

Health and Safety Services from Napthens



Monthly H&S Review February

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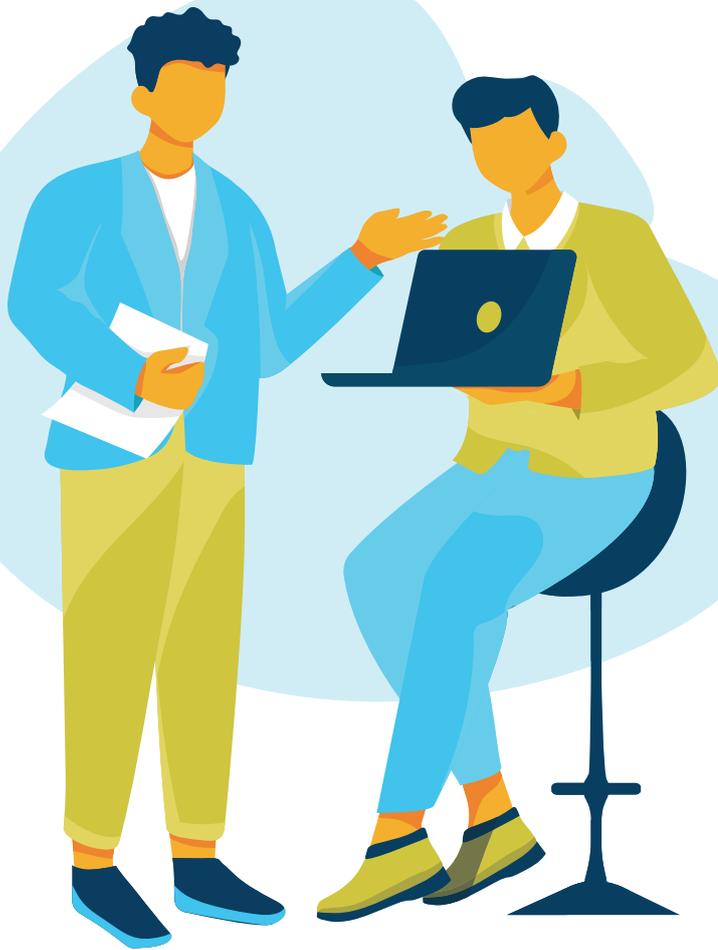
Well, we've finally made it through the dark and dreary days of January, and February has brought with it a glimmer of hope; a hope that life may soon return back to normal and that better and brighter days are on the horizon. The end of this month saw Boris set out our long-awaited roadmap to freedom, a cautious but promising journey back to some sort of pre-COVID normality.

Whilst much of the focus on workplace health and safety over the past year has largely been in relation to those issues directly related to the mitigation of COVID-19 transmission risks, it is important that organisations do not forget about their existing health and safety duties. Despite the demanding circumstances, the requirement to comply with occupational health and safety legal requirements remains with duty holders.

The Health & Safety Executive (HSE) has, from the start of the pandemic, emphasised that duty holders will not be able to use the current challenges as an excuse for falling short of or failing to meet their existing statutory health and safety duties or requirements.

It is also important to note that while employee health, safety and wellbeing rightly sits at the forefront of almost all health and safety management strategies, it is important not to forget about duty holder responsibilities to others who may be affected by their work activities. The outcome of a recent HSE prosecution serves as a stark reminder that organisations cannot neglect their wider health and safety responsibilities under the Health and Safety at Work Act.

A Company was fined £80,000 following the death of a contractor who fell through a fragile roof whilst carrying out snagging repairs to their building. The Company was found to have failed to take reasonably practicable measures to reduce the risk to those working on the roof, breaching Section 3 of the Health and Safety at Work Act. After the hearing, HSE inspector Andrew McGrory said: "Businesses have a responsibility to ensure that the contractor they select to undertake any construction work devise safe methods of doing so, which should include providing the necessary information to their workers and ensuring that they are adequately supervised."



This prosecution demonstrates the severe impact that failing to consider contractor activities can have, and highlights just how important it is to have a good contractor management system in place in order to meet statutory duties. Organisations should take suitable steps to ensure that contractors are assessed for competence prior to their appointment. Once appointed, suitable levels of co-ordination and co-operation with any contractor coming onto site will be essential in ensuring that risks to both employees, building occupants and contractors are appropriately managed.

Although contractors remain accountable for their own work, they must not be left to their own devices. Organisations should ensure that contractors have a suitable plan of work in place and are made fully aware of the site safety rules, emergency procedures and any site-specific hazards present. Organisations should also ensure that there are means of communication and monitoring of contractor activities throughout the duration of the works.

By ensuring that robust contractor management procedures are in place, organisations can effectively ensure they are meeting their duties under the Health and Safety at Work Act, whilst keeping their business, employees and contractors safe.

The HSE has produced helpful guidance in relation to the essential considerations for contractor management which can be found here: <https://www.hse.gov.uk/managing/delivering/do/organising/managing-contractors.htm>

Regardless of the type of business you own, including those who operate and manage care homes, both you and the contractor have responsibility for health and safety. Contractors include window cleaners, gardeners and contract cleaners and it is important to take the right precautions to reduce the risks to your employees, the contractor's employees and others in the care home. When selecting suitable contractors, you should consider the following:

- Can the contractor do the job safely?
- Have you and the contractor assessed the risks of the work, shared this with each other and agreed how to manage these risks?
- Have you informed your employees about what to expect, and what they may need to do?
- Do you have arrangements in hand for supervision and coordination during the work?