

SUPPLEMENT



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NEBOSH CERTIFICATE – UNIT NGC1

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INTRODUCTION

This Supplement has been prepared to augment and update your study material for the NEBOSH Certificate Unit NGC1 course. You should read it in conjunction with your existing course material.

ELEMENT 1: FOUNDATIONS IN HEALTH AND SAFETY

Meanings and Distinctions

Civil Law and Criminal Law

Civil Law

Employers are required to be insured, so that the awards can always be paid. (This is in contrast to fines in criminal cases where insurance is not permitted.)

Civil actions must be instigated within three years of the injury (or in the case of an illness from the date it was diagnosed). This is a further difference from criminal actions for which there is no time limit.

The Moral, Legal and Financial Reasons for Health and Safety

Civil Liability

Vicarious Liability

In early law, only in specified circumstances was a master liable for the torts of his servants. Eventually it came to be accepted that it should protect strangers, in whose eyes the master and servant are one. This has been extended in modern law to make the employer liable for any negligence of the employee acting in the course of his employment, that injures any third party.

Defences

Additions to defences:

- **No Duty Owed**

This defence is based upon the principle that there is no duty of care owed to the injured party. This may be because the defendant was not the claimant's employer, or it was not possible for the defendant to have reasonably foreseen that the action would result in the condition that led to the injury to the claimant.

- **No Loss**

Irrespective of whether the defendant was negligent, if there was no loss as a consequence then the claim cannot succeed.

- **An Act of God**

Examples are a lightning strike, or flooding.

- **Time Limitation**

If the claimant does not bring the action within three years of the date of an accident, or in the case of a disease from the date of diagnosis, then the action may be struck off. However, courts seem to be very lenient and often make exceptions.

- **Contributory Negligence**

This is described as a 'partial defence', though it is actually a reduction of the compensation after the defendant has been found liable.

Direct and Indirect Costs of Accidents and Ill-Health

Accidents Which Cause Injury to Personnel, But Do Not Damage Property

This also includes situations leading to ill-health, where absence from work is often more protracted than from accidents. The direct costs of this type of event include:

- Compensation payable to victim, though most of this is likely to be met by insurance.
- Redeployment and/or rehabilitation costs on return to work.

In addition, the following indirect costs may be incurred:

- Loss of staff from productive duties in order to investigate the incident, prepare reports, undertake hospital visits, deal with relatives, attend court proceedings. Also, employees' loss of morale can impact on productivity.
- Cost of remedial action following investigation, such as change of process or materials and/or the introduction of further control measures. Also, compliance with any enforcement notice served.

Insurance, Costs and Liabilities

Employers' liability insurance is a legal requirement (under the **Employers' Liability (Compulsory Insurance) Regulations 1998, as amended**) and without it a company cannot trade. It is required to cover the claims which may be brought in respect of the employer's civil liabilities – such as negligence, breach of statutory duty, etc. – and the minimum insurance is for £5 million. The current certificate must be 'displayed' for the benefit of employees (though this can be made available in electronic form) and produced if required by an Inspector. While there is no legal requirement to keep past, expired certificates, it is advisable to still keep a record of past insurances; a claim may be lodged by an employee (current or former) arising from exposures some years earlier.

Legal Framework for Regulating Health and Safety

Roles and Functions of External Agencies

There are a number of bodies with powers and duties under **HSWA (as amended)**, primarily in respect of the provision of advice and guidance, and of the enforcement of the statutory provisions.

The Health and Safety Executive (HSE) is charged specifically with health and safety matters, whereas other bodies working in the field have particular health and safety responsibilities in addition to their other roles.

Health and Safety Executive (HSE)

The HSE is established by an amendment of **HSWA** introduced by the **Legislative Reform (Health and Safety Executive) Order 2008**, and is responsible to the Secretary of State for the administration and enforcement of **HSWA** throughout Great Britain. Its functions are:

- To further the general purposes of the Act, which in particular means:
 - To secure the health, safety and welfare of persons at work.
 - To protect the public generally against risks to health or safety arising out of work activities and to control the keeping and use of explosives, highly flammable and other dangerous substances.
- To conduct and sponsor research, promote training and provide an information and advisory service.
- To review the adequacy of health and safety legislation and submit proposals to Government for new or revised regulations and approved codes of practice.

In terms of the legislative framework of health and safety, this last function is obviously of prime importance. One other key role arising out of these functions is the power to direct investigations and inquiries.

The HSE may at any time investigate, or authorise any other person to investigate any accident, occurrence or other matter it thinks necessary and to make a special report; or, provided the Secretary of State agrees, the HSE may direct an inquiry to be held into any such matter. An assessor may be appointed to assist with an inquiry. An inquiry shall be held in public except where Regulations provide otherwise. Those persons appointed to hold the inquiry may be given powers of entry and inspection; the inquiry may summon witnesses to give evidence or to provide documents, and people appearing at the inquiry may be required to give evidence on oath. The HSE may allow a special report following an investigation or the report of an inquiry, or parts of reports, to be made public.

The HSE Board consists of a chairman and between seven and 11 other members, all appointed by the Secretary of State. Before making these appointments, the Secretary of State must consult such organisations representing employees (with respect to three nominees), employers (with respect to three nominees), local authorities (with respect to one nominee), Scottish Ministers, Welsh Ministers and other organisations (such as professional bodies) as he considers necessary. A deputy chairman may also be appointed from the members.

The main role of the HSE, for our purposes here, is in relation to enforcement. In this, it shares responsibility mainly with local authorities.

Note: The Health and Safety Commission has been subsumed into the HSE.

ELEMENT 2: POLICY

Aims, Objectives and Key Elements

General Statement of Intent

This will outline, in broad terms, the organisation's overall philosophy in relation to the management of health and safety. It is a declaration by the company, signed by the Chief Executive Officer (or equivalent), which shows the commitment of the company's management.

Setting Targets

Targets are not only evidence of management's commitment, but also facilitate the measurement and review of performance. They are also important in motivating staff by giving them a tangible goal in the process of continual improvement.

General Statement of Intent

The general statement of intent will identify the main Director or Chief Officer who has ultimate responsibility for health and safety, in order to indicate commitment to the policy at the very highest level. This person will sign the statement to give authority to the policy.

General Objectives

The main objectives of the policy should be clearly set out in the general statement of intent. These will relate (among other things) to:

- The duty of management to see that everything reasonably practicable is done to prevent personal injury in the processes of production, and in the design, construction and operation of all plant, machinery and equipment, and to maintain a safe place of work (including access and egress) and healthy working environment.
- Risk assessments and control of specific hazards.
- Provision of adequate resources, expert health and safety advice, competent employees, information, instruction and training.
- Good communication and consultation with employees.

Targets

Other targets may be associated with lowering the level of contaminants (chemicals, noise) in the workplace atmosphere, reducing absenteeism, reducing compensation claims, avoiding enforcement actions, improving audit scores, increasing the attendances at health and safety training courses or safety meetings.

There may also be reference to seeking for continual improvement, and to developing a positive health and safety culture.

Note: The paragraph headed "Physical Measurements" is no longer required.

ELEMENT 3: ORGANISING FOR HEALTH AND SAFETY

Consultation with Employees

Safety Representatives

Non-Union Elected Employee Representatives

Their functions are limited to:

- Making representations to the employer on potential hazards and dangerous occurrences at the workplace which affect or could affect the group of employees which they represent.

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- Making representations to the employer on general matters affecting the health and safety at work of the group of employees which they represent.
- Representing those employees in consultations with health and safety inspectors.
- Right to appeal to an employment tribunal.

The criteria for determining the appropriate number of representatives of employee safety are similar to those for TU-appointed safety representatives.

Safety Committees

Functions

The agenda of a safety committee meeting will cover any recent accidents, ill-health and also near-misses, including information on actions taken to prevent recurrences: particular attention should be drawn to any reportable incidents. Reports will be considered of workplace inspections, monitoring, and any audit that has taken place. If there has been any visit from, or communication with, the enforcing authority, that should be discussed: similarly for the insurers. There should be information on any new equipment or process, changes to safe systems of work or risk assessments, and any change in legislation.

Periodically the committee will review the health and safety policy, and training requirements. The agenda should also incorporate opportunities for either management or employee representatives to raise any concerns or matters brought to their attention.

ELEMENT 4: PROMOTING A POSITIVE HEALTH AND SAFETY CULTURE

Factors Promoting a Negative Health and Safety Culture

Just some of the factors that commonly cause a safety culture to decline are:

- Changes in personnel, either a key individual or a high general turnover of staff.
- Insecurity, particularly if one's own future is in doubt.
- A blame culture.
- Poor welfare facilities; lack of monitoring of the workplace.
- Lack of leadership and commitment from senior personnel; failure of management to implement remedial measures.
- Lack of consultation and/or effective communications.
- Unrealistic targets set by management, or conflicting objectives such as supervision emphasising productivity ahead of safety.

Improving Health and Safety Culture

Effective Communication Within the Organisation

Effectiveness of Different Methods of Communication

- **Notices, Posters and Films**

Noticeboards should be located in prominent places of areas used by all personnel such as a staffroom. Notices should be current, relevant and tidily displayed. It is a good idea if someone is responsible for ensuring this. Note, though, that too many items can obscure the messages which are being conveyed.

Typically the safety policy, employer's liability insurance certificate, safety law poster, emergency procedures, and identity of persons such as safety representatives and first-aiders will permanently be displayed on the noticeboard. It should also contain the minutes of the last meeting of the safety committee, the report of the most recent workplace inspection, and information on recent accidents and incidents. If any correspondence from the enforcing authority has been received, including enforcement notices, copies should be displayed. From time to time there will be various items about current initiatives, forthcoming training, etc.

Films or videos are mainly used in training programmes as an alternative to 'talk and chalk'. Well-produced, professional presentation is likely to hold the audience's attention.

Training

Induction Training

Usually the new employee will be given a copy of the safety policy to read, or told where it is displayed, and at a minimum key aspects will be discussed. Specific policies on aspects such as drugs and alcohol should also be outlined. The immediate concern will be to set out the general instructions and procedures to be followed for safe movement around the workplace and what to do in the event of a fire or accident, including reporting as well as first-aid facilities. Legal duties on employees to report hazards, etc. should be mentioned. Another priority is to identify welfare facilities, and indicate any rules that apply such as not taking drinks to their workplace. Key safety personnel including safety representatives should be identified. Only after that should training move on to the hazards of the specific workplace environment in which the recruit will be working, with any requirements for PPE to be worn, or hazardous areas where access is prohibited without specific arrangements such as covered by a permit-to-work. This should precede instruction in the tasks themselves, ensuring that working safely is given precedence. Later sessions should progress to the joint responsibilities of management and employees for safe working practices, health surveillance procedures, further training and assessment of competence, and give more detailed attention to the causes and prevention of accidents and fire.

Internal Influences on Health and Safety Management Standards

Management Commitment

Influence of Line Managers

In Element 3 we identified the responsibilities of middle managers and supervisors. Their impact in influencing the health and safety standards in the workplace is crucial. Many of the principles and objectives set by senior management will only be achieved if taken on board by the managers

who have the opportunity of day-to-day contact with the workforce. They share with their seniors the importance of setting a good example in their own behaviour. But they alone are the ones that ensure that training, supervision, communication, consultation, monitoring, inspections and discipline are all carried out. On a daily basis they are the ones who should recognise good performance and give praise. They are likely to be the ones who need to respond to investigating reported hazards and complaints, and to carry out accident investigations. They are the ones who can provide the opportunity to involve workers in risk assessments, development of safe systems of work, and the selection of PPE.

ELEMENT 5: RISK ASSESSMENT

Principles and Practice of Risk Assessment

HSE Guidance: *Five Steps to Risk Assessment*

- **Step 3: Evaluate the Risks and Decide on Precautions**

The evaluation should take into account both the likelihood of harm and the potential severity.

Where any existing measures do not appear to be adequate, additional controls need to be identified and action then taken to implement them.

- **Step 4: Record Your Findings and Implement Them**

The **Management of Health and Safety at Work Regulations 1999** require that the significant findings of the assessment must be recorded and kept.

If the company has less than five employees, it is not legally necessary to prepare a written record, although as the requirement to undertake the assessment still applies, it is always useful to keep one anyway.

Special Categories of Workers

Young Persons

In the case of children, information resulting from the assessment should be given to the parents or guardians.

For all young persons, the assessment must take into account the risks associated with:

- Processes and work conditions in the light of their inexperience or immaturity.
- Their physical development, as they may not be as strong as adults.
- Characteristics such as lack of confidence (they may be reluctant to ask questions) and under-developed communication skills.

Their behaviour may be boisterous, and they may take risks due to perceiving them less seriously than an experienced worker.

They may also be badly influenced by peer pressure.

Induction training may need to be specially tailored to deal with the needs of young persons. A mentor ('buddy') can be designated to keep a close eye on them.

There may be restrictions on the length of their working time.

Lone Workers

Ideally there should be means of staying in contact, usually achieved with mobile phones, but where necessary alternatives should be considered including a requirement to make contact at specific times. Information may need to be passed on from base, or the lone worker may need to report hazards, accidents, etc. Consideration needs to be given to what equipment and materials are required, including PPE and a first-aid kit, and what means of transport is available. Manual handling issues may arise. The nature of the working environment should also be considered, including whether welfare facilities are available there. The threat of violence is a particularly high risk for many lone workers, especially if they have valuable equipment or cash on them, or if they are visiting the homes of clients who might be aggressive. Personnel should be selected taking into account their psychological and physical characteristics.

ELEMENT 6: PRINCIPLES OF CONTROL

Safe Systems of Work

It is particularly important that safe systems of work should be developed before introducing new activities into the workplace. Employees will not be familiar with new hazards introduced, and the control measures that must be followed. Competent persons must develop these, by reference to technical guidance, etc. Operators can then be instructed on the written procedures to be followed, and additional supervision will be required until the procedures have been trialled.

Introducing Controls and Formulating Procedures

Risk control methods should follow standards set in guidance, and as a minimum meet legal requirements.

The choice of risk control measures will be based on reasonable practicability following the usual hierarchy, i.e. if elimination of the hazard is not possible, then substitution is the next approach, etc. They should take account of both the severity of the risk and the likelihood of something going wrong. The number and types of persons exposed to the hazard will also be taken into account, their competence, and whether further training or supervision is required. The choice may also consider past experience and the culture of the organisation.

Permits-to-Work

The permit-to-work system is a formal, documented safety procedure designed to ensure that all necessary actions are taken before, during and after particularly hazardous operations, or in situations that are hazardous, or where the combination results in high risk. These operations are mostly in relation to maintenance work which can only be carried out if normal safeguards are dropped, but also include certain routine work which demands special precautions be taken. Examples include working with, or undertaking maintenance of, high voltage electrical equipment and supply plant, overhead travelling cranes, hot or highly flammable materials and pipework containing hazardous substances, as well as working in confined spaces. The system requires formal documentation of the hazards and control measures, and signed authority to be given before the activity commences.

Permits-to-work are formal documents specifying the work to be done, hazards, and the precautions to be taken. Work can only start when safe procedures have been defined and put into place. The permit provides a clear written record, signed by a responsible manager or

supervisor, that all foreseeable hazards have been considered and all the necessary actions have been taken. It **must** be in the possession of the person in charge of the operation before work can commence.

Note the first paragraph above defines a permit-to-work system, whereas the second paragraph refers to the permit-to-work itself (i.e. the actual document). Also note that a 'permit-to-work system' should not be mistaken for a 'safe system of work'. Rather, a safe system of work may require a permit-to-work system to be adopted as part of its overall systematic control of risk.

The Application of Permits

A permit-to-work form must also include the following:

- Reference to other relevant documents.
- The task to be undertaken.
- Other controls to be maintained throughout the work, e.g. oxygen level monitoring.
- Emergency equipment and arrangements to be in place.

Revision Question

(a) What is a permit-to-work?

(b) What five key elements are missing from this list of requirements for a permit-to-work form?

- Permit title, number and reference to other relevant permits or isolation certificates, also other relevant documents.
- Job location, plant identification, description of work to be done and its limitations.
- Hazard identification and precautions necessary.
- Signature of the manager releasing the plant for the job and confirming that isolations have been made/precautions taken, except those which can only be taken during the work.
- Signature confirming understanding of the work to be done, the hazards involved and the precautions required.
- Hand-back – signatures, with time and date, of both the permit acceptor and issuer confirming that all the procedures have been carried out correctly, the work has been completed and the plant is ready for testing and recommissioning.
- Cancellation – signatures, with time and date, certifying that the work has been tested and the plant satisfactorily recommissioned, and that it has been accepted back in a safe condition for production to recommence.

Suggested Answer to Revision Question

(a) Permits-to-work are formal documents specifying the work to be done, hazards, and the precautions to be taken. Work can only start when safe procedures have been defined and put into place. The permit provides a clear written record, signed by a responsible manager or supervisor, that all foreseeable hazards have been considered and all the necessary actions have been taken. It must be in the possession of the person in charge of the operation before work can commence.

(b) The five missing elements are:

- The task to be undertaken.
- Protective equipment necessary when undertaking the work, and other controls to be maintained throughout the work.
- Emergency equipment and arrangements to be in place.
- Date and time duration of the permit.
- Extension/shift hand-over procedures – signatures confirming that checks have been made to ensure that the plant remains safe to be worked upon, and that the new acceptor/workers have been made fully aware of the hazards and precautions. Where an extension to the work is involved, a new expiry time for the permit must be given.

First-Aid

First-aid can save lives and minimises the consequences of an injury or illness until medical help is obtained.

The duty on employers to make provision for first-aid is in the **Health and Safety (First-Aid) Regulations 1981**, with commentary in the Approved Code of Practice and Guidance, L74 *First-Aid at Work*. Basically the employer has to provide (or ensure the provision of) adequate equipment and facilities, plus suitably trained persons to render first-aid. There is also a duty to inform employees of the arrangements.

It is implicit in the Regulations that risk assessments must be carried out to determine the level of provision needed.

In some organisations provision must also be made for non-employees (e.g. transport passengers, shoppers, users of leisure facilities). These are covered in the ACOP and Guidance.

A self-employed person is under a duty to provide, or ensure the provision of, equipment to enable him to render first-aid to himself.

ELEMENT 7: MONITORING, REVIEW AND AUDIT

Introduction

Organisations need to measure what they are doing to implement their health and safety policy, to assess how effectively they are controlling risks, and how well they are developing a positive health and safety culture. It is one of the key steps in the safety management system: information generated is used to review progress.

Monitoring should be a line management function, but the information generated needs to be used by senior management to review the organisation's overall performance, leading to the setting of new targets.

Workplace Inspections

Types and Frequency of Inspection

- **Workplace Safety Inspections**

These are formal inspections of a whole area or section of the workplace to check on either all the safety measures applicable or particular aspects of them. This will include observation of such issues as:

- General maintenance.
- Compliance with safe systems of work.
- Etc.

Under the **Safety Representatives and Safety Committees Regulations 1977**, safety representatives have the right to inspect the workplace quarterly. Typically, workplace safety inspections will be carried out monthly or quarterly, but for high risk workplaces this is likely to be more frequent.

Additional inspections may be appropriate where:

- There is evidence of particular problems in the workplace derived from previous inspections and audits or reactive monitoring (such as an increase in accidents or employee complaints).
- The workforce includes more vulnerable members such as the young and/or disabled where high standards of health and safety have to be maintained.
- Recommendations made following risk assessments.
- Justified by accident history and the outcomes of accident investigations.
- On the basis of reports of ill-health or health surveillance.
- Required by enforcing authority, insurers or manufacturers' recommendations.
- New processes, new equipment, or changes to safe systems of work.

At least a brief record should be kept of workplace safety inspections, and any problems encountered reported. Before commencing an inspection, it is good practice to look at the report of the previous inspection, so checks can be made on items previously unsatisfactory.

Other preparatory steps are to notify local management (unless it is the practice to do inspections unannounced), and to ensure the team of inspectors has any equipment they may require – most particularly PPE that is necessary. In some areas a permit-to-work may be required before entry.

Use of Checklists

In order to ensure a consistent and comprehensive scope and approach to checking all the safety elements by different inspectors, it is usual to develop a checklist or inspection form which covers the key issues to be monitored. Using a checklist enables prior preparation and planning to be made so that the inspection is more structured and systematic, thereby reducing the chance of overlooking important issues. The checklist will identify all items which need to be inspected in that particular type of inspection – i.e. pre-operational checks, maintenance checks for particular types of equipment, items to be covered in a full departmental safety inspection, etc. If

necessary, the checklist can easily be adapted to customise for different areas. It also provides an immediate record of findings, and an easy method for comparison and audit.

However, using a checklist also has potential weaknesses:

- A blinkered approach by 'inspectors' with the possibility that significant risks might be missed.
- The checklist may not be reviewed and updated to account for changes to work processes or equipment, leading to new hazards and risks not being recognised.
- Inspections may become habitual with no 'follow up' questions asked.
- Too objective and restrictive with no scope for peripheral issues to be considered.
- Untrained persons might be tempted to conduct inspections.

Priorities for Action

Summary of factors to be considered when planning a workplace safety inspection:

- Look at previous reports or any other relevant documentation.
- Reason it is required, e.g. a statutory requirement, change of process needs additional monitoring, or scheduled to happen periodically.
- Date and time it will take place, taking into account what activities are to be inspected; duration.
- Will it be announced in advance?
- Areas to be included and route to be followed. Will a permit be required?
- Who will undertake the inspection, just an individual or a team? What skills do they require, taking into account the nature of the work carried out?
- Are any checklists available, or requiring preparation? Does reference need to be made to legislation, standards or company procedures and rules?
- Are specific or any persons to be interviewed?
- Will any equipment be required for sampling or measuring, and do the inspectors need to wear PPE?

The follow-up action after the inspection will include compiling a concise report (but avoid jargon) for distribution to managers, safety committee, etc. This should be well presented using headings and sub-headings. Start with information as to the purpose, location and time of the inspection, and by whom it was undertaken. It is not necessary to include all hazards observed, merely those symptomatic of problems, though it is opportune to mention good practices observed as well as bad ones so as to give a balanced picture. Drawings or photographs may be used to illustrate specific points.

Highlight any breaches of legislation or situations of imminent danger encountered where work had to be halted or plant isolated. Finally, include conclusions and recommended remedial actions with realistic timescales to rectify, and rough costings. Additionally the report should contain, preferably at the beginning, an executive summary of the key findings.

Review of Health and Safety Performance

Gathering Information

- **Accident and Incident Data**

Frequency and trends should also be evaluated, and may be benchmarked against similar organisations or compared with national or sector data. Damage to property and near-misses can be taken into account as well as injuries.

- **Absence and Sickness Data**

Results of health surveillance programmes show the success of early intervention to prevent sickness and absence.

- **Quality Assurance Reports, Audits, Monitoring Data and Complaints**

Monitoring data is information which is produced by any measurement activity including direct observation of behaviour.

Another example is the use of questionnaires or more sophisticated tools to assess the safety culture.

Hazard reports and the number of complaints received by management from staff and/or customers indicate the on-going failure or success of a company activity. Although this may, or may not, be safety-related, the numbers of complaints received indicate movement towards success or failure. Consultation can generate such information.

Risk assessments may be indicators, though some type of analysis is required either of their quality, or whether they are being regularly reviewed and updated. Other relevant documentation could be training records and maintenance logs.

- **Enforcement Action and Civil Claims History**

Prohibition and enforcement notices as well as any prosecution are important reactive indicators of performance, likewise claims made by employees, etc. and their effect on insurance premiums, though there may be a significant time lag making the data obsolete.

Auditing

Scope and Purpose of Audits

Distinction Between Audits and Inspections

In relation to safety management the term auditing is sometimes used loosely for describing various monitoring activities such as workplace inspections. This should be resisted. Monitoring is principally a line management role, undertaken continuously or frequently to ensure compliance with the organisation's adopted standards and procedures. Auditing, on the other hand, is an independent, fundamental examination undertaken by people outside the line management structure, challenging whether the standards and procedures are appropriate, as well as their application. Auditing includes checks on the monitoring programme.

Whereas an inspection will typically take an hour or two to perform, including recording briefly the observations and remedial actions required, an audit needs to be planned in advance and may take several days to complete: it will need a detailed report agreeing with management before the actions can be added.

Audits will take place annually or even less frequently. Workplace inspections may take place as frequently as weekly, though more typically monthly, or even quarterly.

Inspections may include safety representatives and various other internal personnel. Some knowledge of the process is advantageous, but is often acquired by participating together with more experienced colleagues. Auditors need to have specific training to carry that out: while it is possible to have internal auditors, often audits are conducted by external auditors.

Pre-Audit Preparations

Preparation will begin with a decision whether an external or internal audit is required. Factors to consider include:

- Cost: an external auditor will be more expensive than using a member of staff. If an internal auditor is to be used, he/she should not have line responsibility within the area to be audited.
- Training and experience should be beyond question with a reputable external auditor; however, some companies also have competent auditors in-house.
- Credibility: in some organisations an external expert is regarded as more credible than an insider, especially one who might be pressurised/influenced by management.
- Availability: if an internal auditor is to be used, he/she should be allowed sufficient time to do the task thoroughly within conflicting priorities.

Then:

- Define the objectives and scope of the audit, and agree relevant guidance and standards that will be applied.
- Particularly for an external auditor, ensure appropriate facilities are available.
- If necessary develop audit questionnaires and checklists.
- Decide methods of feedback.
- Gather and consider documentation.

Information Gathering

Additional documentation to be examined at the outset:

- Report of previous audit.
- Safety management system.
- Risk assessments (general, fire, COSHH, etc.).
- Emergency procedure.
- Consultation arrangements.
- Incident/near-miss reporting procedures.
- Planned maintenance checks and records.
- Environmental monitoring records (dust, noise, etc.).
- Health surveillance statistics.
- Procedures for selection and control of contractors and suppliers.
- Permit-to-work.

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- Method statements/safe systems of work.
- Insurance certificate and claims history.
- Any enforcement action or letters of advice from the HSE.

The Audit Process

Reports and Action

It may be necessary to make improvements in some areas if dangerous situations are spotted during the audit process, but the usual way is a planned programme of improvements at the conclusion to rectify all defects identified.

Following completion of the audit, the findings should be presented to the senior management of the organisation and/or the safety committee. Initially there may be no actions appended to the report – the main purpose of the audit process is simply to present an honest appraisal of the management system.

It is very much up to management to respond to the information that the report contains, including allocation of necessary resources. Thus, the report needs to be considered and recommendations for action developed. The initial scope should define whether the audit team, or management, or both together, will do that. There should be prioritisation of the actions, and a timescale for completion.

Once action plans are agreed, responsibility for monitoring their achievement should rest with management and the safety committee. Where improvements will take a long period to implement, an interim progress review may be called for, with information to interested parties.

Revision Question

Outline the differences between health and safety 'audits' and 'workplace inspections'.

Suggested Answer to Revision Question

Differences between Audits and Workplace Inspections	
Audit	Workplace Inspection
It is a structured way of assessing the health and safety performance of an organisation.	Has the aim of identifying hazards and assessing the use and effectiveness of control measures.
A lengthy process involving the examination of the entire management system.	A relatively short process looking at practices in all or part of the workplace.
Carried out by trained auditors, external or internal.	Carried out by internal personnel including supervisors and safety representatives, with little if any formal training.
Based primarily on review of documentary evidence, backed up by some observations and interviews of personnel at all levels.	Primarily based on observations, perhaps entailing limited scrutiny of paperwork and interview of operators.
Results in the preparation of a comprehensive report that records progress against performance standards and targets.	Short report, perhaps giving an overall impression and identifying key actions required.
Detailed planning required; requires considerable resources.	Only limited if any planning; and only resource required is a few hours of the inspectors' time.
Typically done annually.	Usually done on a weekly, monthly, or at most quarterly frequency.

Aims to improve systems at a high level, with ultimate effect of cascading down to operating level. Is a strategic tool, addressing long-term progress, thus having minimal impact on morale of workforce.	Focuses on activities and equipment at operational level, though remedial actions may address system faults. Gives early warning of any decline in standards, thus helping to improve morale of workforce.
Standard is compliance with internal systems.	Identifies breaches of legislation or good practice.
A scoring system used to measure compliance, based on supplying answers to a series of preset questions.	Often aided by the use of a checklist. If any attempt is made to score, then most likely subjective.

ELEMENT 8: INCIDENT AND ACCIDENT INVESTIGATION, RECORDING AND REPORTING

Basic Accident Investigation Procedures

As well as determining the causes and identifying new controls needed to prevent a recurrence, other reasons for investigating accidents are to demonstrate the management's commitment to improving safety and thereby improve morale in the workplace (which may have been affected if a colleague has been injured) and promoting a positive health and safety culture. The information collected may be required either to comply with the legal reporting requirements under **RIDDOR**, or if enforcement action is taken against the company, or by the firm's insurers in the event of a civil claim.

Establishing the Facts

Relevant Records

A search of the accident book or other records should be made for any similar occurrences, and then check what recommendations/actions followed.

Additional type of record which may be available:

- **Safe system of work or permit-to-work** – if either of these have applied to the work, they will be crucial evidence of how the work should have been performed safely.

Identifying Remedial Actions

Contents of Accident Investigation Report

It may be useful to summarise the points that should be included in a report of the accident investigation:

- The personal details of the injured party, the date, time and location of the accident, the work activity at the time and precise circumstances of the accident.
- The type and extent of injury sustained – if the accident was reportable to the authorities, a copy of the report made.
- The weather conditions if outdoors, or otherwise any relevant environmental factors, e.g. very noisy so could not hear approaching vehicle.

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- The control measures in place, including reference to any relevant risk assessment, method statement, safe system of work, or permit-to-work.
- Witnesses and copies of their statements.
- Drawings and photographs.
- Immediate and root causes identified, possible breaches of the law and the recommendations of the investigation team in relation to remedial action required.
- Cost implications.

Revision Question

List the types of documentation which may need to be consulted during an accident investigation.

Suggested Answer to Revision Question

The types of record to be consulted are:

- Inspection and maintenance records.
- Risk assessments.
- Safe system of work or permit-to-work.
- Environmental measurements.
- Medical records.
- General and specific safety reports and analyses which relate to the circumstances.
- Training and other personnel records.
- Minutes of safety committee meetings.

Statutory Reporting Requirements

Requirements and Procedures for Reporting under RIDDOR

- **Fatalities and Major Injuries**

If a work-related accident or incident (including physical violence) results in an employee being killed or suffering a major injury, the responsible person nominated by the employer must notify the enforcing authority immediately by the quickest practicable means – usually by telephone.

The requirement to report a death applies if within 12 months of an incident the victim dies as a consequence.

Internal Systems for Collecting, Analysing and Communicating Data

Reporting Procedures

The procedure for what to do in the case of an accident or safety-related incident will be laid down in the organisation's safety policy. In the first instance it will ensure that all appropriate actions are taken to assist the victim and to make the scene safe, also to fulfil any external reporting requirements. Subsequently its primary objective is to ensure that, in each case, the causes are identified, risk assessments are revised, and appropriate precautions are taken to prevent a recurrence. It may assist to identify weaknesses in the safety management system.

Later the information may be required for insurance purposes, or to defend the company in the event of a prosecution. Collection of such data over a period of time will provide statistics to identify trends or for benchmarking.

In cases of serious, or potentially serious, incidents the safety officer and responsible senior manager will need to be informed immediately so that, if necessary, an investigation can be instigated before the scene is disturbed. The safety officer/manager will also need to consider whether a reportable incident has occurred and there is a need to inform the enforcement agency (local authority or HSE). The safety representative should also be informed, and the company's insurers. The next of kin should be contacted if the victim has been hospitalised. For a fatality, there is also a requirement to notify the police and the coroner.

Reasons often given by employees for failing to report accidents are that no procedure exists, or if there is one that they were unaware of it or that it is too complicated, and possibly they do not want to take time away from the job (most common where people are paid on output). They may also be reluctant to get involved in case of retribution, i.e. they will be blamed. Peer pressure may also be a factor. Sometimes when no action has been taken after a previous incident, they consider there is little point in reporting. Where incentive schemes based on safety performance are in place, reporting may be avoided as it would lose them bonuses.