

HEALTH AND SAFETY AND STATEMENT OF INTENT

PEOPLE CENTRED SUPPORT LIMITED



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Policy Statement

This organisation is engaged in the provision of quality care and support to individuals and recognises its responsibility to ensure that all reasonable precautions are taken to provide and maintain working conditions that are safe, healthy and compliant with all statutory requirements and Codes of Practice.

Legal Requirements

The legal requirement to have a health and safety policy is a direct obligation arising from the Health and Safety at Work etc. Act 1974 (HSWA 1974). It requires that every employer with five or more employees must prepare and, as often as necessary, revise a written health and safety policy and bring it to the attention of all employees.

Failure to have a written health and safety policy may result in enforcement action by the Health and Safety Executive (HSE) or Local Authority, including Improvement Notices, Prohibition Notices and prosecution where appropriate.

Health and safety responsibilities are shared between the Care Quality Commission (CQC), the Health and Safety Executive (HSE) and Local Authorities (LAs) in England.

The Memorandum of Understanding (MoU) between the CQC, HSE and Local Authorities remains in place and supports effective, coordinated and comprehensive regulation for patients, service users, workers, contractors, visitors and members of the public. The MoU clarifies the respective responsibilities of each organisation when dealing with health and safety incidents in health and adult social care services.

The organisation will comply with all relevant health and safety legislation including but not limited to:

- Health and Safety at Work etc. Act 1974.
- Management of Health and Safety at Work Regulations 1999.
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR).
- Control of Substances Hazardous to Health Regulations 2002 (COSHH).
- Manual Handling Operations Regulations 1992 (as amended).
- Provision and Use of Work Equipment Regulations 1998 (PUWER).
- Personal Protective Equipment at Work Regulations 1992 (as amended).
- Regulatory Reform (Fire Safety) Order 2005.
- Fire Safety Act 2021.
- Building Safety Act 2022 (where applicable).
- Health and Social Care Act 2008 (Regulated Activities) Regulations 2014.
- UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018.

Respective responsibilities

- CQC is the lead inspection and enforcement body under the Health and Social Care Act 2008 for safety and quality of treatment and care matters involving patients and service users in receipt of a health or adult social care service from a provider registered with CQC.
- HSE/LAs are the lead inspection and enforcement bodies for health and safety matters involving patients and service users who are in receipt of a health or care service from providers not registered with CQC.
- HSE/LAs are the lead inspection and enforcement bodies for health and safety matters involving workers, visitors and contractors, irrespective of registration.

MoU Annex A: Examples of Incidents Typically Falling to CQC or HSE/LAs to Illustrate their Responsibilities Outlined Below

Examples of incidents that fall to CQC

- A patient/service user falls from a window.
- A severe scalding incident in a bath/shower.
- Assistance with eating where inappropriate food was given, resulting in serious harm or death from choking.
- Care given which was not in line with their care plan resulting in serious harm or death.
- Physical restraint by staff which resulted in serious injury or death.
- Ill treatment or wilful neglect of a patient/service user.

Examples of incidents that fall to HSE/LAs

- Circumstances where the commissioner of the service rather than the provider, seems to have been primarily at fault.
- Circumstances where the provider is not required to be registered by CQC.
- Employees developing dermatitis related to glove use.
- A manual handling injury to an employee from ill maintained equipment.
- A contractor tower scaffold collapses into a care home car park.

MoU Annex B: Incidents Where More Specific and Exceptional Criteria Apply

In a small number of cases, more specific criteria may apply and the aforementioned regulators will decide on the appropriate regulator taking into account other applicable legislation etc. A mutually agreed decision will be taken, in line with policy and protection guidance.

Factors Tending Toward HSE/LAs Leading

- Incidents involving maintenance contractors e.g. scaffolding or asbestos
- Installed plant for the use of anyone e.g. lifts or escalators
- Where specific Health and Safety at Work legislation can most adequately deal with the cause of the harm e.g. related to the statutory examination of plant or the Legionella Approved Code of Practice

Factors Tending Toward CQC Leading

- Incidents that may have exposed staff to harm, but the principal concern is the greater risk to patients or service users.

Factors Tending Toward a Joint or Co-ordinated Investigation

- Incidents where commissioners and registered Providers appear to be significantly at fault
- Employers not required to be registered with CQC as well as registered providers, appear to be significantly at fault

- Providers who should be registered with CQC but are not. (In such cases CQC would consider the failure to register and HSE/LA's the specific non-compliance issues).

MoU Annex C: Information Sharing to Support the MoU end Details of How the Various Regulators Will Share Intelligence and the System Each Will Access to Do So

In order that the MoU is fully understood by organisations a health and safety designated lead post holder will be the advice lead to ensure the appropriate existing statutory requirements for notification of incidents continues, e.g. RIDDOR, and CQC statutory notification requirements.

**[INSERT HERE THE DESIGNATED POST HOLDERS/COMPETENT PERSON
E.G. REGISTERED MANAGER, COMPLIANCE MANAGER, NOMINATED
INDIVIDUAL ETC.]**

These changes to health and safety responsibilities are just being implemented and this policy is designed to complement the existing health and safety policies, not replace them.

The Policy

This policy is intended to set out the values, principles and policies underpinning this organisation's approach to safe working practices.

Health and Safety at Work Policy

This organisation is committed to ensuring the health, safety and welfare of its staff, so far as is reasonably practicable, and of all other persons who may be affected by our activities including visitors, contractors, residents and their relatives. The organisation will take the following steps to ensure that its statutory duties are met at all times:

- Each employee and volunteer should be given such information, instruction and training as is necessary to enable the safe performance of work activities.
- Employees, volunteers, service users and their representatives/ families will be notified of health and safety information and updates through email, posters, meetings for staff or service user forums, newsletters and other accessible formats as required.
- All processes and systems of work should be designed to take into account health and safety and will be properly supervised at all times.
- Adequate facilities and arrangements will be maintained to enable employees to raise issues of health and safety.
- Competent persons should be appointed to assist in meeting statutory duties including, where appropriate, specialists from outside the organisation.
- This document will be regularly monitored to ensure that its objectives are achieved. It will be reviewed and, if necessary, revised in light of legislative or organisational changes.

Duties on the Organisation

The organisation recognises its responsibility under the Health and Safety at Work etc. Act 1974 and the Management of Health and Safety at Work Regulations 1999 to ensure that all reasonably practicable precautions are taken to provide and maintain working conditions that are safe, healthy and compliant with statutory requirements and recognised guidance.

This organisation's policy is, so far as is reasonably practicable, to apply the following:

- Risk assessments will be carried out in relation to service users, work activities, premises and organisational risks and reviewed regularly.
- Appropriate control measures will be implemented to eliminate or reduce identified risks.
- Agreed risk management measures will be communicated to relevant staff and monitored for effectiveness.
- Equipment will be maintained, serviced and inspected to ensure that it remains safe for use.
- Appropriate personal protective equipment (PPE) will be provided where required.
- Safe arrangements will be maintained for the use, handling, storage and transportation of articles and hazardous substances.
- Suitable information, instruction, training, supervision and support will be provided to employees.
- Premises under the organisation's control will be maintained in a safe condition.
- Safe access to and egress from all workplaces will be maintained.
- Suitable welfare facilities will be provided for employees.
- Accidents, incidents, near misses and cases of work-related ill health will be investigated and reported in accordance with statutory requirements.
- Robust fire safety procedures will be maintained, including fire risk assessments, emergency procedures, training, drills and equipment maintenance.
- Appropriate arrangements will be maintained to support employee wellbeing, including mental health and stress management.
- Competent persons will be appointed to assist the organisation in complying with health and safety legislation.

Person responsible for updating this policy: [Harry M Caulker]

Next Review Date: May 2027

The Health and Safety Manager for the organisation is [Harry Caulker].

The designated Fire Safety Lead is [Stella Shimell].

Duties on employees

The successful implementation of this policy requires total commitment from all employees. Each individual has a legal obligation to take reasonable care for their own health and safety, and for the safety of other people who may be affected by either their acts or omissions.

It is the policy of this organisation that, under Section 7 of the HSWA 1974, it is the duty of every employee at work:

- To take reasonable care of their own health and safety and those of any other person who may be affected by their acts or omissions at work.
- To co-operate with their employer to enable any duty or requirement to be complied with that is either imposed on their employer by or under any relevant statutory provisions.

In addition, no person employed by the organisation shall intentionally or recklessly interfere with or misuse anything provided in the interests of health, safety and welfare in pursuance of any statutory provisions. Failure to abide by this policy will be considered a disciplinary offence.

Record Keeping

Record Keeping

Individual and organisational records are kept securely, maintained accurately and processed in accordance with UK GDPR, the Data Protection Act 2018 and any other applicable legislation.

The organisation will:

- Ensure confidential records are securely stored and accessible only to authorised persons.
- Ensure confidential information is not left where it can be viewed by unauthorised persons.
- Regularly check the accuracy and completeness of information held.
- Ensure appropriate password protection and access controls are in place.
- Ensure electronic records are protected when devices are unattended.

The following records will be maintained where applicable:

Person responsible for updating this policy: [Harry M Caulker]

Next Review Date: May 2027

- Service user records.
- Personnel records.
- Recruitment records.
- Training and competency records.
- Complaints records.
- Financial records.
- Risk assessments.
- Accident, incident and near miss records.
- RIDDOR reports.
- COSHH assessments.
- Fire safety records.
- Equipment inspection and maintenance records.
- Health and safety audit records.

Monitoring and Audit

Health and Safety will be monitored through the organisation's governance, quality assurance and audit systems.

Monitoring activities will include:

- Health and Safety Policies and Procedures.
- Staff Training, Competence and Supervision.
- Risk Assessments.
- Accident, Incident and Near Miss Reporting.
- RIDDOR Compliance.
- COSHH Compliance.
- Fire Safety Compliance.
- Equipment Maintenance and Inspection.

Person responsible for updating this policy: [Harry M Caulker]

Next Review Date: May 2027

- Health and Safety Records.

Audit findings will be reviewed to identify trends, learning opportunities and areas for improvement. Action plans will be developed where necessary and monitored through governance processes to support continuous improvement.

Monitoring and Audit

Health and Safety will be monitored under our Governance and Quality Management procedures. This will include audits of our processes which will review:

- Health and Safety Policies and Procedures.
- Staff Training and Competence.
- Risk Assessments (Service users and organisation risk assessments).
- Accident and Incidents (RIDDOR).
- Control of Substances Hazardous to Health (COSHH).
- Files and Records.

Data from monitoring and audit will be analysed to identify themes or trends which will form a service improvement plan if required. This is our commitment to the principles of continuous improvement.

Refer to Good Governance, Quality, and Audit Policies for further details.

Related Policies

Accidents, Incidents and Emergencies Reporting (RIDDOR)

Audit

Basic Life Support

Control of Substances Hazardous to Health (COSHH)

Fire Safety

First Aid

Good Governance

Hot Water and Surfaces

Infection Control

Moving and Handling

MRSA

Notifications

Nutrition, Hydration and Food Safety

Personal Protective Equipment

Personal Safety and Lone Working

Quality Management

Risk Assessment

Related Guidance

- HSE Health and Social Care Services: <https://www.hse.gov.uk/healthservices/>
- HSE Risk Assessment Guidance: <https://www.hse.gov.uk/simple-health-safety/risk/>
- RIDDOR Guidance: <https://www.hse.gov.uk/riddor/>
- CQC Guidance: <https://www.cqc.org.uk>
- Fire Safety Guidance: <https://www.gov.uk/workplace-fire-safety-your-responsibilities>

Training Statement

All staff, during induction, are made aware of the organisation's policies and procedures, all of which are used for training updates. All policies and procedures are reviewed and amended where necessary, and staff are made aware of any changes. Observations are undertaken to check skills and competencies. Various methods of training are used, including one to one, online, workbook, group meetings, and individual supervision. External courses are sourced as required.

Health and Safety Statement of Intent

(To be read in conjunction with health & safety and related policies.)

This document sets out the Health and Safety Statement of Intent for the organisation

The purpose of which is to encourage the ownership, commitment and compliance at all levels of the business and to provide a framework to establish and review health and safety policies, objectives and guidance across the business.

The management board of the organisation fully recognises the importance of health and safety and is committed to both its legal and moral health and safety obligations. The board will support this by demonstrating top level commitment to Health and Safety Policy, individual responsibilities and staff training whilst ensuring that health and safety is represented at board meetings as an agenda item. The board sees the development of a positive safety culture across the business as an essential part of the its continued success and an essential part of its business process aim to:

- Maintain compliance with any statutory national laws, regulations or directives placed upon it by external regulatory bodies to continuously manage, develop and improve its health and safety related policies, strategies and processes to meet these responsibilities and to achieve industry best practice across the organisation.
- Provide a safe working environment for all employees, contractors, visitors and any others who may be affected by its activities or omissions.
- Conduct a regular programme of inspections and assessments to assess risk, identify and eliminate unsafe conditions/practices and to control and reduce any hazards found in the working environment.
- Promptly investigate every accident, incident, occupational health issue and near miss to determine their cause and prevent re-occurrence. To report, where required, any accident or incident that should be subject to the Reporting of Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR).
- Make provision for adequate first aid arrangements, welfare facilities and wellbeing at work.
- Ensure that this policy statement is communicated and maintained across all levels of the organisation.
- Ensure that all employees agree, as part of their contract of employment to comply with the individual duties placed upon them by law. Failure to comply with Health and Safety duties, regulations, local procedures etc. will be regarded as a serious breach and may lead to disciplinary action being taken.
- Review and/or revise the Health and Safety policy and statement annually or at times of significant change.

It is also the duty of every employee to:

- Exercise reasonable care for the health, safety and welfare of themselves and others who may be affected by
 - Their actions or omissions. To report any unsafe act, condition or occurrence at the earliest opportunity.
 - Respect for health, safety and welfare matters.

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- Not to intentionally or recklessly interfere with any rules or equipment provided by the company in the interests of Health, Safety or Welfare.

Signed:

Position.....

Date.....

Person responsible for updating this policy: [Harry M Caulker]

Next Review Date: May 2027