



## Bridgewater Housing Association Policy

<b>Policy name</b>	Health & Safety
<b>Policy category</b>	Corporate (HR)
<b>Policy number</b>	CS18
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<b>This review</b>	February 2024
<b>Next review</b>	February 2025
<b>Equalities impact assessment required</b>	No – Neutral impact on Protected Characteristic Groups
<b>Links to other documents</b>	<ul style="list-style-type: none"> <li>• EVH Health &amp; Safety Control Manual</li> <li>• EVH Statement of Terms &amp; Conditions of Employment</li> <li>• Staff Code of Conduct</li> <li>• Health &amp; Safety at Work Act 1974</li> </ul>
<b>Consultation</b>	This policy is an extract from the EVH Health & Safety Control Manual which is circulated to all staff.

## HEALTH & SAFETY POLICY STATEMENT

The Board of Bridgewater Housing Association is responsible for the conduct of the business of the Organisation.

The *Health & Safety at Work etc. Act 1974* imposes statutory duties on employers and employees. To enable these statutory duties to be carried out, it is the policy of the Organisation so far as is reasonably practicable, to ensure that responsibilities for health and safety are assigned, accepted and fulfilled at all levels of the Organisation; that all practicable steps are taken to manage the health, safety and welfare of all employees; to conduct the business in such a way that the Health & Safety of visitors, to any premises under our control, is not put at risk.

1. It is the intention of the Organisation, so far as is reasonably practicable, to ensure that:-
  - a) The working environment of all employees is safe and without risks to health and that adequate provisions are made with regard to the facilities and arrangements for their welfare at work.
  - b) The provision and maintenance of machines, equipment and systems of work which are safe and without risks to health to employees, contractors and any other person who may be affected with regard to any premises or operations under our control.
  - c) Arrangements for use, handling, storage and transport of articles and substances for use at work are safe and without risks to health.
  - d) Adequate information is available with respect to machines and substances used at work detailing the conditions and precautions necessary to ensure that when properly used they will be safe and without risk to health.
  - e) Employees are provided with such instruction, training and supervision as is necessary to secure their Health & Safety.
  - f) The Health & Safety Policy will be reviewed at least annually. Communication of any such changes will be made to all employees.
2. It shall be the duty of all **employees** at work to ensure: -
  - a) That reasonable steps are taken to safeguard the Health & Safety of themselves and of other persons who may be affected by their acts or omissions at work.
  - b) Co-operation with the Board so far as is necessary to ensure compliance with any duty or requirement imposed on the employer, or any other person, under any relevant statutory duties.

## RESPONSIBILITIES – OVERVIEW

1. The Organisation recognises that all individuals within the organisation have a responsibility to ensure their own safety and that of others. Consequently, all employees will have the potential to be held liable if their negligent acts or omissions result in harm being caused to any other persons. Those in positions of responsibility have additional obligations, by virtue of their 'managerial'

functions. Indeed, the Health & Safety Executives (HSE) Document Enforcement Policy Statement, HSE41, paragraph 43 notes the following on 'Prosecution of individuals':

*"... enforcing authorities should identify and prosecute or recommend prosecution of individuals if they consider that a prosecution is warranted. In particular, they should consider the management chain and the role played by individual directors and managers and should take action against them where the inspection or investigation reveals that the offence was committed with their consent or connivance or to have been attributable to neglect on their part and where it would be appropriate to do so in accordance with this policy. Where appropriate, enforcing authorities should seek disqualification of directors under the Company Directors Disqualification Act 1986."*

2. The following sections set out the principal Health & Safety related responsibilities of individuals within the organisation. These duties will be in addition to the general duty on all individuals to ensure the Health, Safety and Welfare of themselves and all others who may be affected by their undertakings.
3. The rather unique management structure of Housing Associations/Co-operatives differs from the traditional business organisation where a Board of Directors, Owner/Manager or Senior Management Board clearly runs the undertaking. Care has, therefore, been taken to determine realistic responsibilities of the Board and Chief Executive in particular.
4. In addition to the *individual* liability of senior staff, the *Corporate Manslaughter and Corporate Homicide Act 2007* allows *companies* and *corporations* to be prosecuted for corporate homicide (in Scotland) where serious management failures result in death. Under this Act there is no longer the need to identify a 'controlling mind' (i.e. one individual whose negligence or recklessness caused the death) to convict an organisation of homicide, thus making it easier to prosecute organisations.
5. The management responsibilities defined within the HSCM should ensure that adequate and appropriate managerial control is exercised over Health & Safety issues to prevent against prosecution for corporate homicide.

## **RESPONSIBILITIES – BOARD**

1. The Board, headed by a Chairperson, comprises 'lay persons' from the local community, acting as a body to oversee the operations carried on by the organisation.
2. It is recognised that the Board, while not actively involved in the day to day running of the organisation, is collectively responsible for providing leadership and direction on Health & Safety, and in particular the Chief Executive shall be responsible for implementing the Board's plan for Health & Safety.
3. The Board will endorse the Health & Safety policy and the Health & Safety Control Manual (HSCM) and the Chairperson will sign the Health & Safety Policy Statement along with the Chief Executive. Where there is a change of personnel, the incoming Chairperson will sign the policy to ensure the commitment on behalf of the Board remains current.

4. The Board will place 'Health & Safety' as a standing item on the Agenda of all general meetings. This will allow the Chief Executive to report on safety performance, funding requirements, safety failures and other Health & Safety related issues. The Board will give all such issues due consideration and will make available all reasonable funding and support as may be required.
5. The Board will review the findings of all internal and external Health & Safety audits carried out within the organisation and will authorise the use of all reasonable support required to rectify any significant non-compliances identified by the audits.
6. The Board will take an active interest in the investigation of any significant safety failure, making available all reasonable resources for a full investigation and for the taking of adequate measures to rectify any deficiencies in the existing arrangements.
7. All Board members will undergo training in 'Health & Safety Awareness' and in management responsibilities. This will ensure that all members have a working knowledge of the topic, which will assist in the discussion of Health & Safety at all meetings. This should also assist the Board in determining whether the Chief Executive is managing Health & Safety adequately within the organisation.
8. Management Board of Directors shall review their responsibilities at least annually.

#### **RESPONSIBILITIES – CHIEF EXECUTIVE**

1. The Chief Executive is responsible for the general day to day running of the Organisation. It is recognised that this function incurs the overall responsibility for Health & Safety management within the organisation and the following procedures will be adopted to ensure adequate provisions are made and maintained. In essence, the Chief Executive will fulfil the position now commonly known as 'Director Responsible for Health & Safety' and shall be responsible for implementing the Management Board's plan for Health & Safety.
2. The Chief Executive will endorse the Health & Safety policy and HSCM and will sign the Health & Safety Policy Statement along with the Chairperson of the Board. Where there is a change of personnel, the incoming Chief Executive will sign the policy to demonstrate commitment and acceptance of responsibilities.
3. The Chief Executive will hold ultimate responsibility for the *implementation* of the organisation's policy, procedures and arrangements. To this end, and to comply with the duties set out in the *Management of Health & Safety at Work Regulations 1999, as amended*, he/she will appoint an adequate number of competent persons to achieve and maintain legal compliance. This will include a Health & Safety Administrator and the EVH Health & Safety Support Service. The Chief Executive will also take all appropriate action to reduce the risks to Health & Safety arising from the business undertaking and to improve the organisation's safety performance. The Chief Executive may be held liable where Health & Safety offences are committed with his/her consent or connivance or as a result of his/her negligence (Health & Safety at Work etc Act Section 37(1)).

4. The Chief Executive will report on safety performance, funding requirements, safety failures and other Health & Safety related issues at each Board meeting, as well as make available all internal and external audit reports to the Board. Fully justified requests will be made to the Board for any resources, support or funding required for Health & Safety purposes.
5. The Chief Executive will ensure that Health & Safety considerations are taken into account for all new investment opportunities and in the organisation's purchasing policy. The objective will be to minimise risks as early in the purchasing chain as is reasonably practicable.
6. The Chief Executive will be responsible for maintaining an adequate programme of Risk Assessment, allocating duties and funds as appropriate to keep assessments and control measures current.
7. The Chief Executive will be responsible for maintaining an adequate programme of staff training in Health & Safety issues, ensuring that all staff are given appropriate instruction, information and training to reduce the risks associated with their work to an acceptable level.
8. The Chief Executive will ensure that adequate communication channels exist throughout the entire organisation to allow Health & Safety issues to be dealt with timeously and effectively. All staff will be given the opportunity to raise any safety related queries with appropriate management staff.
9. The Chief Executive will ensure that all significant safety failures are fully investigated and reported to the Board. He/she will also ensure that all necessary support is sought to adequately investigate the situation and develop suitable remedial measures to reduce the likelihood of a similar incident recurring.
10. The Chief Executive will give due consideration to all Health & Safety related requests from the HSA, Heads of Departments and all other staff, taking appropriate action where necessary and requesting support/approval from the Management Board of Directors where required.
11. The Chief Executive will undergo training in 'Management of Health & Safety' or 'Health & Safety Awareness Training'
12. The Chief Executive shall review their responsibilities at least annually.

#### **RESPONSIBILITIES – HEAD OF CORPORATE SERVICES**

1. The Head of Corporate Services provides operational support to the Chief Executive and discharges many of the day-to-day management tasks required in the running of the organisation. It is, therefore, recognised that this function incurs some significant responsibility in terms of Health & Safety. In particular, the Head of Corporate Services may be held liable where Health & Safety offences are committed with his/her consent or connivance or as a result of his/her negligence.
2. The Head of Corporate Services will take an active participation in the Finance & Corporate Services Sub-Committee. This will involve the raising of pertinent issues for consideration by the Board and the reporting of Board concerns to

the Chief Executive and other staff as may be appropriate.

3. The Head of Corporate Services will take an active role in the Risk Assessment programme, arranging for the undertaking of all appropriate risk assessments and reviews, for the dissemination of findings and for seeking approval from the Chief Executive for remedial measures required to be taken. The Head of Corporate Services will also ensure that any remedial measures agreed with the Chief Executive are effectively actioned.
4. The Head of Corporate Services will give all safety related queries due consideration, liaising with the Chief Executive, HSA, Heads of Departments, EVH Health & Safety Support Service and all other relevant bodies as appropriate.
5. The Head of Corporate Services should undergo adequate Health & Safety training to ensure they can undertake their Health & Safety responsibilities effectively.
6. As a guideline a Health & Safety Training Matrix is available within *Appendix 32* of the HSCM. The Matrix details the level of competency that is recommended for each level of employee.

#### **RESPONSIBILITIES – HEADS OF DEPARTMENTS**

1. Due to the 'managerial' function performed by Heads of Departments (HODs), it is recognised that HODs may be held liable where Health & Safety offences are committed with their consent or connivance or as a result of their negligence.
2. HODs will take an active participation in the Health & Safety Board. This will involve the identification of Health & Safety concerns within their departments; the raising of pertinent issues for consideration by the Board and the actioning of all measures identified by the Board and management staff as being required.
3. HODs will implement all relevant policies, procedures and arrangements within their departments, as required by the HSCM, the Health & Safety Board and management staff.
4. HODs will ensure that adequate communication channels exist throughout their departments to allow Health & Safety issues to be dealt with timeously and effectively. All departmental staff will be given the opportunity to raise any safety related queries with their line managers or HODs.
5. HODs will ensure that all departmental staff adopt safe working procedures, work in accordance with any training provided and properly use any control measures, protective equipment etc. that are appropriate for the work carried out.
6. Where HODs identify the need for further training or any other form of risk control for departmental staff, the issue will be reported without undue delay to the Health & Safety Board or Corporate Services Manager.
7. Where HODs identify any significant breach of Health & Safety procedures, appropriate action will be taken to reduce the risk in the short term, and the issue will be reported to the Corporate Services Manager without undue delay.

8. The HODs should undergo adequate Health & Safety training to ensure they can undertake their Health & Safety responsibilities effectively.

## **RESPONSIBILITIES- EMPLOYEES**

1. While the duties of management staff have been made clear in previous sections, it is recognised that ALL employees have general duties to ensure their own safety and that of others. Indeed, the *Health & Safety at Work etc. Act 1974* (Section 7) notes the following in respect of employees' duties:

*"It shall be the duty of every employee while at work –  
(a) to take reasonable care for the Health & Safety of himself and of other persons who may be affected by his acts or omissions at work; and  
(b) as regards any duty or requirement imposed on his employer or any other person by or under any of the relevant statutory provisions, to co-operate with him so far as is necessary to enable that duty or requirement to be performed or complied with."*

The following procedures will, therefore, be adopted by all employees to ensure their duties are adequately discharged.

2. Employees will comply with the policies, procedures and arrangements set out in the HSCM together with any information, instruction and training provided. In addition, any risk control measures and equipment provided to ensure safe-working practices will be properly used.
3. Employees will report to their HOD or other member of management any identified breaches of Health & Safety procedures, any accidents or safety related incidents and any aspect, which appears to them to give rise to a significant risk to the Health & Safety of employees or other persons. Such reports will be made without undue delay.
4. Employees will inform their HOD or other member of management, without undue delay, where they believe that further training or other risk control measures would be beneficial. Tasks will not be carried out where the employee believes significant risk to be present.
5. Employees will co-operate in all safety programmes, training, risk assessments and other initiatives that are intended to reduce risk and will actively implement any control measures identified as being required.
6. Employees will not participate in horseplay, practical jokes or other acts, which may result in harm being caused to themselves or to other individuals.

## **RESPONSIBILITIES – FINANCE & CORPORATE SERVICES SUB-COMMITTEE**

1. The Finance & Corporate Services Sub-Committee (F&CSSC) will provide an open forum for the discussion of all Health & Safety related issues raised by members of the Board and by any other relevant sources.
2. All Board members will undergo suitable training, which will include as a minimum 'Health & Safety Awareness'. This will ensure that all members have a working knowledge of the topic, commensurate with their role in the Board and within the organisation as a whole.

3. The F&CSSC will suggest solutions and initiatives for issues arising, which will be minuted and presented to the Chief Executive following each meeting, without undue delay.
4. Where appropriate, the F&CSSC will draft and revise policy, procedures and arrangements, for ultimate approval by the Chief Executive and Board.
5. The Board will delegate, with the Chief Executive's approval, to members and to other appropriate persons within the organisation, actions required to be taken to implement policies, procedures, arrangements and any other initiatives authorised by the Chief Executive.
6. The F&CSSC will review the Health & Safety performance of the organisation, analysing accident statistics, reported breaches of policy and procedures, audit and inspection reports and data from other information gathering exercises. Recommendations on options to improve safety performance will be made to the Chief Executive without undue delay.

#### **RESPONSIBILITIES – HEALTH & SAFETY ADMINISTRATOR**

1. The function of the Health & Safety Administrator (HSA) is, by definition, one of '**administration**' as opposed to '**management**'. The HSA will be fully supported by the Chief Executive, Head of Corporate Services and HODs.
2. The HSA will undergo suitable training, which will include as a minimum 'Health & Safety Awareness' and instruction in the implementation of the policies, procedures and arrangements set out in the HSCM.
3. The HSA will maintain the master HSCM and the record keeping system in an up to date and tidy condition. This will include the dissemination of all HSCM updates to HSCM holders and the filing of appropriate records.
4. The HSA will comply with his/her duties as set out in the HSCM and will report the findings of any inspections, audits and other information gathering exercises to the H&S Board without undue delay. Where the HSA has reason to believe that personnel are, or may foreseeably become, exposed to significant risk, direction will be sought from the Corporate Services Manager or Chief Executive without undue delay.
5. The HSA will provide assistance to the Chief Executive, Head of Corporate Services, F&CSSC and HODs in the undertaking of risk assessments, control implementation, policy development, etc. This may involve liaison with the EVH H&S Support Service. It should be noted that the HSA will not be solely **responsible** for developing corporate policy, merely for **assisting** in its development and implementation.

#### **RESPONSIBILITIES – EVH H&S SUPPORT SERVICES**

1. EVH maintains a contract with an external Health & Safety consultancy firm, which provides professional and technical support to the Organisation. This service complements the available internal resources, thus assisting the organisation to discharge its duty as set out in the *Management of Health & Safety at Work Regulations 1999, as amended* to appoint an adequate number of competent persons to achieve and maintain legal compliance.



2. The EVH H&S Support Service includes the provision of:
  - a. external auditing of the Health & Safety system
  - b. HSCM updating service
  - c. helpline for all Health & Safety related queries
  - d. specialist consultancy and training support as required
  
3. The EVH Health & Safety pre-audit questionnaire has been added to the HSCM at Appendix 01. Completion of this questionnaire, prior to the audit, will assist member organisations in identifying, in advance, any areas which may require additional resources, while also clarifying what documentation is required for review by the auditors