

## **Annex E Health and Safety**

### **The Legislative Framework**

#### ***The Health and Safety at Work Act 1974***

E.1 In England and Wales, the Health and Safety at Work Act 1974 is the key piece of enabling legislation in the area of health and safety. It places a duty on employers and those responsible for places of work to ensure that employees, visiting staff and other individuals are protected from risks and dangers arising from work activities. In the case of higher education those other individuals would include students, members of the public and contractors. In Northern Ireland, the comparable legislation is the 1978 Health and Safety at Work Order.

E.2 The 1974 Act established the Health and Safety Commission and the Health and Safety Executive. The Health and Safety Commission advises the Government on the issue of regulations which have statutory force. The Health and Safety Commission and the Health and Safety Executive also issue codes of practice and guidance with which employers should comply. The Health and Safety Executive and its inspectorate enforce statutory duties and can investigate serious accidents in the workplace.

#### ***Regulations on Specific Hazards***

E.3 The 1974 Act enables the Secretary of State to make regulations, subject to approval by Parliament. This has resulted in a wide range of regulations relating to specific areas of risk, including:

- Control of Substances Hazardous to Health Regulations (1988)
- Ionising Radiation Regulations (1985)
- Genetic Manipulation of Organisms Regulations (1992).

E.4 These regulations set minimum safety requirements: for example, the Control of Substances Hazardous to Health Regulations state the exposure limit to dangerous chemicals. They also require employers to make an assessment of the hazard within their particular organisation and to act upon the assessment.

#### ***1992 Health and Safety Regulations***

E.5 The 1992 Health and Safety Regulations (and similar legislation in Northern Ireland) implement directives made under the Single European Act 1987. There are six sets of regulations altogether, and they are sometimes referred to collectively as the 'six pack'.

### **Duties of the Governing Body**

E.6 As the employing authority, the governing body carries the ultimate responsibility for health and safety and could be held liable for offences under the 1974 Act (as could individuals who have failed to discharge their duties). Among the duties placed on the governing body are:

- the preparation of a written statement of policy on health and safety, including details of the organisation and arrangements for implementing that policy
- consultation of employees about health and safety
- provision for the appointment by recognised trade unions of safety representatives.

E.7 Health and safety responsibilities for the students' union should also be clearly designated.

### **Further Information**

E.8 The Health and Safety Executive is actively involved in promoting health and safety in the education sector. It has established an Education Service Advisory Committee which publishes a number of booklets relating to health and safety in the classroom, laboratories and workshops. It has also published guidance on health and safety management in higher and further education, with particular reference to inspection, monitoring and auditing.

### **Summary**

E.9 The governing body should satisfy itself that:

- the institution has a health and safety statement in which management responsibility for health and safety issues is clearly designated
- those with such designated responsibility are aware of, and have access to, relevant regulations, advice and training
- the institution plans the implementation of its policy and sets health and safety standards which it expects to be achieved
- the institution has structures and arrangements for implementing its safety policy, such as safety officers and appropriate committees
- the institution monitors its activities to ensure that the agreed standards are being met.