

TITLE: Health & Safety Policy

Health and Safety Policy Statement

Health and Safety at Work etc Act 1974

This is the Health and Safety Policy Statement of PHOENIX HOUSE and covers the workplace at:

**16 TROTTERS LANE
HILL TOP
WEST BROMWICH
WEST MIDLANDS
B71 2QF
United Kingdom**

PHOENIX HOUSE is committed to the provision of a healthy and safe environment for all employees, service users, contractors and the general public who have cause to be on their premises.

The organisational arrangements necessary to meet the requirements of health and safety legislation and to demonstrate PHOENIX HOUSE's commitment to securing health, safety and welfare are described in more detail below. The organisational arrangements intend to comply with current good practices, with strong emphasis towards the areas listed below in the statement of general practice.

1 Our statement of general policy is:

- to provide adequate control of the health and safety risks arising from our work activities;
- to consult with our employees on matters affecting their health and safety;
- to provide and maintain safe plant and equipment;
- to ensure safe handling and use of substances;
- to provide information, instruction and supervision for employees;
- to ensure all employees are competent to do their tasks, and to give them adequate training;
- to prevent accidents and cases of work-related ill health;
- to maintain safe and healthy working conditions; and
- to review and revise this policy as necessary at regular intervals;

To comply with:

- **Control of Substances Hazardous to Health (COSHH) 1994**
- **Electric Equipment Regulations 1994 (includes PAT testing of all electrical equipment)**
- **Furniture and Furnishing Regulations 1988**
- **Gas Safety Regulations (1998)**
- **Health and Safety at Work Act 1974**
- **HMO Regulations 1998**
- **Plugs and Sockets Regulations 1994**

Signed:

Mr. Leeford Smith

Effective:

28 November 2008

ARRANGEMENTS

Health & Safety Arrangements

1.0 DEFINITIONS

HSE - Health and Safety Executive

1.0 PURPOSE - This procedure outlines the way in which incidents, accidents and emergencies are handled and recorded.

1.0 PROCEDURE

1.1 Accident Reporting

1.1.1 All injuries sustained by Staff and Trainees/participants whilst at work will be reported to a first aider as soon as possible.

1.1.2 The first aider will assess the situation and will request emergency services if required.

1.1.3 The first aider collects a first aid box from the nearest location, or requests someone to collect it on his or her behalf, and attends to the casualty. See Location Plan for First Aid Kits

2.0 SCOPE - This procedure applies to all incidents, accidents and the administering of first aid on Phoenix House premises.

1.0 RESPONSIBILITIES

Maintenance of First Aid boxes	Team Leader
Informing emergency services	Appointed staff member.
Completion of Accident Book	Injured party and/or appropriate staff member
Completion of Incident and Accident Reports	Appointed staff member
Collation of Accident Reports	Health & Safety Officer

5.0 REFERENCES Purchasing - replenishment of first aid kits

6.2 Accident Recording and Investigation.

6.2.1 An entry will be made in the Accident Book (BI 510).

6.2.2 If necessary, any interested party, such as the HSE are to be informed as soon as possible, following the guidance notes for Reportable Accidents/Incidents

6.3 First aiders are to regularly check the contents of first aid boxes, a guide to the minimum contents of these boxes is listed on page 26 of this Handbook, 'First Aid Kit Contents', and are to arranged for them to be replenished, using local purchasing arrangements, as appropriate.

6.4 In the event of a reportable accident or incident occurring Phoenix House will comply with all current legislative obligations. See pages 24 – 25 of this Handbook for Reportable Accidents/Incidents.

6.5 In the event of there being a reportable incident occurring between staff, staff and trainees/participants or staff and the public/visitors, all parties involved are to complete an Incident Report and trainee/participant pass them on to their managers and Health and Safety adviser for further action.

7.0 RECORDS

Accident book - BI 510 or similar document

Guidance Note 5-1 - First Aid Box Contents

Guidance Note 5-2 - Reportable Accidents/Incidents

Guidance Note 5-3 - Location Plan

All arrangements for the effective planning, organisation control, monitoring and review of preventative and protective measures; (as required by Regulation 4 of the Management of Health and Safety at Work Regulation 1992) will be documented in PHOENIX HOUSE's Health and Safety Handbook.

POLICY STATEMENT

This policy outlines the procedures that are to be adopted when any employee, service user, visitor or contractor experiences an accident, incident, near miss or dangerous occurrence whilst on Phoenix House's premises during the course of their attendance at the property. (Incidents and dangerous occurrences will also include acts of violence, whether actual contact between persons occurs, is implied, or is verbal).

This policy covers reporting and recording procedures for managers, service users, employees and non-employees. Suitable information and training will be given to all personnel regarding accident and incident reporting and the location of and completion of the accident book.

All accidents, incidents and near misses MUST be reported and recorded, however minor. Unless PHOENIX HOUSE is informed of these occurrences, it will be unable to take remedial action.

For the purposes of this policy, brief descriptions and examples of accident, incident and a near miss are given below.

Accident

An unplanned event that causes injury to persons, damage to property, or a combination of both.

Examples include:

A fall resulting in a fracture.

Incorrect operation of machinery, leading to mechanical breakdown.

Incident

This is an occurrence that warrants recording to protect PHOENIX HOUSE, its staff or service user group; it may also be classified as a near miss.

Examples include:

An altercation between staff members, or with a customer or service user, or between service user and service user.

A frequently occurring situation that requires reviewing and amended control measures.

A situation that may result in a financial penalty being incurred.

Near Miss

An unplanned event that does not cause injury or damage, but could do so.

Examples include:

Articles falling near people.

Short circuits on electrical equipment.

The person responsible for co-ordinating accident and incident reporting is

The Health and Safety Officer.

TITLE: Health & Safety Policy
--

ORGANISATION

To achieve the above, PHOENIX HOUSE will:

- Ensure all levels of management are aware of their health and safety responsibilities and their obligation to provide and maintain, so far as is reasonably practicable, safe systems of work.
- Ensure all staff is aware of the powers of the enforcing inspectors and will ensure, through training, that staff do not prevent, but assist inspectors in the execution of their duties. The powers of these inspectors are detailed in the Health & Safety Arrangements of the policy.
- Ensure that all employees and service users understand their individual statutory duties and all relevant legislation, so securing, as far as is reasonably practicable, the Health, Safety and Welfare of themselves and other persons.
- Maintain a proactive attitude regarding safety criteria when consideration is given to refurbishing existing or planning new premises.
- Carry out risk assessments, maintain records and review and revise as necessary in accordance with legal requirements.
- Ensure that when visits to the Organisation occur, whether they are by the public, users of mental health services or stakeholders, due consideration for visitors safety will be taken into account, in so far as any potential risk to their health, safety and or welfare is pointed out to them on arrival.
- Ensure that contractors and or sub contractors will have the main points of our Health & Safety Policy related to them and incorporated into their contract for work with PHOENIX HOUSE. This will include identifying restricted areas and identification of hazardous areas. All contracted workers will take part in a comprehensive safety induction prior to starting work on PHOENIX HOUSE premises.
- Review this policy on a regular basis to ensure legal compliance with new or existing legislation is maintained.

The responsibilities are as set out below:

2 Responsibilities

Overall and final responsibility for health and safety is that of: **Leeford Smith**

Day-to-day responsibility for ensuring this policy is put into practice is delegated to:

To ensure health and safety standards are maintained/improved, the following people have responsibility in the following areas:

3 All employees have to:

- **co-operate with supervisors and managers on health and safety matters;**
- **not interfere with anything provided to safeguard their health and safety;**
- **take reasonable care of their own health and safety and that of others e.g. fellow employees, service users; and**
- **report all health and safety concerns to an appropriate person (as detailed in this policy statement.)**

4 Health and safety risks arising from our work activities

4.1 General risk assessment

A general risk assessment will be undertaken by:	
The findings of the general risk assessment will be reported to:	
Action required to remove/control risks will be approved by:	
Responsibility for ensuring the action required is implemented rests with:	
Checking that the implemented actions have removed/reduced the risks will be done by:	

This general risk assessment will be reviewed annually or when the work activity changes, whichever is soonest.

4.2 Fire risk assessment

A fire risk assessment will be undertaken by:	
The findings of the fire risk assessment will be reported to:	
Action required to remove/control risks will be approved by:	
Responsibility for ensuring the action required is implemented rests with:	
Checking that the implemented actions have removed/reduced the risks will be done by:	

This fire risk assessment will be reviewed annually or when the work activity changes, whichever is soonest.

4.3 Display Screen Equipment risk assessment

A Display Screen Equipment risk assessment will be undertaken by:	
The findings of the Display Screen Equipment risk assessment will be reported to:	
Action required to remove/control risks will be approved by:	
Responsibility for ensuring the action required is implemented rests with:	
Checking that the implemented actions have removed/reduced the risks will be done by:	

This Display Screen Equipment risk assessment will be reviewed annually or when the work activity changes, whichever is soonest.

4.4 Hazardous substances (COSHH) risk assessment

The responsibility for identifying all substances which need a COSHH assessment rests with:	
A hazardous substances risk assessment will be undertaken by:	
The findings of the hazardous substances risk assessment will be reported to:	
The responsibility for ensuring that all relevant employees are informed about the COSHH assessments rests with:	
Action required to remove/control risks will be approved by:	
Responsibility for ensuring the action required is implemented rests with:	
Checking that the implemented actions have removed/reduced the risks will be done by:	
Checking that new substances can be used safely before they are purchased will be done by:	

This hazardous substances (COSHH) risk assessment will be reviewed annually or when the work activity changes, whichever is soonest.

5 Consultation with employees

Employee representative(s) is/are:	
Consultation with employees is provided by:	

6 Safe plant and equipment

Equipment/plant needing maintenance will be identified by:	
Ensuring effective maintenance procedures are drawn up is the responsibility of:	
Ensuring that all identified maintenance is implemented is the responsibility of :	
Any problems found with plant/equipment should be reported to:	
Checking that new plant and equipment meets health and safety standards before it is purchased will be done by:	

7 Information, instruction and supervision

The Health and Safety Law poster is displayed at:	
Health and safety advice is available from:	

8 Competency for tasks and training

Training will be identified, arranged and monitored by:	
Induction training will be provided for all employees by:	
Job specific training will be provided by:	
Training records are kept by:	
Training records are kept:	

9 Accidents, first aid and work-related ill health

The first aid box(es) is/are kept:	
The appointed first aider(s) is/are:	
The appointed person(s) is/are:	

All accidents and cases of work-related ill health are to be recorded in the accident book.

The book is kept by:	
The book is kept:	
The responsibility for reporting accidents, diseases and dangerous occurrences to the enforcing authority rests with:	

10 Monitoring

To check our working conditions, and ensure our safe working practices are being followed, we will do the following:	
The responsibility for investigating accidents rests with:	
The responsibility for investigating work-related causes of sickness absences rests with:	
The responsibility for acting on investigation findings to prevent a recurrence rests with:	

11 Emergency procedures: fire and evacuation

Escape routes are:	
These are checked by:	
Fire extinguishers are located:	
Fire extinguishers are maintained and checked by:	
Alarm bells and/or sirens are located:	
Alarms are tested by:	
Emergency evacuation will be tested every:	

12 Review

This health and safety policy will be reviewed on or before November 28, 2009.

Managers Duties

The Service Manager has overall responsibility throughout PHOENIX HOUSE for the implementation of health and safety legislation requirements. The managers will be responsible for health and safety issues. Responsibilities allocated to them include:

- Ensuring people under their control are made aware of and understand their responsibilities under Phoenix House's Health and Safety Policy, and any procedure or safe systems of work which may emanate from the area under their control.
- Ensuring the policy, procedure or safe system of work requirements are effectively implemented in all areas under their control.
- Taking relevant and timely action concerning adverse working conditions whenever these are found to exist.
- Ensuring that the correct and safe equipment for each work situation is available and is used for its proper purpose.
- Ensuring that staff is suitably trained in the work they are engaged to do.
- Institution and maintenance of safety disciplines in the workplace.
- Supervision of employees on job tasks and methods.
- Recording accidents includes any near miss details and, where necessary, conducting organised investigations.
- Implementing risk assessments with regard to work activities.
- Ensuring all relevant legislation is being complied with and bringing current approved codes of practice and safe systems or work to the notice of employees.

Employee Responsibilities

Employees have duties under Section 7 of the Health and Safety at Work Act 1974 and must co-operate with their statutory duties as well as maintaining compliance with the obligations placed by PHOENIX HOUSE. Employees are accountable to their immediate supervisor for discharging these duties. In addition, employees are asked to:

- Conform to existing approved codes of practice and safe systems of work.
- Maintain good housekeeping principles adopting clean and tidy working conditions.
- Use and properly maintain all safety devices and personal protective equipment provided by PHOENIX HOUSE and immediately report any equipment that is or has become defective, ill fitting or lost.
- Not to interfere or misuse, either intentionally or recklessly, anything provided in the interests of health, safety and welfare.
- Make themselves available for necessary training to ensure a full understanding of reasons for safe working and safety procedures.

- Advance any ideas or make constructive suggestions for the improvement of safety measures regarding persons, premises or equipment.
- Immediately report any injury, accident, near miss incident or case of ill health caused by, or affecting, the work activity.
- Report the taking of medication that may adversely affect their ability to fulfil their duties safely.
- Not to operate machinery, equipment or vehicles unless they have been adequately trained and authorised to do so.
- Ensure that hazardous or dangerous substances are used, handled, stored and/or transported safely in accordance with accepted procedures.
- Comply with all notices, instruction, hazard and warning signs provided for their information and protection.
- Ensure that they are familiar with the emergency procedures, designated escape routes and assembly points relative to the work area(s).

General - Organisation

To assist Managers in the execution of their Health & Safety duties, the appointment of a Health and Safety Officer/Personnel as a 'competent person' is set up to support the managers.

All Health & Safety issues that are raised within the organisation are to be directed to the Health & Safety Officer and the Service Manager.

SUMMARY OF DUTIES

Section 2 of the Health and safety at Work Act 1974 requires employers to exercise a general duty of care towards all their employees. Most disabled employees neither need nor seek safety systems beyond those in place for the workforce generally. **The Employment Medical Advisory Service of the Health and Safety Executive** will assess and advise on health and safety concerns relating to individual employees where more complex problems arise. In practice, the duty of care extends to ensuring that disabled people are not exposed to workplace environments that are hazardous as a consequence of the particular disability (such as requiring a deaf person to work in a situation where reacting to sound is an important factor in personal safety).

An employer must give special attention to the integration of a disabled employee within the overall workforce. Although health and safety standards are never compromised when employing disabled people, there may be a requirement to provide information or instigate training for other staff to ensure that both routine and emergency practices work effectively.

The Disability Discrimination Act 1995 (DDA) is being enforced in stages, but most of the key measures came into force on 2 December 1996.

The DDA is very specific in its definition of disability; this may include mental, physical and/or sensory impairment, and progressive conditions such as cancer and AIDS are also included from the time at which the symptoms develop.

Section 6(1) of the DDA requires that where the employer makes any arrangements or where any premises physical feature places the disabled person at a substantial disadvantage compared to persons who are not disabled, the employer and his organisation have the duty to take steps that are "reasonable in the circumstances" to prevent that physical feature or those arrangements having this particular effect.

RECORD KEEPING

Employers should keep records of disabled persons in the work force and records of any special equipment provided or workplace adaptations made for the benefit of disabled persons. Any training provided to disabled persons should also be recorded.

POLICY STATEMENT

PHOENIX HOUSE aims to provide full and fair opportunity for employment for disabled applicants and to ensure, through training and practical assistance where required, their continued employment and promotion.

Employees who become disabled will be accorded every possible opportunity for maintaining their position or for retraining if appropriate.

PHOENIX HOUSE's health and safety policy has been prepared to ensure a safe and healthy environment for all employees and service users. It recognises that those employees and service users who require extra equipment, facility or assistance, both routinely and in an emergency, will have such needs met.

The person responsible for the implementation of this policy is the Service Manager and the total co-operation of all members of management and staff is required.

At least one disabled person will participate in all the organisation's discussions relating to workplace health and safety policies where possible.

Arrangements for Securing the Health and Safety of Disabled Members of Staff and Service Users

PHOENIX HOUSE will keep a record of all personnel who, by reason of disability, are thought to have particular requirements relating PHOENIX HOUSE's health and safety practices. The record will be regularly reviewed in terms of:

- (a) the nature of the disability and any limitations it places on either an individual's physical and/or intellectual function
- (b) the extent to which the individual requires changes (if at all) in the work environment or workplace practices
- (c) the nature of any routine practical assistance or supervision required of other people arising from the disability
- (d) any implications that would arise on an emergency basis, either as a consequence of the disability (such as an epileptic fit) or in the workplace (such as emergency evacuation of the premises)
- (e) what action has been taken on the basis of the above factors?

Procedures for Dealing with Health and Safety Issues

Employees and service users should report any concerns regarding disability and health and safety to a responsible person (usually the Team Leader). Where a disabled (or any other) employee or service user raises a matter concerning health and safety related to his or her employment or tenancy, PHOENIX HOUSE will:

- (a) make all necessary investigations so as to identify the relevant details
- (b) proceed with all measures necessary to resolve the matter.

PHOENIX HOUSE will, jointly with the employee or service user, make use of the appropriate Disability Advisory Service where health and safety concerns prove to be complex and/or problematic.

Information and Training

Newly appointed disabled employees or service users and employees or service users who become disabled will receive specific information and training on all relevant matters of health and safety. PHOENIX HOUSE will ensure that the information is presented in such a way as to be readily understood by each individual. The Organisation's health and safety bulletins will also be issued in such a way that disabled employees or service users can readily access and understand them.

If PHOENIX HOUSE requires the services (supervisory or otherwise) of other employees to assist a disabled person in the course either of their work or to expedite health and safety procedures, these employees will be trained by PHOENIX HOUSE and will receive specific notice of the duties required of them, and the disabled employee or service user will be advised of the arrangement.

As a matter of good practice, PHOENIX HOUSE will ensure that the workforce generally is advised of any relevant health and safety issue that affects an individual disabled employee or service user.

SAFE SYSTEM OF WORK

Research shows disabled people in work to have better safety records than other employees. As in all health and safety matters, experience proves that anticipating hazardous situations before they actually arise is the best method of creating and maintaining a healthy environment.

Employees and service users with physical disabilities may require specific safety measures in their workplace. These include:

- (a) the adaptation of machinery and equipment
- (b) the re-location of shelves or electrical sockets and switches
- (c) changes in lighting types and levels
- (d) the provision of visual as well as audible systems for communication.

It is important to remember that mobility for all employees and service users is jeopardised by blocked walkways, badly sited and/or badly designed workstations and equipment and by trailing wires.

In the case of employees and service users with learning disabilities, consideration also needs to be given to:

- (a) the amount of supervision (if any) required in order to complete tasks safely
- (b) the need to ensure that basic health and safety rules are conveyed, understood and carried out
- (c) the need to ensure that the actions required in the event of an emergency are understood and likely to be complied with.

Good health and safety procedures will identify how to anticipate, and overcome, any potential problems likely to confront disabled employees in the workforce as well as service users.

SUMMARY STATEMENT

Disabled people constitute an important and valuable part of a organisation's workforce and general operations. An effective health and safety policy will fully incorporate their individual needs provided that:

- (a) the actual implications of the disability in the workplace have been assessed and understood
- (b) the workforce is encouraged and trained to recognise and respond to any health and safety implications arising from employing a disabled person or offering support to disabled service users
- (c) PHOENIX HOUSE is committed to employing disabled people and offering support to disabled service users on an open and fair basis because of the qualities and skills that they contribute to the workplace and the workforce and the organisation in general.

TITLE: Induction Of New Employees and Service Users

Summary Of Duties

Section 2 of the Health and Safety at Work Act 1974 places a duty on the employer, so far as is reasonably practicable, to provide information, instruction and training as necessary to ensure the health and safety at work of his or her employees.

New starters are employees and the employer has a duty to provide them with adequate instructions to enable them to work safely as soon as they start work.

Regulation 11(2) of the Management of Health and Safety at Work Regulations 1992 (MHSWR) requires every employer to ensure that his or her employees are provided with adequate health and safety training on joining the employer's undertaking.

RECORD KEEPING

Once the induction training has been completed, a record of the training should be kept. The name of the employee or service user, the date and subjects covered should be included. These records can then be used and updated for any further courses attended by the employee or service user. Records must be made available for inspection if requested by an enforcement agency.

POLICY STATEMENT

In order to secure the health and safety of all employees and service users, PHOENIX HOUSE will provide health and safety training to new employees and service users that will be incorporated into general induction training.

Induction training should commence on the first day of employment or prior to tenancy beginning so that employees and service users are familiar with basic procedures once they are at Phoenix House. Where this is not possible, induction training will take place as soon as possible after the employee has started work or the service user's tenancy has begun. The person responsible for this is the Service Manager.

The training will last as long as required and is dependent on the amount of information contained within the course.

The health and safety component of induction training contain the following:

- (a) **Company health and safety policy** - the contents of PHOENIX HOUSE policy statement will be covered in detail, including the responsibilities set out in the policy, and will enable the employee or service user to become acquainted with the organisational arrangements
- (b) **Accident reporting procedures/first aid** - this will cover the action to take when an accident has occurred, the person to be informed and where to go for first aid treatment (this section will also cover PHOENIX HOUSE procedure as to the investigation of accidents: the reporting procedure will be explained so that the employee or service user is aware as to what will happen when an accident occurs)
- (c) **Fire procedures and precautions** - this section covers action to be taken when the fire alarm sounds and will include:
 - (i) The location of the fire exit
 - (ii) The assembly point
 - (iii) The responsible person whom the employee or service user must report to
 - (iv) Further instructions on the action to be taken in the event of discovering a fire
 - (v) What to do with machinery or processes left prior to evacuating an area

TITLE: Induction Of New Employees and Service Users

- (d) **Introduction to safety legislation** - the employee or service user should be introduced to the legislation that applies to PHOENIX HOUSE and the workplace; examples of legislation that may be covered include:
 - (i) The Health and Safety at Work Act 1974 (**essential**)
 - (ii) The Management of Health and Safety at Work Regulations 1992 (**essential**)
 - (iii) The Health and Safety (Display Screen Equipment) Regulations 1992
 - (iv) The Control of Substances Hazardous to Health Regulations 1994
 - (v) The Manual Handling Operations Regulations 1992
 - (vi) The Gas Safety Regulations 1998
 - (vii) The House in Multiple Occupancy (HMO) Regulations 1990
 - (viii) The Furniture and Furnishings Regulations 1988
 - (ix) The Plugs and Sockets Regulations 1994
 - (x) The Electrical Equipment Regulations 1994 (including PAT testing of all electrical equipment)
- (e) **Site safety rules** - this section will cover PHOENIX HOUSE safety rules
- (f) **Safety procedures** - items for discussion in this section could include:
 - (i) Personal protective equipment
 - (ii) Use of ladders
 - (iii) Safe manual handling of loads
 - (iv) Permits to work.

Written information will be provided on the subjects covered on the induction course. This can be in the form of course notes or the PHOENIX HOUSE handbook. It will be useful for employees and service users to recap if they are unsure on any section of the course. After a suitable period of time, the training will be followed up to assess the effectiveness of the course and to correct any deficiencies or misunderstandings. The induction course will then be used as a basis for additional safety training in the future.

SAFE SYSTEM OF WORK

In order to instil the importance of a safety culture into employees' and service users' minds as soon as they start working or living at Phoenix House, effective induction training with regard to health and safety is essential. The following procedures should be followed.

1. Arrange for induction training to be given as soon as possible after the employee has started work or the service user has taken up tenancy.
2. Establish what written information is required.
3. Ensure that all information relevant to the new employee is covered in the training.
4. Ensure that the employee or service user understands the topics covered and has the opportunity to clarify any points arising out of training.

SUMMARY STATEMENT

Training is the most important ways of achieving competence: training combined with experience leads to competence. Training has to be correct at the start and standards must be maintained once the training has been completed. The most important points to remember are:

- (a) New employees and service users need to be made aware of basic health and safety information relevant to PHOENIX HOUSE and need to understand the safety culture which exists within PHOENIX HOUSE, paying particular attention to younger employees where this may be their first job
- (b) Training the new experienced worker is also very important as systems of work will vary and PHOENIX HOUSE procedures will have to be explained: further updated

training may be required for the employer to satisfy him or herself that the new employee is competent, even though the employee has evidence of formal training.

TITLE: Insurance

SUMMARY OF DUTIES

Insurance Cover

The Employers' Liability (Compulsory Insurance) Act 1969 states that an employer's legal liability for death, disease or bodily injury suffered by employees as a consequence of employment must be insured by the employer for their mutual protection. (Certain government departments and public authorities are exempted.) This legal liability is imposed on employers by the duty of care, which they owe to employees **under s.2 of the Health and Safety at Work Act 1974.**

Under the Employers' Liability (Compulsory Insurance) Act 1969 a copy of the current certificate of insurance (issued annually) must be displayed within all working premises. Other insurances (for example reflecting the risk of public liability to non-employees under the duty of care imposed (by s.3 of HASAWA 1974) is likely to be essential even if not compulsory.

Material Facts

The insurance contract (policy document) involved will require that details of any change which might affect the health and safety of employees and (where applicable) non-employees be communicated to the insurer.

These are known as "material facts". The following situations are given as examples.

1. An additional working location inside or outside existing boundaries.
 2. A significant increase in the number of employees (though not the transfer of employees between locations unless this is major and permanent). The working categories of employees would also be material.
 3. A fundamental change in business activity or working limits.
 4. A substantial installation of machinery where new operating hazards are involved.
- Equally, material facts can relate to developments that reduce the risks.

Insurance Claims

Incidents that could give rise to liability claims should be reported promptly and fully to the insurer.

The Employers' Liability (Compulsory Insurance) Act 1969, however, compels an insurer to compensate an employee who has a legitimate claim, even when the employer is in breach of the policy. That insurer may subsequently take action against the employer to recover costs which it could not reasonably be expected to meet.

RECORD KEEPING

Full and accurate health and safety records will help the insurer concerned to determine the extent of liability and to deal confidently with claims in which PHOENIX HOUSE's previous conduct is examined.

In establishing the length of time for which records should be retained it is advisable not to regard them independently of each other but as an inseparable source of knowledge which could meet the demands of any inquest on any claim.

It is important to bear in mind that latent harm can take time to manifest itself as an industrial disease or disability and that claims might arise after the period of employment. Insurers can be changed during the period of exposure.