A legislation and literature review of health and safety for social landlords
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by

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A report to Communities Scotland

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Contents

Acknowledgements

1 Summary .................................................................................................................. 2

2 Introduction ............................................................................................................ 3
  2.1 Background ...................................................................................................... 3
  2.2 Purpose of this research ................................................................................ 5
  2.3 Aims and objectives ....................................................................................... 6
  2.4 Approach and methodology ......................................................................... 6

3 Findings: problem-centred workshop ................................................................... 9

4 Findings: review of legislation, guidance and literature ........................................ 10
  4.1 Introduction ..................................................................................................... 10
  4.2 The legal framework ...................................................................................... 11
    General duties
    Good practice
    Regulations
    Risk assessment
    Approved codes of practice
    Guidance
    Other legislation
    European legislation
  4.3 Guidance on the Health and Safety at Work Act and the health and safety system 12
  4.4 Risk assessment and management .................................................................. 13
    Case study: risk assessments in sheltered and independent housing
  4.5 Welfare at work .............................................................................................. 16
  4.6 Corporate health and safety ........................................................................... 17
  4.7 Employers’ liability ....................................................................................... 18
  4.8 Enforcement .................................................................................................. 19
    Case study: meeting the requirements of different enforcement authorities
  4.9 People ............................................................................................................. 21
    Asthma
    Back pain
    Contractors
    Data protection
    Discrimination
    Employees and representatives
    First aid
    Height, working at
    Human rights
    Lifting
    Lone working
    Manual handling
    Mental ill health
    Mothers, new and expectant
    Noise
    Personal protective equipment
    Road safety, work related
    Social care
    Case study: elective risk in respecting service users’ rights
    Stress
    Case study: dealing with stress and other aspects of health at work
    Substance, alcohol, drugs misuse
    Training
    Vibration
    Violence
    Working time
  4.10 Places and property ..................................................................................... 40
    Asbestos
Case study: dealing with asbestos in local authority housing
Care homes
Construction work
Control of substances hazardous to health
Display screen equipment
Electricity
Fire safety
Gas safety
Health and safety signs
Lead
Reporting
Smoking/tobacco at work
Supported housing
Case study: development of customised guidance, risk assessments and training
Work equipment

5 Conclusions.................................................................................................... 56

6 Bibliography.................................................................................................... 59
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The Health and Safety Executive is acknowledged as the source of information from the HSE website and abstracts from HSE Books.
1 Summary

Communities Scotland’s Regulation & Inspection Division commissioned IDOX plc to carry out a review of the literature and legislation on health and safety for social landlords.

Chapter 2 provides a background to the review and sets out its purpose and aims. The purpose of the review was to help landlords understand the practical implications of health and safety legislation, and to provide a gateway to existing guidance on health and safety and risk management. The aim of the research was to review the legislation and literature about health and safety from the perspective of registered social landlords and local authority landlords, and provide case study examples based on real-life situations.

Chapter 3 describes a problem-centred workshop that was held in the early stages of the review. That informed the sourcing and collating of legislation, guidance and literature, and helped to identify case study issues and materials.

Legislation, guidance and literature were identified through searches of IDOX’s PLANEX database and the internet, in particular the Health and Safety Executive websites and the HSE Books catalogue.

The review also identified guidance for employees, their representatives, self-employed people and contractors with whom landlords have a relationship.

The review identified 272 sources of legislation, guidance and literature that are or may be relevant to registered social landlords and local authority landlords. Most of them, however, are relevant to them in their capacity as employers, rather than as landlords or providers of care services. Of the sources included in the review, 262 are accessible on-line as freely available downloadable documents, or on specific websites or through provision of catalogue information and ordering details.

Chapter 4 is designed primarily as a gateway to the source material, with the uniform resource locators (URLs) embedded in the titles of websites and most documents.

Section 4.2 provides background on the legal framework to health and safety legislation and the health and safety system in the United Kingdom.

Section 4.3 covers guidance on the Health and Safety at Work Act 1974 and the health and safety system.

Sections 4.4 and 4.5 cover two of the principal elements of health and safety – risk management and welfare at work.

Sections 4.6 to 4.8 cover the general topics of corporate health and safety, employers’ liability and enforcement.

In subsequent sections, topics are grouped under two main headings: 4.9 on people, and 4.10 on places and property. Within each section, legislation is followed by approved codes of practice, where they exist, and then by guidance and articles. Gaps in guidance are identified.

A number of case studies are included in chapter 4 to illustrate some of the health and safety issues and dilemmas landlords have dealt with in their day-to-day work.

Chapter 5 in conclusion considers the application to landlords of the sources identified in the review, other legislation that affects health and safety duties, balancing different legislative requirements, training issues, and gaps in guidance.

Chapter 6 provides a bibliography of references in print and details of how to obtain them.
2 Introduction

2.1 Background

The social housing sector in Scotland includes registered social landlords (RSLs) and local authority landlords. The sector provides a wide range of housing including supported and sheltered housing as well as ‘mainstream’ tenancies. A number of RSLs also operate registered care homes.

RSLs are housing organisations registered with Communities Scotland, and include housing associations, housing co-operatives and companies limited by guarantee. In April 2006 there were 257 landlords on Communities Scotland’s Register of Social Landlords, with a stock of around 263,000 houses. The size and nature of RSLs is very varied and they include some very large landlords – notably Glasgow Housing Association, which owns and manages 81,000 houses transferred from Glasgow City Council in 2002. At the other extreme, 55 RSLs are Abbeyfield Societies – small independent organisations primarily managed by volunteers, and catering for older residents. Abbeyfield stock ranges from converted Victorian villas to purpose-built bedsits that account for around half the stock.

Between them RSLs employ more than 13,000 people, with as many as 40 per cent employed in care and support roles. Care and support staff tend to be concentrated in smaller RSLs, especially those providing supported accommodation¹.

Of the 32 Scottish local authorities 29 are landlords (Glasgow, Dumfries and Galloway and Scottish Borders having transferred all their stock to newly-formed RSLs). Between them these 29 landlords own about 363,700 houses. The smallest local authority landlord owns fewer than 800 houses and the largest just under 40,000². Local authorities are also responsible for the administration of Supporting People funding. Supporting People is the integrated policy and funding framework for housing support services, introduced in April 2003, aimed at providing services to enable vulnerable people to live independently in the community in all types of accommodation and tenure.

Summary of the roles and relationships of the Regulation & Inspection Division of Communities Scotland, the Care Commission and the Health and Safety Executive

Communities Scotland regulates registered social landlords (RSLs) in Scotland and inspects the housing and homelessness services provided by local authorities. The Care Commission inspects housing support services; some of these are provided by RSLs. The Health and Safety Executive is responsible for the regulation of risks to health and safety arising from work activity in Britain.

Communities Scotland

The Housing (Scotland) Act 2001 introduced a new framework for the regulation and inspection of RSLs and the landlord and homelessness services provided by local authorities. Communities Scotland was established as an executive agency of the Scottish Executive in 2001. The regulation and inspection division of Communities Scotland (R&I) regulates and inspects social housing and homelessness services on behalf of Scottish Ministers. This responsibility covers all of the activities of RSLs and local authorities’ landlord and homelessness functions.

Together with the Convention of Scottish Local Authorities and the Scottish Federation of Housing Associations, Communities Scotland has published a common set of performance standards for the social housing sector. These standards provide a framework both for R&I to inspect housing services and for landlords to assess their own performance. They also let tenants, other service users and stakeholders know what standards to expect from social landlords.

¹ Communities Scotland (2006), Scottish Social Landlord Statistics 2004-2005
² Scottish Executive (2006), HSG/2006/3, quarter ending 30 September 2005
R&I inspections assess how well organisations are meeting the performance standards. Although not primarily concerned with health and safety issues inspectors may, as part of their assessment of property maintenance, comment on whether or not organisations are meeting statutory requirements relating to the management of asbestos and annual safety checks of all gas appliances in their properties.

The Care Commission

The Scottish Commission for the Regulation of Care (the Care Commission) was set up under the Regulation of Care (Scotland) Act 2001 to establish a new unified system of registration and regulation for care services in Scotland. This national organisation puts the safety and well-being of people who use care services at its heart. The aim of the Care Commission is to ensure improvement in the quality of care services in Scotland, respecting the rights of people who use those services to dignity, choice and safety.

The Act introduced national care standards for a range of care services, including housing support services, based on the principles of dignity, privacy, choice, safety, realising potential and equality and diversity. The system of regulation adopted by the Care Commission takes account of the national care standards.

The Care Commission has the statutory responsibility and a range of powers for ensuring that providers of care services are fit to provide that service and that they continue to comply with the statutory regulations taking into account the national care standards.

The Health and Safety Executive

The Health and Safety Executive (HSE) is responsible for the regulation of risks to health and safety arising from work activity in Britain. The HSE is the operating arm of the Health and Safety Commission (HSC), which is the body charged with developing national health and safety policy and legislation.

Workplace health and safety legislation is a matter reserved to the UK Parliament and the power to make or change such legislation has not been devolved to the Scottish Parliament. The HSC and HSE are therefore part of the UK Department for Work and Pensions. However, HSC and HSE work closely with the Scottish Executive, particularly in areas of common interest such as health, enterprise and justice, which are devolved to the Scottish Parliament.

The HSE is responsible for enforcing the Health and Safety at Work etc Act 1974 (HSWA) and related legislation and guidance. Its purpose is to make sure that risks to people’s health and safety arising from work activities are properly controlled. In certain circumstances, enforcement activity is carried out by the appropriate local authority.

Health and safety inspections and investigations of accidents or complaints may cover all occupational health, safety and welfare risks to employees as well as health and safety risks to members of the public.

The legal framework

The HSWA and subsequent health and safety legislation and regulations place a wide range of responsibilities on landlords. The 1974 Act obliges employers to:

- ensure the health, safety and welfare at work of their employees, so far as is reasonably practicable; and
- ensure that others, not employed by them, who may be affected by the way they go about their work are not exposed to risks to their health and safety, so far as is reasonably practicable.

As employers, landlords also have a general common law duty to take reasonable care for third parties to assess risks and take appropriate action. Their employees have obligations under the Act to take reasonable care of themselves and of others with whom they come into contact in the course of their employment. These obligations have far-reaching implications for landlords, their staff and volunteers.
The Management of Health and Safety at Work Regulations 1999 set out certain further steps that employers must take to identify and control health and safety risks. This includes a requirement to carry out a suitable and sufficient assessment of the risks to which employees are exposed while at work, and to which third parties may be exposed as a result of the work activity. For an organisation with five or more employees there is a requirement to record significant findings from the assessment. Employers must plan, organise, control, monitor and review the preventative and protective measures that they put in place.

Other relevant legislation includes:

- the Disability Discrimination Act 1995, aimed at ending discrimination against disabled people and giving them new rights of access to goods, facilities and services, in employment and in buying or renting property;
- the Disability Discrimination Act 2005, which amends and extends provisions of the 1995 Act;
- the Data Protection Act 1998, which aims to protect the personal privacy of individuals and sets out key principles for processing and keeping personal data – for example, the Act allows recording of personal data where it relates to a health and safety risk; and
- the Human Rights Act 1998 which makes it unlawful for public bodies to act in a way that contravenes the rights of individuals as contained in the European Convention on Human Rights.

Practice issues

For social landlords the HSWA imposes a statutory duty to safeguard, so far as reasonably practicable, the health, safety and welfare of their tenants, their staff and volunteers and everyone potentially exposed to risk to their health and safety by the landlord’s business activities. There have been a number of incidents where social landlords have faced court action following accidents in their property or injury to their tenants. It is often only when such an incident occurs that landlords realise the extent of their obligations. While they are likely to be aware of their duties to tenants in supported or sheltered housing, they may be less aware of their responsibilities to tenants in ‘mainstream’ accommodation. Indeed these may extend beyond a landlord’s own tenants to other occupants of their houses, such as shared owners, or other people such as owner-occupiers for whom they are providing housing support.

The consequences of a failure to understand and meet these obligations can be serious. Beyond the human consequences of an accident, the HSE is likely to consider whether a risk assessment identifying the hazard should have been carried out prior to the accident.

The dilemma for landlords is how to develop and maintain a culture of risk assessment that permeates their organisation without at the same time creating a fear of litigation that leads to excessive bureaucracy and an unhelpful ‘tick-box’ approach to risk assessment, and inhibiting staff from doing their work effectively. Risk assessment needs to be thorough and effective, but at the same time proportionate and targeted at areas of genuine risk.

A further dilemma is how to fulfil statutory health and safety duties while taking account of the rights of tenants and other service users, such as the rights to protect their privacy and dignity and to make their own choices. For example, tenants may protest against the fitting of certain safety features such as thermostatic valves on taps; or support staff may identify serious health or social care difficulties in the course of their work, which in turn raise human rights and data protection issues.

A related area is landlords’ responsibilities towards their staff, both in terms of training and awareness of their obligations under health and safety legislation and as employers responsible for the safety of their staff going into people’s homes as part of their daily work.

2.2 Purpose of this research

Communities Scotland’s Regulation & Inspection Division (R&I) commissioned IDOX plc to carry out a review of the literature and legislation on health and safety for social landlords, with case studies based on practical examples. The purpose of the review is to help landlords understand the practical implications of health and safety legislation, and to provide a gateway to existing guidance on health and safety and risk management.
2.3 Aims and objectives

The aim of the research was to review the legislation and literature about health and safety from the perspective of registered social landlords and local authority landlords, and provide case study examples based on real-life situations.

Specific objectives were to:

- review legislation and identify those health and safety obligations that are binding on landlords and those that may apply to landlords in particular circumstances;
- clarify the impact of other legislation, such as the Disability Discrimination Act 1995, Data Protection Act 1998 and the Human Rights Act 1998, on landlords’ health and safety responsibilities;
- consider the practical issues for landlords in balancing these different legislative requirements and meeting their obligations to diverse groups of people, including people with disabilities and those from ethnic minorities;
- review relevant literature and guidance published over the last ten years, including good practice guidance and literature from south of the border as well as that developed specifically for a Scottish context;
- develop six to ten short case studies illustrating examples of real-life practice, and lessons learned from them (including cases where landlords have been prosecuted or criticised by the HSE as well as examples of ‘good’ practice);
- identify key training issues for staff and committee members;
- identify whether there is any need for further guidance for landlords on their health and safety responsibilities; and
- address the issues outlined above from the point of view of tenants, other residents such as owner-occupiers, and staff.

Key issues

A number of key issues arose from the aims and objectives. For example:

- the extent to which the landlord’s health and safety duties cover not only their tenants and residents but also owner-occupiers within the same building and workers, contractors and visitors;
- the need for clear boundaries to the review. For example, it would not include health and safety issues arising from planning, building design and building standards;
- the need for landlords to be clear about the extent of their corporate responsibility;
- the interaction between social landlords’ duties with respect to health and safety and the human rights of those affected;
- the need to identify areas in which there is no guidance;
- the roles of social landlords as employers, providers of tenancies or care or both and as owners of buildings;
- the balance between common sense compliance and over-reaction, i.e. appropriate risk management;
- the limits of landlords’ health and safety duties and obligations, i.e. the review should not extend to areas such as nuisance or neighbour relations; and
- the geographic limits of the review, i.e. it should not attempt to review health and safety legislation and guidance outwith the United Kingdom.

2.4 Approach and methodology

The approach and methodology comprised four stages: a problem-centred workshop; sourcing and collating legislation, guidance and literature; reviewing the material identified; and the preparation of case studies.

Problem-centred workshop

The problem-centred workshop was designed to complement the review of legislation, guidance and literature. Its objectives were to:
identify a selection of key issues, themes, problems, and priorities with which RSLs, local authority landlords and other key stakeholders are grappling and trying to resolve or having problems with in terms of their health and safety responsibilities;

use those that emerged to help guide and prioritise efforts to draw together and clarify relevant existing, publicly available legislation, literature and guidance and good practice; and

help identify any gaps in current coverage in terms of guidance, good practice material or other documentation that may need to be filled by the appropriate organisations – for example HSE, Communities Scotland, Scottish Federation of Housing Associations (SFHA), Housing Corporation, Employers in Voluntary Housing (EVH).

A group of representatives of RSLs, local authorities and voluntary organisations were recruited to a half-day workshop to discuss their experiences and problems with health and safety issues.

Participants were recruited by asking members of the project working group to nominate a particular organisation or person with ‘coal face’ experience, by approaching a selection of the key stakeholders, and by advertising the workshop through electronic bulletins, such as those produced by the Chartered Institute of Housing and the Tenant Participation Advisory Service.

**Sourcing and collating legislation, guidance and literature**

The objective of this stage was to source and collate appropriate material including legislation, statutory instruments, guidance material and other literature such as briefings and good practice information.

It was agreed with Communities Scotland that this would include legislation as far back as the Health and Safety at Work etc Act 1974 and relevant literature and guidance published over the last ten years. Material to be sourced would include, but not be limited to:

- primary legislation such as the Health and Safety at Work etc Act 1974, the Housing (Scotland) Act 2001, the Regulation of Care (Scotland) Act 2001, the Disability Discrimination Acts of 1995 and 2005, the Data Protection Act 1995 and the Human Rights Act 1998;
- secondary legislation (for example statutory instruments such as The Management of Health and Safety at Work Regulations 1999); and
- guidance notes, briefing papers, case studies and policy papers produced by professional bodies such as Communities Scotland, the Scottish Executive, the Health & Safety Executive, the Scottish Federation of Housing Associations, Convention of Scottish Local Authorities (COSLA), Audit Scotland, the Housing Corporation, the National Housing Federation and others.

While this stage focused on literature and guidance that had been published for RSLs, local authority landlords, Abbeyfield Societies, etc, in Scotland, it was extended to material that had been published in England as some of that might also be relevant.

A range of information resources was used to identify and source relevant information including:

- IDOX’s PLANEX database, which contains over 100,000 items including a wide range of housing-related material;
- the Internet, where the websites of organisations such as the Health & Safety Executive and the Office of Public Sector Information were expected to yield a great deal of useful information;
- telephone contact with appropriate organisations; and
- other resources such as the legal sections of libraries such as the Mitchell Library and university libraries for accessing specialist publications like the Current Law Statutes.

Once this process was completed, IDOX produced a comprehensive list of relevant legislation, literature and guidance that formed the basis of the review.

**Review of legislation, guidance and literature**

The objective of this stage was to review the legislation, literature and guidance on health and safety from the perspective of RSLs and local authority landlords.
The review was carried out in accordance with standard procedures for conducting literature reviews. Legislation in force, literature and guidance identified in the previous stage was reviewed and mapped with relevant material being identified, assessed and abstracted to contribute to the case studies, final report and gateway guide. Gaps in guidance were also identified.

**Preparation of case studies**

The objective of this stage was to source suitable material from which to prepare case studies illustrating real life practice, dilemmas faced and lessons learned, and to prepare up to ten case studies. A number of routes were used to identify appropriate case studies.

1. A note was published in the electronic newsletters of a range of housing organisations in which interested parties were asked to contact IDOX with details of any health and safety issues or problems encountered in the course of their work.
2. Delegates at the workshop helped to identify priorities and suggest case studies.
3. Steering group members were approached for suggestions.
4. Contacts were made with housing and care groups and tenant organisations. These organisations were also asked for suggestions.
5. The literature review was also a possible source.

Some case studies were intended to be short, illustrating a single point and written to an issue/effect/solution formula. Longer case studies were intended to be used to illustrate specific points such as the implementation of an overall strategy. Positive ‘good practice’ examples would be attributed while negative examples showing lessons learnt would be anonymised. (This was to increase the chances of such case studies participating).

Research was undertaken through telephone interviews, the use of documentation produced by the case study organisation, and the use of documentation produced by others. Case study participants were asked to review the draft case study material for accuracy.
3 Findings: problem-centred workshop

Nineteen participants attended the workshop. Four members of the project team and a member of the project steering group acted as facilitators. Eight participants had responsibilities for health and safety, the others for asbestos, gas safety, care services, housing accommodation and maintenance services. Participants raised a number of issues and dilemmas.

- They highlighted a lack of information and guidance about the amount of time and staff resources that social landlords should devote to health and safety.
- There was some confusion over the fundamental requirements of the law, particularly about whether one legal requirement takes precedence over another. Some delegates found that different regulators imposed requirements which appeared to them to conflict, leading to uncertainty over which requirements they should comply with and/or which they should comply with first.
- The need to deal with a number of different regulators, and to comply with the requirements imposed by each one, was also an issue. Some delegates felt that authoritative guidance from the regulators stating what the legislation says would be useful.
- People also thought there were sometimes difficulties and differences in defining the type of accommodation in which people live resulting in the different types of rules and recommendations. For example if you receive care at home, does this make it a care home?

Other issues raised included:
- lone working;
- smoking;
- stress;
- carbon; monoxide
- legionella and scalding;
- corporate responsibilities of volunteer board members and the limits of their responsibilities;
- violence;
- difficulties in obtaining health and safety literature written specifically for social landlords
- legislation applicable within the home, for example the rules/legislation applicable when dealing with asbestos in the home; and
- difficulties in finding consultants and trainers who understood the requirements of the social rented housing sector and the care provision sector.

Overall, the workshop participants tended to raise the most topical issues such as smoking in the home when carers were present (following the introduction of the prohibition on smoking in the workplace from 26 March 2006) and fire safety in care homes (following the decision of Scottish Ministers to introduce new legislation following the fire at the nursing home in Uddingston).

Those attending the workshop felt that it had been particularly useful in allowing them to meet people dealing with similar problems to their own. One health and safety officer who had recently started a small forum of health and safety officers found a number of people who were keen to join the group. Such networking could help organisations to locate consultants and trainers who did understand their sector or to purchase training on a joint basis.

While the reviewers had already identified a large number of key issues, a number of topics were added to the proposed list of contents for the report following the workshop. These included the hierarchy of regulation and the issues surrounding data protection and how they affected communication of information about vulnerable or potentially aggressive tenants.
4 Findings: review of legislation, guidance and literature

4.1 Introduction

The review identified 272 sources of legislation, guidance and literature, of which 262 are accessible on-line, that are or may be relevant to RSLs and local authority landlords. Most of them, however, are relevant to them in their capacity as employers, rather than as landlords or providers of care services. Only 14 of the sources identified refer to ‘landlord’. However, while some sources identified and included in this report may at first sight not appear to be relevant to landlords, a wide interpretation was given to landlords’ duties as employers so that some guidance of limited relevance is included. Beyond reporting what the legislation and guidance says in abstract form or by repetition of (mostly) HSE on-line sources, the project’s remit was not to interpret it or to say whether it imposes duties on landlords; that is for landlords to decide.

The review also identified guidance for employees, their representatives, self-employed people and contractors with whom landlords have a relationship.

Presentation

This chapter provides information on and abstracts of legislation, guidance and literature on health and safety at work that were identified in the review. Most of the abstracts of HSE guidance were prepared by HSE Books. The chapter is designed primarily as a gateway to the source material, with the uniform resource locators (URLs) embedded in the titles of websites and most documents. The bibliography in the final chapter includes references in print and details of how to obtain them.

Section 4.2 provides background on the legal framework to health and safety legislation and the health and safety system in the United Kingdom.

Section 4.3 covers guidance on the HSWA and the health and safety system.

Sections 4.4 and 4.5 cover two of the principal elements of health and safety – risk management and welfare at work.

Sections 4.6 to 4.8 cover the general topics of corporate health and safety, employers’ liability and enforcement.

In subsequent sections, topics are grouped under two main headings: 4.9 on people, and 4.10 on places and property. Within each section, legislation is followed by approved codes of practice, where they exist, and then by guidance and articles. Case studies are included to illustrate topics and gaps in guidance are identified.

Access to the information

The URLs within most references connect to downloadable documents or to information about them. Some references, such as journal articles, are not available on-line but bibliographic details are provided for readers who have access to the publications through membership of the publishing organisation or subscription to the journal.

The full texts of United Kingdom Acts since 1988 are available on the Office of Public Sector Information (OPSI) (formerly HMSO) website at http://www.opsi.gov.uk/acts.htm. They appear as originally passed by the UK Parliament, so they do not include subsequent amendments. The full texts of published Statutory Instruments since 1987 are available at http://www.opsi.gov.uk/stat.htm. Since October 2005, new legislation is also available online in PDF format, which enables users to download the legislation as one complete document. In this report, legislation that is available on the OPSI website has a hyperlink to the document.

While Approved Codes of Practice are all priced, much of the HSE guidance is available free, either as downloads from the hyperlink within the title or as single paper copies from HSE Books. A
few free publications are not available in a downloadable format. For these, and for priced publications, the hyperlink connects to catalogue and ordering information.

4.2 The legal framework

The legal framework is provided by the Health and Safety at Work etc Act 1974 (HSWA), whose premise and main principle is that those who create risk from work activity are responsible for the protection of workers and the public from any consequences. The Act places specific responsibilities on employers, self-employed people, those in control of workplaces, employees, designers, manufacturers, importers and suppliers. Associated legislation places additional duties on owners, licensees, managers and people in charge of premises.

General duties

The main provisions of the HSWA impose general duties on employers, self-employed people and others. They are comprehensive in coverage of people, places, activities and other sources of hazard and require those who hold the duties to:

- secure the health, safety and welfare of employees at work (this includes providing safe systems of work, providing instruction supervision and training and providing and maintaining a safe workplace and safe working environment); and
- protect people other than people at work against exposure to risks to health and safety arising from or in connection with the activities of people at work.

The provisions are qualified by ‘so far as is reasonably practicable’.

Good practice

Finding out and applying up-to-date good practice may meet the targets and comply with the duties. Whether good practice is available, or not, the seriousness of the risk must be weighed against the difficulty and cost of removing it. Risk-reducing measures must be pursued to the point where taking further measures would be grossly disproportionate to any residual risk, regardless of the size or economic circumstances of the organisation. In very few cases, the requirement may be to do what is practicable or technically feasible – in other words, whatever is specified must be done, regardless of the expense.

Regulations

A wide range of regulations has been made under powers introduced by the HSWA. The general principle has been that as far as possible regulations, like the Act, should express general duties, principles and goals, and that subordinate details should be set out in approved codes of practice (ACoP) and guidance.

Some regulations clarify particular aspects of the general duties and are mandatory; others introduce particular requirements for specific hazards and sectors. They do not add to the scope of general duties but may impose a higher standard of duty – practicable or absolute requirements. For example, employers have an absolute duty to maintain work equipment in good repair.

Risk assessment

The Management of Health and Safety at Work Regulations 1999 (MHSWR) require employers and self-employed people to carry out a suitable and sufficient assessment of:

- the risks to which employees are exposed while at work; and
- the risks to people not in their employment arising from the conduct of their undertakings,

so as to identify measures they need to have in place to comply with their duties under health and safety law. The assessment provisions of the MHSWR permeate all other workplace health and safety legislation including the general duties in the HSWA.
Approved codes of practice

Approved codes of practice clarify particular aspects of the general duties and regulations and have special authority in law. Failure to comply with their provisions may be taken by a court in criminal proceedings as evidence of a failure to comply with the Act, or of regulations to which the ACoP relates, unless it can be shown that those requirements were complied with in some other equally effective way.

Guidance

Guidance issued by the HSC or its advisory committees, or by the HSE, sets out the standards its inspectors expect to find. However, following HSE or HSC guidance is not compulsory and employers are free to take other measures to comply with their duties.

Other legislation

Some legislation existing before the HSWA remains in force, including some parts of the Factories Act 1961 and the Offices, Shops and Railway Premises Act 1963.

European legislation

Most recent legislation has been introduced to implement European Directives, which are mainly directed at promoting minimum standards for the health and safety of workers. A key element of EU health and safety law is the broad obligation on employers to evaluate, avoid and reduce workplace risks. A range of other regulations cover, for example, the use of work equipment, manual handling, health, safety and welfare in the workplace, personal protective equipment, display screen equipment, safety signs, pregnant women, noise, and asbestos.

4.3 Guidance on the Health and Safety at Work Act and the health and safety system

While the HSWA is not available on-line in either its original or amended form, the Health and Safety for Beginners website has The Health and Safety at Work Act 1974, which provides a plain language summary of the main sections for use in the National Examination Board for Occupational Safety and Health (NEBOSH) Certificate. The same website provides The moral, legal and financial reasons for health and safety, which gives a brief outline of the common law duty of care; employer’s duty of care; and employee rights and expectations.

Health and safety regulation: a short guide [free download] is aimed at employers and self-employed people and describes how health and safety law works. It explains the difference between ACoP, guidance and regulations and outlines briefly how the Health and Safety Commission/Executive operates. Also contains a list of important health and safety legislation that apply across the full range of workplaces. It covers the requirements of UK and European health and safety law, options on health and safety, guidance, approved codes of practice, regulations, and the relationship between the regulator and industry.

The health and safety system in Great Britain [free download] outlines the occupational health and safety system in Great Britain. It is an updated version of an existing document and is the only publication that outlines the framework of occupational health and safety in the UK. The target audience is visitors from overseas, occupational health and safety organisations, government bodies, UK business, educational establishments etc, as well as HSE staff. Contents: Foreword; Key facts; The system; The Health and Safety Executive; The legal framework; The policy process; Enforcement; Control of risks at the workplace; Insurance and compensation.

An introduction to health and safety: health and safety in small businesses, What you should know. Where to get more information [free download] provides guidance for small firms on health and safety by showing the kind of things that cause the more common accidents and harm people's health. It lets you see what applies to your work activities, and tells you how to get more help and information. The contents include: questions and answers; getting health and safety under control; slipping and tripping at work; asbestos; hazardous substances; work at height; sprains; strains and pains; the use of computers or other display screen equipment; noise; vibration; electricity; work
equipment; maintenance and building work; transport in the workplace; pressure systems, fire and explosion; harmful radiation; stress; accidents; health and safety policy statement; and risk assessment.

*Essentials of Health and Safety at Work* [priced] (new edition April 2006) explains what the law requires and helps employers put it into practice. Chapter 1 suggests how to tackle the basics of health and safety and how to identify, assess and control the activities that might cause harm in a business. Chapters 2 to 25 are for anyone who needs to know more about a particular health and safety subject. There are several new chapters dealing with, for example slips and trips, work at height, contractors and agency workers and general fire safety, as well as new sections on subjects such as stress, rehabilitation and sickness absence.

Employers have a legal duty to display the *Health and Safety Law: what you should know* [priced], poster in a prominent position in each workplace. It is also available as a free leaflet that may be distributed to employees as an alternative to displaying the poster. In the leaflet, references to obsolete legal requirements are removed and the revised text focuses on the modern framework of general duties, supplemented by the basics of health and safety management and risk assessment. It provides a brief guide to health and safety law by listing the key points on employers’ and employees’ legal duties.

Employers in Voluntary Housing (EVH) developed a *Health and Safety Control Manual* in 1994. It is available to members on-line and on a biannually updated CD. While it is not available for sale to non-members of EVH, the most recent two updates can be downloaded from the EVH website. It aims to provide a complete management system and to be self-contained. Each section contains a note of the relevant legislation, model working procedures and, where appropriate, copies of all forms to be used. It sets out the director’s overall responsibility for health and safety management and the responsibility of the voluntary management committee in fulfilling its more limited duties in approving the health and safety policy, providing reasonable resources, monitoring significant issues and ensuring it is on the agenda of every meeting. Contents: policy and organisation; buildings; people; work carried out by employees; work carried out by external contractors; sheltered housing; appendices; legislation. The manual is designed to be tailored to the different sizes, natures and stages of development of members and is supported by a free health and safety hotline provided by EVH’s external consultants, who developed and maintain the manual.

*Principles of health and safety at work* [priced] is a one-stop summary of health and safety fundamentals. It reflects the syllabuses for the NEBOSH Certificate and Institute for Occupational Safety and Health (IOSH) ‘Managing safely’ course. It features practical self-assessment questions and answers, checklists and helpful revision notes, updates to sections on the Control of Substances Hazardous to Health (COSHH) Regulations, vibration and work at height legislation and an easy-to-understand, learning reference guide. It is designed for: managers; NEBOSH Certificate students; ‘Managing Safely’ students; safety representatives; and supervisors. Contents: safety management techniques; workplaces and work equipment; occupational health and hygiene; law; self-assessment questions and answers.

*Managing Health at Work: Partnership Information Guideline* [free download] is written for NHS Scotland but is relevant to social landlords, especially those providing care services. It discusses promoting employee health and well-being, a health and safety framework and risk assessment, and provides guidelines on, among others, dealing positively with stress at work, tobacco, alcohol and other substances, safe manual handling, protecting the health, safety and welfare of people working alone, protecting against violence and aggression at work.

### 4.4 Risk assessment and management

Risk assessment underpins the HSC’s and the HSE’s approach to the regulation of risk from work activities.

The duty to make suitable and sufficient risk assessments is set out in *The Management of Health and Safety at Work Regulations 1999*. These complement and enhance the requirement for basic risk assessment by requiring appropriate arrangements with regard to the nature and size of risk, effective planning, organisation, control, monitoring and review of protective and preventative measures, and the provision of surveillance appropriate to the risks identified. To assist compliance, employers must appoint competent persons with sufficient training, experience,
knowledge and assist with undertaking the necessary measures. Where the employer does not
employ the competent person, the employer must ensure that the competent person has
information about anyone who may be affected by the conduct of the employer’s undertaking.
The Management of Health and Safety at Work Regulations 1999. Approved Code of Practice and
guidance [priced] provides guidance on the application of the Management of Health and Safety at
Work Regulations 1999 in all areas to which they apply. It covers: interpretation of the regulations;
disapplication of the regulations; risk assessment; principles of prevention to be applied; health and
safety arrangements; health surveillance; health and safety assistance; procedures for serious and
imminent danger and for danger areas; contacts with external services; information for employees;
co-operation and co-ordination; persons working in host employers’ or self-employed persons’
undertaking; capabilities and training; employees’ duties; temporary workers; protection of young
persons; exemption certificates; provisions as to liability; and exclusion of civil liability.

An overall framework for decision making by HSE to ensure consistency and coherence across the
full range of risks falling within the scope of the HSWA is set out in Reducing risk, protecting
people: HSE’s decision-making process [free download]. The framework is based on HSE’s
method that applies to nuclear power stations: The tolerability of risk (TOR), originally published in
1988. It explains the decision making process in HSE rather than giving guidance. Such guidance
is available in other documents and in particular the Management of Health and Safety Regulations
1999, Approved Code of Practice and guidance (see below). It covers: overview of risk and risk
management issues; review of developments that have influenced our decision-making approach;
approach to reaching decisions on risk; some of the conventions adopted for undertaking risk
assessments; identifying and considering options for new regulations, Approved Codes of Practice
and guidance; some issues relevant to assessing risk reduction options; some statistics for
comparing risks from different hazards.

Guidance to help employers and self-employed people assess risks in the workplace and meet
their legal obligations can be found in Five steps to risk assessment [free download]. The contents
provide step by step guidance on looking for the hazards, deciding who might be harmed and how,
evaluating the risks and deciding whether existing precautions are adequate, recording findings,
and reviewing the assessment.

A guide to risk assessment requirements [free download] provides guidance for employers and the
self-employed who have duties under health and safety law to assess risks in the workplace. It
shows how the risk assessment provisions in different regulations are linked together and what
they add up to. It covers: the regulations on the management of health and safety at work; manual
handling; personal protective equipment; display screen equipment; substances hazardous to
health; asbestos; and lead.

Employers in Voluntary Housing has a downloadable guide and template on risk assessment.
Guide to risk assessment [free download] provides a brief guide to general risk assessment: what it
is and why it is needed; common terms; and how to carry out a risk assessment. It gives examples
for the housing association sector. General risk assessment [free download] provides: an
introduction to risk management; how to carry out a general risk assessment; further guidance on
risk assessment; and risk assessment sheets.

Reducing error and influencing behaviour [priced] is aimed at managers with health and safety
responsibilities, health and safety professionals and employee safety representatives. Human
factors is a broad field and organisations in the past have viewed it as being too complex or difficult
to do anything about. This guidance aims to overcome such fears by providing practical help on
how to tackle some of the important issues. The guidance a) explains how human error and
behaviour can impact on health and safety, b) shows how human behaviour and other factors in
the workplace can affect the physical and mental health of workers, c) provides practical ideas on
what you can do to identify, assess and control risks arising from the human factor and d) includes
illustrative case studies to show how other organisations have tackled different human problems at
work. It covers: human factors; understanding human failure; designing for people; managing the
influences on human performance; getting started; and includes case studies on solutions to
human factors problems.

Health risk management: a practical guide for managers in small and medium-sized enterprises
[priced] provides guidance for controlling health risks arising from work. It is based on information
and experience gained by HSE, and case studies are used to illustrate particular points. It is aimed
at managers of small and medium sized firms. It covers: finding out if you have a problem; deciding what to do; taking action; checking what you have done; where to go for help; final checklist.

In Housing association risk data sharing project [free download], Hargeaves Risk Management notes that few housing associations are collecting risk experience data and suspects that the sector is failing to learn from its risk event experiences. It looks at how risk is being managed and reported in 46 housing associations and analyses risk events, and gives an overview of the risk event types that materialised including their average and total financial impact.

Case study: risk assessments in sheltered and independent housing

Background

Margaret Blackwood Housing Association (MBHA) is an established association providing 1450 houses for rent and shared ownership throughout Scotland for disabled people and their families, older people and non-disabled people, within mixed communities.

Of the stock:
- approximately 100 properties are for disabled people with intensive support needs
- over 600 are designed for tenants who are wheelchair users
- nearly 200 are built to barrier-free standards, suitable for people with mobility problems
- over 50 are operated by partner organisations
- nearly 500 homes, featuring barrier-free detailing, are designed for older people or non-disabled people with a general housing need.

Although MBHA’s core business is providing houses at affordable rents or for shared ownership, providing care and support services to disabled people is a key activity and presently employs 300 out of 350 staff. These services are offered within sheltered and supported schemes for disabled tenants in independent houses, and for clients within the wider community.

The problem

MBHA were of the opinion that, although the legislation, regulations and information on care homes was clear, the ‘picture’ on sheltered and independent housing was less clear and required a somewhat different approach. While acknowledging their responsibilities under the Health and Safety at Work etc Act 1974, MBHA also recognised the need to balance this with their ethos of promoting people’s independence in line with the National Health Service and Community Care Act 1990.

How the problem was addressed

MBHA decided that more information was required from tenants to understand the depth of the health and safety issues and to help with risk assessment.

In late 2003, a self-completion survey was sent out to all tenants to find out if they had any form of ‘vulnerability’ that would affect their health and safety and whether there were any installations within the properties that might require attention. The original survey was devised and compiled by several leading managers including the housing, senior technical and health and safety managers.

The survey covered:
- whether the tenants (based on their own assessment) had any disability that might have any effect on their use of the home or their own safety
- use of gas and whether gas installations had been inspected in the past year
- smoke and carbon monoxide detectors
- floor coverings
- heating type
- water temperature
- use of hoists and special beds and their inspection regime
- mirror doors.

A database was developed to store this particular tenant information and completed questionnaires
were analysed by staff in administration, maintenance and health and safety sections. In all, MBHA sent out approx 1500 questionnaires. A programme of follow ups raised the response rate and dealt with items requiring clarification and brought up the overall response rate to 950 questionnaires, 63%. Each returned questionnaire was also manually checked for any pointers to health and safety problems. Significant health and safety issues that emerged were immediately dealt with.

**Outcome**

The system remains under active review. Revisions have been made to the survey form and flow charts prepared to show what actions should be taken if the information provided suggests that there is a health and safety issue that needs to be addressed. Information capture has also been set within the context of new lettings procedures so that all new tenants are given questionnaires and their properties assessed by relevant sections of the organisation. Support staff carry this out this assessment for those tenants receiving care while the housing officer or sheltered housing officer does so in other cases.

A future objective is to develop the system in line with other database systems. Risk assessment is now built into housing management procedures and MBHA are reviewing their requirements for undertaking a fuller risk assessment for those tenants with specific vulnerability problems. MBHA recognise however that there may be conflicts in implementing health and safety recommendations and maintaining the emphasis on independence for tenants. The association feels that, to date, there has not been any real conflict between health and safety and human rights issues and that they have managed to achieve a good balance. However the association recently commenced a programme of tenant assessment in sheltered housing units and there have been some refusals and queries as to why the association is doing this, with the assessment process being seen as some sort of intrusion.

### Risk management in supported housing – see Supported housing in 4.10 Places and property

#### 4.5 Welfare at work

Employers have a duty to provide and maintain a working environment that is, so far as is reasonably practicable, safe, without risks to health and adequate with regard to facilities and their arrangement for their welfare at work. The working environment includes heating, lighting, ventilation and noise. Welfare at work includes seating and washing arrangements.

The duties are set out in the **Workplace (Health, Safety and Welfare) Regulations 1992** as amended by the **Health and Safety (Miscellaneous Amendments) Regulations 2002**. They cover a wide range of basic health, safety and welfare issues such as ventilation, heating, lighting, workstations, seating and welfare facilities.

The **Workplace (Health, Safety and Welfare) Regulations 1992** (as amended by the Quarries Miscellaneous Health and Safety Provisions Regulations 1995). Approved Code of Practice and guidance [priced] provides guidance on the regulations, which implement European Directive No. 89/654/EEC. It covers: interpretation of the regulations; maintenance of the workplace, equipment, devices and systems; ventilation; temperature; lighting; cleanliness; room dimensions; workstations and seating; floors; falls or falling objects; transparent and translucent doors, gates and walls; windows, skylights and ventilators; traffic routes; escalators; sanitary conveniences; washing facilities.

Further guidance on the requirements of the Workplace (Health, Safety and Welfare) Regulations 1992 is provided in **Workplace health, safety and welfare: a short guide for managers** [free download], which is aimed at employers and managers. It covers: requirements under the regulations; interpretation; ventilation; temperatures in indoor workplaces; work in hot or cold environments; lighting; cleanliness and waste materials; room dimensions and space; workstations and seating; maintenance; floors and traffic routes; falls and falling objects; transparent or translucent doors, gates or walls and windows; escalators and moving walkways; sanitary conveniences and washing facilities; drinking water; accommodation for clothing and facilities for changing; facilities for rest and to eat meals.
Welfare at work: guidance for employers on welfare provisions [free web access] is aimed at employers who must, 'so far as reasonably practicable', provide adequate and appropriate welfare facilities for employees while they are at work. This guidance gives simple, practical advice on how employers can meet these requirements and may also be of interest to employees and the self-employed. It covers: toilet and washing facilities; drinking water; staff who work in remote places without suitable plumbing and a water supply and at temporary worksites; facilities for changing and storing clothing; meal breaks; provision for smokers. Note that the last item was superseded by the prohibition on smoking in the workplace from 26 March 2006.

Targets for reducing slips and trips injuries in the workplace were set by the Government and the HSC in 2000. Preparing slips and trips at work [free download], which is aimed at all employers. It looks at the law, managing health and safety, risk assessment of slips and trips and good working practice. It covers: managing health and safety; examining slip and trip risks; what the law says; good working practice; cleaning and maintenance.

Thermal comfort in the workplace: guidance for employers [priced] looks at what is meant by thermal comfort in the workplace and what the law says. It gives guidance to employers on the steps that can be taken to ensure comfortable working temperatures for employees during hot and cold weather and suggests some standards to use. The publication deals with thermal comfort in most indoor places such as shops, offices, factories and laboratories.

4.6 Corporate health and safety

HSE believes that growing numbers of board directors in the private, public and voluntary sectors are taking responsibility and providing leadership for health and safety. However, it feels it still has some way to go to achieve the goal of all boards exercising corporate responsibility. HSC/E has published guidance for directors, Chief Executive Officers (CEOs) and others at an equivalent level to voluntarily provide leadership. This is available on its corporate responsibility website.

The main guidance is Directors’ responsibilities for health and safety [free download], which is aimed at board members of all types of organisations in the private, public and voluntary sectors. It will help ensure that the health and safety risks arising from their organisation's activities are properly managed. The main focus is on company directors in their capacity to set health and safety policy. The guidance is arranged into a series of action points that help to define the roles directors should take, including a recommendation that every board should appoint a health and safety director. The leaflet also contains a summary of legal responsibilities in relation to specific legislation and a further reading list.

For charities or organisations that use voluntary workers, Charity and voluntary workers: a guide to health and safety at work [priced] provides guidance to help them understand their health and safety responsibilities. It covers responsibilities towards employees and voluntary workers and offers advice on health and safety law and on the type of preventive and protective measures that might need to be taken for ensuring workers' health and safety. Contents: Legal duties; Risk assessment; Information, instruction and training; Fund-raising; Charity shops; Working off-site; Working with equipment; Musculoskeletal disorders; Work-related violence; Work-related stress; Reporting accidents and work-related stress; Fire safety; Health and safety enforcing authorities; Health and safety regulations. Note: a new edition is expected in June 2006.

Successful health and safety management [priced] provides guidance for directors, managers, health and safety professionals and employee representatives who want to improve health and safety in their organisations. It covers: effective health and safety policies; organising for health and safety; planning and implementing; measuring performance; and auditing and reviewing performance.

The key messages of Successful health and safety management are summarised in Managing health and safety: five steps to success [free download]. It outlines the five steps to health and safety, which, if followed, will help to keep staff at work and reduce costs of injuries, illness, property and equipment damage. It is aimed at directors and managers but should also help supervisors, owners of small firms, employee representatives, insurance companies, trade associations and other key players.
Health and safety benchmarking: improving together. **Guidance for those interested in applying benchmarking to health and safety** [free download] is aimed at anyone interested in applying benchmarking to health and safety, such as directors, managers, owners of small firms, health and safety advisers, safety representatives, trade association representatives or benchmarking consultants. It summaries what health and safety benchmarking is all about, and the advantages it offers. It then provides guidance on the steps involved and pointers to success. It covers: health and safety benchmarking; how to apply benchmarking to health and safety; deciding what to benchmark; and selecting and working with partners.

Need help on health and safety? **Guidance for employers on when and how to get advice on health and safety** [free download] provides guidance for employers in thinking about the help they might need, specifically on health and safety. Contents: Why you need to seek assistance; Involving employees and their representatives; How to know whether you need to do something; What next; When to look for outside help; What to look for and where to go; Other sources of advice.

**Young people at work: a guide for employers** [priced] is aimed at all employers who employ or are considering taking on young people. It should also be helpful for their parents or guardians and others concerned with their health and safety in the workplace, including those who organise work experience. The guide outlines the legal responsibilities of employers under the Management of Health and Safety at Work Regulations 1999, which give employers particular responsibilities towards young people they employ.

The **Corporate health and safety performance index** (CHaSPI) is a web-based tool to assist large organisations with over 250 employees (both public and private) to get a measure of the effectiveness of their internal controls over health and safety and benchmark their performance against their own targets and the performance of their peers. It works by asking a series of questions on, for example, health and safety management, occupational health risk management and sickness absence rates. A score out of ten is then calculated. Overall results are made publicly available. Using CHaSPI’s is voluntary. The intention is that its usefulness to organisations and their stakeholders will encourage and help organisations to improve their health and safety, going beyond the legal minimum.

**Health and safety performance indicator for SMEs** is a web-based self-assessment tool for small and medium-sized enterprises, i.e. with fewer than 250 employees, to help them find out how well they are handling their health and safety responsibilities. The tool is designed to help small and medium sized enterprises (SMEs) to understand how well they identify and manage health and safety hazards; to provide them with targeted guidance to help them improve their health and safety management; and enable them to compare their performance anonymously with other businesses across sectors and sizes.

**Managing sickness absence and return to work in small businesses** [free download]. Employers have duties under the HSWA and the Disability Discrimination Act 1995 to ensure they have a fair and consistent approach to work. This guidance explains how employers can work together to help those off sick to return to work.

See also, **Employer's liability (Compulsory Insurance) Act 1969: a guide for employees and their representatives** in 4.7 Employer's liability.

### 4.7 Employers’ liability

The **Employers’ Liability (Compulsory Insurance) Act 1969** (not available on-line) requires employers to take out insurance against accidents to and ill health of their employees. Most public organisations, including local authorities, are exempt from the requirements of the Act.

The **Employer’s Liability (Compulsory Insurance) Regulations 1998** supplement the provisions of the 1969 Act relating to the compulsory insurance of risks relating to employees. Regulation 9 and Schedule 2 exempt certain classes of employer from the requirements of the Act. They are principally bodies issued with certificates of exemption by government departments, foreign and Commonwealth governments and certain public bodies. It also exempts employers to the extent that they are required to insure under a compulsory motor insurance scheme by virtue of the fact that their employees are carried on, or are alighting from or are entering into, a vehicle.
While most public organisations, including local authorities, are exempt from the requirements of the 1969 Act, most employers are required by the law to insure against liability for injury or disease to their employees arising out of their employment. *Employer's Liability (Compulsory insurance) Act 1969: a guide for employers* [free download] is intended to help them to understand what is required.

General guidance for employees and their representatives on the Employer's Liability (Compulsory Insurance) Act 1969 is provided in *Employer's liability (Compulsory Insurance) Act 1969: a guide for employees and their representatives* [free download]. In particular, it gives updated guidelines on the revised regulations.

### 4.8 Enforcement

The Health and Safety Executive (HSE) has statutory responsibilities to make adequate arrangements for the enforcement of health and safety law in relation to specified work activities. Local authorities also enforce health and safety law in workplaces allocated to them – including offices, shops, retail and wholesale distribution centres, leisure, hotel and catering premises.

**Enforcement notices**

The HSE has powers to issue notices (which is action short of prosecution). An improvement notice requires the duty holder to remedy certain failings identified by the HSE within a specified period, usually 28 days. A prohibition notice prohibits the carrying out of activities identified by the HSE as carrying a risk of serious personal injury until the risk of injury is adequately controlled. It is a criminal offence to fail to comply with either type of notice.

**The prosecution of crime under health and safety law in Scotland**

While health and safety law is the same across Great Britain, there is a major difference in how crime is prosecuted in Scotland. HSE inspectors in Scotland report to the Crown Office and Procurator Fiscal Service (COPFS). It is then up to the COPFS to decide whether or not to institute criminal proceedings in the public interest. COPFS supports the HSC Enforcement Policy Statement. This is in contrast to HSE inspectors in England and Wales who have the power to prosecute. The way in which the COPFS deals with reports from HSE under Scottish law can result in charges put forward by HSE being rejected as a whole, or in part, or in different charges being created. The fiscal can also accept ‘not guilty’ pleas to some charges when ‘guilty’ pleas are offered to other charges. For this reason Scotland's enforcement statistics cannot easily be compared with England and Wales; and unlike in England and Wales, penalties for health and safety offences in Scotland do not allow for the awarding of costs to either party. Further information can be found on [Health and safety in Scotland – what's different?](#)

The penalties that can be imposed include fines of up to £20,000 if the case is prosecuted in the sheriff court or an unlimited fine if the case is prosecuted in the High Court.

The *Health and Safety (Enforcing Authority) Regulations 1998* make provision for enforcement by local authorities of the HSWA. For example the local authority is the enforcing authority in respect of office activities and the provision of permanent or temporary residential accommodation, including the provision of a site for caravans or campers. Among other things, the Health and Safety Executive is the enforcing authority in respect of the installation, maintenance or repair of electricity and gas systems or any work in relation to a gas fitting, and the common parts of domestic premises.

The general principles and approach that the HSC expects the health and safety enforcing authorities (mainly HSE and local authorities) to follow is set out in *HSC's Enforcement Policy Statement* [free download]. All local authority and HSE staff who take enforcement decisions are required to follow HSC’s Enforcement Policy Statement. In general, those staff will be inspectors, so the policy refers to inspectors for simplicity.
Case study: meeting the requirements of different enforcement authorities

**Background**
The health and safety officer of a care and support provider has three categories of accommodation within a number of local authority areas. These are:
- care homes
- care at home (often ex-care homes but where the occupier has his or her own tenancy in self-contained accommodation)
- supported living accommodation.

The client group is adults with a learning disability and can include people who also have infirmities and physical disabilities.

**The problem**
In the case of care homes, there may be as many as six regulatory regimes setting a wide range of standards with which the provider must comply, namely:
- contract compliance by local authority social work services
- environmental health, by another section of the local authorities
- fire safety by the fire authority
- housing by local authority housing departments
- health and safety by the HSE
- care by the Care Commission.

With so many authorities involved in regulating aspects of the provider’s work, the health and safety officer has had to balance the need to meet the different standards imposed by the authorities within each local authority area and differences in the interpretation and application of specific standards applied by these bodies within different local authority areas.

For example, in one area when a tenant became bed ridden, it was suggested that the house was adapted (with doors being widened) to allow him to be evacuated in his bed in the event of fire. In another area the relevant body deemed it sufficient, in apparently similar circumstances, to close the door to the bedroom, leaving the tenant in her bed in the case of a fire while evacuating everyone else.

There have also been instances of regulators defining the same accommodation differently. In addition, within the care at home sector there have been examples of inspectors being unaware of the difference in status of ‘care at home’ and ‘care home’.

Possible consequences of the number of different authorities involved and differences in their knowledge and understanding of the care and support provider’s business are:
- different departments within an individual authority applying different standards to the same property; and
- individual authorities interpreting legislation differently.

**How the problem was addressed**
The health and safety officer recognised that as well as health and safety, he had to be familiar with the wide range of legislation and the roles and powers of a number of different regulatory bodies. In some cases, this meant contacting the most senior staff within the different authorities for clarification on specific points and then careful communication with the regulators working on the ground.

The organisation also recognised that it needed to define more clearly to the regulatory authorities the types of accommodation and support it provides, especially where there have been changes.

**Possible outcomes**
While it may take sometime to achieve, the care provider hopes that improved communications will provide a shared understanding of the different regulatory frameworks, help reduce uncertainty and inconsistencies and help the regulators to become more consistent in their classification of accommodation.
The Health and Safety Executive/Local Authorities Enforcement Liaison Committee (HELA) circular *Health and Safety (Enforcing Authority) Regulations 1998: A–Z guide to allocation* [free web access] contains guidance derived from questions raised on enforcement allocation and other matters. The contents should assist inspectors and others in resolving questions that may arise, although the interpretation given is subject to judicial decision in any particular case. It should also assist others in understanding their roles.

Local authorities are responsible for enforcing parts of the HSWA. Section 18 of the Act requires them to perform their duties in accordance with guidance from the HSC. Therefore, *Section 18 HSC guidance to local authorities* [free via link] is mandatory. It contains a series of guidance notes, which contain broad principles HSC wishes local authorities to adopt in enforcing health and safety legislation. It covers: HSC guidance notes; enforcement policy and procedures; prioritised planning; requirement to produce a service plan, including investigation of accidents, complaints, etc.; requirement to undergo audit and develop an action plan; provision of a trained and competent inspectorate; requirements in respect of Local Authority Partnership Schemes (LAPS). Annexes cover: Health and Safety Commission statement on enforcement policy; and competencies for HSE and LA health and safety inspectors.

*What to expect when a health and safety inspector calls: a brief guide for businesses, employees and their representatives* [free web access] is intended for those in business. This leaflet explains what you can expect when a health and safety inspector calls at your workplace. It also tells employees and their representatives what information they may expect from an inspector during a visit. Contents: Who enforces health and safety law? Enforcing health and safety law; Appeals; Information to employees or their representatives; Complaints; How to find out more about health and safety law and how it is enforced.

### 4.9 People

**Alcohol** – see Substance, alcohol, drugs misuse.

**Asthma**

The HSE website *HSE and asthma* provides background on the significant and growing problem of work-related asthma and information on its partnership work to cut asthma at work. It also outlines the basic measures that employers must take to protect both employees and others under the Control of Substances Hazardous to Health (COSHH) Regulations. [See also, Control of substances hazardous to health in 4.10 Places and property]. This site also gives information on the HSC/E’s draft strategy on asthma, which contains proposals for actions under the five programmes in the occupational health strategy, *Securing Health Together*.

The *Control of substances that cause occupational asthma: Approved Code of Practice* (ACoP) [free download] was published as an appendix to the main ACoP under the COSHH Regulations 2002, avoiding the need for employers to purchase a second priced publication. This ACoP specifically focuses on substances that cause occupational asthma since new adult onset cases are most in need of prevention. Asthma made worse by work is still covered by the general COSHH requirements.

*Respiratory sensitisers and COSHH - Breathe Freely: an employers' leaflet on preventing occupational asthma* [free download] provides guidance on the symptoms and effects of occupational asthma and the duties of employers to protect employees from exposure to respiratory sensitisers. It covers: respiratory sensitisers; the symptoms of respiratory sensitisation and how soon they occur; the effects of continued exposure; legal duties; how to assess the risks; how to prevent or control exposure; health surveillance; what to do about sensitised employees; and what employees need to know.

**Back pain**

The HSE website *Back pain in the workplace: prevention and management* provides information that is designed to help employers and managers prevent and manage the effects of back pain in the workplace, particularly in small businesses. Employees should also find it useful. Contents:
Back pain in the workplace; Preventing and alleviating; Advice for workers; Advice for employers; Further information.

See also, Manual handling.

Contractors

In any client/contractor relationship, both parties will have duties under health and safety law. Similarly, if the contractor employs sub-contractors to carry out some or all of the work, all parties retain some health and safety responsibilities. Use of contractors: a joint responsibility [free download] is aimed at clients and contractors. It clarifies the general health and safety responsibilities of clients and contractors to protect each other, their workforce and anyone else, and includes case studies showing what can happen when things go wrong. Contents: Introduction; Your responsibilities; What you need to do; Health and safety law; Finding further information.

Working together: guidance on health and safety for contractors and suppliers [free download] provides guidance on health and safety for contractors, sub contractors and suppliers. It covers: why managing health and safety is important; what everyone needs to know about health and safety; health and safety law; what contractors and suppliers need to do to comply with the law; applying what they know to what they have to do; next steps; and health and safety enquiries.

Data protection

In the course of this review, participants at a workshop raised the issue of personal data sharing by landlords and service providers in meeting their duties under health and safety legislation. They were unsure of what personal data they could share and in what circumstances. The Scottish Executive provides guidance in Data Sharing: legal guidance for the Scottish public sector [free download]. The guidance is intended to be general and to offer information on relevant legal issues to lawyers and to other interested professionals working in the public sector (including those working for local authorities). It explains the existing legal framework that governs public bodies’ powers to collect, use and share personal data, and sets out how these powers interact with the Data Protection Act 1998, the Human Rights Act 1998, the law of confidence and other relevant legal provisions. It is not intended to be a substitute for specific legal advice on particular issues that may affect different public bodies in different ways.

See also, the Health and Safety Executive/Local Authorities Enforcement Liaison Committee (HELA) circular Work-related violence in Violence.

The Chartered Institute of Housing in Scotland publication The Data Protection Act 1998: A Guide for Housing Professionals [free download] is aimed at housing professionals, particularly those working in the public sector and for registered social landlords. It provides a concise introduction to the main provisions of the Data Protection Act 1998 and the consequent housing management issues that may arise. Contents: Glossary; Executive summary; Introduction to the Act; Data Protection Principles; Rights of Access to Data by Individuals; Timescales for introduction of the Act; Enforcement of the Act; Some housing management practice issues; Further sources and references. Note that this guidance has not been updated since its publication in 2000, so caution should be exercised in its use.

The absence of more up-to-date guidance on this topic for social landlords is a gap in the guidance.

Discrimination

See also, Mothers, new and expectant.

Protection against discrimination in the workplace for people with disabilities is provided by the Disability Discrimination Act 1995 (DDA 1995) and the Disability Discrimination Act 2005 (DDA 2005) (information on both Acts above is provided and reproduced with the kind permission of Westlaw UK) [free downloads].

The Disability Discrimination (Public Authorities) (Statutory Duties) (Scotland) Regulations 2005 [free download] require public authorities (including local authorities) to prepare and publish a
Disability Equality Scheme. The regulations are designed to help them comply with their duties to promote equality of opportunity for disabled persons under section 49A(1) of the Disability Discrimination Act 1995 (as amended by the Disability Discrimination Act 2005).

Section 44 of the Employment Rights Act 1996 provides protection from suffering detriment in employment for health and safety representatives bringing to their employer's attention circumstances connected with their work which they reasonably believe are harmful or potentially harmful to health or safety.

The Disability Rights Commission (DRC) has a range of guidance on its website, some of which can be downloaded. The guidance provided by Disability Discrimination Act: What does it mean? explains that the Disability Discrimination Act was passed in 1995 to end the discrimination that many disabled people face. It protects disabled people in:

- employment
- access to goods, facilities and services
- the management, buying or renting of land or property
- education.

Some of it became law for employers in December 1996. Others provisions were introduced over time. For service providers (for example businesses and organisations):

- since December 1996 it has been unlawful to treat disabled people less favourably than other people for a reason related to their disability;
- since October 1999 they have had to make reasonable adjustments for disabled people, such as providing extra help or making changes to the way they provide their services; and
- since October 2004 they have had to make reasonable adjustments to the physical features of their premises to overcome physical barriers to access.

Additionally, the DDA 2005 amends the DDA 1995 to place a duty on public bodies to promote equality of opportunity for disabled people. The Disability Equality Duty will come into force on 5th December 2006.

Brief advice and information on health and safety for disabled people in relation to getting and keeping employment is provided in Health and safety (DRC leaflet 3) [free download]. Employers have a duty to 'ensure so far as is reasonably practicable the health, safety and welfare at work of all employees'. This means that they have to carry out a risk assessment of all workers' activities, including the additional risks to certain groups of workers such as disabled people. If an employer thinks that there is a specific health and safety risk involved in employing a disabled person, then, under the DDA 1995, reasonable adjustments need to be considered.

Employment: a practical guide to the law and best practice for employers [free download] includes a section (five pages starting at 3.21, p. 98) on health and safety considerations for employers employing disabled people. It emphasises that health and safety obligations should be used to underpin a best practice approach to disabilities and long-term health conditions, not to try to justify discrimination. It also stresses that stereotypical assumptions about the health and safety implications of disability and health conditions should be avoided, both in general terms and in relation to particular disabilities and conditions.

The DRC provides a legal commentary in Review of UK case law [free download] on the use of health and safety requirements as a false excuse for not employing sick or disabled persons.

Employees with a disability or long-term health condition are protected under the HSWA and the DDA 1995. The DRC website Health and safety provides guidance on how the HSWA protect employees; 'unacceptable risk'; and fire hazards.

The National Housing Federation has members-only access guidance on the Disability Discrimination Act 2005. This briefing informs members of the key issues they need to consider once the DDA 2005 comes into force in December 2006.

Be prepared (landlords, and the law with regard to tenants who are mentally ill) (Easterbrook, Joanne, IN Housing Today, No 351, 26 Sep 2003, p. 40. Pages: 1) discusses the options available
to a landlord whose tenant is suffering from a mental disorder. It looks at issues relating to the health and safety of the tenant and others, the use of detention, and emergency application for admission to a hospital for assessment. It considers the need for rehousing, the use of a 'litigation friend', and ensuring that mental health is taken into account in the conduct of possession proceedings. It gives an example of a case – North Devon Homes v Christine Brazier, where Brazier successfully argued that a housing association seeking repossession was guilty of discrimination under the Disability Discrimination Act 1995, to illustrate this point. It concludes that particular attention needs to be given to the management of this category of tenant.

**Drugs** – see Substance, alcohol, drugs misuse.

**Employees and representatives**

The *Health and Safety Information for Employees Regulations 1989* require employers to provide employees with information about health, safety and welfare by means of posters or leaflets approved by HSE.

The *Health and Safety (Consultation with Employees) Regulations 1996* require employers to consult either their employees directly or representatives elected by their employees where there are employees not represented by safety representatives appointed by trade unions.

*A guide to the Health and Safety (Consultation with Employees) Regulations 1996* [priced] provides guidance on employers' obligations under the Health and Safety (Consultation with Employees) Regulations 1996 and illustrates good practice to assist in compliance. It covers: people who should be consulted; an employers' duty to provide information; the functions of representatives for employee safety; training, time off and facilities for representatives of employee safety and time off for candidates; and pay for time off.

*Consulting employees on health and safety: a guide to the law* [free download] provides guidance on how, by law, employers must consult with their employees on health and safety matters. It covers: why consultation is important; what it involves; what it should be about; how it should take place; whether employees could suffer as a result of taking part in consultation; help and training for representatives; information that should be available; how the regulations are enforced; and which system applies.

*The Safety Representatives and Safety Committees Regulations 1977* were made under section 15 of the Health and Safety at Work etc. Act 1974. [The regulations are not available online and the interpretation is provided by Devon Information and Services]. The regulations have been subsequently amended by The Management of Health and Safety at Work Regulations 1999, and The Health and Safety (Consultation with Employees) Regulations 1996. The regulations and associated codes of practice provide a legal framework for employers and trade unions to reach agreement on arrangements for safety representatives and safety committees to operate in their workplace.

Approved codes of practice and guidance on the Safety Representatives and Safety Committees Regulations 1977, as amended by the Management of Health and Safety at Work Regulations and the Health and Safety (Consultation with Employees) Regulations, is provided by *Safety representatives and safety committees* [priced]. It is aimed at employers, safety representatives and trade union officials. It covers: appointment of safety representatives; functions of safety representatives; inspections of the workplace; inspections following notifiable accidents, occurrences and diseases; inspection of documents and provision of information; cases where safety representatives need not be employees; safety committees; power of the HSC to grant exemptions; industrial tribunals.

The Health and Safety Executive in collaboration with the Trades Union Congress produced *Your health and safety: a guide for employees* [free download], which explains what employees (full or part-time, temporary or permanent) should expect from their employers, what responsibilities they have and where to go for help. It also applies to young people doing work experience, apprentices, charity workers, mobile workers and home workers. For temporary, casual or agency workers, the employment business/agency, contractor or hirer they work for has a legal duty to ensure they receive the rights set out here in this guidance.
The Health and Safety Executive/Local Authorities Liaison Committee (HELA) publishes guidance for local authority enforcement officers. While directed at environmental services, trading standards and fire authorities, Written Health and Safety Policy Statement [free web access] provides a useful insight on enforcement officers’ expectations. It explains that under section 2(3) of the HSWA, every employer has a duty to prepare and as often as may be appropriate, revise a written statement of its general policy with respect to the health and safety at work of its employees and the organisation and arrangements, for the time being in force for carrying out that policy, and to bring that statement and any revision of it to the notice of all its employees. There is an exception for undertakings in which fewer than five employees work.

First aid

The Health and Safety (First Aid) Regulations 1981 (not available on-line) as amended by the Health and Safety (Miscellaneous Amendments) Regulations 2002 require employers to provide adequate and appropriate equipment, facilities and personnel to enable first aid to be given to employees if they are injured or become ill at work. These regulations apply to all workplaces including those with five or fewer employees and to the self-employed. Detailed information can be found in the APoC and guidance below, which cover the requirements for first aid.

Note that HSE is reviewing the Health and Safety (First-Aid) Regulations 1981, which will include the structure and content of first aid training courses. An update of the review can be found on the First Aid at work website. The website also has links to explanations of employers duties under the legislation, including legal duties, assessment of first aid needs and the application of the regulations to self-employed people, and to First aid at work – frequently asked questions, which contains information and advice on the most commonly asked questions on first aid received by the HSE information line.

The Health and Safety (First Aid) Regulations 1981: Approved Code of Practice and guidance [priced] provides guidance to help employers understand and comply with the Health and Safety (First Aid) Regulations 1981. It offers practical and realistic advice on what employers might do. It covers: interpretation; duties of employers; duties of the self-employed; power to grant exemptions; cases where the regulations do not apply; applications to mines and offshore; repeals, revocations and modification. It also includes an assessment of first-aid needs checklist.

Guidance on some of the basic questions about first-aid provision at work is provided in First aid at work: your questions answered [free download]. It is aimed at employers in small and medium-sized enterprises, but may be useful to all employers, managers and those involved in first aid. It covers: first aid at work; what you need to do; what you should consider when assessing first-aid needs; aspects to consider; what you should put in the first-aid box; an appointed person; how many first aiders are needed.

See also, The training of first aid at work: a guide to gaining and maintaining HSE approval in Training in 4.9 People.

Home working – see Homeworking: guidance for employers and employees on health and safety in Lone working.

Height, working at

The Work at Height Regulations 2005 set out requirements for the management of risks from working at height. They apply to all employers, and self-employed persons responsible for work at height and to any person other than a self-employed person in relation to work by a person under his control. They replace all the earlier regulations about working at height. A plain language description of the regulations with guidance for duty holders is provided by the HSE website Falls from height.

The Work at Height Regulations 2005: a brief guide [free download] is written for employers, the self-employed and anyone who works at height. It tells them what they need to do to comply with the Work at Height Regulations 2005. The regulations apply to all work at height where there is a risk of a fall liable to cause personal injury. It covers: why the rules are important; 'work at height'; what the schedules to the regulations cover; who the rules apply to; and what employers must do.
Top tips for ladder and stepladder safety [free download] is a pocket card with checklists for the safety and use of ladders and stepladder safety. Contents: Set-up for leaning ladders; Leaning ladders in use; Set-up for stepladders; Stepladders in-use.

HSE in collaboration with the National Federation of Master Window and General Cleaners produced Safety in window cleaning using portable ladders [free download]. It sets out practical precautions to help window cleaners reduce risks to as low a level as possible, taking into account the needs of the job. It covers: avoiding the risk; choice of equipment; common hazards associated with the use of ladders; choosing ladders; maintenance; stability and use of ladders; manual handling; work above roofs; lone working and portable ladders; don'ts/common misuses; training and competence; competent person; personal protective equipment; and supervision.

Further guidance on Safety in window cleaning using rope access techniques [free download] has been produced because rope access is increasingly used in window cleaning and it has become clear that not all window-cleaning businesses fully understand the complexities of using this access method. It gives window cleaners guidance on the use of rope access methods and controlling risks. Clients, specifiers, managers and contractors should also note the contents. It covers: choice of access method; general requirements for a safe system of work; management and planning; personnel; access equipment; control of working methods; types of rope access methods; specific requirements for rope access operations; use of work equipment; rescue; first aid; and legislation.

Human rights

Health and safety legislation should be interpreted to comply with rights conferred by the European Convention on Human Rights. Any interference in these rights would need to be justified, and could be open to legal challenge. Balancing rights is always challenging, for example, the right of a disabled person to dignity and bodily integrity with the right of workers to be safe while lifting disabled people, or the right of privacy with the right to safety (CCTV, etc).

The Chartered Institute of Housing publishes A Guide to the Human Rights Act for Housing Professionals [Not downloadable; can be purchased by non members for £12.00]. It provides a concise introduction to the Human Rights Act and its implications for housing management. It is intended for use by housing professionals, particularly those working in the public and voluntary sector. It includes commentary on recent housing test cases that clarify the status of Introductory Tenancies and the application of the Act to RSLs. Contents include: Introduction to the Act; Some key points expanded; Public housing providers - the key Convention rights; Human rights and housing issues; Enforcement of the Act; Further sources and references; Appendices: European Convention on Human Rights: an abridged text; Index of cases referenced in footnotes; Some key housing cases decided under the Human Rights Act 1998. Note that this guide was published in 2001.

The lack of accessible up-to-date general guidance on the implications of the Human Rights Act for social landlords is a gap in the guidance on this topic.

The HSE sets out its position on the manual handling of home care service uses in What is HSE’s line on manual handling of home care service users? In this the HSE states that it recognises the problems associated with the manual lifting and handling of people and that a balance has to be struck between ensuring the safety of the employee performing the task and meeting the needs of the client, whilst respecting the human rights of both the carer and the client. However, HSE believes that if the risks are managed properly, such a balance can be achieved without exposing employees to an unacceptable level of risk from the manual lifting of persons.

HSE believes that following the advice in Handling Home Care [priced] guidance, which it published in 2002 and which the court referred to as being 'up to date and relevant' in the case examined by the Disability Rights Commission below, will help resolve these issues, as it: offers practical advice on how to safely assist clients' mobility; highlights the need to take into account the physical risks to workers and clients but also takes into account the wider risks to the client if they are not suitably assisted, for example, loss of independence; recommends that service providers develop, in consultation with clients and their families, clear policies and management procedures to achieve these aims successfully. This allows the client and their families' views to be taken into account.
In a web-based legal commentary, Manual handling and disabled people: finding the right balance, the DRC examines its intervention in a legal case concerning two young women with profound physical and learning impairments. The primary issue with which the DRC was concerned was the lawfulness of the responsible local authority’s manual handling policy, which was interpreted by the local authority itself in such a way that it effectively prevented care staff from lifting the two young women manually and instead entailed the performance of lifts by mechanical hoist, against the wishes of the women and their parents. Considers ‘no risk’ or ‘risk reduction’; human rights and the needs of the disabled person; conclusions; and the future. Elsewhere in Manual handling and disabled people: finding the right balance: human rights and disability rights, the DRC goes on to consider the implications of the court decision on the local authority’s policy on manual handling on the human rights and the needs of a disabled person, including conclusions on the general principles emerging from the decision.

Lifting

The Lifting Operations and Lifting Equipment Regulations 1998 impose health and safety requirements with respect to lifting equipment.

Safe use of lifting equipment. Lifting Operations and Lifting Equipment Regulations 1998. Approved code of practice and guidance [priced] provides guidance to anyone with responsibility directly or indirectly for work equipment and its use, for example employers, employees, the self-employed and those who hire work equipment. The document contains an Approved Code of Practice and guidance on the duties in the 1998 regulations and existing regulations that are applicable to the use of lifting equipment in all sectors of industry and in all work activities. Coverage includes: interpretation; application; strength and stability; lifting equipment for lifting persons; positioning and installation; marking of lifting equipment; organisation of lifting operations; thorough examination and inspection; reports and defects; keeping of information; information to be contained in a report of a thorough examination.

LOLER 1998: Lifting Operations and Lifting Equipment Regulations (LOLER) 1998. Open learning guidance [priced] explains the Lifting Operations and Lifting Equipment Regulations (LOLER) 1998. It aims to help users learn about and understand the regulations dealing with lifting equipment in everyday workplaces – wherever lifting equipment is used at work. The main groups for whom this guidance is intended are local authority health and safety inspectors; local authority enforcement officers; health and safety professionals who provide services within medium-sized to large companies, for example health and safety officers and health and safety training personnel; HSE inspectors and legal professionals. It covers: the regulations, their interpretation and application; strength and stability; lifting equipment for persons; positioning and installation; marking of lifting equipment; organisation of lifting operations; examination and inspection; reports and defects; keeping information; information to be contained in a report of thorough examination. Note: to get the best from this publication readers will find it useful to have a copy of the Safe use of lifting equipment. Lifting Operations and Lifting Equipment Regulations 1998. Approved Code of Practice and Guidance (see above).


Lone working

General guidance on working alone is provided in Working alone in safety: controlling the risks of solitary work [free download]. It offers advice on how to comply with duties towards lone workers under the Health and Safety at Work etc Act 1974 and the Management of Health and Safety at Work Regulations 1992. The leaflet may also help the self-employed people who work alone themselves or engage lone workers. Contents: Who are lone workers and what jobs do they do? Can people legally work alone? Assessing and controlling the risks; Safe working arrangements for lone workers.
The duties that employers owe their employees apply equally to home workers. *Homeworking: guidance for employers and employees on health and safety* [free download] provides guidance to employers and homeworkers on health and safety issues relating to homeworking. Homeworkers are those people employed to work at home for an employer. Contents: What the Law requires; How to do a risk assessment; New and expectant mothers; First aid; Safety representatives; the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995; Trade Union and Employment Rights Act 1993; HSE inspectors; Further information. It also contains several checklists.

*The Lone Dangers (Safety At Work)* (Hickes, Claire, IN Property People, No 300, 23 Aug 2001, pp. 10–11), explores some of the issues associated with public service lone workers. It suggests that the challenge for employers is recognising that, due to the nature of their work, lone workers are not only exposed to violence from aggressive tenants and members of the public, but a whole host of hazards such as physical injury, accidents and illness. It argues that public sector organisations should embrace a culture of risk.

See also, *Managing Health at Work: Partnership Information Guideline* in 4.3 Guidance on the Health and Safety at Work Act and the health and safety system.

**Manual handling**

The *Manual Handling Operations Regulations 1992* as amended by the *Health and Safety (Miscellaneous Amendments) Regulations 2002* cover the moving of objects by hand or bodily force; and provide for the minimum health and safety requirements for the manual handling of loads where there is a risk particularly of back injury to workers.


The HSE website *Manual handling – frequently asked questions* gives answers to the following questions: Is there a maximum weight a person can lift during their work? Is there a guide to help with manual handling assessments? What should a manual handling training course involve? Has HSE published any guidelines on ‘team handling’?

Another HSE website *What is pushing and pulling?* provides further guidance on compliance with the regulations.

*Getting to grips with manual handling: a short guide* [free download] provides guidance on the problems associated with manual handling and sets out best practice in dealing with them. The advice is intended for managers of small firms or similar organisations but many of the general principles are relevant to all workplaces whatever their size. It covers: the problem and what should be done about it; duties; avoiding manual handling; assessing and reducing the risk of injury; problems to look for when making an assessment; ways to reduce the risk of injury; training; good handling technique for lifting; good handling technique for pushing and pulling; knowing if there is a risk of injury; and general risk assessment guidelines.

Upper limb disorders (ULDs) are a particular group of musculoskeletal disorders that affect the arm and neck. *Aching arms (or RSI) in small businesses: is ill health due to upper limb disorders a problem in your workplace?* [free download] explains upper limbs disorders (ULDs) often called (RSI) repetitive strain injury. Aimed at employers and managers in small businesses, it gives information on what ULDs are, their symptoms in the workplace and how to prevent them.

*Upper limb disorders in the work place* [priced] is aimed at managers with responsibility for workers who may be at risk of developing limb disorders. It aims to help the reader understand the hazards and risks and how to control them. Areas covered include: ULDs – managing the problem; risk
assessment and solutions; monitoring and reviewing; medical aspects of ULDs and legal requirements. Contents: Preface; Introduction; Upper limb disorders: Understand the issues and commit to action; Create the right organisational environment; Assess the risk of ULDs in your workplace; Reduce the risk of ULDs; Educate and inform your workforce; Manage any episodes of ULDs; Carry out regular checks on programme effectiveness.

A pain in your workplace? Ergonomic problems and solutions [priced] is aimed at all employers who might be putting their employees' muscles and joints at risk of damage. Backaches, sore shoulders or elbows, or numbing or tingling wrists and hands are sometimes due to work. This book describes the causes of these problems and shows simple and cost-effective ways of reducing them. Contains over 70 illustrated case studies.

Are you making the best use of lifting and handling aids? [free download] is intended for managers, employees and their representatives and others involved in the selection of lifting and handling aids. It covers: why back injuries are an issue; case studies; avoiding or reducing the risk from frequent and heavy lifting; examples of solutions; and factors to consider when selecting lifting and handling aids.

Manual handling: Solutions you can handle [priced] provides guidance to help employers to avoid manual handling or reduce the risk of injury in areas where assessment shows there is a risk. Each solution is illustrated with a photograph or diagram with a short explanatory paragraph. Contents: Avoiding manual handling; Redesigning the load; Redesigning the task; Mechanical handling aids; Environmental effects; Automation.

Caring for cleaners: Guidance and case studies on how to prevent musculoskeletal disorders [priced] is designed for all those involved in the management of health and safety in the cleaning industry. It is aimed at employers, managers/supervisors, health and safety personnel, trainers, safety and union representatives, and cleaners themselves. Guidance is provided on recognising and controlling the manual handling and upper limb risks faced by cleaners at work. A number of case studies are also provided, focusing on how organisations have reached a solution. By applying the guidance in this book, work-related ill health and injuries suffered by cleaners can be significantly reduced. Contents: What this book is about; Managing the risks; Case studies; Useful tips; Appendices.

While the Manual Handling Operations Regulations 1992 provide general framework for tacking handling activities at work, Handling home care: achieving safe, efficient and positive outcomes for care workers and clients [priced] is aimed at organisations that provide home care services. It contains practical advice on minimising the risk from manual handling to both care workers and their clients. It contains 27 case studies of real situations and additionally lists alternative improvements that could have been made to improve the quality of care and further reduce risk. Appendices give information about health and safety legislation and list sources of information. Contents: Introduction; General advice; Case studies on mobility and risk control; Appendices.

See also, Human rights above and Social care.

Backcare with the Royal of Nursing and the National Back Exchange publish The guide to the handling of people [priced], which provides guidance for nurses and other carers at risk of back injury associated with moving and handling people. New chapters cover manual handling in social care and the theory, practice and ‘art’ of risk assessment and risk management, which takes full account of the human aspects of social care. Practical chapters range from sitting to standing through to controversial techniques, and all chapters refer to the research evidence where it is available. Appendices include a risk assessment filter, health and safety and guidance on the Manual Handling Operations Regulations 1992.

See also, Managing Health at Work: Partnership Information Guideline in 4.3 Guidance on the Health and Safety at Work Act and the health and safety system.

Tragic case shows pressures of health and safety regulations (home care) (Green, Linda, IN Community Care, 15 June 2000, pp.10–11) questions the impact of the law requiring care providers to improve health and safety precautions for staff is having on care choices. It examines the regulations on manual handling of clients and their interpretation and impact on service users. It suggests that people with handling and lifting needs are receiving less help due to the regulations
being interpreted too stringently, with care workers’ health and safety being put before the well-being of disabled people. It considers the health and safety implications for domiciliary and care workers. Includes guidance aiming to eliminate back injuries.

**Mental ill health**

HSE’s Stress website [Further information for those experiencing stress and for their managers: mental ill health](http://www.hse.gov.uk/stress/) provides information about the most common mental illnesses associated with stress, and advice, guidance and signposts to sources of help for employees concerned that they may be suffering from mental ill health.

**Mothers, new and expectant**

The Management of Health and Safety at Work Regulations 1999 include regulations that protect the health and safety of new and expectant mothers who work. Under the Sex Discrimination Act 1975, if an employer fails to protect the health, safety and welfare of their pregnant workers, it is automatically considered sex discrimination. [A guide for new and expectant mothers who work](http://www.hse.gov.uk/pregnancy/newandexpectant.htm) [free download] answers some of the questions about continuing to work while pregnant or about returning to work after giving birth. In particular, it sets out the actions employees and employers should take to protect the health and safety of mother and child.

For employers, [New and expectant mothers at work: a guide for employers](http://www.hse.gov.uk/pregnancy/newemploy.htm) [priced] provides guidance on protecting the health and safety of workers who are new or expectant mothers. Contents: Legal requirements; Definitions; What you need to do; Breastfeeding; Night work; Maternity rights; Confidentiality; Case studies; Hazards, risks and ways of avoiding them; Aspects of pregnancy that may affect work.

Also for employers, [Infection risks to new and expectant mothers in the workplace: a guide for employers](http://www.hse.gov.uk/pregnancy/guideinfection.htm) [priced] provides guidance on protecting the health and safety of employees who are new or expectant mothers. It deals with the risk of infections in the workplace. Contents: Infection – how people are infected; Infections in pregnancy; What is the employers responsibility? What is the employee’s responsibility? Control measures; Sources of advice.

**Noise**

The [Control of Noise at Work Regulations 2005](http://www.hse.gov.uk/naw2005/index.htm) require employers to identify which of their employees may be at risk from noise, to assess the degree of risk and to introduce reasonably practicable measures to eliminate or minimise the risk. Employees also have duties under the regulations. They cover: noise exposure limit values and action values; assessment of risk from exposure to noise; elimination or control of exposure to noise at the workplace; hearing protection; maintenance and use of equipment; health surveillance; information, instruction and training. They replace the Noise at Work Regulations 1989.

[Noise at work: guidance for employers on the Control of Noise at Work Regulations 2005](http://www.hse.gov.uk/noise/guidance.htm) [free download] tells employers about the health effects of exposure to loud noise, their legal duties to protect the hearing of workers, how to assess and control noise, how to choose quieter equipment and machinery, different methods of hearing protection, health surveillance. It covers: the health effects of noise at work; noise levels; risk assessment; control the risks; managing noise risks; a low-noise purchasing policy; hearing protection; information, instruction and training; health surveillance.

[Controlling noise at work: the Control of Noise at Work Regulations 2005](http://www.hse.gov.uk/noise/guidancebook.htm) [priced] provides guidance for employers on protecting people from the risks caused by noise at work. As well as setting out the legal obligations of employers under the new Control of Noise at Work Regulations 2005, it introduces a revised approach to the management and control of noise in the workplace. The main parts of the book, aimed at employers and their advisors, provide guidance on the assessment and management of noise risks, practical advice on noise control, buying and hiring of quieter tools and machinery, selection and use of hearing protection and the development of health surveillance procedures. The various appendices set out advice aimed at providers of technical advice and services to the employer, as well as setting out the legal duties on manufacturers and suppliers of noisy machinery.
Protect your hearing or lose it! [free download] is a pocket card aimed at employees who are exposed to noise in a wide range of industries. It is designed to encourage workers to wear their ear protection correctly and so reduce noise-induced hearing loss. Contents: What is the problem with noise? Is there a noise problem where I work? What does my employer have to do? Depending on the levels of noise exposure, your employer must; What do I have to do? What do I have to look out for?

Personal protective equipment

The Personal Protective Equipment at Work Regulations 1992 as amended by the Health and Safety (Miscellaneous Amendments) Regulations 2002, require employers to provide suitable protective clothing and equipment for their employees, and for self-employed people to provide suitable equipment for themselves.

Employers have basic duties concerning the provision and use of personal protective equipment (PPE) at work. A short guide to the Personal Protective Equipment at Work Regulations 1992 [free download] explains what they need to do to meet the requirements of the Personal Protective Equipment at Work Regulations 1992 (as amended). Contents: What is PPE? What do the Regulations require? Can I charge for providing PPE? Assessing suitable PPE; The hazards and types of PPE; Eyes; Head; Breathing; Protecting the body; Hands and arms; Feet and legs; Training; Maintenance; CE marking; Other regulations; Key points to remember.

Personal protective equipment at work (Second edition): Personal Protective Equipment at Work Regulations 1992 (as amended) [priced] provides guidance on the regulations, which came into force in 1993. Since then, they have been amended by the Police (Health and Safety) Regulations 1999, the Health and Safety (Miscellaneous Amendments) Regulations 2002 and the Ionising Radiations Regulations 1999. This new version sets out the changes to regulations 3, 4, 6 and 9 of the 1992 regulation, supported by new guidance, and also reflects the latest developments in most personal protective equipment (PPE). Part 1 sets out the regulations, followed by guidance on each regulation. Part 2 provides more details on the types of PPE available, hazards that may require PPE to be used and advice on selection, use and maintenance. The guidance deals with head, eye, foot, hand and arm protection and protective clothing for the body, as well as fall-protection systems and drowning protection. Contents: Introduction; Part 1: Guidance on the Personal Protective Equipment at Work Regulations 1992; Part 2: Selection, use and maintenance of personal protective equipment.

Road safety, work related

The general health and safety duties include a duty to manage risk arising from work-related road safety.

Guidance for employers, managers or supervisors with staff who drive, or ride a motorcycle or bicycle to work is given in Driving at work: managing work-related road safety [free download]. It also applies to self-employed people. Employees and trade union appointed safety representatives might also find it helpful. It covers people whose main job is driving, and those who drive or ride occasionally or for short distances. It suggests ways to manage the risk to drivers' health and safety. Many incidents happen due to inattention and distractions as well as failure to observe the Highway Code. Those to whom it applies need to consider what steps they should take to ensure that their employees use the road as safely as possible. Contents: Introduction; Your legal responsibilities; Benefits of managing work-related road safety; How to manage work-related safety; Assessing risks on the road; and Evaluating the risks.

Workplace transport safety: an overview [free download] is aimed at those responsible for vehicle safety in their workplace. It has been produced to help people involved in transport in the workplace reduce the chances of accidents happening. It is aimed at both managers and operators and identifies some of the safety problems for common vehicle operations. It provides general advice for employers on carrying out a workplace transport risk assessment and is appropriate for most workplaces where transport is used. Contents: Introduction; Risk assessment; Organising for safety; A safe site; Safe vehicles; Managing the risks; Reversing; Parking; Coupling and uncoupling; Loading and unloading; Tipping; Avoiding overturns; Avoiding falls.
Avoiding falls from vehicles [free download] is a leaflet/poster that is mainly aimed at drivers in the road haulage industry. However, the guidance may also be relevant to landlords who employ drivers and associated staff. It should help them to manage the risk of falls and avoid injuries. It sets out the basic, practical steps to take to prevent falls and also provides details of other sources of further information and advice. The leaflet can be unfolded and used as a poster to help get the message across to drivers and others who are involved in loading and unloading vehicles.

Contents: Introduction; What do I need to do? Safety checklist; Case studies.

Smoking – see Smoking/tobacco at work in 4.10 Places and Property.

Social care

See also, Human rights, Manual handling and Lone working.

HSE has produced a range of sector information minutes that are targeted at inspectors, specialist inspectors, medical inspectors and occupational hygiene inspectors, which will give employers who provide social care services an insight into inspectors’ expectations.

- **Social service: social inclusion and elective risk** [free download] explains the priorities that social services departments have for promoting social inclusion of clients in the community. That may involve some level of risk taking to enable them to develop the necessary skills associated with ‘ordinary living’; this is known as elective risk. It also explains health and safety responsibilities and approaches that need to be taken by social services departments and HSE inspectors.
- **Burning risks from hot surfaces in health and social care** [free download] addresses the continuing high number of burning incidents to users from hot surfaces in health and social care premises.
- **Scalding risks from hot water in health and social care** [free download] addresses the continuing high number of fatal and serious scalding incidents to service users from hot water temperatures in health and social care premises.
- **Falls from windows in health and social care** [free download] addresses the continuing high number of fatal and serious injury incidents to service users falling from windows in health and social care premises.

Members of the project working group felt that Social service: social inclusion and elective risk (above) did not fully address landlords’ needs and there was a need for guidance on the sorts of questions they should be asking themselves when carrying out a risk assessment. This is illustrated in the following case study, where HSE provided advice and guidance in response to a problem referred to it by Margaret Blackwood Housing Association.

### Case study: elective risk in respecting service users’ rights

#### Background

Margaret Blackwood Housing Association (MBHA) provides care to around 100 people in its own properties, in a mixture of registered care homes and other settings. Many service users either have sensory impairment, so that they would not know when water was too hot, or else have restricted mobility so that they could not remove themselves quickly from a dangerous situation.

#### The problem

Following a scalding incident, MBHA was served with an enforcement order requiring the fitting of anti-scald valves (ASVs) to all hot water outlets in a care home. It was clear that an ASV should have been fitted to baths, and it had been an oversight that this was not already in place. However, the notice went further than baths alone.

The fact of receiving such a notice prompted a review of whether the same requirements should apply elsewhere. Legal advice, and the view of the Health and Safety Executive (HSE), was that the guidance set out in the NHS Estates document Safe Hot Water and Surface Temperatures could apply in settings other than registered care homes, where occupants may be especially at risk. Given the prevalence of sensory impairment and restricted mobility among tenants, and the seriousness of the previous incident, the association decided to fit ASVs to washbasins in all care
This course of action created some degree of conflict with service users, some of whom objected to the low temperatures of water in washbasins in particular – although some also found bath temperatures too low. Some tenants with physical impairments were boiling kettles and transporting boiling water to handbasins in order to increase water temperatures to a level they found acceptable. It was clear that a new and possibly more serious risk of accidental spillage of boiling water had been created.

In March 2006 ‘Mr Black’, a tenant in an unregistered care scheme, complained and requested the removal of the ASV from his handbasin. He explained clearly his reasons and his appreciation of the potential risk he was taking, and confirmed that he did not wish to have the ASV removed from his bath, because he could not move himself from the bath without assistance.

**How the problem was addressed**

MBHA reviewed the position, and concluded that its previous approach may have been too cautious. The association’s concern to avoid risks and protect its own position as well as service users had overridden the service user’s right to take risks that they had assessed for themselves – ‘elective risk’.

The position was checked with the HSE. The HSE pointed out firstly the requirement for social landlords (under the Management of Health and Safety at Work Regulations 1999) to assess the risks to people who might be affected by their work activity. If the assessment found that the service user had the ‘ability to judge and self-manage significant risks in a normal domestic environment’ they should be able to choose. However, if the assessment revealed a degree of vulnerability, then the property should be fitted with the appropriate package of controls specifically tailored to the needs of that individual, having regard to the nature and degree of his vulnerability.

Secondly, the HSE noted that a record of the assessment needed to be kept and that the assessment should be repeated periodically to detect possible changes in the service user’s needs, such as increasing loss of faculties due to disease progression or ageing, and the consequent need to alter the package of safeguards.

**Outcomes**

The association has changed its policy. It is seeking a more individual approach to risk assessment instead of an across-the-board approach. This fits well with training the association had previously commissioned from occupational psychologists about how to approach risk assessment in a way that does not rely on a ‘tick-box’ approach. The changed approach assumes a greater degree of negotiation with service users about risk. In some cases, this may call for the involvement of advocates. There is a slightly increased risk for the association, and the task of risk assessment for staff and negotiation with service users has become a little more complex. The increased empowerment of service users, however, sits more easily with the association’s values, and outcomes for service users have been improved.

Participants in a workshop held during the project felt there was a lack of guidance on health and safety for providers of social care, particularly those in a dual role of social landlord and care provider. While *Health and safety in care homes* [priced] provides comprehensive guidance for owners, managers of care homes and employees of care homes, the only general guidance on social care identified is aimed at inspectors, rather than providers. This suggests there is a gap in guidance for providers of social care and for social landlords to the extent that they provide social care services.

**Stress**

The HSE stress website *Work-related stress* provides extensive information and advice on the topic. HSE defines stress as ‘the adverse reaction people have to excessive pressure or other types of demand placed on them’. Pressure is part and parcel of all work and helps to keep us motivated. But excessive pressure can lead to stress that undermines performance, is costly to employers and can make people ill. Contents: Why do we need to tackle stress? HSE’s key messages on stress; Resources available on this site; Related issues: musculoskeletal disorders;
bullying; workplace violence; smoking, drugs and alcohol in the workplace. It provides links to: the Management standards; FAQs; live issues; programme of work; from experience; advice for individuals. This website includes:

- **Working together to reduce stress at work: A guide for employees** [free download] which explains that work-related stress can be tackled by employees working with their employers to identify issues at source and agreeing realistic and workable ways to tackle these. To help do this, HSE has produced new management standards and guidelines on work-related stress for employers and employees and their representatives. This leaflet produced by the International Stress Management Association UK, and backed by the HSE, Acas, the CIPD and the TUC, explains what these are, and what employees can do to help their employers to help them. Contents: What is work-related stress, and why do we need to tackle it? What do the Management Standards mean to me? What role do I play? What should I do if I'm becoming stressed? What are HSE's new Management Standards and how do they work?

- **Overview: the Management Standards and the 5 steps to Risk Assessment**

- **Management standards for work-related stress** which represent a set of conditions that reflect high levels of health, well being and organisational performance. Following the advice on this site will enable employers to identify the gap between their current performance and these conditions. It will also help them to develop their own solutions to close this gap. This advice is aimed at anyone with responsibility for tackling work-related stress in an organisation. That might be the person who has responsibility for co-ordinating stress risk assessment, human resources managers, health and safety officers, trade union representatives or line managers. The process outlined here is not law, but following it can help you meet your legal duties. This advice does not replace HSE’s existing stress guidance pack *Real Solutions, Real People* (see below). It provides further practical information, advice and tools on how to assess the risks from work-related stress in your organisation.

- **Tackling stress: the Management Standards approach** [free download] has been developed by the Health and Safety Executive (HSE) to reduce the levels of work-related stress reported by British workers. The overall aim is to bring about a reduction in the number of employees who go off sick, or who cannot perform well at work because of stress. The Management Standards approach gives managers help to achieve these aims. It demonstrates good practice through risk assessment, allows measurement of the current situation using surveys and other techniques, and promotes active discussion with employees to help decide the practical improvements that can be made.

*Real solutions, real people: A managers' guide to tackling work-related stress* [priced] is an action pack that contains a copy of *Real solutions, real people. A managers' guide to tackling work-related stress*, a copy of *Tackling work-related stress. A managers' guide to improving and maintaining employee health and well-being*, a copy of *Working together to reduce stress at work: A guide for employees*, an A2 action planner, six prompt cards and eighteen case study cards. This pack is aimed primarily at managers and is designed to help them develop effective solutions that can help to prevent or reduce work-related stress in their workplace. It contains case studies which summarise solutions that have worked across a range of organisations and sectors, prompt cards to help facilitate discussion on stress at work and an action plan which can be filled in. Contents: Introduction; Assessing the risk; Developing solutions; Taking action; Solutions prompt cards; Case studies.

**Case study: dealing with stress and other aspects of health at work**

**Background**

Glasgow Housing Association (GHA) is a stock transfer association with a staff of just over 2000. A health and safety section was established at the time the GHA was set up three years ago. It was originally part of the property management section of the association but recently moved to be part of human resources. Following the move, the health and safety team of three plus an administration assistant believed that it had got straightforward safety issues under control. It then took steps to reduce the effects of stress and its consequential effects on staff absenteeism.

**The problem**

Routine health and safety visits to various areas detected a very high level of violence being
experienced by staff, either as victims or witnesses. It was estimated that there was one serious incident, such as an assault, suicide or murder, somewhere within GHA’s stock most nights. Absentee rates amongst the 900 concierge staff were running at 10% and many of the staff were signed off for stress-related reasons. GHA considered that much of the absence could be attributed to post-traumatic stress, although it acknowledged that there was also a cultural element to the absence rates. The health and safety team realised that it had to actively address stress as part of its remit.

**How the problem was addressed**

The health and safety team have developed a number of strategies and initiatives to deal with stress issues, particularly those related to stress management.

Linking in with the corporate wellbeing policy, the team launched *Safetynet*, a monthly e-zine. Its aims are to:

- provide health and safety tips;
- signpost changes in and make links to health and safety policies, procedures or supporting documentation;
- encourage staff to take part in a variety of healthy living initiatives; and
- encourage staff to take ownership of health and safety issues.

*Safetynet* provides a friendly face to readers and uses ‘funnies’ such as cartoons and stories with a health and safety slant. Healthy eating recipes are also included to help increase readership.

Another successful initiative has been the revamping of the counselling function in the organisation. Provided by an external consultant, the counselling function provides a ‘post incident debrief’ telephone support service. Its aim is to encourage staff who have been involved in a violent incident to call the service as a matter of routine. Depending on the nature of the incident, the counsellor may recommend that a staff member takes further face-to-face counselling. Family members are also encouraged to use the service. The service is also providing stress training sessions.

**Outcomes**

*Safetynet* is extremely popular with the *Safetynet* pages being the most widely accessed pages on GHA’s Intranet. Its popularity helps to spread awareness and knowledge of health and safety policies, procedures and practice throughout the organisation.

The health and safety team feels that it is too early to assess the full success of the post incident debrief service but figures for the first six months show that approximately 2000 calls have been made to it, compared with the 200 per annum made to the previous counselling service.

Indications are that staff are beginning to feel more supported in their dealings with violent and aggressive tenants and that they are feeling more valued as a consequence.

See also, *Managing Health at Work: Partnership Information Guideline* in **4.3 Guidance on the Health and Safety at Work Act and the health and safety system.**

Employers in Voluntary Housing produces a *Stress (Information note)* [free download] which is a two-page briefing with advice to employers on stress in the workforce. It covers: a definition of stress; background; what to look out for and how to minimise risk; advice and support; further sources of help.

Employers in Voluntary Housing also publishes *Stress: guide to developing a policy* [free download] by Brechin Tindal Oatts, Solicitors, which provides guidance for housing employers on understanding stress, work-related stress risk assessment, and developing a stress policy. It covers: understanding stress and its causes; legal pitfalls; and work-related stress risk assessment. Appendices of step-by-step actions cover: preparing a work-related stress risk assessment; blank examples of a work-related stress risk assessment; and an example stress policy.
Feeling a little bit stressed? (Puckett, Katie, IN Housing Today, No 349, 12 Sep 2003, pp. 30–32) provides advice on stress prevention in the workforce. Reports that organisations face legal action from employees and/or the Health and Safety Executive if they do not address and manage stress. Estimates the possible compensation bill for housing associations if they do not devote time to their stress policy. Discusses the following steps that could be taken, highlighting the costs and legal issues involved: risk assessment; training for managers; employee assistance; promoting relaxation; and work/life balance.

Substance, alcohol, drugs misuse

See also, Managing Health at Work: Partnership Information Guideline in 4.3 Guidance on the Health and Safety at Work Act and the health and safety system.

Don’t mix it: a guide for employers on alcohol at work [free web access] provides guidance for owners and managers of small and medium-sized businesses to help them deal with alcohol-related problems at work. It contains several case studies and a model alcohol policy. Contents: Drinking alcohol - the effects on the individual; The legal position; What you can do; Sources of advice and information.

Drug misuse at work: a guide for employers [free download] provides guidance for owners and managers of businesses and other organisations to help them deal with drug-related problems at work. It provides a basic understanding of the signs, effects and risks of drug misuse and sets out a best practice approach to dealing with drug-related problems at work. It covers: drug misuse; the signs of drug use; the legal position; key elements of a policy on drug misuse; drug screening and testing; and the most commonly misused substances in the UK.

Employers in Voluntary Housing produce Substance misuse (Information note) [free download], which is a two-page briefing with advice for employers on substance misuse. It covers: definitions; impact on the workplace, including staff and recruitment, absenteeism, staff performance, safety; legal responsibilities, in particular the HSWA, the Road Traffic Act 1998, the Management of Health and Safety at Work Regulations 1992, the Misuse of Drugs Act 1971; dealing with substance misuse; further sources of information.

Employers in Voluntary Housing also produce Alcohol and Drugs Misuse Policy [model policy] [free download], which is aimed at housing employers, on alcohol and drug misuse in the workplace to protect the health and welfare of employees. It covers: introduction; policy aims; definitions of alcohol misuse, drug, drug misuse; policy principles; confidentiality; roles and responsibilities; role of management; role of the employee; role of a counselling service; procedures, including voluntary referral and referral by management; training; monitoring; relevant legislation; support agencies.

Training

The Health and Safety (Training for Employment) Regulations 1990 extend the meaning of ‘work’ and ‘at work’ to include relevant training as defined in regulation 2. Regulation 4 provides that the trainee shall be treated as if he were the employee of the person whose undertaking is the immediate provider of the training.

The Health and Safety Executive/Local Authorities Enforcement Liaison Committee (HELA) circular, Health and Safety (Training for Employment) Regulations 1990, [free web access] gives advice to local authority enforcement officers. It notes that the regulations extended the coverage of health and safety legislation to all those receiving ‘relevant training’, as defined by the regulations. The regulations cover those doing ‘relevant training’ while on government training schemes and students and pupils on work experience. It outlines the scope of the regulations and the implications of the regulations for certain groups of trainees.

The HSE website Health and safety training for small businesses briefly describes the legal requirements for employees to be trained and clearly instructed in their duties, and the requirement for employers and host companies to ensure that contractors are properly trained and competent to work safely. It gives examples of employees who have particular training needs and provides a gateway to relevant free HSE leaflets:
• **Passport schemes for health, safety and the environment** [free download] is a good practice guide for those who run, or who are considering setting up, a Passport training scheme. It describes what a passport is, gives advice on good practice and includes a suggested core syllabus. Passport schemes ensure that workers have basic health and safety awareness training. They are welcomed by HSE and HSC and the environment agencies as a way of improving health and safety performances. They also can help in reducing accidents and ill health caused by work. It covers: health, safety and environment passports; training; how the schemes work; benefits and advantages; how passports help employers and workers stay within the law; and how a worker can get a passport.

• **Health and safety training: what you need to know** [free download] explains the importance of health and safety training to owners and managers of businesses. It gives advice on who may need training, what form the training may take and how to organise it. Contents: Why is health and safety training important? What is training? Who needs health and safety training? How can I do it? The law; What about self employed people? How else can HSE help? Further information.

• **The right start: work experience for young people: health and safety basics for employers** [free download] is aimed at employers and organisations who offer work experience to young people. It outlines the legal duties when assessing the risks to young people in the workforce who are less than 18 years old; what a risk assessment should involve and what employers need to do as a result of it; what to do about training and supervision; and questions that may be asked when organisations offer work experience. Contents: Introduction; Assessing the risks; Special features of the risk assessment; Outcome of the risk assessment; Training and supervision; Questions you might be asked when offering work experience; When the work experience organiser visits your workplace.

**Effective health and safety training: a trainer's resource pack** [priced] is designed to help employers and trainers improve health and safety performance by providing high-quality training. The pack provides a range of activities and supporting materials for use in training and development programmes geared to creating a positive health and safety culture. It will help businesses to: raise awareness of the importance of health and safety training; explore roles, responsibilities and the ways in which people's actions affect the health and safety of others; understand the risk assessment process; and explore ways of managing health and safety improvements. Contents: Introduction to the pack; Part 1: The trainer's guide; The activities; Section A: Health and safety in the organisation; Section B: Your role in the organisation; Section C: Assessing risks; Section D: Managing change and improvement.

HSE is in the process of reviewing the Health and Safety (First-Aid) Regulations 1981. As part of this review, HSE produced a **position statement** on the structure and content of first aid training courses. The document briefly outlines the findings of the review of the Health and Safety (First-Aid) Regulations 1981 as they relate to training, the justification for making changes to the current first aid training arrangements and future course structure and content. Included as appendices are an HSE consultation paper issued in November 2004 with the aim of obtaining comments on proposals for first aid training from first aid at work training providers and an analysis of the responses received at the end of the consultation period. The document does not cover the more detailed aspects of how the changes will be implemented. Nor does it cover approval and monitoring of first aid at work training organisations. However, work is continuing in this area as described in the August 2005 update. Any significant progress will be reported in **subsequent updates**.

**The training of first aid at work: a guide to gaining and maintaining HSE approval** [priced] is aimed at organisations that carry out HSE approved first aid at work training. It explains the law on first aid training and gives advice to organisations on gaining and maintaining approval from HSE on their training programmes. By following the guidance, organisations will be doing enough to comply with the law. Health and safety inspectors seek to secure compliance with the law and may refer to this guidance as illustrating good practice. Contents: Introduction; Background; The law; Fees; Gaining approval; Maintaining approval; Cancellations; Renewals; Appeals; Complaints; Your approval status; Related training; HSE's contractor; Data protection Act 1984; Sample lesson plan. **Note** that this guidance was published in 2001 and that HSE is **reviewing the Health and Safety (First-Aid) Regulations 1981, which will include the structure and content of first aid training courses**.
Vibration

The Control of Vibration at Work Regulations 2005 implement Council Directive 2002/44/EC on the minimum health and safety requirements for the exposure of workers to the risks arising from physical agents (vibration) in Great Britain. The regulations impose duties on employers to protect employees who may be exposed to risk from exposure to vibration at work, and other persons who might be affected by the work, whether they are at work or not. The regulations apply to both hand-arm and whole-body vibration.

Guidance for employers of operators of off-road mobile machinery, agricultural vehicles or industrial trucks is provided in Control back-pain risks from whole-body vibration: advice for employers on the Control of Vibration at Work Regulations 2005 [free download]. They may also find it helpful if they employ drivers of other vehicles, particularly if they suffer from back pain. It is also relevant to drivers or operators of mobile machines or vehicles, trade union representatives and employee representatives for drivers or operators. This leaflet will help employers manage the risk of back-pain in their employees and will tell them what they need to know to comply with the Control of Vibration at Work Regulations 2005. Contents: Introduction; The health effects of whole-body vibration; Who is at risk? Legal duties; Assess the risks; Measuring exposure; Duties of manufacturers and suppliers; Control the risks; Information and training; Health monitoring; How can I find out more?

Guidance on the hazards associated with hand-held power tools and machines producing very high levels of vibration is provided in Control the risks from hand-arm vibration: advice for employers on the Control of Vibration at Work Regulations 2005 [free download]. Aimed at employers, this leaflet outlines the ways that hand-arm vibration can be controlled. The leaflet may also be helpful to employees and self-employed people, who use vibrating equipment, trade union safety representatives or employee representatives. Contents: Introduction; The health effects of hand-arm vibration; Which jobs and tools produce a risk? Legal duties; Exposure action value (EAV) and exposure limit value (ELV); Assess the risks; Estimating exposure; Duties of manufacturers and suppliers; Control the risks; Health surveillance; Information and training; How can I find out more?


A pocket card, Hand-arm vibration: advice for employees [free download], explains what hand-arm vibration syndrome (HAVS) is and how to prevent it. Contents: What is hand-arm vibration? What is hand-arm vibration syndrome? What is carpal tunnel syndrome? What are the early signs and symptoms to look out for? When am I at risk? How can I help reduce the risks? What else can I do?

Violence

The Protection from Harassment Act 1997 includes provisions for Scotland setting out an individual's right to be free from harassment, remedies available in a court action of harassment, including a non-harassment order, and the consequences for breach of a non-harassment order.

Violence at work: A guide for employers [free download] provides practical advice to help employers find out if violence is a problem for their employees, and if it is, how to tackle it. It is aimed at employers, but should also be of interest to employees and safety representatives. It covers: what violence is and who is at risk; legal requirements; effective management of violence; deciding what action to take and taking it; and victims.
HSE has a **Work-related violence** website. On it, HSE defines work-related violence as any incident in which a person is abused, threatened or assaulted in circumstances relating to their work. This can include verbal abuse or threats as well as physical attacks. The website explains what HSE is doing to address the issue of work-related violence and provides access to a range of information.

See also, *Managing Health at Work: Partnership Information Guideline* in **4.3 Guidance on the Health and Safety at Work Act and the health and safety system.**

**Work-related violence case studies: managing the risk in smaller businesses** [priced] is mainly aimed at owners and managers of small and medium-sized businesses, but may also interest employees and safety representatives. The case studies illustrate a variety of ways to tackle the problem of violence at work providing real examples of how businesses have reduced the risk of violence. The case studies are grouped according to business sectors: retail; health and welfare; security and enforcement and leisure/service providers. Each one describes a particular business, the risks of violence to its staff or owners, measures taken to reduce the risk, of violence it faces and additional points about other measures which could have been used, or which may be relevant to other businesses. Contents: Managing work related violence; Retail; Health and welfare; Security and enforcement; Leisure service/providers; Further information.

The Health and Safety Executive/Local Authorities Enforcement Liaison Committee (HELA) produced two circulars in April 2000. The first, *Violence to persons at work: guidance for enforcement officers*, [free web access] explains HSE’s definition of violence and the law that applies; describes HSE’s initiatives to date; and outlines enforcement policy. It refers to the Sex Discrimination Act 1975 and the Race Relations Act 1976. Both Acts deal in part with verbal abuse in specific contexts and are enforced by the Equal Opportunities Commission (EOC) and the Commission for Racial Equality (CRE) respectively. The second circular, *Work-related violence*, [free web access] sets out the background to the problem; lists relevant guidance; relevant legislation enforced by HSE; other relevant legislation (note that in Scotland, references to the Public Order Act 1986 are covered by the common law offence of breach of the peace); definition and interpretation; physical interventions (control and restraint); violence in social care; liaison with police; Data Protection Act 1998; action by inspectors. Appendices include: relevant HSE guidance; relevant addresses; Data Protection Act 1998 – guidance on the use of violent warning markers.

Employers in Voluntary Housing produces *Violence at work (Information note)* [free download], which is a two-page briefing on violence at work that is aimed at employers. Contents: definition; background; legal responsibilities; HSE best practice; further information.

**Working time**

The **Working Time Regulations 1998** impose obligations on employers, enforceable by the Health and Safety Executive and local authorities; failure to comply is an offence. The obligations concern the maximum average weekly working time of workers (subject to provision for individual workers to agree that the maximum should not apply to them), the average normal hours of night workers, the provision of health assessments for night workers, and rest breaks to be given to workers engaged in certain kinds of work. Employers are also required to keep records of workers' hours of work. The regulations also confer rights on workers, enforceable by proceedings before employment tribunals. The rights are to a rest period in every 24 hours during which a worker works for his employer and longer rest periods each week or fortnight, to a rest break in the course of a working day, and to a period of paid annual leave. Particular regulations do not to apply, either in relation to workers engaged in certain kinds of work or where particular circumstances arise. There is also provision for groups of workers and their employers to agree to modify or exclude the application of particular regulations.

In *Your guide to the Working Time Regulations: workers and employers* [free download], the Department of Trade and Industry provides guidance on the limits on working time and the entitlements provided for in the Working Time Regulations 1998 (as amended). It gives general guidance only and should not be regarded as a complete or authoritative statement of the law. Readers should be aware that there may be developments in new legislation or case law that affect the rights of workers.
4.10 Places and property

Asbestos

There is a considerable body of legislation, approved codes of practice and guidance on asbestos. The HSE’s Asbestos website provides a gateway to the background to asbestos in Britain, contact information on asbestos licence holders and asbestos training providers.

Managing asbestos: the greatest cause of work-related deaths in the UK [free download] provides brief guidance on how to manage asbestos and a catalogue of HSE publications on asbestos. Relevant guidance is included in this section.

The Asbestos Campaign website may be of interest to those with responsibilities under the duty to manage asbestos together with those organisations who are willing to work with HSE as partners in promoting an awareness of, and compliance with the regulations amongst dutyholders and others. Further information on other asbestos issues can be found on HSE’s Asbestos Topic Page. Although the site currently focuses on the licensing of asbestos contractors and related issues, future development of the page will seek to achieve a one-stop shop for HSE’s information on this topic.

The Asbestos (Licensing) Regulations 1983 [not available on-line] as amended prohibit work with asbestos insulation, asbestos coating or asbestos insulating board, except in specific circumstances, unless it is carried out by an employer or a self-employed person who holds a licence granted by the Health and Safety Executive.

For those who have to comply with the regulations, A guide to the Asbestos (Licensing) Regulations 1983 as amended: guidance on regulations [priced] explains that the regulations generally ban work with asbestos insulation or asbestos coating or asbestos insulation board (AIB) unless it is carried out by an employer or self-employed person who holds a licence granted by the HSE. The purpose of the regulations is to allow the enforcing authorities (HSE inspectors and local authority inspectors) to identify and monitor closely work with asbestos materials that pose the greatest risk to peoples health. It covers: work with asbestos insulation or asbestos coating or work with asbestos insulating board not to be carried on without a licence; licences; notification; certificates of medical examination; and exemption certificates. It also contains examples of a licence application form, an asbestos licence form and a notification form.

Asbestos licence assessment guide [free download] aims to explain the asbestos licensing regime and the standards required by the applicants to help assist inspectors to conduct assessment and licence reviews fairly, consistently and transparently. Under powers delegated from the HSE, the Asbestos Licensing Unit (ALU) may grant a licence for work with asbestos insulation, asbestos coating or asbestos insulating board if it considers it appropriate to do so. A licence will not be granted if the applicant has no intention of carrying out licensable work, as HSE does not grant licences for commercial purposes.

Guidance and practical advice on techniques for the safe removal of asbestos-containing materials covered by the Asbestos (Licensing) Regulations 1983 (as amended), i.e. asbestos insulation, asbestos coating and asbestos insulating board (AIB) is provided in Controlled asbestos stripping techniques for work requiring a licence [priced]. It is aimed at employers, contractors and self-employed people who require an asbestos licence from HSE’s Asbestos Licensing Unit. Contents: Why is asbestos dangerous? Legal requirements; Is asbestos removal necessary? Choosing an asbestos stripping technique; Cleaning (collecting residues and waste); Site clearance; Asbestos stripping techniques and situations to avoid where possible.

Selection of suitable respiratory protective equipment for work with asbestos, revised 2003 [free download] provides guidance for employers and self-employed contractors throughout the construction and building maintenance industry; for people working with asbestos-containing insulation materials, including contractors licensed by HSE to do this sort of work. Safety representatives may also find it useful. It covers: why and when respiratory protective equipment (RPE) should be provided; control measures; selecting suitable RPE; exposure concentrations; face piece fit testing; consulting employees; looking after RPE; training; supervision; some common misuses of RPE when working with asbestos; all types of RPE; disposable respirators; RPE with full-face masks.
The Control of Asbestos at Work Regulations 2002 imposed requirements for the protection of employees who might be exposed to asbestos at work and of other persons who might be affected by such work and also imposed certain duties on employees concerning their own protection from such exposure.

Work with asbestos which does not normally require a licence (Fourth edition): Control of Asbestos at Work Regulations 2002. Approved code of practice and guidance [priced] applies to work with asbestos that does not normally require a licence from the HSE. This includes work on or which disturbs building materials that contain asbestos, asbestos sampling and laboratory analysis and work with asbestos during manufacturing. It will therefore be of interest to all those who have responsibilities for workers involved in these kinds of work. Contents: Notice of approval; Preface; The approved code of practice; Part 1 General advice on complying with the control of asbestos at work regulations; Introduction; Part 2 Specific advice on controlling asbestos exposure during manufacturing processes.

A poster that reproduces the ‘asbestos building’, showing areas where you might typically find asbestos, Asbestos building: typical locations for asbestos-containing materials [priced] is aimed at people who own, occupy, manage or have responsibility for premises that may contain asbestos and may have a duty to manage these premises under the revised Control of Asbestos at Work Regulations (which came into force in October 2002). It may also be useful to managers in companies who employ maintenance workers, who work in buildings and may come across asbestos in their work.

Work with asbestos insulation, asbestos coating and asbestos insulating board (Fourth edition): Control of Asbestos at Work Regulations 2002. Approved code of Practice and guidance [priced] applies to work with asbestos insulation, asbestos coating and asbestos insulating board as defined in the Asbestos (Licensing) Regulations 1983 (ASLIC). It applies to employers carrying out similar work with asbestos insulation, asbestos coating and asbestos insulating board using their own employees on their own premises, who are exempted from the requirement to hold a licence under ASLIC.

The Health and Safety Executive asbestos campaign website has Duty to manage asbestos: FAQs, which provides answers to commonly asked questions about the duty to ensure that asbestos in premises is located and recorded and the associated risks managed.

The duties under the Control of Asbestos at Work Regulations 2002 are explained in Managing asbestos: your new legal duties [free download]. The document notes that all non-domestic buildings are covered, whatever type of business is carried out in them. It also covers the common areas of residential rented properties, including halls, stairwells, lift shafts and roof spaces. Explains that the duty holder is anyone responsible for maintaining and repairing all or part of a property, or who has control of the building, for example, the occupier or the owner. Explains that anyone with information about the building must co-operate with the duty holder. For instance, landlords must pass on relevant information to new tenants, and leaseholders must allow access for inspection by managing agents.

Guidance for people who own, manage or have responsibilities for non-domestic premises that may contain asbestos is provided in A short guide to managing asbestos in premises. [free download]. They will have either a legal duty to manage the risk from asbestos, or a duty to co-operate with whoever does. Anyone who has information on the whereabouts of asbestos will, under the duty of co-operation, be required to make this available to those responsible for managing these risks. This guidance may also be useful to people managing asbestos in domestic premises. It will help readers to identify, assess and manage any asbestos-containing materials on their premises. It covers: who this guidance is for; why asbestos is dangerous; who is at risk; where asbestos is found in buildings; what is new about the duty to manage asbestos; how you can comply with the new duty; how you can dispose of asbestos; what you should tell your workers/contractors; what else the law says; safety representatives; checklist; and other useful information.

A comprehensive guide to managing asbestos in premises [priced] expands on that given in the free leaflet A short guide to managing asbestos in premises above. It is aimed at people who have a duty to manage the risks from asbestos-containing materials in premises, i.e. building owners,
tenants and anyone else who has any legal responsibilities for workplaces. It may be useful to
those in more complex organisations. The new duty to manage asbestos in non-domestic
premises, regulation 4 of the Control of Asbestos at Work Regulations 2002 (CAW), came into
force in October 2002. Contents include: Introduction; Developing an asbestos managing strategy;
a series of case studies featuring a local authority, a National Health Service Trust, a large
chemical company and facility management. Appendices include: Planning surveys; Survey report,
material assessment and algorithm; Priority assessment and algorithm; Worked examples of
priority assessments; Management options and selection of management options; and Managing
asbestos contractors and analytical laboratories.

The National Housing Federation produced Control of Asbestos at Work [members-only access] as
a briefing paper in response to members’ enquiries about the introduction of the Control of
Asbestos at Work Regulations 2002.

Asbestos Essentials: Task Manual [priced] tells you where you are most likely to find asbestos and
how to protect yourself when working with it. It contains a range of task guidance sheets and
equipment and method guidance sheets that describe how the work should be carried out, what
equipment to use and how to use it. It may be useful for anyone involved in building maintenance,
repair or refurbishment work, such as plumbers, carpenters and electricians. It may also be useful
to other workers, not normally associated with the building trade; for example computer installers,
cabling installers, fire alarm installers and telecommunications engineers who may also disturb
asbestos during their work. Safety representatives will also find this guidance useful. It covers:
asbestos and how it gets into the body; why asbestos is dangerous; where asbestos is found in
buildings; how you know if you are at risk; what those in charge of the job should do; what the law
requires; what you can do to protect yourself; waste disposal. It includes task guidance sheets and
equipment and method guidance sheets.

How to survey workplace premises for asbestos-containing materials (ACMs) and record the
results in a usable form is set out in Surveying, sampling and assessment of asbestos-containing
material [free download]. It also gives advice on how to recognise and sample suspected ACMs. It
has been produced as part of guidance issued by the HSE for people carrying out surveys. It might
also be of interest to those who commission surveys. Contents: Introduction; Overview of
requirements for surveying and sampling; Aim, purpose and type of survey; Survey planning;
Health and safety risks; Surveying; Bulk sampling strategy; Bulk sampling procedures;
Assessment; Documentation; Quality assurance procedures; Annex 1: What ACMs look like and
where to find them; Annex 2: Example of a survey and sampling equipment checklist; Annex 3:
Asbestos warning label.

Introduction to asbestos essentials: comprehensive guidance on working with asbestos in the
building maintenance and allied trades [priced] is aimed at employers, contract managers, site
agents, safety representatives, and self-employed contractors involved in maintaining buildings and
associated plant. Maintenance workers may come across asbestos in the course of their work. It
gives advice on what those responsible must do to ensure the health and safety of maintenance
workers who may encounter asbestos. Contents: Asbestos building; Preface; Introduction; What is
asbestos? Where can you find asbestos? What the law requires; Managing the risk from work with
asbestos; Emergency call-out procedures; Working safely: General considerations; Task guidance
and equipment and method guidance sheets.

Case study: dealing with asbestos in local authority housing

Background

North Ayrshire Council has a tenanted housing stock of 16,000 houses, about a quarter of which
are of non-traditional construction.

The problem

The council recognised that it had to decide how to deal with asbestos in its housing, particularly
the non-traditional stock where asbestos is most likely to be found. It began by considering where
its duties to tenants of domestic premises lay. While the Control of Asbestos at Work Regulations
2002 place a duty to manage asbestos in non-domestic premises, the council recognised that the
regulations also extend to the owners of the common parts of a multi-occupied building. That gave
the council a duty to deal with asbestos in the common parts of its housing stock. It also recognised that under the Health and Safety at Work etc Act 1974, it had a duty of care to its staff and anyone affected by its undertakings in. They therefore needed to consider:

- how it would manage building works and protect employees and contractors carrying out work where asbestos might be present;
- how it would protect those using common areas; and
- how it would communicate with tenants.

How the problem was addressed

The council’s technical services department introduced asbestos management guidelines and procedures for contract administrators prior to ordering work. Procedures have also been prepared to cover disturbance of asbestos containing materials. The housing services department repairs inspectors and contract administrators have been trained in asbestos awareness and the use of the asbestos procedures. They carry out a full survey of properties where work is to be undertaken to identify if and where asbestos is present. Where required, HSE-approved contractors are used to remove asbestos. In other circumstances, safe pipe runs that avoid disturbance of asbestos are marked out for contractors.

A full inspection programme of common areas of tenements and multi-storey flats has been implemented and record-keeping systems contain details of where asbestos or asbestos containing materials have been found.

The council has also produced a general leaflet about asbestos. This is given to all new tenants, as they are considered to be the most likely to undertake the types of work that might lead to disturbance of any asbestos or asbestos containing materials in the property. The leaflet contains information about where asbestos is most likely to be found in the dwelling, the types of materials that contain asbestos and what to do if it is suspected.

Outcomes

The guidelines, procedures, inspection programme and information for tenants have helped the council to comply with its duties under the asbestos regulations and the Health and Safety at Work Act.

The council believes that tenants appreciate the information they have been given and that this has allayed their fears about asbestos. It is also reported that contractors appreciate the extent of information provided in the contract documentation.

Working with asbestos in buildings [free download] is aimed at anyone involved in building maintenance, repair or refurbishment work, for instance, plumbers, carpenters and electricians. It may also be useful to other workers, not normally associated with the building trade, for instance computer installers, cabling installers, fire alarm installers and telecommunications engineers may also disturb asbestos during their work. Safety representatives may also find this leaflet useful. It tells them where they are most likely to find asbestos and how to protect themselves when working with it. It covers: asbestos and what it does; the risks from asbestos; how asbestos gets into the body; types of buildings that are likely to contain asbestos; where asbestos is found in buildings; what you should do; what those in charge of the job should do; and what you can do to protect yourself.

Working with asbestos cement [priced] provides guidance on the necessary precautions to prevent exposure to asbestos fibres, or where this is not reasonably practicable, to reduce exposure to asbestos fibres. It is aimed at anyone who is liable to control or carry out work with asbestos cement including employers, contract managers, site agents, self-employed builders and contractors involved in construction, maintenance, refurbishment and demolition work. Contents: Why is asbestos dangerous? What is asbestos cement? What has asbestos cement been used for? Legislative requirements; Substitutes for asbestos cement; How to identify asbestos cement; How to work safely with asbestos cement; Work methods; Cleaning weathered asbestos cement; The behaviour of asbestos cement in fires; Decontamination and cleaning; Waste disposal; Air monitoring; RPE for work with asbestos cement; Protective clothing for work with asbestos cement; Cleaning and hygiene facilities.
Asbestos dust kills – keep your mask on: guidance for employees on wearing respiratory protective equipment for work with asbestos [free download] provides guidance for all those working with asbestos. It covers: why asbestos is dangerous; how much asbestos you would need to breathe in to develop an asbestos-related disease; when you need to wear RPE; what type of RPE to wear; what else must employers do; and what else you can do to protect your health.

Asbestos alert for building maintenance, repair and refurbishment workers: be aware of asbestos the hidden killer [free download] provides guidance for people working with asbestos. It is aimed at employers and employees and offers advice on how to identify asbestos, the risks it presents, what employees should do if asbestos is identified in their workplace. Contents: Asbestos dust kills; The danger; You will find asbestos; What you should do; Some good working practices.

The COSLA Short Life Working Group on Asbestos produced the COSLA Asbestos Working Group report [free download], which gathers together information on all aspects of asbestos and the negative effect that this material can have on people's lives. It addresses a wide range of asbestos management issues, which include statutory duties, pressure on local authority resources, and the advantages of a collaborative approach in appropriate areas (for example asbestos awareness training). It includes landlords' duty of care to notify tenants where known asbestos content material is confirmed to exist in a house, requirement for risk assessment and monitoring, and a list of recommendations.

Stopping the hidden killer (asbestos) (Bridge, Nigel, IN Housing Today, No 278, 4 Apr 2002, pp. 10–11) reveals how by being honest, housing providers can reduce worries amongst tenants in the light of new legislation for dealing with materials containing asbestos. Explains how a Torbay housing trust tackled the problem of asbestos in its improvement programme, highlighting the need for appropriate public relations. Looks at the reasons for carrying out an asbestos survey.

This is going to be the most serious thing to hit social housing in years (asbestos) (MacDonald, Stuart, IN Housing Today, No 349, 12 Sep 2003, pp. 26–29) discusses the impact that new regulations [Control of Asbestos at Work Regulations 2002], which came into force 21 May 2004 relating to asbestos will have on the social housing sector. Reports on the forthcoming requirements for all property managers to have a register of the presence of asbestos in their buildings. Identifies the monetary costs involved. Suggests that many councils and housing associations are unaware of the deadline and its implications. Looks at the work involved in surveying the properties. Highlights some possible areas of social housing blocks that will be affected. Considers the difficulties that major refurbishment plans will bring. Includes some examples of social housing that has had to deal with asbestos. Outlines the different types of asbestos.

Costly clean-up? (stock transfer and asbestos) (Lupton, Mark, IN Local Government News, Vol 26 No 2, Feb 2004, pp. 34–35) explores why Darwen Council in Lancashire is facing a multi-million pound compensation claim from Twin Valley Homes Registered Social Landlord. Explains that Twin Valley Homes took over Darwen’s council housing stock and found asbestos, which had to be removed at a cost of more than three million pounds. Discusses the background to the transfer, and the implications of this find for both parties. Highlights the views of the campaign group Asbestos Watchdog who think that the white form of asbestos is being removed unnecessarily from council housing. Suggests that local authorities should think twice before paying compensation. Briefly considers the Control of Asbestos at Work Regulations 2002 and new software to assist in the problems of asbestos in buildings.


Care homes

Overall guidance on health and safety in care homes is given in Health and safety in care homes [priced], which is targeted at owners and managers of care homes, employees and safety representatives. It aims to help them to understand and meet their duties under health and safety legislation. The main risks found in care homes are covered in detail and guidance is given on what should be done to safeguard both workers and service users. Examples of risk assessment are provided, as are checklists for training and self-auditing. Contains sources of further information and advice and a further reading section. It covers: the legal framework; managing health and safety; reporting of incidents; first aid; hazardous substances; control of infection; moving and handling; aggression and violence to staff; work-related stress; legionella; water temperatures and
hot surfaces; utilities; asbestos; general working environment; kitchen health and safety; laundry
health and safety; and outdoor health and safety.

Legionnaires’ disease, its prevention and control are major health and safety issues in care homes
and there are a number of sources of guidance on the topic.

Legionnaires’ disease: The control of legionella bacteria in water systems. Approved Code of
Practice and guidance [priced] gives practical advice on the requirements of the Health and Safety
at Work etc Act 1974, and the Control of Substances Hazardous to Health Regulations 1999,
concerning the risk from exposure to legionella bacteria. The Code also gives guidance on
compliance with the relevant parts of the Management of Health and Safety at Work Regulations
1999.

The Health and Safety Executive/Local Authorities Enforcement Liaison Committee (HELA),
circular Control of legionella: revised approved code of practice [free web access] gives details of
the revised Approved Code of Practice, Legionnaires’ disease: the control of legionella bacteria in
water systems (above), describing the most significant changes. The 1995 ACoP, The prevention
or control of legionellosis (including legionnaires’ disease) and the guidance booklet The control of
legionellosis including legionnaire’s disease, had both been recently revised, and at the same time
combined into a single document, with the aim of making the ACoP/guidance package easier to
use. The guidance includes material from the 1998 supplement to The control of legionellosis in hot
and cold water systems and has also been updated to include details of other technical
developments.

The HSE local government website provides guidance on Do the new regulations on legionella
apply to local authority owned housing stock? The guidance notes that a local authority (LA) will
need to conduct a risk assessment for the whole domestic hot water system that addresses all
potential hazards, for example legionella, scalding, biocides and then need to weigh up the risk,
possible prevention/control measures etc to come to a decision about what to do. They should
document this and be able to demonstrate that they have done everything reasonably practicable
to address the risks associated with water.

Legionnaires’ disease: essential information for providers of residential accommodation [free
download] is aimed at a wide range of organisations, groups or self-employed individuals providing
residential accommodation who are responsible for the water system(s) in their premises. The
guide will help in understanding what the changes are to the legal requirements regarding the
control of legionella in residential premises and the action that needs to be taken to ensure the risk
from exposure to legionella is properly controlled. It covers: what this leaflet is about; who it is
aimed at; legionella and Legionnaires disease; the changes to the AcoP; what is required to comply
with the law; assessing the risk; and further information.

Legionnaires’ disease: a guide for employers [free download] is aimed at employers who manage
premises with hot and cold water services. It explains the health risks associated with legionella
and explains in general terms how to control those risks. It covers: Legionnaires’ disease; where
legionella is found; duties under the law; assessing the risk; systems that present the greatest risk;
preventing or controlling the risk; water treatment methods that can be used.

Controlling legionella in nursing and residential care homes [free via the link] provides guidance for
nursing and residential care homes to help control the risks from legionella. The leaflet focuses on
risks from hot and cold water systems. It covers: legionella; what has to be done about legionella;
assessing the risks from legionella; controlling the risk; scalding; and further information and help.

See also, Second Hand Tobacco Smoke Exposure in Care Homes: controlling the risk in
Smoking/tobacco at work. See also, Fire safety.

Construction work

Although this review does not deal with planning, building design or building standards, it is
considered useful to remind landlords that if they procure construction works of a certain scale (the
construction phase being longer than 30 days or involving more than 500 person days of
construction work) they may attract obligations as a client under the Construction (Design and
Management) Regulations 1994. These duties mainly relate to appointing competent
professionals to act as designers, contractors and planning supervisors. They also impose requirements and prohibitions on the design and management aspects of ‘construction work’, which includes: carrying out building work; preparation for an intended structure; assembly or disassembly of prefabricated elements; removal of a structure or part of a structure or of any product or waste; installation, commissioning, maintenance, repair or removal of mechanical, electrical, gas, compressed air, hydraulic, telecommunications, computer or similar services which are normally fixed within or to a structure. The regulations also require the preparation of a health and safety file.

**Construction (Design and Management) Regulations 1994: the health and safety file** [free download] provides guidance on the health and safety file that is required to be prepared under the Construction (Design and Management) Regulations 1994. Contents: Preparing the health and safety file; Contents of the health and safety file; Future use of the health and safety file; Law; Further information.

**Control of substances hazardous to health**

The **Control of Substances Hazardous to Health Regulations 2002 (COSHH)** impose duties on employers to protect employees and other persons who may be exposed to substances hazardous to health and also impose certain duties on employees concerning their own protection from such exposure.

**Control of substances hazardous to health (Fifth edition): The Control of Substances Hazardous to Health Regulations 2002 (as amended). Approved code of practice and guidance** [priced] includes supporting guidance on the control of carcinogenic substances, provisions relating to work with biological agents and the control of substances that cause occupational asthma. This publication has been revised to take account of two sets of amendment regulations, from 2003 and 2004. The 2004 amendment regulations came into force on 6th April 2005. This practical guidance is aimed at management, supervisory staff, safety representatives and technical specialists such as occupational hygienists, consultants, etc.

**COSHH: A brief guide to the regulations: what you need to know about the Control of Substances Hazardous to Health Regulations 2002 (COSHH)** [free download] is a revised leaflet written mainly for employers to help them meet their specific duties under the Control of Substances Hazardous to Health Regulations 2002 (COSHH), and amendment regulations 2003 and 2004. It may also be useful to safety representatives, health and safety professionals and anyone with an interest in health and safety issues. The booklet provides a simple step-by-step approach which will help employers identify risks, implement controls and establish good working practices related to hazardous substances in their workplace.

**A step by step guide to COSHH assessment** [priced] provides advice and guidance to employers on assessing their activities under the Control of Substances Hazardous to Health Regulations 2002 (COSHH). It replaces older publications with the same title, but its essential purpose remains the same – to describe and explain the principles of assessment, illustrating them with extensive examples. Contents: Introduction; Gathering information about the substances, the work and the working practices; Evaluating the risks to health; Deciding on the necessary measures to comply with regulations 7–13 of COSHH; Recording the assessment; When the assessment needs to be reviewed; Competence; Reasonable practicability.

The Health and Safety for Beginners website provides guidance on **Control of Substances Hazardous to Health: new approach to good practice and occupational exposure limits in COSHH.** It outlines the new approach to COSHH from April 2005, with its focus on the eight principles of good practice, ensuring that workplace limits are not exceeded, and ensuring that exposure is as low as is reasonably practicable.

The **COSHH Essentials** website has been developed to help firms comply with the Control of Substances Hazardous to Health Regulations (COSHH). COSHH requires employers to: assess the risks to health from chemicals and decide what controls are needed; use those controls and make sure workers use them; make sure the controls are working properly; inform workers about the risks to their health; and train workers.
Seven steps to successful substitution of hazardous substances outlines the process of substituting substances used in the workplace with less harmful alternatives. It is aimed at employers, manufacturers, suppliers of substances, people who set specifications, buyers and customers. Contents: What is substitution? Hazard and risk; Why substitute? Other advantages; The seven steps to substitution.

Display Screen equipment

The Health and Safety (Display Screen Equipment) Regulations 1992 as amended by the Health and Safety (Miscellaneous Amendments) Regulations 2002 set out the minimum health and safety requirements for work with visual display units (VDUs).

Health and Safety (Display Screen Equipment) Regulations 1992 as amended by the Health and Safety (Miscellaneous Amendments) Regulations 2002: guidance on the Regulations is a revised legal publication that gives detailed and comprehensive guidance on work with display screen equipment or VDUs. It describes what to do to comply with the Health and Safety (Display Screen Equipment) Regulations 1992. It covers offices and other environments where display screen equipment may be used, and sets out information, explanation or advice on each main part of the regulations, with extracts from the regulations themselves. It gives advice on how to avoid the main health risks associated with display screen equipment work, which can include musculoskeletal disorders, visual fatigue and mental stress.

The law on VDUs: An easy guide: making sure your office complies with the Health and Safety (Display Screen Equipment) Regulations 1992 (as amended in 2002) is aimed at employers who need to comply with the Health and Safety (Display Screen Equipment) Regulations 1992. It is a practical guide on what employers need to do to comply with the regulations if they have ordinary office VDUs such as computer screens. It gives a seven step guide on what to do to prevent ill health, which can be caused by work with VDUs, such as upper limb disorders or RSI; backache; fatigue and stress; and eye strain. It covers: deciding who is covered by the regulations; training users and assessors; assessing workstations and reducing the risks; making sure workstations and equipment comply with minimum requirements; planning changes of activity or breaks for users; providing eye tests and any necessary spectacles for VDU work; telling users what you have done; and VDU workstation checklist.

Answers to the most commonly asked questions about VDUs and health for all people who work with VDUs is provided in Working with VDUs [free download]. It covers: the difference between a VDU, a VDT, a monitor and display screen equipment (DSE); whether a VDU affects health; answers to some common questions from VDU users; the regulations and how they affect you; what employers have to do to comply; and making adjustment to suit your needs.

Electricity

The Electricity at Work Regulations 1989 impose health and safety requirements with respect to electricity at work and duties upon employers, self-employed persons. They require people in control of electrical systems to ensure they are safe to use and maintained in a safe condition.

The HSE website Electrical safety at work provides background on death and injuries from electricity and links to: the main types of electrical injury and their effects; what HSE is doing to reduce the accident rate; how to prevent electrical injuries, including simple precautions, frequently asked questions and information.

Guidance on the essential elements that need to be considered when devising safe working practices for people who carry out work on or near electrical equipment in circumstances in which danger may arise is provided in Electricity at work: safe working practices [priced]. It covers: hazards; equipment; assessing safe working practices; deciding whether to work dead or live; actions common to both dead and live working; working dead; working live; and typical example of a permit to work. Portable electrical equipment requires to be maintained to prevent danger.

Fire safety

A concordat between the HSE and the Scottish Executive (SE) provides the framework to guide the working relationship between them. The concordat’s objective is to ensure that the roles and
responsibilities of HSE and the SE in the new constitutional structure are effectively translated into practical working arrangements between the two organisations. General fire safety is a devolved matter and the policy responsibility of the Scottish Ministers. However, HSC/E have an interest in the reserved matters of process fire precautions, fire precautions in relation to petroleum and petroleum spirit, fire safety on construction sites, ships under construction or repair by persons other than the master or crew, in mines, on offshore installations, and on any other premises which on 1 July 1999 are of a description specified in Part I of Schedule 1 to the Fire Certificates (Special Premises) Regulations 1976.

The **Fire (Scotland) Act 2005** Part 3, along with the **Fire Safety (Scotland) Regulations 2006**, introduced a new fire safety regime in Scotland. The new regime is based on fire safety risk assessment and will cover most premises in Scotland that are not private dwellings. The new regime is planned to come into force in October 2006 at the earliest.

From November 2005 to February 2006, the Scottish Executive consulted on a **Draft Fire Safety Guide** for residential care premises, the first in a series of sector-specific guides to complement the new legislation. Part 3 of the **Fire (Scotland) Act 2005** and the **Fire Safety (Scotland) Regulations 2006** set out the fire safety duties for the majority of premises in Scotland, with the exception of private dwellings. Premises that provide residential care will be subject to the Act and related subordinate legislation. In general, the legislation seeks to ensure the safety of persons in the premises in respect of harm caused by fire, (whether they are employees, residents, visitors or others) by setting out fire safety responsibilities.

Note that the new regime to be introduced by Part 3 of the **Fire (Scotland) Act 2005** and subordinate legislation will supersede the **Fire Precautions (Workplace) Regulations 1997** and **Fire safety: an employer’s guide** in Scotland when it comes into force.

The **Fire Precautions (Workplace) Regulations 1997** introduced measures to encourage improvements in the safety and health of workers at work and set minimum safety and health requirements for the workplace, where they relate to fire precautions and where more specific legislation does not make appropriate provision.

**Fire safety: an employer’s guide** [free web access] tells employers what they have to do to comply with the law relating to fire issues, and how to carry out fire risk assessment and identify the safeguards that should be in the workplace. Although written for employers, it should also be useful for people who are self-employed or who are in control of workplaces to which people they do not employ, and members of the public, have access. The information will also provide a source of reference for: employees; employee-elected representatives; trade union-appointed health and safety representatives; and all other people who have a role in ensuring fire safety in the workplace.

Scottish Executive guidance **NHS Scotland Firecode: fire risk assessment in residential care premises** [free download], which provides guidance for assessing the level of fire safety within NHS Scotland residential care homes, was later made available for non-NHS Scotland organisations. It will be superseded by the fire safety guidance introduced by Part 3 of the **Fire (Scotland) Act 2005** and subordinate legislation.

**Gas safety**

The **Gas Safety (Installation and Use) Regulations 1998** control the installation and use of gas and place duties mainly on installers, landlords and some gas suppliers. These regulations aim to prevent injury to consumers and the public from carbon monoxide (CO) poisoning and fire and explosion. Landlords have duties to ensure that the gas appliances and flues they provide for tenants' use are maintained in a safe condition at all times and checked for safety each year by a Council for Registered Gas Installers (CORGI) registered installer, and a copy of the check record is provided to the tenant.

Practical guidance on the requirements of the **Gas Safety (Installation and Use) Regulations 1998** is provided in **Safety in the installation and use of gas systems and appliances. Gas Safety (Installation and use) Regulations 1998. Approved Code of Practice and Guidance** [priced]. The regulations deal with the safe installation, maintenance and use of gas systems, including gas fittings, appliances and flues mainly in domestic and commercial premises, for example offices,
shops, public buildings and similar places. They update, consolidate and replace the Gas Safety (Installation and Use) Regulations 1994 and subsequent amending regulations. The regulations place responsibilities on a wide range of people, including those installing, servicing, maintaining or repairing gas appliances and other gas fittings, including certain landlords. Contents: Gas fittings - general provisions; Meters and regulators; Installation pipework; Gas appliances; Maintenance and Miscellaneous.

Landlords: a guide to landlords’ duties: Gas Safety (Installation and Use) Regulations 1998 [free download] is aimed at landlords and explains some of the main requirements of the regulations. It also gives guidance on how to comply with them. It will also be of interest to tenants, making them aware of landlords’ duties. It covers: the type of property covered; main duties as a landlord; gas equipment that is covered; whether duties can be delegated to a tenant; using a managing agent; sub-let property; action required to gain access to property; how to tell whether the gas installer is CORGI registered; when an appliance fails the safety check; what happens if tenants’ gas appliances are not maintained; action to take in the event of a gas escape.

The CORGI gas safety website provides guidance on The Gas Safety (Installation and Use) Regulations 1998: the law with examples of the specific duties placed on gas users, installers, suppliers and landlords by the 1998 regulations. These include landlords’ responsibility for making sure that gas fittings and flues are maintained in good order, that gas appliances they own in their residential premises and flues are checked for safety every 12 months and that records are retained for at least two years. Landlords: annual safety checks: FAQs gives answers to landlords’ questions on their duties under the Gas Safety (Installation and Use) Regulations 1998. It specifically deals with the duties of landlords to ensure that gas appliances, fittings and flues provided for tenants’ use are safe and annual safety checks.

The HSE website Gas safety: landlords’ responsibilities provides further guidance for landlords, summing up the legal requirements for the installation of gas appliances, safety checks on them, their maintenance, record keeping, duties to tenants, use of managing agents and use only of competent CORGI registered installers. Gas safety FAQs: landlords gives answers to 12 frequently-asked questions on landlord’s duties under the Gas Safety (Installation and Use) Regulations 1998.

From the same website, Gas safety: tenant responsibilities gives advice to tenants on their responsibilities for allowing access for the maintenance of appliances owned by their landlord and to maintain and have safety checked their own appliances by a CORGI registered installer.

The Health and Safety Executive/Local Authorities Enforcement Liaison Committee (HELA) circular The Gas Safety (Installation and Use) Regulations 1998 [free web access] summarises the main changes introduced by the Gas Safety (Installation and Use) Regulations 1998, which came into force on 31 October 1998; and their effects on enforcement.

Guidance on the health risks that may result from exposure to carbon monoxide (CO) in the workplace is provided in Carbon monoxide: health hazards and precautionary measures [priced]. It gives advice on the precautions employers may need to take to prevent or control exposure as required by the Control of Substances Hazardous to Health Regulations 1994 (COSHH). It is primarily aimed at employers and managers. However, other groups such as employee safety representatives, health and safety professionals and employees may also find this guidance useful. Contents: Occurrence and properties; Effects on health; Exposure to carbon monoxide – particular hazards; Assessment of health risks; Prevention and control of exposure; Monitoring exposure; Health surveillance; First aid; Information, instruction and training.

In 2001, HSE issued the results of Contract Research Report 360/2001 Joint industry project on carbon monoxide issues: Long-term reliability of domestic CO alarms. Since that report, the trials have continued for a further two years, supported by HSE funding. Continued appraisal of domestic CO alarms [free download] supplements the earlier report and sets out the findings for the alarms tested throughout the project, as a whole. Contents: Initial assessments; Field trial results; Discussion; Conclusions; Recommendations.

Gas appliances: get them checked - keep them safe! [free download] provides guidance for all people who use domestic gas appliances. It warns of the dangers of poor installation and servicing,
and describes telltale signs of malfunctioning and therefore potentially dangerous appliances.

Contents: The problem; The answers; The law; Further information.

Communities Scotland, Regulation and Inspection, in *Gas safety matters* [free download] reported that R&I inspections of 36 councils and RSLs found that gas safety was one of the weaker areas in inspected landlords’ performance and that overall landlord performance is a poor predictor of performance in the management of gas safety. The report highlights findings from those inspections and provides advice and examples of positive practice from Scotland and England to help landlords manage gas safety in their houses.

The Scottish Federation of Housing Associations publishes *SFHA Good Practice Guide - Housing Associations Duties as Landlords: Procedures for Access to undertake Annual Gas Safety Inspections* [Full-text not available on website. £6.00 members, £18.00 non-members]. This good practice guide provides housing associations with good practice recommendations for carrying out their annual gas safety inspections.

*Gas safety: a matter of life or death* (Anon. IN Environmental Health News, Vol 20 No 2, 14 Jan 2005, pp. 6–7) notes that, although fewer fatalities are occurring due to carbon monoxide leaks in residential accommodation, there is no room for complacency. It explains how local authorities can make a valuable contribution to increasing safety in this and other sectors when it comes to gas safety. It also explains that tenants should be told that they are responsible for maintaining any gas appliances that they own and officers should check that gas appliances in work premises enforced by local authorities are regularly maintained.

**Health and safety signs**

The *Health and Safety (Safety Signs and Signals) Regulations 1996* impose requirements for the provision and use of safety signs and signals; define the terms used and the circumstances in which the regulations apply; require that signs be provided where the risk assessment made under the Management of Health and Safety at Work Regulations 1992 indicates that the risks cannot be avoided or adequately controlled in other ways; and require adequate instruction and training for employees in the meaning of safety signs and the measures to be taken in connection with them.

Guidance for employers on the regulations, which bring into force the EC Safety Signs Directive (92/58/EEC) on the provision of safety signs at work, is provided in *Signpost to the Safety Signs and Signals Regulations 1996* [free web access]. The purpose of the Directive is to encourage the standardisation of safety signs throughout the member states so that safety signs, wherever they are seen, have the same meaning. It covers: the regulations; what they require; existing signs; effects on employers; fire safety signs; fire warning signs.

More detailed guidance on these regulations is provided in *Safety signs and signals: The Health and Safety (Safety Signs and Signals) Regulations 1996. Guidance on Regulations* [priced]. It is aimed at helping employers meet their responsibilities under the regulations. It summaries the regulations and their overall impact, and explains when they come into force, what they require, a safety sign, where and to whom the regulations apply, and using safety signs and fire signs.

**Lead**

The *Control of Lead at Work Regulations 2002* impose requirements for the protection of employees who might be exposed to lead at work and of other persons who might be affected by such work. They also impose certain duties on employees concerning their own protection from such exposure.

Excessive exposure to lead has long been recognised as a potential health hazard. *Control of lead at work (Third edition): Control of Lead at Work Regulations 2002. Approved code of practice and guidance* [priced] gives guidance on how you can safely manage the risks from lead in the workplace. This guidance, together with the Approved Code of Practice in this publication, supports the provisions of the Control of Lead at Work Regulations 2002. The book is aimed at managers, supervisory staff, safety representatives and anybody with a responsibility to control exposure to lead at work.
Reporting

The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) require employers to notify certain occupational injuries, diseases and dangerous events. The responsible person must notify, and subsequently send a report to, the Health and Safety Executive or, as the case may be, the local authority, of fatal and certain non-fatal accidents arising out of or in connection with work, of certain specified diseases contracted by persons at work and of certain specified dangerous occurrences.

RIDDOR explained: Reporting of Injuries, Diseases and Dangerous Occurrences Regulations [free download] provides guidance on the RIDDOR regulations. It is aimed at employers, the self-employed or those in control of work premises. It covers: RIDDOR and why you need to know about them; why you should report; and when to make a report. For self-employed people: how they apply to you; to whom you report; records you need to keep. It also defines: major injuries, dangerous occurrences and diseases; reportable dangerous occurrences; and reportable diseases. Includes a copy of form F2508 - Report of an injury or dangerous occurrence.

A guide to the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 [priced] provides guidance on the regulations (RIDDOR), which came into force in April 1996. It includes the text of the regulations and aims to make their requirements clear, enabling duty holders to understand the law and what is required of them. The guidance applies to all industries and is relevant to all employers. Contents: Interpretation; Notification and reporting of injuries and dangerous occurrences; Reporting the death of an employee; Reporting a case of disease, Reporting gas incidents; Records; Restrictions; Defence in the proceedings for an offence; Certificates of Exemption; Major injuries; Dangerous occurrences.

Smoking/tobacco at work

The introduction of legislation in Scotland banning smoking in enclosed public spaces, including workplaces, from March 2006 effectively supersedes earlier HSE guidance on the topic. For example, guidance on passive smoking at work is now redundant in Scotland. While the ban does not extend to private homes, it does have an effect on the provision of care services. The HSE view on exposure of peripatetic staff to passive smoking in service users' homes is that the employer should seek to include in any contract to provide a service to a service user, a clause obliging the service user to not smoke whilst the employee is in the service user's home and additionally obliging the service user to refrain from smoking for an hour before the employee attends at the service user’s home.

Part 1 of the Smoking, Health and Social Care (Scotland) Act 2005 makes provision for a ban on smoking in certain wholly or substantially enclosed places. It creates offences of permitting others to smoke in and on no-smoking premises, smoking in no-smoking premises and failing to display warning notices in no-smoking premises, and sets out the powers of enforcement officers to enter no-smoking premises. It also creates an offence of failing without reasonable excuse to give one's name and address on request by an authorised officer.

The Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006 [free download] make further provision under Part 1 of, and schedule 1 to, the Smoking, Health and Social Care (Scotland) Act 2005 in relation to the prohibition of smoking in certain wholly or substantially enclosed premises. They provide for the display of no smoking notices and set out the premises or classes of premises that are prescribed to be no-smoking premises and those excluded from the definition of ‘no smoking premises’. Non-smoking premises include premises used by the public for social or recreational purposes; non-domestic premises in which one or more persons work; premises providing care home services and sheltered housing; and vehicles that one or more person use for work. Those excluded from the definition include residential accommodation; and designated rooms in adult care homes.

Scotland’s Health at Work website has Smoking Policies for Workplaces: a simple guide, which is designed to help develop workplace smoking polices. It was updated in December 2005 to take account of the new smoking legalisation, the Smoking, Health and Social Care (Scotland) Act 2005, which created smoke-free environments in offices, pubs, restaurants and other workplaces from 26 March 2006. It covers: the law; health risks; a written policy; developing a policy; and additional support.
The Healthier Scotland website has pages and downloads on smoking:

- **Clearing the Air: owners and managers** provides questions and answers on the ban on smoking in public places, which came into effect on 26 March 2006.
- **Helping you get your business or organisation ready for the new law on smoking: a guide for employers, managers and those in control of premises** provides approved guidance from the Scottish Executive with a detailed explanation of how business and organisations should prepare for the new law on smoking.
- **Smoke-free Scotland: guidance on smoking policies** is aimed at those in the NHS, local authorities and other care service providers in Scotland concerned with the development and implementation of smoking policies for staff, visitors and those who use their services. Its purpose is two-fold: to enable them to comply with the smoke-free provisions of The Smoking, Health and Social Care (Scotland) Act 2005, which came into force on 26 March 2006, including specific advice for those in control of premises exempted under the legislation (see the Prohibition of Smoking in Certain Premises (Scotland) Regulations above); and to advise on the development of an approach to tobacco which will maximise the benefits of becoming smoke-free. It specifically addresses employers' obligations under the requirements of the Management of Health and Safety at Work Regulations 1999 to assess the risks to any employees who may be subjected to the effects of second-hand smoke, and take action as appropriate to control or minimise that risk; and the risks to staff who visit people in their own homes.

In 2004, COSLA, NHS Health Scotland and ASH Scotland produced **Tobacco at work: guidelines for local authorities** [free download], which provides guidance for local authorities in Scotland to enable them to develop and implement an approach to tobacco that is sustainable and firmly rooted in good practice. It suggests that adopting this approach will help local authorities fulfil their 'duty of care' responsibilities towards their staff, contractors and service users. Within residential care homes, failure to take reasonable action when it is foreseeable that the employee could suffer injury would make the authority liable under health and safety legislation and employment law.

The Health and Safety Laboratory report **Second Hand Tobacco Smoke Exposure in Care Homes: controlling the risk** [free download] is a literature review that sought to identify possible measures to control second hand smoking exposure in workplaces that are also homes (for example residential care homes). It originated from the acknowledgement of increasing problems relating to clients/residents smoking in their ‘homes’ and a growing group of employees, such as care assistants, who argue that they should not be directed to work in a smoky area when there is increasing evidence that second hand smoking is harmful. The literature reviewed was in the form of academic journal articles, website information, magazine/newspaper articles and various documents from government/official organisations. This brief report summarises the information in the review, focusing on control measures for second hand smoke exposure. The report concludes that there does not seem to be a definitive list of measures that are known to effectively control second-hand smoke exposure specifically in workplaces that are also homes. Nevertheless, the suggested measures outlined in this review expand on the general measures described in leaflets such as **Passive Smoking at Work** [note that his guidance is not includes as is has been superseded by current legislation in Scotland] and applies them to the care home context. However, measures may need to be further adapted for community settings. A strong management lead must address the complex issues in order to protect staff health and well being from extended exposure to passive smoke, while at the same time balancing the rights of individuals to smoke in their homes.

In 2002, Employers in Voluntary Housing produced **Passive smoking (Information note)** [free download], a two-page briefing with advice to employers on passive smoking. It covers: definition; background; legal responsibilities; implementing a smoking policy; what a smoking policy should include; further sources of help.

More recently, Employers in Voluntary Housing produced a **Smoke-free Model Policy**, which was developed in response to the new law banning smoking-ban that came into effect in Scotland on 26 March 2006. It bans smoking in all enclosed and partially enclosed public spaces, and affects all...
workplaces including company cars. The policy is designed to help organisations ensure that they are up-to-date with the legislation.

**Supported housing**

The National Housing Federation, CVS Services publication *Housing management manual for supported housing* [priced] draws together practical guidance and good practice, and may be a useful tool in helping housing associations and managing agents to assess and improve the services they provide. Contents include: tenant involvement; tenure issues; setting rents and services and their interface with Supporting People; health and safety; and risk management. This guidance, of which health and safety and risk management are one aspect, was published in 2001.

The Housing Corporation and Tribal Group's *Risk Management Toolkit for supported housing: a good practice guide to assist housing associations with risk identification and management* was published in 2005 and is freely accessible. It was developed to help housing association providers of support or social care services to identify and manage their risks, including health and safety risks. The toolkit is contained within a Zip file, which contains the toolkit in the form of a pdf document, from which individual sections can be printed, two PowerPoint presentations and a self-calculating Excel Risk management workbook. It discusses what risk management is, provides a self-assessment questionnaire to determine if you are managing key risks, identifies who should be involved in risk management and their roles, reviews techniques for identifying risks and sources of information about risks. It also contains a risk identification workshop, looks at how to create a risk tree and how to implement brain-storming sessions, sets out how to carry out analysis to assess risks and risk classification and quantification, considers how to assess financial risks and develop a control framework, and identifies sources of further guidance.

Less up-to-date (1999) and at £14.95 for members and £19.95 for non-members is the National Housing Federation publication *Risk management in supported housing*. Based on research into good practice in the field, it describes a framework for managing risk in supported housing, building on the Housing Corporation’s *Risk management for registered social landlords*. It then looks specifically at organisational and partnership risks, financial risk, property and project development risks, risks associated with housing vulnerable tenants, and risks to staff and volunteers. In each area, key risks are identified and typical controls suggested.

There would appear to be a gap in contemporary guidance on general health and safety in supported housing.

**Case study: development of customised guidance, risk assessments and training**

**Introduction**

Anchor Trust provides housing and care for older people. The group includes Anchor Homes, which runs more than 100 care homes and Anchor Retirement Housing.

Within Anchor, a corporate health and safety resource comprises a head of health and safety, who has the responsibility of drawing up a trust-wide health and safety policy, and a team that provides health and safety and risk assessment, guidance and training. The retirement housing and care home businesses each have a health and safety steering group comprising representatives from different levels of staff who help to guide policy and review health and safety performance.

Anchor Retirement Housing provides rented sheltered housing. It aims to avoid a paternalistic approach that dictates how tenants should live their lives. As part of that approach, scheme managers have direct responsibility for key management functions, including health and safety. One of the benefits of this is that it results in faster responses to tenant queries and in better quality decision-making as tenants are better known to the decision maker.

**The problem**

Avoiding this paternalistic approach, however, carried a risk that health and safety might not be well implemented if it was left to non-specialists. Further, the concern to maintain the primacy of tenants' wishes could also lead to conflicts with health and safety requirements.
### How the problem was addressed

The in-house health and safety team developed customised guidance manuals and risk assessments specifically geared to the needs of scheme managers. In addition, in-house training is provided.

By developing these resources internally, Anchor has ensured that they are focused on practical issues facing their specialist types of operation with the result that staff are better able to understand and address issues that arise.

The health and safety manual provided for scheme managers contains guidance on health and safety standards and details of risk assessments and safety checks they need to carry out. The manual details the hazards that may be found in a sheltered housing scheme and suitable controls.

### Outcomes

Staff believe that use of local scheme managers to assess risk rather than this being done centrally has led to greater ownership of the assessment and better implementation of solutions. Scheme managers now have greater awareness of tenants’ needs and are able to develop an acceptable solution to reducing risk in full consultation. They are also more aware of tenants’ additional needs and able to identify and deal with increased risks of harm should they arise. For example, a manager identified a number of possible risks arising from a resident’s dog. The manager used her initiative to identify risks (trip hazard, infection control) and to work with the pet’s owner to establish a management programme for the animal.

Anchor has exploited its size to provide a specialist health and safety team that has a real understanding of the relevant housing and care issues.

Staff who have a full understanding of tenants’ needs are resourced to carry out risk assessments and can use their intimate knowledge of individual requirements to ensure that health and safety requirements are met whilst respecting tenants rights and wishes.

### Work equipment

The *Provision and Use of Work Equipment Regulations 1998* place duties on employers to ensure that equipment provided for use at work (defined as any machinery, appliance, apparatus, tool or installation for use at work (whether exclusively or not)) is safe. They also place those duties on others having control of work equipment, including self-employed people, and people at work who use or supervise or manage its use or of the way it is used, to the extent of their control.

Guidance on the regulations, which came into force in December 1998, is provided in *Provision and Use of Work Equipment Regulations 1998. Approved code of practice and guidance* [priced]. It covers: suitability of work equipment; maintenance; inspection; specific risks; information and instructions; training; conformity with community requirements; dangerous parts of machinery; protection against specified hazards; high or very low temperature; controls for starting or making; a significant change in operating conditions; stop controls; emergency stop controls; controls; control systems; isolation from sources of energy; stability; lighting; maintenance operations; markings; warnings; employees carried on mobile work equipment; rolling over of mobile work equipment; overturning of fork lift trucks; self-propelled work equipment; remote-controlled self-propelled work equipment; drive shafts; power presses; miscellaneous.

*Simple guide to the Provision and Use of Work Equipment Regulations 1998* [free download] provides guidance on the legal requirements of the Provision and Use of Work Equipment Regulations 1998 (PUWER). It gives a general indication of some of the main requirements of the regulations. It covers: PUWER and what they do; equipment that is covered; who they apply to; what they require; how they relate to other health and safety legislation; and how they are enforced.

More comprehensive guidance is provided by *PUWER 1998. Provision and Use of Work Equipment Regulations 1998: open learning guidance* [priced]. The regulations deal with the work equipment and machinery used everyday in workplaces: factories, offices, shops, hospitals, construction sites, farms – wherever equipment and machinery is used at work. This guidance aims
to clarify when terms are used precisely and when you need to interpret and apply the requirements of a regulation to your situation. It is intended to be used by local authority health and safety inspectors, health and safety enforcement officers, health and safety professionals providing health and safety services within medium to large companies, for example health and safety officers and health and safety training personnel, HSE inspectors and legal professionals. But anyone who wishes to know the requirements of PUWER 1998 should find this guidance useful.

The HSE website Work equipment and machinery gives general information on how HSE ensures that risks to workers’ health and safety from the supply and use of work equipment and machinery are properly controlled. Generally, work equipment is any equipment that is used by an employee at work. Therefore the range of equipment is extremely wide and could cover everything from a spanner to a tower crane. The site provides links to legislation, enforcement and further information.

Using work equipment safely [free download] notes that every year, the use of work equipment, including machinery, results in a number of accidents, many of which are serious and some fatal. This revised leaflet gives simple, practical advice on how to eliminate or reduce the risks. It is aimed at those who have responsibility for work equipment and how it is used, such as employers, managers, supervisors and those who hire out equipment for use in the workplace. It covers: work equipment; what needs to be done; risks from using work equipment; what can be done to reduce the risks; what the precautions mean in practice.
5 Conclusions

The purpose of this review was to help landlords understand the practical implications of health and safety legislation, and to provide a gateway to existing guidance on health and safety and risk management. Its aim was to review the legislation and literature about health and safety from the perspective of registered social landlords and local authority landlords, and provide case study examples based on real-life situations. It is intended to be a tool to assist landlords to better understand their health and safety obligations. By necessity, whilst it is comprehensive, it is written as a general guide to be used intelligently by those to whom it is addressed.

Gateway to guidance

Searches of IDOX’s PLANEX database and the Internet identified 275 sources of legislation, guidance and literature that are or may be relevant to RSLs and local authority landlords. Of these, 264 are accessible on-line as freely available downloadable documents, or on specific websites or through provision of catalogue information and ordering details. Embedded URLs in the document titles provide direct access to these resources.

Application to landlords

One of the objectives of the review was to identify health and safety obligations that are binding on landlords or may apply in particular circumstances.

All of the legislation identified in this review is included as it potentially imposes legal duties on landlords, depending on the particular factual circumstances that apply. The ACoPs and guidance provide further clarification about how legal compliance may be achieved.

The review identified a number of ways that landlords can meet their duties under the HSWA. These include complying with ACoPs and following guidance and the application of good practice. ACoPs have a particular status in that complying with them can be evidence of compliance with the HSWA, and not complying with them evidence of a failure to comply with the HSWA. Guidance is not compulsory and employers are free to take other measures to comply with their duties.

The premise and main principle of the HSWA is that those who create risk from work activity are responsible for the protection of workers and the public from any consequences. The main provisions of the HSWA impose general duties on employers, self-employed people and others. It is in their capacity as employers, rather than landlords or providers of care services, that the health and safety duties will principally apply. In fact only 14 of the 272 sources identified are specifically directed at landlords.

These duties include a duty to make a suitable and sufficient risk assessment and take appropriate action. In some circumstances, it may be appropriate to take an elective risk — allowing service users the right to take risks that they have assessed for themselves — see gaps in guidance and case studies below.

Other legislation that affects health and safety duties

The review also identified other primary legislation that has an impact on landlords’ duties for the health, safety and welfare of their employees. These include the:

- Data Protection Act 1998;
- Human Rights Act 1998;
- Employer’s Liability (Compulsory Insurance) Act 1969;
- Protection from Harassment Act 1997;
- Fire (Scotland) Act 2005; and
- Smoking, Health and Social Care (Scotland) Act 2005.

The key legislation for landlords is the HSWA. The relevance of other legislation is for landlords to determine in any particular circumstance. Any attempt to clarify their impact on landlords’ health...
and safety responsibilities further than that contained in the guidance identified would require interpretation of the legislation, which is outwith the remit of the review.

**Balancing different legislative requirements**

Another objective was to consider the practical issues for landlords in balancing these different legislative requirements and meeting their obligations to diverse groups of people, including people with disabilities and those from ethnic minorities. The review identified guidance from the Disability Rights Commission on the Disability Discrimination Acts and best practice for employers to help them balance the needs and rights of people with disabilities with those of their employees, and their duties as employers. The review did not identify any legislation, guidance or literature associating ethnic minority groups and health and safety. With respect to human rights, the review emphasises that health and safety legislation should be interpreted to comply with rights conferred by the European Convention on Human Rights.

**Training issues**

A further objective was to identify key training issues for staff and committee members. While the review identified regulations that extend employers' duties under the HSWA to their employees while they are with training providers and regulations that impose duties on employers to provide training on first aid, and sources of guidance for employers and trainers, it did not identify key training issues. In any particular circumstance, it is for employers to assess their employees' training needs and provide appropriate training to comply with their duties under health and safety law. However, while based on a small sample, participants in the problem-centred workshop did identify difficulties in finding consultants and trainers who understood the requirements of the social rented housing sector and the care provision sector. The Anchor Trust case study demonstrates how this could be overcome by developing in-house guidance and training.

**Case studies**

The case studies that were developed illustrate:

- an approach to understanding health and safety issues and undertaking risk assessments in sheltered and independent housing;
- the need to balance differences in interpretation and the application of specific standards by different enforcement authorities in meeting their requirements;
- elective risk in respecting service users’ rights;
- the development of strategies and initiatives to deal with stress issues, particularly those related to stress management;
- dealing with asbestos in local authority housing, particularly the non-traditional stock where asbestos is most likely to be found; and
- the development of customised guidance, risk assessments and training that avoids a paternalistic approach to how tenants of rented sheltered housing should live their lives.

**Gaps in guidance**

The review identified gaps and a need for further in guidance in a number of topic areas.

*The Data Protection Act 1998: A Guide for Housing Professionals*, which is aimed particularly at housing professionals working in the public sector and for registered social landlords, was published in 2000. It has not been updated to reflect more recent regulations made under that 1998 Act and the impact on the Act of other more recent legislation.

*A Guide to the Human Rights Act for Housing Professionals* was published in 2001, so there is a lack of accessible up-to-date general guidance on the implications of the Act for social landlords.

Participants in a workshop held during the project felt there was a lack of guidance on health and safety for providers of social care, particularly those in a dual role of social landlord and care provider. While *Health and safety in care homes* provides comprehensive guidance for owners, managers of care homes and employees of care homes, the only general guidance on social care identified is aimed at inspectors, rather than providers. This suggests there is a gap in guidance for providers of social care.
The Risk Management Toolkit for supported housing: a good practice guide to assist housing associations with risk identification and management was published in 2005. However, other guidance on this topic was published in 2001 or earlier, which suggests there is a gap in contemporary guidance on general health and safety in supported housing.

Further gaps in guidance and possible ways of addressing these came from the problem-centred workshop and the project working group.

- There is a need for guidance on elective risk. The project working group felt the management of elective risk was of fundamental importance to the health and safety of service users. As noted above, a case study was developed to illustrate this.

- There is a need for guidance on the regular re-assessment of risk, clients’ vulnerability and their ability to take rational decisions in changing circumstances in the provision of care services. What is reasonable and appropriate? How do service providers balance their health and safety obligations with their clients’ human rights?

- There is a need for legal commentary on health and safety cases decided in the courts, such as the Review of UK case law provided by the Disability Rights Commission on the use of health and safety requirements as a false excuse for not employing sick or disabled persons. HSE indicated that if social landlords identified topics on which legal commentary could be useful as guidance, it would be willing to work with them on that.

- HSE indicated that it would be prepared to act in an advisory role with groups, such as the forum for health and safety officers that was discussed in chapter 3, in the development of guidance on topics and issues identified by its members.
6 Bibliography

This bibliography includes publications that are available in print. Some may be restricted to members of the publishing organisation. Where publications are priced, the price is shown in the reference.

References are set out in the order they appear in the findings of the review.

The texts of Acts and Statutory Instruments can be ordered from The Stationery Office Limited’s on-line bookshop http://www.tso.co.uk/parliament/ or from the TSO Scotland Bookshop, 71 Lothian Road, Edinburgh EH3 9AZ, tel: 0870 606 5566, fax: 0870 606 5588, e-mail: edinburgh.bookshop@tso.co.uk

HSE priced and free publications are available from http://www.hsebooks.com or by mail order from HSE Books, PO Box 1999, Sudbury, Suffolk CO10 2WA, tel: 01787 881165, fax: 01787 313998. They are also available from bookshops, including the TSO Scotland Bookshop above.

BackCare, 16 Elmtree Road, Teddington, Middlesex TW11 8ST, tel: 020 8977 5474, e-mail: info@backcare.org.uk

Chartered Institute of Housing in Scotland, Publications Section, Chartered Institute of Housing, Octavia House, Westwood Way, Coventry CV4 8JP, tel: 024 7685 1752, e-mail: pubs@cih.org

Disability Rights Commission, DRC Helpline, FREEPOST MID02164, Stratford upon Avon CV37 9BR, tel: 08457 622 633

Employers in Voluntary Housing, Regent House, 76 Renfield Street, Glasgow G2 1NQ, tel: 0141 352 7435, e-mail: enquiries@evh.org.uk

Health and Safety Executive/Local Authorities Enforcement Liaison Committee (HELA), Local Authority Unit, 7SW Rose Court, 2 Southwark Bridge, London SE1 9HS, tel: 020 7717 6442

Housing Corporation, 1 Park Lane, Leeds LS3 1EP, tel: 0845 230 7000, e-mail: OtherEnquiries@housingcorp.gsx.gov.uk

Institution of Occupational Safety and Health, book ordering enquiries tel: 01787 249293, e-mail: iosh@lavenhamgroup.co.uk

National Housing Federation, Lion Court, 25 Procter Street, London WC1V 6NY, tel: 020 7067 1010, e-mail: info@housing.org.uk

Scottish Federation of Housing Associations, 38 York Place, Edinburgh EH1 3HU, tel: 0131 556 5777, e-mail: sfha@sfha.co.uk

General guidance


An introduction to health and safety: Health and safety in small businesses. What you should know. Where to get more information, INDG259REV1, 2003, ISBN 0717626857, 32 pages, HSE Books


Health and Safety Control Manual, Employers in Voluntary Housing (EVH). Available to members on-line and on a CD


Managing Health at Work: Partnership Information Guideline, Scottish Executive, 2003, 227 pages

Risk assessment and management


Guide to risk assessment, Employers in Voluntary Housing, no date

General risk assessment, Employers in Voluntary Housing


Housing association risk data sharing project, Hargeaves Risk Management, 2003, 24 pages, Housing Corporation

Welfare at work


Preventing slips and trips at work, INDG255REV1, ISBN 0717627608, 2003, 12 pages, HSE Books

Thermal comfort in the workplace: guidance for employers, HSG194, ISBN 0717624684, 0999, 12 pages. £3.50, HSE Books

Corporate health and safety


**Employer’s liability**


**Enforcing authorities**


**Section 18 HSC guidance to local authorities**, MISC488, 2002, 28 pages, HSE Books

**What to expect when a health and safety inspector calls: a brief guide for businesses, employees and their representatives**, HSC14, 1998, 7 pages, HSE Books

**People**

**Alcohol – see Substance, alcohol, drugs misuse**

**Asthma**


**Contractors**


Data protection


The Data Protection Act 1998: A Guide for Housing Professionals, Derek O’Carroll, 2000, 47 pages, Chartered Institute of Housing in Scotland

Discrimination


Health and safety (DRC leaflet 3), EMP 8, October 2004, Disability Rights Commission

Employment: a practical guide to the law and best practice for employers, EMP14, July 2005, Disability Rights Commission

Disability Discrimination Act 2005, National Housing Federation, 1 December 2005

Be prepared (landlords, and the law with regard to tenants who are mentally ill), Easterbrook, Joanne, IN Housing Today, No 351, 26 Sep 2003, p. 40

Drugs – see Substance, alcohol, drugs misuse

Employees and representatives


Health and Safety Policy Statement, Circular 38/3, 2002, Health and Safety Executive/Local Authorities Liaison Committee (HELA)

First aid


Height, working at


Top tips for ladder and stepladder safety, INDG405, ISBN 071766127X, 2005, 6 pages, HSE Books

Safety in window cleaning using portable ladders, MISC613, 2003, 6 pages, HSE Books

Safety in window cleaning using rope access techniques, MISC612, 2003, 6 pages, HSE Books

Human rights

A Guide to the Human Rights Act for Housing Professionals, Derek O'Carroll, ISBN 1903208157, October 2001, £12.00 (non members), Chartered Institute of Housing

Lifting


Lone working


The Lone Dangers (Safety At Work), Hickes, Claire, IN Property People, No 300, 23 Aug 2001, pp. 10–11

Manual handling


The guide to the handling of people, Jacqui Smith (ed), ISBN 0953058298, 2005, 328 pages, £40.00, Backcare with the Royal of Nursing and the National Back Exchange

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Stress


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Seven steps to successful substitution of hazardous substances, HSG110, ISBN 0717606953, 1994, 24 pages, £6.50, HSE Books

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