



Cloch Housing Association

Health & Safety

Policy Name	Health & Safety
Policy Category	Corporate & Governance
Policy Number	097
Date Adopted	January 2006
Approved by	F&CS Sub-Committee
Responsibility of	Health & Safety Administrator
Last Review	22/05/2018
This Review	30/05/2023
Next Review	May 2026
Equalities Impact Assessment Required	Not Applicable
Link to other policies	Health & Safety Manual Lone Working, Driving at Work and Drugs & Alcohol Risk Assessments
Consultation	Not specifically required for this policy but H&S is an on-going conversation with Employees and Board

HEALTH & SAFETY POLICY STATEMENT

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

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

This Strategy links to Business Plan Outcomes:

- Strategic Priority 21: Demonstrate Effective Governance & Financial Control
- Strategic Priority 27: Create a Culture of Safety

1. It is the intention of the Association, so far as is reasonably practicable, to ensure that:
 - (a) The working environment of all employees is safe and without risks to health and that adequate provisions are made concerning the facilities and arrangements for their welfare at work.
 - (b) The provision and maintenance of machines, equipment, and systems of work that are safe and without risks to health to employees, contractors and any other person who may be affected with regard to any premises or operations under our control.
 - (c) Arrangements for use, handling storage and transport of articles and substances for use at work are safe and without risks to health.
 - (d) Adequate information is available concerning machines and substances used at work detailing the conditions and precautions necessary to ensure that when properly used they will be safe and without risk to health.
 - (e) Employees are provided with such instruction, training, and supervision as is necessary to secure their health safety.
 - (f) The Health & Safety Policy will be reviewed and updated as and when it is necessary. Communication of any such changes will be made to all employees.

2. It shall be the duty of all **employees** at work to ensure:-
- (a) That reasonable steps are taken to safeguard the health & safety of themselves and of other persons who may be affected by their acts or omissions at work.
 - (b) Co-operation with the Board so far as is necessary to ensure compliance with any duty or requirement imposed on the employer, or any other person, under any relevant statutory duties.

RESPONSIBILITIES – OVERVIEW

- 1) The Association recognises that all individuals within the organisation have a responsibility to ensure their safety and that of others. Consequently, all employees will have the potential to be held liable if their negligent acts or omissions result in harm being caused to any other persons. Those in positions of responsibility have additional obligations, by their 'managerial' functions. Indeed, the Health & Safety at Work Act Enforcement Policy Statement, HSE 41, Paragraph 43 states the following on 'Prosecution of individuals':

"... enforcing authorities should identify and prosecute or recommend prosecution of individuals if they consider that a prosecution is warranted. In particular, they should consider the management chain and the role played by individual directors and managers, and should take action against them where the inspection or investigation reveals that the offence was committed with their consent or connivance or to have been attributable to neglect on their part and where it would be appropriate to do so by this policy. Where appropriate, enforcing authorities should seek disqualification of directors under the Company Directors Disqualification Act 1986."
- 2) The following sections set out the principal Health & Safety related responsibilities of individuals within the organisation. These duties will be in addition to the general duty on all individuals to ensure the Health, Safety, and Welfare of themselves and all others who may be affected by their undertakings.
- 3) The rather unique management structure of Housing Associations differs from the traditional business organisation where a Board of Directors, Owner/Manager or Senior Management Board runs the undertaking. Care has, therefore, been taken to determine the realistic responsibilities of the Board and the CEO in particular.
- 4) In addition to the *individual* liability of senior staff, the *Corporate Manslaughter and Corporate Homicide Act 2007* allows *companies* and *corporations* to be prosecuted for corporate homicide (in Scotland) where serious management failures result in death. Under this Act there is no longer the need to identify a 'controlling mind' (i.e. one individual whose negligence or recklessness

caused the death) to convict an organisation of homicide, thus making it easier to prosecute organisations.

- 5) The management responsibilities defined within this Control Manual should ensure that adequate and appropriate managerial control is exercised over Health & Safety issues to prevent prosecution for corporate homicide.

RESPONSIBILITIES - BOARD

- 1) The Board, headed by a Chairperson, comprises 'laypersons' from the local community, acting largely as a body to oversee the operations carried out by the Association. The Board ensures that the interests of the community are taken into account and is responsible for approving certain company decisions and funding/resourcing requests made by the CEO of the organisation.
- 2) It is recognised that the Board, while not being actively involved in the daily running of the organisation, has certain responsibilities in terms of Health & Safety and the following procedures will be adopted to ensure responsibilities are effectively discharged. The Board is collectively responsible for providing leadership and direction on health and safety, and in particular, the CEO shall be responsible for implementing the Board's plan for health & safety.
- 3) The Board will endorse the Health & Safety Policy and Control Manual and the Chairperson will sign the Health & Safety Policy Statement along with the CEO. Where there is a change of personnel, the incoming Chairperson will sign the policy to ensure the commitment on behalf of the Board remains current.
- 4) The Board will place 'Health & Safety' as a standing item on the Agenda of all Finance & Corporate Services Sub-Committee meetings. This will allow the CEO to report on safety performance, funding requirements, safety failures, and other Health & Safety related issues. The Board will give all such issues due consideration and will make available all reasonable funding and support as may be required.

The Board has devolved Delegated Authority to the Finance & Corporate Services Sub-Committee. The sub-committee will meet regularly and the minutes from the meeting will be reported to the next available Board meeting. Resources to ensure a robust Health & Safety management system will be decided by the Board.

- 5) The Board will review the findings of all internal and external Health & Safety audits carried out within the organisation and will authorise the use of all reasonable support required to rectify any significant non-compliances identified by the audits.
- 6) The Board will take an active interest in the investigation of any significant safety failure, making available all reasonable resources for a full investigation and for the taking of adequate measures to rectify any deficiencies in the existing arrangements.

- 7) All Board members will undergo training in 'Health & Safety Awareness' and in management responsibilities. This will ensure that all members have a working knowledge of the topic, which will assist in the discussion of Health & Safety at all meetings. This should also assist the Board in determining whether the CEO is managing Health & Safety adequately within the organisation.
- 8) The Board shall review its responsibilities annually. This will take place following the Annual General Meeting.

RESPONSIBILITIES – CEO

- 1) The CEO is responsible for the general day to day running of the Association. It is recognised that this function incurs the overall responsibility for Health & Safety management within the organisation and the following procedures will be adopted to ensure adequate provisions are made and maintained. In essence, the CEO will fulfill the position now commonly known as "Director Responsible for Health & Safety" and shall be responsible for implementing the Management Board's plan for health & safety.
- 2) The CEO will endorse the Health & Safety policy and Control Manual and will sign the Health & Safety Policy Statement along with the Chairperson of the Board. Where there is a change of personnel, the incoming CEO will sign the policy to demonstrate commitment and acceptance of responsibilities.
- 3) The CEO will hold ultimate responsibility for the implementation of the organisation's policy, procedures and arrangements. To this end, and to comply with the duties set out in the *Management of Health and Safety at Work Regulations 1999, as amended*, he/she will appoint an adequate number of competent persons to achieve and maintain legal compliance. This will include a Health & Safety Administrator and the EVH Health & Safety Support Service (ACS). The CEO will also take all appropriate action to reduce the risks to Health & Safety arising from the business undertaking and to improve the organisation's safety performance. The CEO may be held liable where Health & Safety offenses are committed with his/her consent or connivance or as a result of his/her negligence (Health & Safety at Work etc. Act Section 37 (1)).
- 4) The CEO will report on safety performance, funding requirements, safety failures, and other Health & Safety related issues at each Board meeting as well as make available all internal and external audit reports to the F&CS Sub-Committee. Fully justified requests will be made to the Sub-Committee for any resources, support or funding required for Health & Safety purposes. The Minutes of the Finance & Corporate Services Sub-Committee are submitted to the Board.
- 5) The CEO will ensure that Health & Safety considerations are taken into account for all new investment opportunities and in the organisation's purchasing policy. The objective will be to minimise risks as early in the purchasing chain as is reasonably practicable.

- 6) The CEO will be responsible for maintaining an adequate programme of Risk Assessment, allocating duties and funds as appropriate to keep assessments and control measures current.
- 7) The CEO will be responsible for maintaining an adequate programme of staff training in Health & Safety issues, ensuring that all staff is given appropriate instruction, information, and training to reduce the risks associated with their work to an acceptable level.
- 8) The CEO will ensure that adequate communication channels exist throughout the entire organisation to allow Health & Safety issues to be dealt with timeously and effectively. All staff will be allowed to raise any safety-related queries with appropriate management staff.
- 9) The CEO will ensure that all significant safety failures are fully investigated and reported to the Board. They will also ensure that all necessary support is sought to adequately investigate the situation and develop suitable remedial measures to reduce the likelihood of a similar incident recurring.
- 10) The CEO will give due consideration to all Health & Safety related requests from the H&S Administrator, Heads of Departments and all other staff, taking appropriate action where necessary and requesting support/approval from the Board where required.

RESPONSIBILITIES – HEADS OF DEPARTMENTS

- 1) Due to the 'managerial' function performed by Heads of Departments (HOD's), it is recognised that HOD's may be held liable where Health & Safety offences are committed with their consent or connivance or as a result of their negligence. HOD's will be expected to deputise for the CEO in their absence.
- 2) HOD's will take active participation in the Finance & Corporate Services Sub-Committee. This will involve the identification of Health & Safety concerns within their departments, the raising of pertinent issues for consideration by the Sub-Committee and the actioning of all measures identified by the Sub-Committee and management staff as being required.
- 3) HOD's will implement all relevant policies, procedures, and arrangements within their departments, as required by the Control Manual, the Finance & Corporate Sub-Committee and management staff.
- 4) HOD's will ensure that adequate communication channels exist throughout their departments to allow Health & Safety issues to be dealt with timeously and effectively. All departmental staff will be allowed to raise any safety-related queries with their line managers or HOD.
- 5) HOD's will ensure that all departmental staff adopts safe working procedures, work by any training provided and properly use any control measures, protective equipment, etc. that are appropriate for the work carried out.

- 6) Where HOD's identify the need for further training or any other form of risk control for departmental staff, the issue will be reported without undue delay to the Health & Safety Committee or the CEO.
- 7) Where HOD's identify any significant breach of Health & Safety procedures, appropriate action will be taken to reduce the risk in the short term, and the issue will be reported to the CEO without undue delay.
- 8) The HOD's should undergo adequate H&S training to ensure they can undertake their H&S responsibilities effectively.

RESPONSIBILITIES – EMPLOYEES

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

"It shall be the duty of every employee while at work –

(a) to take reasonable care for the health and safety of himself and of other persons who may be affected by his acts or omissions at work; and

(b) as regards any duty or requirement imposed on his employer or any other person by or under any of the relevant statutory provisions, to co-operate with him so far as is necessary to enable that duty or requirement to be performed or complied with."

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

- 2) Employees will comply with the policies, procedures, and arrangements set out in the Control Manual and with any information, instruction and training provided. Also, any risk control measures and equipment provided to ensure safe working practices will be properly used.
- 3) Employees will report to their Line Manager or other members of management any identified breaches of Health & Safety procedures, any accidents or safety-related incidents and any aspect which appears to them to give rise to a significant risk to the Health & Safety of employees or other persons. Such reports will be made without undue delay.
- 4) Employees will inform their Line Manager or another member of management, without undue delay, where they believe that further training or other risk control measures would be beneficial. Tasks will not be carried out where the employee believes a significant risk to be present.

- 5) Employees will co-operate in all safety programmes, training, risk assessments and other initiatives that are intended to reduce risk and will actively implement any control measures identified as being required.
- 6) Employees will not participate in horseplay, practical jokes or other acts which may result in harm being caused to themselves or other individuals.

RESPONSIBILITIES - HEALTH & SAFETY SUB-COMMITTEE

- 1) Cloch does not have a separate H&S Committee. Items are dealt with via the Finance & Corporate Services Sub-Committee in the first instance. The Finance & Corporate Services Sub-Committee will provide an open forum for the discussion of all Health & Safety related issues raised by members of the Sub-Committee and by any other relevant sources.
- 2) All Sub-Committee members will undergo suitable training, which will include as a minimum 'Health & Safety Awareness'. This will ensure that all members have a working knowledge of the topic, commensurate with their role in the Sub-Committee and within the organisation as a whole.
- 3) The Sub-Committee will suggest solutions and initiatives for issues arising, which will be minuted and presented to the CEO following each meeting, without undue delay.
- 4) Where appropriate, the Sub-Committee will draft and revise policy, procedures, and arrangements, for ultimate approval by the CEO and the Board.
- 5) The Sub-Committee will delegate, with the CEO's approval, to members and to other appropriate persons within the organisation, actions required to be taken to implement policies, procedures, arrangements and any other initiatives authorised by the CEO.
- 6) The Sub-Committee will review the Health & Safety performance of the organisation, analysing accident statistics, reported breaches of policy and procedures, audit and inspection reports and data from other information-gathering exercises. Recommendations on options to improve safety performance will be made to the CEO without undue delay.

RESPONSIBILITIES - HEALTH & SAFETY ADMINISTRATOR

- 1) The function of the H&S Administrator is, by definition, one of '**administration**' as opposed to '**management**'. The H&S Administrator will be fully supported by the CEO and HOD.
- 2) The H&S Administrator will undergo suitable training, which will include as a minimum 'Health & Safety Awareness' and instruction in the implementation of the policies, procedures, and arrangements set out in the Control Manual.
- 3) The H&S Administrator will maintain the master Control Manual and the record-keeping system in an up to date and tidy condition. This will include the

dissemination of all Manual updates to Manual holders and the filing of appropriate records.

- 4) The H&S Administrator will comply with their duties as set out in the Control Manual and will report the findings of any inspections, audits and other information gathering exercises to the Finance & Corporate Services Sub-Committee without undue delay. Where the H&S Administrator has reason to believe that personnel are, or may foreseeably become, exposed to significant risk, the direction will be sought from the CEO without undue delay.
- 5) The H&S Administrator will assist the CEO, Finance & Corporate Services Sub-Committee and HOD in the undertaking of risk assessments, control implementation, policy development, etc. This may involve liaison with the EVH H&S Support Service. It should be noted that the H&S Administrator will not be solely **responsible** for developing corporate policy, merely for **assisting** in its development and implementation.

SUPPORT SERVICES

- 1) EVH maintains a contract with an external Health & Safety consultancy firm, which provides professional and technical support to the Association. This service complements the available internal resources, thus assisting the organisation to discharge its duty as set out in the *Management of Health and Safety at Work Regulations 1999, as amended* to appoint an adequate number of competent persons to achieve and maintain legal compliance.
- 2) The H&S service includes the provision of:
 - external auditing of the Health & Safety system
 - Control Manual updating service
 - helpline for all Health & Safety related queries
 - specialist consultancy and training support as required
- 3) The EVH Health & Safety pre-audit questionnaire has been added to the Control Manual. Completion of this questionnaire, before the audit, will assist Housing Associations in identifying, in advance, any areas which may require additional resources, while also clarifying what documentation is required for review by the auditors.

Responsibilities – H&S Organisational Chart

