



Health & Safety

A practical guide for individual employers

Introduction

Health and Safety in the work place is a shared responsibility. Here is a brief look at what the obligations are.

Your obligations:

- Provide and maintain equipment and safe systems of work
- Control hazardous substances
- Provide a safe and healthy workplace and welfare facilities
- Provide a health and safety policy statement when employing 5 + employees
- Keep other visitors to your home safe



Visitors obligations:

- May include agency workers, social services and family members who are assisting you
- Must be considerate and work in a way which does not put other people at risk

Your employees obligations:

- Co-operate with your health and safety rules and policies
- Follow safe working practices
- Report accidents and dangerous situations to you
- Discuss training needs with you

Preventing Accidents

Risk assessments

- You are legally obliged to carry out risk assessments, even when you only employ one personal assistant
 - You must take action to control the risk of injury in the workplace, both physical and mental
- See page X for further guidance

Consultation and training

You must consult with employees about how to reduce the risk of harm in the workplace and provide training where appropriate (free of charge).

Training can be done by any competent person. A competent person is someone who can reduce risks of harm and has the follow attributes to do so:

- Skills
- Knowledge
- Experience

You do not need to pay for external training so long as the person carrying out the training can meet the above criteria. It is sensible to keep a record of training carried out for each individual employee.



Facilities:

Employees have a right to:

- Toilets
- Somewhere to wash
- Drinking water
- Provide protective clothing where appropriate (PPE)

Health And Safety Documents

Depending on the number of personal assistants you employ there may be health and safety information you need to display or have at hand.



HSE Poster

If you have 5 or more employees you are legally obliged to display the HSE Health and Safety poster somewhere in your home where it can be seen. Alternatively you may provide an A5 handout version to each and every employee.

These can be purchased from
www.hse.gov.uk/pubns/book/lawposter.htm

Accident Book

You must keep an accident book in the workplace which should be made available for employees to complete whenever they have suffered an injury at work.

A log should be made for minor injuries such as a sprain or pulled muscle, as well as more serious injuries such as cuts and burns.

A good accident book allows the employee to take a copy of the log and leave a copy with you.

Ready made accident log books can be purchased from the Health and Safety Executive:
<http://www.hse.gov.uk/pubns/books/accident-book.htm>



Health and Safety policy

For 5 or more employees, see sample in Appendix 4

If you need any further employment support or legal advice

Call 01476 512192

Email advice@ilgsupport.com



ILG Support

Your Proactive Employment Service

Reporting and managing accidents once they have happened

All employers must report incidents in the workplace which include fatalities, major injuries and dangerous occurrences to the Health and Safety Executive.

A major injury is: an injury which results in absence from work for more than 7 days or falls under the following list:

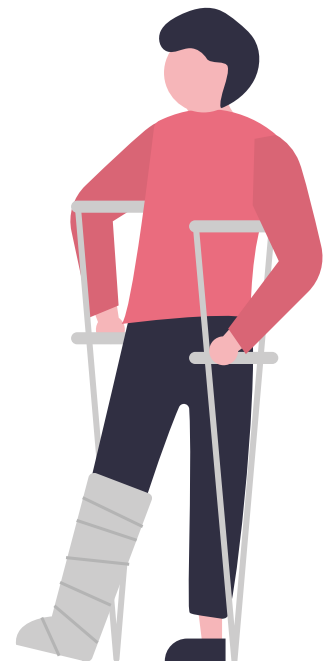
- Injuries caused by crushing
- Fractures (not fingers or toes)
- Loss of sight or hearing
- Loss of consciousness
- Amputations
- Injuries to non-workers who are taken to hospital from the scene must be reported within 24 hours

A dangerous occurrence is: Something that is a near miss and could have resulted in one of the above incidents occurring.

You can report to the HSE online at [HSE.gov.uk](https://www.hse.gov.uk) or call the contact centre on **0845 300 9923**

The minimum information to be recorded is:

- The name of the person affected
- The date, time and place of the incident
- The nature of the incident



Penalties

Health and Safety in the workplace is a legal obligation and failure to comply with it may result in fines which are unlimited and up to two years in prison

First Aid

It is sensible to have someone in the workplace trained in first aid where possible

You must provide first aid facilities. A first aid kit may include bandages, plasters, scissors, disposable gloves, finger dressings, sterile dressings, burns dressings etc

If there is a special risk in your home additional items of first aid must be provided, such as an eye wash solution where hazardous substances are used frequently

Risk Assessments

Risk assessments are a key step to keeping employees safe.

A risk assessment recognises hazards in the workplace which risk causing injury to employees.

Once hazards are highlighted you must then take action to control the risk and prevent possible future injury. Carrying out a risk assessment gives you chance to recognise the hazard and plan to avoid the risk of future injury.

You should pay special attention to the following:

- The Home Environment
- Use of Special equipment
- Disabled employees
- Pregnant employees
- Lone workers
- Night workers
- Visitors



What is a hazard?

A hazard is anything that can cause harm to someone and can include:

- Something causing slips or trips
- Manual handling and use of special equipment such as hoists
- A hazardous chemical or medicine
- An otherwise normal feature of the job that becomes a hazard because of someone's special condition e.g. a pregnant or disabled employee

What is a risk?

A risk is the chance or likelihood of harm

Who can do a Risk Assessment?

You are required to make sure that a competent person carries out the risk assessment. Don't panic! This isn't necessarily someone with special qualifications.

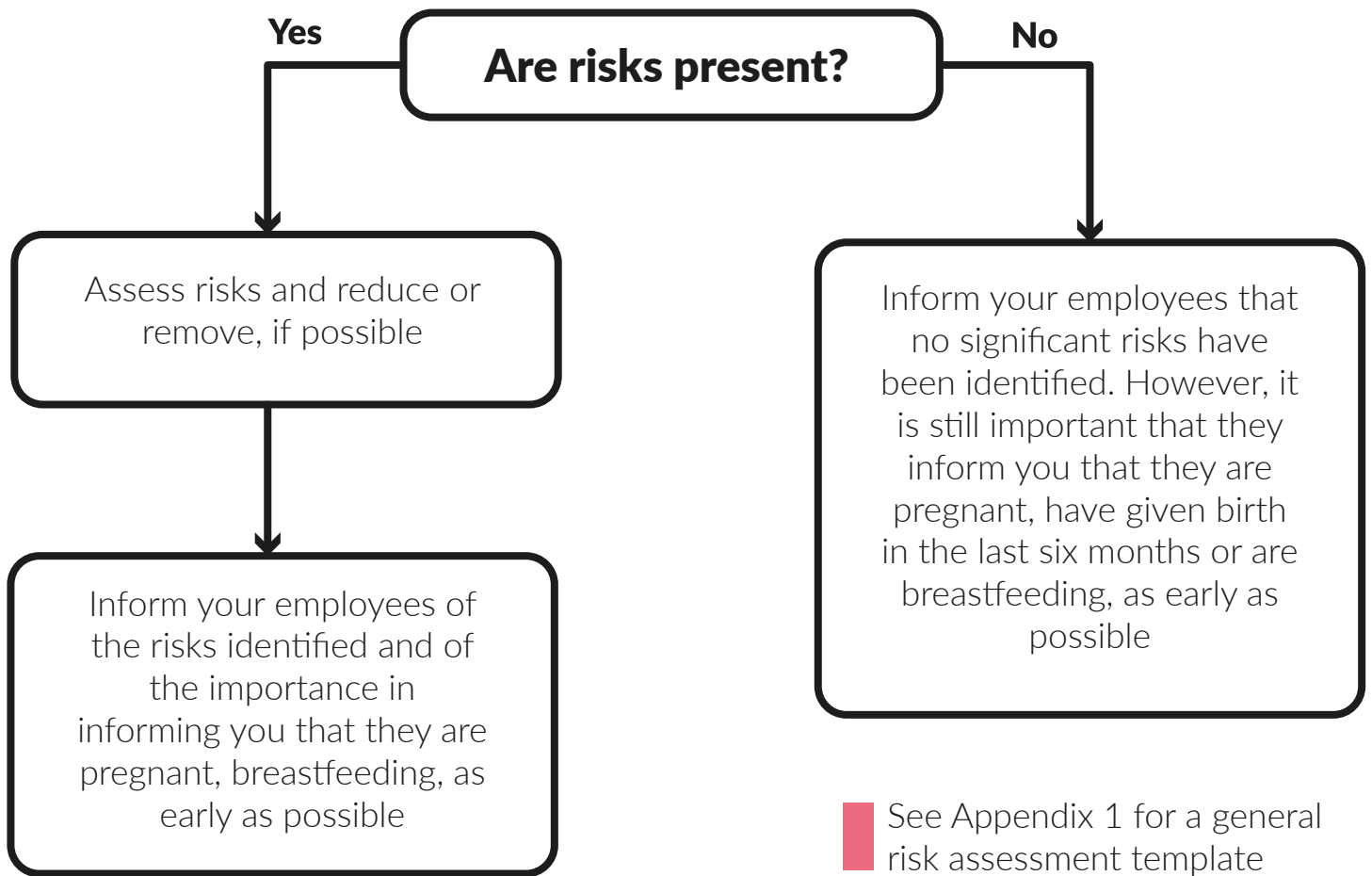
To be a competent person the assessor must have:

- Knowledge
- Skill
- Experience

If with all three of the above they have the ability to carry out the task properly and safely then they are competent to assess the risk for others and train others to avoid the risk where appropriate.

■ See Appendix 1 for a general risk assessment template

General Risk Assessments Flow Chart



NOTE

Employers have a legal duty to revisit, review and revise the general risk assessment if they suspect that it is no longer valid, or there have been significant changes to anything it relates to



If you need any further employment support or legal advice

Call 01476 512192

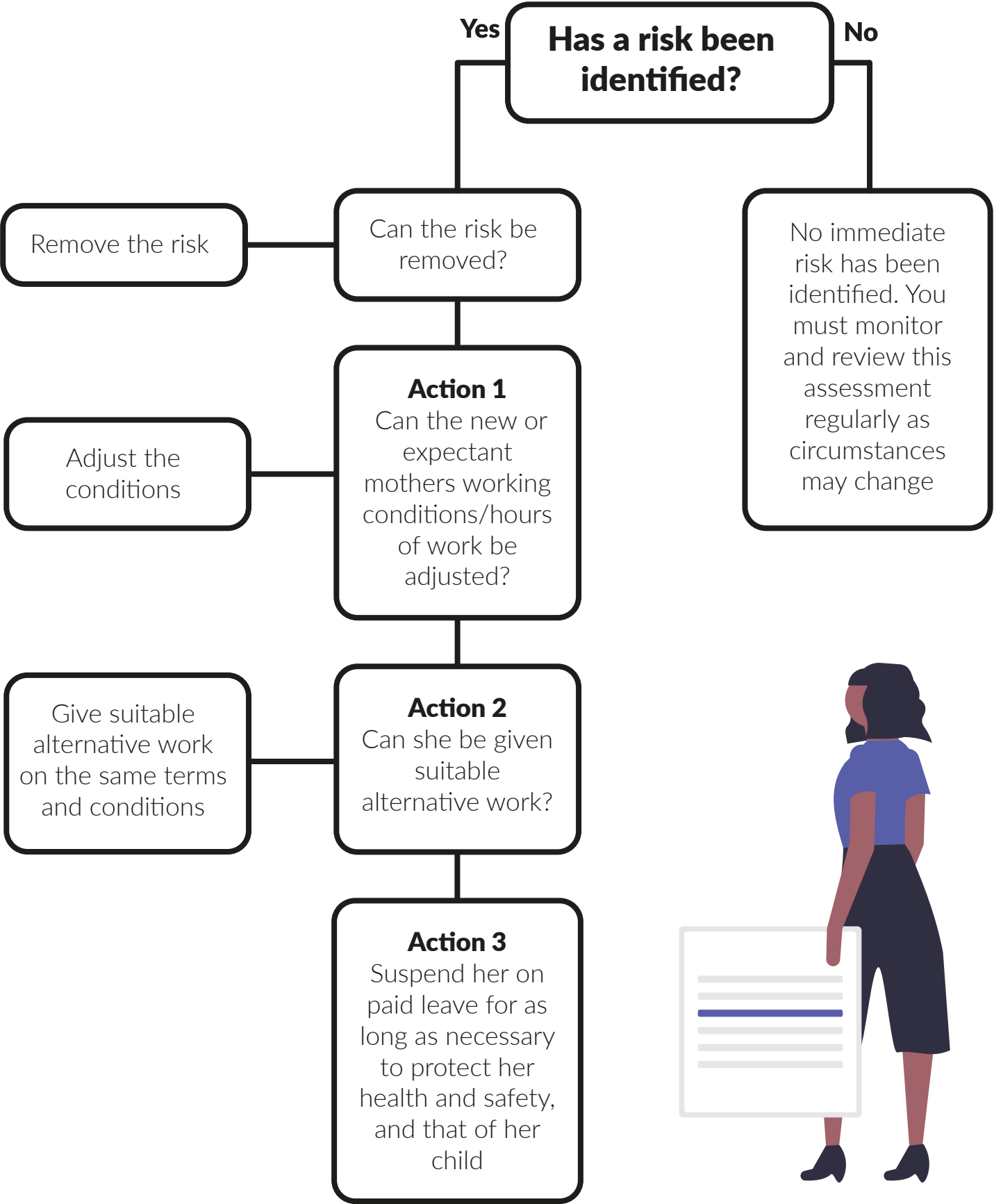
Email advice@ilgsupport.com



ILG Support

Your Proactive Employment Service

Pregnant Employee Risk Assessments Flow Chart



See Appendix 3 for a pregnancy risk assessment template

What Should I Do To Control A Hazard?

The risk assessor will need to go through each one of these in turn, where the first is not possible then move on to the next and so on:

1. **Eliminate or avoid the hazard**

Can the hazard be removed from the work place altogether?

2. **Substitution**

Can you provide a safer alternative to the hazard?

3. **Control the risk at the source**

Can you reduce the employees exposure to the risk? e.g make sure there are no tripping hazards in the house, particularly in small areas. Keep your kitchen area clean so there is no risk of slipping and only use electrical equipment that is safe and in good working order with no damage to wiring

4. **Safe working procedures**

Is it possible to change the working procedures so less stress is put on employees e.g using a hoist rather than excessive manual handling

5. **Training and instruction**

Make employees aware of the hazards and risks involved in the work

6. **Personal Protective Equipment (PPE)**

As a last resort, are you able to provide employees with clothing to reduce the risk of injury?

Record Keeping

If you have 5+ employees you must keep a written record of your risk assessments. A risk assessment should be carried out every time there is a change in the work place, such as a new hazard is introduced or an employee becomes vulnerable

It is highly recommended to keep a written record of risk assessments carried out for vulnerable people e.g pregnant or disabled employees

For pregnant employees a regular risk assessment should be carried out through her pregnancy and also upon return if she is breastfeeding her baby (see Appendix 3)

If you need any further employment support or legal advice

Call 01476 512192

Email advice@ilgsupport.com



ILG Support

Your Proactive Employment Service

Smoking

Where you are employing people to care for you in the home you are exempt from the workplace smoking bans that exist in England, Scotland, Northern Ireland and Wales. With this in mind here are some commonly asked questions:



I don't smoke, do I have to allow employees to smoke in my home?

You are not under any obligation to allow employees to smoke in or around your property. If you chose to, you can designate a smoking area that suits your needs, such as in the garden or on the driveway.

Myself and my family smoke in the home. I also employ a PA who smokes, do I have to allow them to smoke in the home?

Just because you smoke does not mean that you have to allow your employees to. Less smoking in the home is a good way to reduce the hazard of trapped smoke which could cause injury to non-smoking employees. Not allowing PAs to smoke inside also prevents them from wasting working time. You could allow employees to smoke during designated rest breaks to combat this problem.

If you chose to allow employees to smoke indoors ensure to have thoroughly considered the risk to non-smoking employees or otherwise vulnerable employees such as those with health conditions or pregnant ladies.

I smoke, can I ask my PAs to help me smoke as part of their duties?

Yes you can. It is important to highlight this duty when the employee is recruited and put it in their job description.

You must always carry out a risk assessment and make sure to have taken pro- active steps to avoid or reduce the risk to employees health (see Page X). Reasonable steps would be to only smoke outside, provide employees with a mask and gloves or keep your smoking to a minimum where possible.

Always consider the employees situation if they develop a poor health condition or become pregnant.

Smoking Continued

My PA has previously been happy with my smoking in the home and has now become pregnant; can they refuse to work in this environment or refuse to help me smoke now?

You must risk assess the situation. If it is clear that there is a risk of injury to the PA then you cannot force them to work in the environment or help you to smoke. If however you have provided adequate means of reducing the risk, such as no smoking indoors and sufficient protective clothing to prevent them from risk of injury then no, they cannot refuse to carry out their duties.

I don't smoke and have a PA who is a smoker. I am particularly sensitive to the smell of smoke on the PA when they are providing personal care. Can I ask that they don't smoke before coming to work?

Yes you can. It is recommended that you employ people who are either non-smokers or are very well aware of your rules at the point of recruitment. It is sensible to ensure you have an employee handbook in place that sets out the rules in your workplace and defines a breach of these rules as misconduct, allowing you to take disciplinary proceedings against the PA should it be necessary.

How do I set out the rules about smoking before or during working time so everyone is aware of them?

Whatever the rules are about smoking, it is sensible to highlight them at the point of recruitment. It is also recommended that you have an employee handbook in place, which is made available to all employees, so they are fully aware of the rules.

Please contact ILG Support on the legal helpline for further support in implementing special rules.



If you need any further employment support or legal advice

Call 01476 512192

Email advice@ilgsupport.com



ILG Support

Your Proactive Employment Service

Appendix

- 1. Example of a blank General Risk Assessment form**
- 2. Sample of General Risk Assessment completed**
- 3. Example of a pregnant employee Risk Assessment form**
- 4. Sample policy statement (necessary to be made available to staff when you employ 5 or more)**

It must be noted that all appendices are offered as a guide and may need to be adapted to suit your own working conditions and hazards

If you would like further guidance on the content of this manual please contact ILG Support

If you need any further employment support or legal advice

Call 01476 512192

Email advice@ilgsupport.com



ILG Support

Your Proactive Employment Service

Appendix 1

General Risk Assessment Form

Name of employer:

Date assessment carried out:

Assessment relates to employee/s:

Hazard			Action			
What are the hazards?	Who might be harmed and how?	What are you already doing?	Do you need to do anything else to manage this risk?	By Whom?	When?	Date Completed

Appendix 1 continued

Hazard			Action			
What are the hazards?	Who might be harmed and how?	What are you already doing?	Do you need to do anything else to manage this risk?	By Whom?	When?	Date Completed

Appendix 2

This is an example of a partially completed risk assessment form which would be suitable written evidence that you have carried out a risk assessment. Be sure to use this as a guide only and complete your form with details of hazards and risk management for your work place

General Risk Assessment Form

Name of employer: _____

Date assessment carried out: _____

Assessment relates to employee/s: _____

Hazard			Action			
What are the hazards?	Who might be harmed and how?	What are you already doing?	Do you need to do anything else to manage this risk?	By Whom?	When?	Date Completed
<i>Slips and trips</i>	<i>Staff and visitors may be injured if they trip over objects or slip on spillages</i>	<i>We carry out general good housekeeping. All areas are well lit including stairs. There are no trailing leads or cables. Staff keep work areas clear, e.g no boxes left in walkways, deliveries stored immediately, offices cleaned each evening</i>	<i>Better housekeeping is needed in kitchen (i.e spills). Communicate the need for better care from all staff</i>	<i>All staff, supervisor to monitor</i>	<i>02/05/2016</i>	<i>04/05/2016</i>
<i>Faulty fire alarm on landing</i>	<i>NB kitchen alarm still functions sufficiently well to wake someone sleeping in the household</i>	<i>Fire alarms placed in kitchen and on landing. Tested every month for battery life and functionality</i>	<i>Replacement fire alarm for the landing</i>	<i>Employer</i>	<i>02/05/2016</i>	<i>04/05/2016</i>

Appendix 3

This is an example of a partially completed risk assessment form which would be suitable written evidence that you have carried out a risk assessment. Be sure to use this as a guide only and complete your form with details of hazards and risk management for your work place

Pregnant Employee - Risk Assessment Form

Name of employer: _____

Date assessment carried out: _____

Suggested date of the next assessment: _____ (NB regular intervals recommended as the pregnancy changed and develops)

Assessment relates to employee/s: _____

Hazard			Action	
What are the hazards?	What is the risk?	What are you already doing?	Do you need to do anything else to manage this risk?	Date Completed
<i>Chemical hazards such as medication, cleaning fluids etc</i>	<i>Risk of injury to mother and unborn baby by contact, inhalation and ingestion - miscarriage</i>		<i>Consider whether the activity can be removed or if protective clothing would be sufficient</i>	
<i>Animals/pets in the home</i>	<i>Risk of disease</i>		<i>Consider whether activities such as cleaning up after animals can be avoided</i>	
<i>Equipment/Machinery e.g Hoists Driving a vehicle Pushing/lifting a Wheelchair</i>	<i>Risk of physical injury through heavy lifting - miscarriage</i>			

Appendix 4

This is an example of a partially completed health and safety policy statement.

Be sure to use this as a guide only and complete your policy with sufficient detail of how you intend to manage health and safety in your work place

Example policy for those employing carers and nursing staff

Setting the scene

Mr Joe Bloggs receives a Personal Health Budget from the NHS in order to employ carers and nursing staff to provide for his personal, emotional, and health needs. He is in need of 2 to 1 care, 24 hours per day, which includes the need for administration of medication and other medical tasks.

He employs 9 staff members on a permanent rota and has a bank staff of casual workers to provide back up support as and when required.

This template has been prepared in accordance with the guidance offered by the Health and Safety Executive and Mr Bloggs support teams. He genuinely cares for his staff and wants to portray this in his health and safety policy.

Preparing this health and safety policy, which has been provided by a support organisation, has given Mr Bloggs the opportunity to consider the things that should be documented and built into his own health and safety policy. Such as remote working, personal protective equipment, staff consultation and training etc. He decided that Mrs D Bloggs and Ms M.Simpson, his team leader, would be the most competent, experienced and capable people to take responsibility for health and safety issues.

Mr Bloggs presented the policy statement by making it available and always accessible to all employees and decided to review and update the document every year or straight away if there are any major changes in the workplace.

Appendix 4 continued

This is the statement of general policy and arrangements for:		Mr Joe Bloggs
Mrs D. Bloggs		has overall and final responsibility for health and safety
Ms M.Simpson		has day-to-day responsibility for ensuring this policy is put into practice
Statement of general policy	Responsibility of: Name/Title	Action/Arrangements (What are you going to do?)
Prevent accidents and cases of work-related ill health by managing the health and safety risks in the workplace	Mrs D. Bloggs	Relevant risk assessments completed and actions arising out of those assessments implemented. (Risk assessments reviewed when working habits or conditions change)
Provide clear instructions and information, and adequate training to ensure employees are competent to do their work	Mrs D. Bloggs	Staff and casual workers including agency given necessary health and safety induction and provided with appropriate training (including manual handling, medication control, and restraint training) and personal protective equipment. We will ensure that suitable arrangements are in place to cover employees engaged in work outside of the home
Engage and consult with employees on day-to-day health and safety conditions	Ms M.Simpson	Staff routinely consulted on health and safety matters as they arise but also formally consulted at regular health and safety performance review meetings or sooner if required
Implement emergency procedures – evacuation in case of fire or other significant incident. You can find help with your fire risk assessment at: https://www.gov.uk/workplace-fire-safety-your-responsibilities	Ms M.Simpson	Escape routes well signed and kept clear at all times. Evacuation plans are tested from time to time and updated as necessary
Maintain safe and healthy working conditions, provide and maintain plant, equipment and machinery, and ensure safe storage/use of substances	Ms M.Simpson	Toilets, washing facilities and drinking water provided System in place for routine inspections and testing of equipment and for ensuring that action is promptly taken to address any defects