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The right side of the image features a vibrant autumn scene. A bright sun is shining through a dense canopy of trees, creating a warm, golden glow. The foreground is covered in a thick layer of fallen leaves in various shades of red, orange, and yellow. The overall atmosphere is peaceful and seasonal.

Autumn Risk Guide

Clocks going back, evenings drawing in, collars pulled up. It can only mean one thing – autumn is here.

Autumn heralds a change in season, when we are faced with different risks which are associated with building maintenance and employee safety.

With this in mind, our autumn risk guide covers some of these risks in more detail. Because the fewer claims you have, the safer you'll be.



Building Maintenance

Good housekeeping dictates that premises should be maintained before the onset of winter; this guide discusses precautionary measures to ensure safety



Working at Height

A serious risk and, as work takes place to clear debris like falling leaves from elevated positions, one that should not be ignored



Managing Contractors

When external building maintenance becomes a priority, so does managing contractors: our guide discusses best practice in this area



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Insurance & Risk Management

If you would like more information about how to manage these risks, please do get in touch.

Wishing you a risk-free and safe autumn,

The Alexander Bonhill Team

BUILDING MAINTENANCE



Proactive action now is better than reactive action when it's too late

Buildings that are not maintained regularly will deteriorate in condition resulting in an increased risk of damage, insurance loss, business interruption, injury and prosecution. Remedial work costs are also likely to be substantially more.

Proactive building maintenance will not only ensure buildings remain in acceptable condition but will reduce the potential for damage, loss, injury and prosecution.

Most of the precautions provided in this section are little more than common sense and good business practice and should be used as a checklist for good preventative building maintenance.

Precautions

- ▶ Introduce regular and systematic internal and external inspections of the premises. Frequency of inspections will vary depending on the use, location, age and construction of the buildings. A log of all inspections and remedial works should be kept – see the handy checklist below.
- ▶ If suitably trained and competent persons are not available within your staff, then contract the services of suitable competent contractors to inspect, assess conditions and if necessary carry out remedial works.

Inspections should include:

▶ Building fabric

- Roofs
- Yard Areas
- External Lighting
- Floors
- Chimneys
- Rainwater Goods
- Fascias
- Windows
- Doors and Steps
- Soffits
- Perimeter Walls/Fences
- Walls
- Walkways/Pavements
- Fire Escape Routes
- Lightning Conductor
- Vegetation and Trees
- Bulk Fuel Supplies and Associated Pipework

- ▶ Ensure all contractors coming onto your premises are controlled and supervised by use of Permit to Work systems, risk assessment and method statements depending on the nature of the work.
- ▶ Ensure any employees instructed to carry out such maintenance work are provided with suitable training including an assessment of the risks and introduction of suitable controls measures for the task.
- ▶ Ensure electrical installations and equipment are inspected, tested and maintained.
- ▶ Ensure heating systems are maintained and serviced in line with manufacturers' recommendations.

- ▶ Ensure all gas systems (including appliances, pipework, valves, regulators and meters) are installed, maintained, serviced and inspected by a 'Gas Safe' approved contractor.
- ▶ Ensure all extraction and ventilation systems are inspected and tested by a competent person/contractor at least every 14 months.
- ▶ Ensure all pressure systems are included within a written scheme of examination as required by law.
- ▶ Ensure all lifting equipment is included within a written scheme of examination as required by law.

- ▶ Ensure emergency lighting and fire safety systems are routinely tested, inspected and maintained.
- ▶ Manage Asbestos within the premises.
- ▶ Manage the risk of Legionella within water systems within the premises.

It is preferable that all inspections are recorded. Be sure to keep all your records up to date to assist with any planned preventative maintenance programme.

Further Guidance

Health & Safety Executive www.hse.gov.uk



The Health and Safety Executive have published their figures for workplace fatalities in Great Britain, and the most common cause of fatal injury is falling from height. This has been the case for several years. It affects most industry sectors but is a particular issue in certain sectors such as the construction industry. It can occur in any premises for example during maintenance, window cleaning, loading/unloading vehicles, adventure activities and roof work.

Accidents can involve falling from ladders, stepladders or other work equipment and open edges (e.g. from mezzanines, scaffolds and mobile access towers). Frequently, falls occur during roof work from open edges, through roof lights or other fragile roofing materials.

Many falls are usually attributable to poor management control rather than being specifically related to the failure of work equipment. In many circumstances, a combination of factors contribute to the accident including inadequate risk assessment, issues with the safe system of working including the provision and use of suitable equipment, and inadequate information, instruction, training and supervision for those involved in the work.

What should organisations be doing?

While the general requirements of the Health and Safety at Work etc. Act and the Management of Health and Safety at Work Regulations may apply, the principal duties relating to the prevention of falls are detailed in the Work at Height Regulations. Other additional requirements might also apply in some circumstances (e.g. where work equipment – such as a cherry picker – is used, the Provision and Use of Work Equipment regulations would also apply amongst others). In some industrial settings, the Workplace (Health, Safety and Welfare) Regulations will also be relevant.

The Work at Height Regulations

These regulations set minimum safety standards to prevent falls. They cover nearly all work premises. 'Work at height' means any place at (or below ground) from which a person could fall a distance liable to cause personal injury and the duties extend to cover access to and from such a place (except by a staircase in a permanent workplace). They do not cover travel to and from a place of work.

The Regulations:

- ▶ Impose duties relating to the organising and planning of such work
- ▶ Require that persons are competent (or supervised by competent persons)
- ▶ Specify steps to be taken to avoid risk from work at height
- ▶ Impose duties relating to the selection/specification of work equipment
- ▶ Require the avoidance of risks from fragile surfaces, falling objects and danger areas
- ▶ Require the inspection of certain work equipment and of places of work at height.



If you are the employer

If an organisation has employees, they must comply with their duties under the Health and Safety at Work etc. Act (Section 2 – General duties to employees and Section 3 – General duties to others who are not employees) and the Management of Health and Safety at Work Regulations (in particular, Regulation 3 – Risk Assessment).

They also need to comply with the Work at Height Regulations, along with any other specific requirements of the Provision and Use of Work Equipment Regulations. This is in addition to any civil law duty of care owed.

On this basis, best practice considerations include the following:

- ▶ Ensuring that work is properly planned in advance, including any emergency procedures and the selection of appropriate work equipment, appropriately supervised, and carried out in a safe manner
- ▶ Ensuring that any risk assessments completed identify circumstances where work at height is involved and determine what, if anything, needs to be done to comply with applicable statutory requirements. In particular, risk assessments should clearly demonstrate that where ladders are to be used their use is justified because of the low risk, and the short duration of use, or existing features on site which cannot be altered. In most circumstances, assessments should be recorded, reviewed and updated as necessary

- ▶ In identifying the necessary precautions. First avoiding the need for work at height by, for example, completing it from ground level. Where this is not possible, determining the work equipment and/or other precautions required to prevent falls. If possible, existing places of work should be used first where these are suitable i.e. they are stable, of sufficient strength and rigidity, provide safe access. Where this is not possible, suitable equipment should be used to prevent or minimise the distance and consequences of a fall. Collective protection measures such as edge protection, scaffolds and nets should be given priority over personal protection i.e. harnesses, taking account of the specific working conditions, access/egress travel distances, potential fall distances/consequences, duration and frequency of use, emergency evacuation and rescue requirements and loadings.
- ▶ Implementing and maintaining the precautions identified as being necessary.

The Work at Height Regulations set specific standards that need to be met for working platforms (see Schedule 3); guard-rails, toe-boards, barriers or similar collective means of protection (see Schedule 2); nets, airbags or other collective safeguards (see Schedule 4); personal fall protection systems, work positioning systems, rope access and positioning techniques, fall arrest systems and work restraint systems (see Schedule 5); and ladders (see Schedule 6).

Other precautions will include:

- ▶ Those required to prevent materials or objects likely to cause injury from falling, ensuring that they are suitably stored and will not be thrown or tipped from height; those to identify work areas and prevent unauthorised access to them where necessary; and those relating to safe access; the use of lifting equipment; the provision of adequate lighting; safety around overhead service and/or equipment and the use of personal protective equipment.
- ▶ Avoiding the need for work on or near fragile surfaces – including roof lights. Where this is not possible identifying and implementing adequate precautions to prevent falls (e.g. by providing suitable platforms, coverings, guard rails, roof ladders, crawling boards and warning signs)
- ▶ Ensuring that no work at height is carried out during adverse weather conditions
- ▶ Ensuring that work (including any organisation, planning and supervision) is only carried out by persons who are competent or, if being trained, are supervised by someone who is. The level and detail of competence required should be identified by a risk assessment.
- ▶ Recording and keeping details of any training and information provided to employees. Training records should contain such detail relating to the persons who were trained; when they were trained and by whom; an overview of the training that was provided; details relating to any certification provided or other test to verify understanding, along with trainees signing to state that they have received and understood it.
- ▶ Ensuring that the workforce is appropriately consulted on the required precautions.
- ▶ Recording the arrangements and responsibilities for managing work at height as part of the health and safety policy (or supporting documentation) where one is needed to comply with health and safety law and reviewing these where necessary. This should include arrangements to ensure that the specified inspections (as detailed in the Work at Height Regulations) are carried out by a competent person; the control of contractors involved in such work and the steps to be taken where it is not possible to follow the required system of working.





If you are NOT the employer

If an organisation has control of any work at height completed by others, they will need to comply with the Work at Height Regulations – but only to the extent of their control.

Similarly, if they control work equipment; a person at work who uses, supervises, or manages the use of work equipment; or the way in which work equipment is used at work must comply with the Provision and Use of Work Equipment Regulations. Again, they only need to comply with the requirements to the extent of their control. ‘Work equipment’ means any machinery, appliance, apparatus, tool or installation for use at work (whether exclusively or not) and would include access equipment.

In addition to these specific requirements, organisations that do not have employees will still need to meet duties under the Health and Safety at Work etc. Act 1974. This is where they control non-domestic premises made available to others as ‘a place of work’ or where they may use ‘plant or substances provided for their use there’ (Section 4). In these circumstances and for work at height, they must make sure that the premises and plant (e.g. any access equipment) provided for use by others are safe.

A similar civil duty to that of employers is also owed.

Further topic resources

Further information is available as follows:

The Work at Height Regulations,

SI 2005/No. 735, available at www.legislation.gov.uk/uksi/2005/735/made

General information is available at www.hse.gov.uk/work-at-height/index.htm

Working at Height, A brief guide, INDG 401, HSE, available at www.hse.gov.uk/pubns/indg401.pdf

Safe use of ladders and stepladders, A brief guide, INDG 455, HSE, available at www.hse.gov.uk/pubns/indg455.htm



MANAGING CONTRACTORS

A recent Crown Court ruling which fined a warehouse owner after a contractor's employee fell 30 feet through a skylight at their premises highlights the importance of due diligence checks on contractors.

From a health and safety point of view, contractors will usually be unfamiliar with host premises and any specific hazards there. Because of this, they may be more at risk of injury. They may also carry out work which could potentially damage premises or injure others.

How to Manage Contractors

Contractors can perform a wide range of tasks in varying working environments and employing diverse working methods, equipment and substances. For example, contract work can include the construction, extension, repair or maintenance of premises; the installation, maintenance and repair of work equipment; the provision of specialist services (e.g. the transport of goods or waste); the provision of other services (e.g. catering, security etc.) and so on.

Essentially, contractors are third parties who undertake a contract to provide materials or labour to perform a service or complete a job. Their employees are not under the direct control of their host (i.e. those that procure their services). As such, they differ from agency staff who are usually under the direct control of the host and (for health and safety purposes) are treated similarly to their own employees.

Sometimes, an organisation may have more than one contractor doing the work at a time. This can potentially increase or add to the risk. In other cases, the contractor may further sub-contract the work to others. All of this, may affect the precautions taken to ensure the safety of others.

In this context and depending on the work to be done, proportionate steps must be taken to ensure adequate health and safety standards are maintained. This is a delicate balancing act between wanting to control every aspect of their work and letting them just get on with the job. In many cases the contractors will be specialists, and the host will not understand their work (or the risks associated with it) sufficiently to manage them closely. The key to getting this right is understanding the legal position; good communication and co-operation between the parties; and adopting suitable precautions.

What are your responsibilities?

If an organisation is an employer

If an organisation has employees, they have to comply with their duties under the Health and Safety at Work etc. Act. This requires employers to ensure the health and safety of their own employees and others who could be affected by their work. As such, both host employers and contractors are required to comply with these duties whilst any contract work is being completed.

Further duties relating to the management of contractors are contained in the Management of Health and Safety at Work Regulations. Of particular note, are the specific requirements relating to risk assessments; emergency procedures; co-operation between employers sharing workplaces; and persons working in host employers' premises.

Broadly, the responsibility for making sure that the contractor's employees are safe lies with the contractor. They need to ensure that their staff are properly trained, equipped, supervised, and work safely. They also have a duty to make sure that their employees will be safe when working on other employers' premises. Similarly, the host employer needs to ensure that their employees will not be harmed by the contractor's activities and that their operations will not injure the contractor's employees working on site.

It is generally not necessary or desirable for the host to become involved in the detailed management of the contractor's work. However, for some contract work the host may have a greater influence over how the work is to be completed. For example, this could occur in safety critical environments where they have a greater knowledge of specific hazards or are required to coordinate the activities of several contractors working in close proximity to each other.





Here, hosts may need to provide instruction on the way work is to be done and what precautions are to be taken. It is also important to remember that both the host and the contractor have a duty to ensure the health and safety of others who may be affected by the work (e.g. members of the public, visitors, customers etc.). This may require additional cooperation, and coordination to ensure that appropriate precautions are taken.

On this basis, best practice considerations include the following:

- ▶ Reviewing the circumstances where contractors are used and the type of work undertaken. This will assist in identifying what needs to be done to manage health and safety whilst such work is completed.
- ▶ Ensuring that any risk assessments completed to meet the requirements of the Management of Health and Safety at Work Regulations identify circumstances where contractors' employees might be affected and determine what (if anything) needs to be done to comply with statutory requirements. In some circumstances, it might be necessary to review these to ensure that the precautions implemented to protect employees, the contractor and others will remain effective whilst the work is undertaken.
- ▶ Determining if there are any specific health and safety conditions (including those relating to emergency procedures) that need to be met by the contractor and identify any specific health and safety information that might be relevant to them in pricing for and completing the work, providing this to them where necessary.
- ▶ Assessing the competency of any contractors to be engaged in the context of the work to be completed. Factors which may be considered include their experience and training; professional registrations; health and safety management arrangements; insurance cover, references etc. It may also be worth considering whether the contractor will subcontract and, if so, how they will ensure that appropriate health and safety standards will be maintained.
- ▶ Where necessary, obtaining and reviewing (in general terms) any specific method statement for the work to be carried out before the contractor comes onto site. The purpose of this is to establish that it is relevant to the particular circumstances of the work, accounting for any specific constraints or peculiarities of the premises or operations there. It is not necessary to complete a detailed review, or to 'approve' it before work starts.
- ▶ Implementing and maintaining any necessary precautions (e.g. segregation; isolation; provision of access; the use of permits to work; provision of site rules; site induction training; signing in and out etc.)
- ▶ Where the level of risk or the duration of the work requires it, monitoring compliance by the contractor with any restrictions or rules that have been set.
- ▶ Where the risks are likely to change as the work progresses, identifying ways to manage these changes and communicate with the contractor to ensure that precautions remain adequate.



- ▶ Implementing procedures to prevent further work by the contractor where there are concerns about the way the work is being carried out until such time as these are resolved.
- ▶ Once work has been completed, checking the work and the work area, signing off any permits in place before returning to normal operations.
- ▶ Providing any necessary information or training for those employees involved in the management of contractors. Training records in particular should contain such detail relating to the persons who were trained; when they were trained and by whom; an overview of the training that was provided; details relating to any certification provided or other test to verify understanding etc. The training record should contain detail of what has been provided, when

this was done and by whom along with trainees signing to state that they have received and understood it.

- ▶ Recording the arrangements and responsibilities for managing contractors as part of the health and safety policy (or supporting documentation) where one is needed to comply with health and safety law and reviewing these where necessary.

What are your responsibilities?

For organisations who are NOT employers

Organisations that don't have any employees will still need to meet duties under the Health and Safety at Work etc. Act 1974. This is where they control non-domestic premises made available to others as 'a place of work' or where they may use 'plant or substances provided for their use there' (Section 4).

In these circumstances, they must make sure that any work carried out by a contractor is done safely.

Duties where construction work is carried out

Under the Construction (Design and Management) Regulations, those organisations who have construction work carried out will have to meet specific duties where they are a 'client'.

More information is available at www.hse.gov.uk/construction/cdm/2015/index

Further topic resources

General information is available at www.hse.gov.uk/toolbox/workers/contractors

If you would like to learn more about managing your risk, please speak to your Alexander Bonhill broker, visit us at www.alexanderbonhill.co.uk or call **0345 050 2105** for assistance.

This document contains general information and guidance only and may be superseded and/or subject to amendment without further notice. The document may not cover every risk, exposure or hazard that may arise.



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