



HEALTH & SAFETY ASSURANCE COMMITTEE PWYLLGOR ANSAWDD IECHYD A DIOGELWCH

DYDDIAD Y CYFARFOD: DATE OF MEETING:	10 May 2021
TEITL YR ADRODDIAD: TITLE OF REPORT:	Health and Safety Regulations: Management of Health and Safety at Work Regulations
CYFARWYDDWR ARWEINIOL: LEAD DIRECTOR:	Mandy Rayani, Director of Nursing, Quality and Patient Experience
SWYDDOG ADRODD: REPORTING OFFICER:	Tim Harrison, Head of Health, Safety & Security

Pwrpas yr Adroddiad (dewiswch fel yn addas)

Purpose of the Report (select as appropriate)

Er Sicrwydd/For Assurance

ADRODDIAD SCAA

SBAR REPORT

Sefyllfa / Situation

This report is being brought to the Health and Safety Assurance Committee (H&SAC) as the first under a new standing agenda item in order to provide assurance against a number of key Health and Safety regulations.

Due to the significance and importance which the Enforcement Authority places on the Management of Health and Safety at Work Regulations (MHSWR) 1999, this report relates specifically to this particular piece of legislation.

For ease of reading, the legislative requirement is combined with an assessment against each regulation can be found within the combined Background and Assessment section below, and a RAG rating applied against each.

Cefndir / Background and Asesiad / Assessment

The Health and Safety at Work etc. Act (HASAWA) 1974 is the primary piece of legislation covering occupational health and safety in Great Britain. It has over 100 delegated regulations made under it, many of which are applicable to the healthcare working environment.

The MHSWR was first introduced in 1992 as part of a group of regulations known as the '6 Pack'. These include:

- Manual Handling Operations Regulations
- Display Screen Equipment (DSE) Regulations
- Workplace (Health, Safety, and Welfare) Regulations
- Provision and Use of Work Equipment Regulations
- Personal Protective Equipment (PPE) Regulations

The MHSWR was specifically introduced to reinforce the HASAW Act. It explicitly outlines what employers are required to do to manage health and safety and it applies to every work activity. The regulations place a set of duties on employers and employees to maintain a safe and healthy workplace.

- The main duty is to undertake risk assessments to identify potential hazards to the health and safety of employees, and of anyone who may be affected by their work activity - in the Health Board's (HB) case this is primarily patients, but also visitors, contractors and volunteers. The HB also has a duty to record any significant findings.

Directorate risk registers positively demonstrate that risk assessments are being written on a regular basis and are recorded in various ways. For example within a patients care plan, patient mobility assessment, confined space assessment, expectant mothers assessments, violence and aggression, lone working, electrical safety, moving and handling, social distancing, personal protective equipment to name a few.

- Separate risk assessments should be conducted for young people (under the age of 18) taking their inexperience and immaturity into consideration – and new and expectant mothers.

These are completed when young persons and expectant mothers are employed and are being promoted in the Health and Safety Induction for Managers training course. These often apply to the Volunteering department.

- As a result of conducting a risk assessment, employers must then make arrangements for implementing health and safety measures to control the hazards identified by the risk assessment. The General Principles of Prevention, also known as the Hierarchy of Risk Control, should be applied. i.e. Eliminate; Substitute; Engineering Controls; Administration Controls; Personal Protective Equipment (PPE).

Hierarchy of risk control is explained within the Health and Safety Induction for Managers training course and there are various examples of each type in operation across the Health Board including substituting safer substances, using air/ fume extraction, social distance screens, PPE.

- Where the risk assessment has identified that health surveillance of an employee is needed, it is necessary for a system of regular checks to be carried out. These are used to detect ill health due to working conditions early to prevent severe damage or deterioration caused by the workplace.

The Occupational Health Department provides health surveillance for certain staff working in specific roles including Estates Maintenance (confined space working, asbestos), plaster room technicians (dusts), and podiatry (dusts/ fumes).

- Finally, the risk assessment should determine the procedures required to manage serious and imminent danger - for example, an evacuation procedure in the event of a fire or other emergencies.

This is an area of work that will require review as, whilst there are comprehensive fire evacuation arrangements in place, other emergency situations do need to be considered and therefore risk-assessed e.g. firearm/ weapon attack/ threat. This work will be considered as part of the HB CONTEST and Security review that will be completed by October 2021

Employer Duties – General

- Employers are required to appoint at least one competent person (preferably from within the organisation) to oversee, supervise and assist in all matters of health and safety and complying with legislation.

Health and Safety professionals have been appointed and these primarily sit within the Health, Safety and Security Department. In addition, staff have been appointed within the Estates and Facilities Department to advise on Estates compliance risks.

- Employees must be provided with all necessary safety information in an understandable format.

Safety information is provided in various formats including signage, written risk assessments, Policies and Procedures, written safe systems of work, standard operating instructions.

Improvements to the way in which findings from risk assessments are shared amongst staff is potentially needed within certain departments, and this has been highlighted by Trade Union representatives.

- Adequate health and safety training must be received by every employee. In addition, workers should not be given tasks beyond their competence or physical capabilities.

There are numerous positive examples of how staff are provided with training to undertake their roles safely. There are, however, challenges in this area e.g. delivery of violence and aggression training and other competencies that require face-to-face or hands-on contact. Measures are in place to mitigate the current challenges and therefore this is designated as an Amber-rated area of compliance. A detailed work plan to manage this risk in the meantime has been presented to the HSE.

- Where employers are sharing premises with another employer, it is necessary for the employers to co-operate and co-ordinate health and safety activities. Information from risk assessments and the resulting preventative measures must be exchanged between employers.

This element is also covered in the Health and Safety Induction training course. There are already numerous examples of this being complied with in practice. This primarily relates to staff working from Primary Care facilities including GP practices, Cardigan and Aberareon Integrated Care centres.

Employee Duties

Although the regulations are largely aimed at employers, they do stipulate certain duties for employees:

- Report any health and safety shortcomings
- Report dangerous situations as well as actual incidents and accidents
- Use equipment in accordance with training and instruction
- Take reasonable care of their own health and safety and the safety of anyone affected by their work

In general, this element is also complied with. The HB has a well-established incident reporting system that is accessed by employees. Moreover, considering the amount of complex, high-risk activities undertaken, staff do take care of themselves and others who may be affected if safe systems of work are not followed.

Argymhelliad / Recommendation

Health and Safety Assurance Committee is requested to take assurance from this report that the fundamental elements of the Management of Health and Safety at Work Regulations are being complied with.

Where improvements are required, as highlighted above, these will be progressed by the responsible management teams.

Amcanion: (rhaid cwblhau)

Objectives: (must be completed)

Committee ToR Reference: Cyfeirnod Cylch Gorchwyl y Pwyllgor:	2.1 Provide assurance around the UHB arrangements for ensuring the health, safety, welfare and security of all employees and of those who may be affected by work-related activities, such as patients, members of the public, volunteers contractors etc.
Cyfeirnod Cofrestr Risg Datix a Sgôr Cyfredol: Datix Risk Register Reference and Score:	Risk 718: Failure to undertake proactive health and safety management (risk de-escalated from CRR)
Safon(au) Gofal ac Iechyd: Health and Care Standard(s):	2.1 Managing Risk and Promoting Health and Safety 1. Staying Healthy 2. Safe Care 7.1 Workforce
Nodau Gwella Ansawdd: Quality Improvement Goal(s):	All Quality Improvement Goals Apply
Amcanion Strategol y BIP: UHB Strategic Objectives:	2. Living and working well.
Amcanion Llesiant BIP: UHB Well-being Objectives:	2. Develop a skilled and flexible workforce to meet the changing needs of the modern NHS

Gwybodaeth Ychwanegol:

Further Information:

Ar sail tystiolaeth: Evidence Base:	Contained within the body of the report.
Rhestr Termiau: Glossary of Terms:	Contained within the body of the report.
Partion / Pwyllgorau â ymgynhorwyd ymlaen llaw y Pwyllgor Ansawdd Iechyd a Diogelwch: Parties / Committees consulted prior to Health and Safety Assurance Committee:	No consultation to date but will be shared with Quality and Safety/Governance meetings as well as County Partnership Forums.

Effaith: (rhaid cwblhau) Impact: (must be completed)	
Ariannol / Gwerth am Arian: Financial / Service:	There may be financial implications if the issues identified require monetary rectification.
Ansawdd / Gofal Claf: Quality / Patient Care:	Potential for adverse quality/or patient care if this legislation is not complied with as it relates equally to employees as well as others including patient care.
Gweithlu: Workforce:	Potential for adverse future staffing impacts if this legislation is not complied with as it relates to employee safety
Risg: Risk:	Risk to health and safety management
Cyfreithiol: Legal:	Potential for enforcement action including Improvement Notices/Prosecutions and claims due to breaches in legislation.
Enw Da: Reputational:	Potential for enforcement action including Improvement Notices/Prosecutions and claims due to breaches in legislation.
Gyfrinachedd: Privacy:	Not Applicable
Cydraddoldeb: Equality:	Has EqIA screening been undertaken? No