

University of Bristol Health and Safety Policies, Responsibilities and Organisation

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1. The Duty of Care

Under health and safety law a duty of care is generated between organisations and individuals when carrying out activities that could foreseeably cause harm. The primary duty of care is owed through the employer-employee relationship in which the employer owes a duty of care to ensure that work activities that could result in harm to the employee are assessed and controlled. That duty of care is put into practice by the line management responsibilities as set out in the hierarchy of the organisation. This duty of care cannot be delegated away; instead the act of delegation must be accompanied by a realistic and workable system of monitoring or supervision to ensure that the delegated task has been adequately implemented (i.e. the responsibility is not met by giving directions; it is only met when those directions have been confirmed as carried out). The result is a cascade of delegated responsibility that runs through the organisation via the line management network, accompanied by a system of monitoring, supervision and feedback.

In addition anyone carrying out an activity not only owes a duty of care to their employees but also to anyone else who may be put at risk by the activity, such as students, visitors and staff other than those in the direct line management structure.

The duty of care owed by the manager to their staff and to others who might be affected extends to an assurance that services that are provided by others (be that by another department of the university or by contractors) are safely provided. The level of assurance required should be commensurate with the risk of the activity.

2. Terminology

Throughout this document the following terminology has been adopted: a support service division or an academic school; or a department, unit or a subdivision of such a division or school will be referred to as a 'school or section'.

3. University Council

University Council has the ultimate responsibility for health and safety and collectively its members must ensure that the University has the organisational arrangements and systems in place for health and safety to be successfully managed. Guidance for members of Council is available from the Committee of University Chairs (CUC) entitled "Guide for Members of Higher Education Governing Bodies in the UK".

The commitment and authority of Council is documented in the University's Health and Safety Policy statement, which comprises a statement of intent signed by the Chair of Council and a statement of policy signed by the Vice-Chancellor.

4. The Vice-Chancellor

The Vice-Chancellor is the principal administrative officer of the University and has overall responsibility for implementation of the University's Health and Safety Policy. The executive responsibility for implementing the health and safety policy on a day to day basis is delegated by the Vice-Chancellor to the Deputy Vice-Chancellor, the Registrar & Chief Operating Officer [and to the Director of Finance – see note under 7 below].

5. The Deputy Vice-Chancellor

The Deputy Vice-Chancellor has responsibility for the health and safety management of the University's academic faculties. This includes the management of the deans and as such the responsibility for health and safety is cascaded through the University's management structures and requires that the Deputy Vice-Chancellor asks suitable pertinent questions of the deans to ensure that health and safety responsibilities are being correctly implemented.

6. Pro Vice-Chancellors

The Pro Vice-Chancellors have a strategic role in determining policy and direction but do not form part of the line management arrangements of the University. They do have a duty to take responsibility for their actions at work and the implications of their decisions, but, aside the management of their office staff or projects they lead, they are not included in the cascade of health and safety responsibility.

7. Registrar and Chief Operating Officer

The Registrar and Chief Operating Officer has the responsibility for the health and safety management of the University's Support Services, [with the exception of Finance Services]. The role of the Registrar and Chief Operating Officer includes the management of divisional and section heads and as such the responsibility for health and safety is cascaded through the University's management structures and requires that the Registrar and Chief Operating Officer asks suitable pertinent questions of the heads to ensure that health and safety responsibilities are being correctly implemented. Although the Finance Director reports to, and is line-managed by, the Vice-Chancellor, for health and safety purposes only, he reports to the Registrar and Chief Operating Officer with responsibilities the same as those of a Head of School or Section

8. Deans

The dean has two distinct roles for health and safety:

1. The dean is responsible to the Deputy Vice-Chancellor for the line management of the heads of school in the faculty. As such the responsibility for health and safety is cascaded through the management structure and requires that the dean asks suitable pertinent questions of the heads of school and that feedback on health and safety performance is provided to the Deputy Vice-Chancellor.
2. To act as head of section for the faculty administration team (normally executed via delegation to the Faculty Manager).

9. Head of School or Section

The head of school or section has the responsibility for the health and safety of all the staff he/she line manages and to others who may be affected by the work of the section or school.

The head must make suitable and sufficient enquiries that other duty holders providing services to the section or school are adequately meeting their duties.

The head must also ensure that:

- i. He or she is aware of the provisions of the University's health and safety policy and the minimum requirements of legislation.
- ii. The roles and responsibilities for health and safety within the school or section are defined.
- iii. Staff are consulted on matters that may affect health and safety. This requirement will either be satisfied by having a regular agenda item at school or section management meetings, or, where the health and safety risk profile makes it appropriate, to establish a specific school or section health and safety committee. The meeting or committee must be held at least three times per year. Feedback to, and communication with, staff who work away from the school or section's primary premises should be addressed. Where identified for the school or section, Trade Union Safety Representatives must be consulted concerning the introduction of any measure at the workplace which may substantially affect health and safety and must be invited to attend the school or section health and safety meeting or committee.

The meeting or committee should have the aim of:

- a. furthering consultation on health and safety issues;
- b. providing a forum for workplace health and safety issues to be aired and resolved; and
- c. monitoring health and safety performance of the school or section.

- iv. A document is produced to communicate the health, safety and welfare arrangements of the school or section to the staff. The document must contain:
 - a. a statement setting out that the head is responsible for health and safety in the school or section
 - b. a description of the organisational arrangements for health and safety, and
 - c. the information required by the staff to be able to work safely and to safeguard their health.

The document should not replicate general university policies which can be readily accessed elsewhere, but is required to describe the arrangements that are particular to the working environment in the school or section. The document must be signed and dated by the head of school or section.

A health and safety inspection of the premises occupied by the school or section takes place at least once per year and is recorded. The school or section health and safety meeting or committee should consider the risks presented by the work taking place in the premises and the standards achieved and if necessary implement more frequent inspections. Remedial action taken in response to the inspection should be reported through the school or section meeting or health and safety committee.

A report is made to their line manager on the health and safety performance achieved and on their plans to address any identified concerns.

10. Other Staff

All staff have a responsibility for the health and safety of all the staff they line manage and to others who may be affected by their work.

Staff cannot delegate away this duty of care, but can meet it by accompanying the delegation of tasks to others within the team with a system of monitoring to ensure that the tasks are being carried out.

All staff are responsible for ensuring that they conduct their activities, and those activities over which they have control, in accordance with the University's health and safety policies and relevant statutory provisions. They must co-operate with their line manager and head of school or section so that health and safety responsibilities can be discharged.

For academic staff there is a particular responsibility for the supervision of students where staff in control of students will have a duty to ensure their health and safety, for example in leading a safe building evacuation when a fire alarm sounds during a lecture.

11. Students

Students are not in the legal sense employed persons and hence many of the specific provisions of the Health and Safety at Work etc. Act 1974 do not apply to them. Equally, they are not bound by the duties of employees as laid down in the Act.

Students must comply with health and safety instructions, including the University Rules and Regulation for students, not to misuse or damage equipment provided and may be responsible for the consequences should they neglect to carry out a task required for the health or safety of others.

Activities that may affect the safety or health of students must be subject to risk assessment by the person managing the activity to meet the duty of care owed to the student.

12. Employed students

Students employed to carry out work within or on behalf of the University are classed as employees. Those undertaking demonstrations or tutorial services are considered by health and safety legislation to be employed persons for those particular purposes. The supervision of employed students should be appropriate to their experience or competence and will be at a higher level than that expected for more experienced members of staff.

13. Contractors

The University has a duty under the Health and Safety at Work Act 1974 to provide a safe environment for contractors working on University managed property. Contractors must be informed of the University's emergency procedures in order that they are able to take the correct action in an emergency. Where there are known hazards these should be clearly communicated to contractors for inclusion in their risk assessment process. By the same token contractors are required to provide a description of their method of work to the University so that there is an effective dialogue on safety issues before work commences.

14. Buildings

14.1 The Role of the Director of Estates

The Director of Estates has a responsibility as the role of the 'landlord' to provide and maintain safe buildings for the occupiers. The Director of Estates must inform the building occupants of the action they might need to take to maintain their health or safety.

That includes the provision of a working environment suitable for the intended use of the building (i.e. office, laboratory, workshop etc). In addition the Director of Estates is responsible for the provision and maintenance of building services such as building fire risk assessments (in conjunction with the occupiers), statutory testing of building fabric and building systems and systems for evacuating the building of all occupants in case of emergency. This list is for purposes of explanation only, and the definition of the responsibilities between Estates and building occupiers is set out through a service level agreement.

14.2 The Role of the Occupier

It is the duty of the occupier to control the use to which the building is put. In particular the occupier must take responsibility for:

- Consulting with the Director of Estates or other 'landlord' (e.g. NHS Trust) when planning changes to the structure, use, layout or services within the building
- Cooperating with the Director of Estates or other 'landlord' to enable the building to be maintained in a safe condition and to report defects or building-related accidents or incidents
- Taking into account the constraints of the design of the building in risk assessments
- Organising work, processes and equipment maintenance to prevent harm
- Making a provision for welfare requirements beyond those normally expected (e.g. facilities for changing clothes and storing work clothing)

This list is for purposes of explanation only, and the definition of the responsibilities between Estates and building occupiers is set out through a service level agreement.

All building and building services work must be procured through Estates Services to ensure that the correct insurance cover is applied. Work carried out by schools or sections will be covered by the University's insurance only where the work is managed under the umbrella of an authorised purchase order and by appropriate, competent staff.

15. Director of Health & Safety

The Director of Health & Safety is the "competent person" appointed by the University under the Management of Health and Safety at Work Regulations 1999. The role of the Director is to provide specialist advisory services to the University on all aspects of occupational safety and health, and to monitor the health and safety performance of the University on behalf of Council.

Where action is required to remedy a situation in which there is a serious risk to safety or to health the Director of Health and Safety has the authority to take emergency mitigating action on behalf of the Vice-Chancellor. The Director will

closely monitor action taken to resolve the issue and will submit a report to the Personnel and Health and Safety Committee and to the Vice-Chancellor.

The Director of Health and Safety makes reports to the Personnel and Health and Safety Committee, briefs the Vice-Chancellor, the Deputy Vice-Chancellor and the Registrar and Chief Operating Officer [and Finance Director] as necessary and is line-managed by the Director of Human Resources.

The Director of Health and Safety's duties also include:

- The provision of advice and guidance on all matters of health and safety;
- Creating and maintaining a health and safety management system;
- Disseminating and advising on the application of relevant health and safety legislation;
- Providing a range of generic health and safety training to enable members of the University to be able to meet their responsibilities for health and safety;
- Providing a management system for the control and use of radioactive substances;
- Investigating accidents, dangerous incidents or reports of occupational ill health in order to identify the potential for legal consequences and to identify action required to prevent recurrence;
- The provision of an Occupational Health Service;
- Liaising with the Health and Safety Executive, the Environment Agency and other regulatory authorities on matters of health and safety, and;
- Managing an ongoing programme of audits of compliance with the University health and safety policy on behalf of University Council.

16. Health and Safety Committee Structure

16.1 Personnel and Health and Safety Committee

University Council has the ultimate responsibility for the University's health and safety arrangements and performance, and executes this responsibility through the Personnel and Health and Safety Committee. Chaired by a member of Council chosen by Council, this committee will ask suitable questions of the senior management in order to be satisfied that health and safety is being appropriately managed.

16.2 Health and Safety Consultative Committee

The functions of the Health and Safety Consultative Committee are:

- to be the statutory consultative committee as required under the Safety Representatives and Safety Committees Regulations 1977 [1] and the Health and Safety (Consultation with Employees) Regulations 1996 [2]

- to be a forum for consultation on health and safety policy
- to monitor workplace standards
- to raise concerns over workplace hazards or unsafe practices

To link the work of the committee firmly to the wider employee relations structure the committee is a standing sub-committee of the Joint Consultative and Negotiating Committee and is chaired by the Director of Human Resources.

16.3 Biological Safety and Genetic Modification

As required under the Genetically Modified Organisms (Contained Use) Regulations 2000, the University has appointed a Biological Safety Officer who chairs the Biological and Genetic Modification Safety Committee (BGMSC) which reports to the Personnel and Health and Safety Committee. The consent of the BGMSC is required before any work involving the acquisition, use, storage, transport or disposal of genetically modified organisms (GMO) and other specified biological agents is commenced. All laboratories in which these biological materials are handled and all workers who handle them must be registered with the Health and Safety Office. The specific policy on Biological Safety and Genetic Modification is available and must be consulted prior to any work in this field.

17. Trade Unions and Safety Representatives

The University recognises the importance of Trade Unions in the creation of an effective health and safety management system and is committed to consultation and dialogue in order to achieve this aim. The process of formal consultation on matters of University health and safety policy is made through the Health and Safety Consultative Committee and the process of school or section health and safety committees provides the opportunity for further consultation and contribution to the effective management of health and safety.

Safety Representatives represent not only trade union members but all the employees in their area.

18. Failure to agree on Health and Safety Matters

Problems relating to health and safety are to be resolved at a local level wherever possible with the advice of the Director of Health & Safety where appropriate. In the event that it is not possible to resolve a matter, any member of staff or employee or the local branch of a Trade Union acting on behalf of a member of staff may contact the Registrar and Chief Operating Officer who, in consultation with the head of school or section and with the Director of Health and Safety, will attempt to reach a satisfactory solution.

19. Certification as to Safety

From time to time it may be necessary for the University to issue certification to Trade Unions or to individuals that a particular location or practice is, in its opinion, safe. The Director of Health & Safety is empowered to issue such certification on behalf of the Vice-Chancellor following advice from the head of school or section concerned.

Equality Risk Assessment Report Form (Form A)

Name of policy University of Bristol Health and Safety Organisation				
Brief summary of the aims of the policy Define the responsibilities for health and safety in accordance with the organisational changes at the University.				
Policy owner Peter Adams, Director of Health & Safety			Date 31 May 2011	
What evidence was used to assist your decision-making? Consideration of the implications of the changes on the target groups.				
Does, or could, the policy have a differential impact on members of the following equality target groups?				
Group	Yes	No	Unclear	Comments
Disability			x	The changes in the organisation clarifies the process for securing the evacuation of buildings under alarm conditions including the provision for people with disabilities.
Gender		x		
Race		x		
What is the nature of this impact?				
Group	Positive	Negative	Unclear	Comments

Disability	x			
Gender				
Race				
Findings		Further action required		
No risks identified				
Minor risks identified requiring policy amendments				
Major risks identified requiring full assessment of impact				

For additional advice or support, please email the Equality and Diversity Team at equality-diversity@bristol.ac.uk or call us on 0117 33 18087.