health and Safety and Welfare) Regulations 1992 require employers, and persons who have control of a workplace to ensure that all windows and skylights in a workplace are designed or constructed so as to enable them to be cleaned safely.

This requirement allows equipment used in conjunction with the windows or skylights, or any other safety devices fitted to the building, i.e. anchorage points to be taken into account. The Approved Code of Practice that accompanies these regulations gives a number of measures which may be taken to comply, e g anchorage points for safety harnesses, suitable points for tying ladder more than 6m in length and fitting windows that can be cleaned easily from inside.

The Work at Height Regulations 2005 covers window cleaning activities when carried out at height. They specify that a risk assessment must determine the necessity of working at height. Where it is not possible to avoid working at height then a hierarchy of control measures is specified.

Where an independent window cleaner is used the employer should take some measure to check that window cleaners are operating in a safe manner and not engage those who do not appear to be doing so.