

'Workplace H&S Appraisals'

Dave Foy & Carol Kirkham

Who are we??

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This session should really be called:

Doing nothing is not an option!!

Session objectives

- **What** - are we 'required' to do?
- **Why** - we complete workplace appraisals?
- **When** – re-appraisals and insurance checks
- **Who** - should complete the checks?
- **How** – for discussion
- HASS's - walk through/myth busting.

WHAT ARE WE REQUIRED TO DO?

- **Legal requirement** – duty of care to learners and staff

c. 37 Health and Safety at Work etc. Act 1974

3.—(1) It shall be the duty of every employer to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in his employment who may be affected thereby are not thereby exposed to risks to their health or safety.

HSE Guidance

The employer has the primary responsibility for the health and safety of the apprentice and should be managing any significant risks. As the training provider, you should take reasonable steps to satisfy yourself that the employer is doing this

This does not mean trying to second guess an employer's risk assessment or risk control measures, and you are not required to carry out your own workplace assessment

Funding requirement to make an **informed** decision and take **reasonable** steps to ensure the H&S of our learners

7.2 Where part of the learning takes place in an environment outside the direct control of the College, the College shall take all reasonable steps to ensure that adequate arrangements are in place to ensure the health and safety of learners.

WHY?? - Do you recognise these faces??



Did you recognise the faces??



Jarrod Swann – apprentice - aged 18 – died in a fire while filling gas cylinders
Employer fined nearly £200k



Nathan Brown – apprentice - aged 19 – died after being electrocuted & falling off ladder
No figures available for employer fine to date



Cameron Minshull – apprentice - aged 16 – died of head injuries after becoming entangled in a lathe
Employer jailed and fined over £160k

ugh

Do you know which is the odd one out???

- Cameron Minshull
- Cameron was placed with the employer via a training provider who operated from a call centre in the Canary Islands. No Employer visit was undertaken, no H&S checks were made.
- Provider was fined over £100k and the case put them out of business.

Timeline...why the confusion

Pre 2011

- LSC/SFA prescriptive guidance, Safe Learner Blueprint, Be Safe booklets

2011

- SFA H&S team disbanded, funding guidance changed to 'reasonable' checks

2013

- Cameron Minshull apprenticeship fatality – HSE prosecution of training provider

2014

- HSE publish new guidance for work experience organisers which applies to apprenticeship providers too

When??

- Confusion – HSE states that you can use previous experience of working with the employer as evidence.
- Assessor visits are opportunities to confirm H&S in place – Assessments should not take place in unsafe environment!!

When??

- Ensure that a H&S check has been completed within the last 12 months of a new apprentice being placed.
- No need to carry out a re-appraisals as previously specified under LSC/SFA guidance
- No need to collect renewed insurance details!!

Who carries out the checks??

- Competence
- Mix of knowledge and experience
- What do funding bodies require.....

Training

- In-house
- IOSH Working/Managing Safely
- Unit D/HSS8 equivalent
- Assessor competence in occupational area

The LSC in working in partnership does wish to be as helpful as possible in this area. For example the LSC will recognise persons who achieve a competency-based qualification that includes Unit D or Unit D on its own. One example would be OCR 1417 (ENTO Units D and G (risk assessment)). In addition, those that are accredited to offer the Occupational Health and Safety Practice NVQ, level III should also be able to offer assessment against unit D, although this is not a mandatory unit in the NVQ.

Finally, the LSC does not require a person to have a qualification, only to be competent to do what is a very important job. The above information is provided as a benchmark to assist organisations to decide who should assess, or to identify development and training needs.

How do we decide what is 'sufficient'

- 'Doing nothing is not an option'!!!!
- Previously, LSC/SFA provided guidance in the form of Health & Safety Standards (HASS), also known as Health & Safety Procurement Standards (HASPS).

Standards

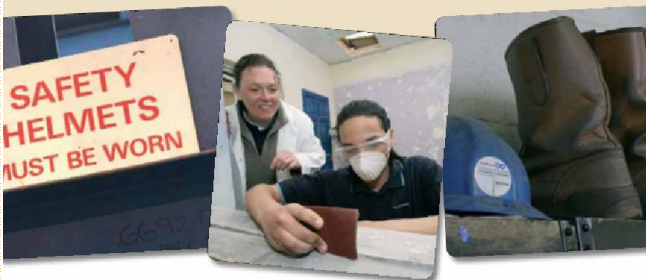
1. Employer has H&S policy
2. Risk Assessments completed
3. Accidents / First aid
4. Supervision/instruction/training
5. Suitable equipment and machinery
6. Suitable PPE
7. Fire safety
8. Safe environment
9. H&S Management inc insurance
10. STANDARD 10 – individual risk assessment

Excellence in workplace health and safety checks – David Bryant 2005



Excellence in workplace health and safety assessment

Putting it into practice



EN70 Developing the competence of people who work with people

3 basic principals:

- Insurance
- Supervision
- Risk Assessment

Still relevant today

What is reasonable??

A quick phone call??

‘the employer said its sorted??’

A one page checklist??

A site visit??

A 10-12 page appraisal form??

A 2 page appraisal form??

DOING NOTHING ISN'T AN OPTION

The Myerscough/Preston's College approach

We have used the same appraisal documentation for over 10 years reviewed by the LSC/SFA and the form covers all the expected safety standards.

This form has been migrated on to One File.

Completion of this form can be seen as being reasonable and is based around these 3 key principles:

- Insurance
- Supervision
- Risk assessment

The appraisal form

- **Policy (std 1)**

(H&S Policy, poster, signage)

Ask – do you have a H&S policy, if ‘yes’ when was it last reviewed? If ‘no’ point employer towards HSE website

- *Do H&S policies need to be lengthy documents written by consultants?*
- ***NO!!***



The appraisal form

- **Risk Assessment (std 2)**

(different types – generic, task, individual)

- Legal requirement for all employers to undertake but the assessments must be recorded if the employer has 5 or more staff.
- *Do risk assessments need to be lengthy documents?*
- *NO!!*
- *You do not need to second guess the assessment*

The appraisal form

- **Accidents & First Aid (std 3)**
(Recording procedure, RIDDOR, First aid kit)
- *Do employers need fully qualified first aid staff?*
- *NO!!*

The appraisal form

- **Supervision, I.I.T (std 4)**
Nothing more than the name of the person responsible for our learner
- *Support this with induction checklists for the apprentice.*
- *Supervision – aide memoire*

The appraisal form

- Premises, machinery, equipment, welfare & PPE (std 5/6/8)

nothing more than a look for around the workplace. A level of personal judgement should be applied. Ask 'what checks do you do?'

- *Are all electrical items required to have Portable Appliance Testing (PAT Testing) stickers on them?*
- *NO!!*

The appraisal form

- **Fire and Evacuation (std 7)**

(Appliances, exits, alarms) – ask what do you do in the event of an emergency?

- *Do all premises need a fitted automatic fire alarm?*
- *NO!!*

The appraisal form

- **H&S Management/Insurance (std 9)**

- **Insurance**

 - **Employers Compulsory Liability Insurance Details**

 - Insurance Company, Policy Number, Expiry Date

 - *Are employers legally required to have Public liability insurance?*
 - *NO!!*

By this stage, your assessor will have a good 'gut' feeling on whether the employer is providing a suitable workplace for the learner.

The appraisal form

- **Individual risk assessment (std 10)**
- No need for separate risk assessment if employer has already considered risks to inexperienced staff
- Guidance says – only required if learner has difficulties, major changes from previous learners etc

The appraisal form

- **PREVENT, Safeguarding, Equal Opportunities, Disabled Facilities**

Make employers aware of these areas

Different funding streams

- Advise to treat all apprenticeship placements the same.
- An employer with a 24 yr old self funded apprentice could take on a 16-18 yr old at a later date

Peripatetic / OSAT type apprentices

- Practical approach.....
- Split checks into 2 sections.
- First – check H&S policy, risk assessments and insurance are in place
- Second – checklist/inspection list for sites
check: induction, fire, welfare, first aid etc

The appraisal form

- **Actions**

put actions on the system as a reminder tool, if you need to collect some information on your next visit

- **Re-appraisals**

- Requirement relaxed, use a common sense approach. H&S Appraisal can last for length of program. Ensure that a H&S appraisal has been completed in at least the last 12 months before a new apprentice starts

Future

- Awaiting relevant case law
- Working with HSE Vulnerable Workers unit to produce relevant Provider FAQs
- Is a central database an option?? It was discussed during the LSC/SFA days but didn't progress due to competition between providers

Any Questions?