



National Museums Scotland

Health and Safety

Policy Document

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BOARD OF TRUSTEES

Health and Safety Policy Document

Overview/Background

An overview on Health and Safety management is provided in Appendix 1 to this Policy which should be referred to initially being a useful single page diagram.

In preparing this policy, we have followed the safety management guidance in the Health and Safety Executive's (HSE) '*Successful Health and Safety Management*' document HSG 65. This identifies 5 steps in developing successful systems for Health and Safety summarised as follows:

1. Setting clear and effective safety policy arrangements
2. Organising staff resources to implement the safety policy
3. Planning and setting appropriate safety standards to assess risks
4. Measuring safety performance
5. Reviewing and auditing safety performance

These are amplified and cross-referenced to the policy below.

1. Safety Policy

Section 2(3) of the Health and Safety at Work etc Act 1974 (HSWA) requires an organisation that employs five persons or more to have a written statement of their health and safety policy. This should be reviewed and updated as appropriate. The safety policy should comprise several distinct parts:

2. Organising Staff and Resources

- A general statement of intent by the organisation with regard to the management of health and safety (**Part 1**).
- The organisation and responsibilities of employees at all levels in respect to health and safety matters (**Parts 2 and 3 and Appendix 1**).
- Arrangements – the legal process, health and safety systems and procedures in place (**Part 4 Health and Safety arrangements (guidance manual), awaiting completion**).

For any health and safety policy to be fully effective, it is essential that employees are involved and committed. This requires:

- Control - allocating responsibilities and securing commitment, formulation and development of Health and Safety Policy, safe systems of work, document control
- Co-operation – between individuals and groups, especially the trade unions
- Communication – verbal, written and visible
- Competence – recruitment, training, instruction, supervision, and advisory support.

3. Planning and Implementing

Once an organisation has planned its organisational, group and individual activities and employee's health and safety responsibilities, designated risk assessment training needs to be organised. The more complex risk assessments may be completed with the assistance of the health and safety adviser. The measures taken to eliminate or minimise the risks posed by hazards can be implemented and recorded in the health and safety policy and agreed safe systems of work.

4. Measuring Performance

The success of action taken to control risks is assessed through self-inspection looking at premises, plant, substances and documentation, people, procedures and systems. Failures to control are assessed through reactive monitoring and investigation of accidents, near misses and ill health monitoring and surveillance.

5. Reviewing and Auditing Performance

It is appropriate for the National Museums health and safety adviser to carry out audits, as they will compile the health and safety policy and provide general safety advice. He or she can judge whether the 'organisation and arrangements' sections of the health and safety policy are being put into practice in the organisation. Auditing and reviewing the safety management system forms the basis for the self-regulation and compliance required by the HSWA. It may be appropriate and save time to have trade union involvement during the audit. Outside consultants may also be employed to audit the safety management.

PART 1 GENERAL STATEMENT OF POLICY

National Museums Scotland is committed to ensuring high levels of performance and standards throughout the organisation and will abide by the requirements of The Health and Safety at Work etc Act 1974 and the subsidiary legislation. Effective health and safety management is a fundamental part of this commitment.

National Museums Scotland will observe its moral and legal duty of care to conduct its business in such a way as to ensure, so far as is reasonably practicable, the health, safety and welfare of its employees and others who may be affected by its activities. To achieve this National Museums Scotland will:

- Make the necessary arrangements to ensure that hazards are identified and risks to health, safety and welfare are assessed and either eliminated or adequately controlled
- Promote a positive health and safety culture throughout the organisation
- Provide such information, instruction, training and supervision as is necessary to ensure the health, safety and welfare of its employees and others
- Detail and document health and safety standards, organisational arrangements procedures and guidance and bring these to the attention of employees and others on our premises
- Ensure the provision and maintenance of plant, equipment and systems of work that are safe and without risks to health
- Ensure the safe handling, use, storage and disposal of substances hazardous to health
- Provide and maintain a safe and health working conditions with adequate welfare facilities and arrangements
- Ensure its employees are aware of their obligation in law to take reasonable care of their own health and safety and the safety of others affected by their acts or omissions
- Establish committees and procedures to enable employees and their representatives to raise issues of health, safety and welfare.

The ultimate responsibility for Health and Safety lies with the Trustees of National Museums Scotland. The Trustees will have overall responsibility for ensuring:

- The development of the Health and Safety Policy
- The Health and Safety Policy is implemented and allocated adequate resources
- That performance in achieving goals and objectives is monitored
- Promoting and developing a commitment to a positive health and safety culture.

The Board of Trustees delegate responsibility for health and safety to the Director, National Museums Scotland. Local responsibilities are delegated to appropriate points in the line management structure.

Signed

Director
For and on behalf of the Board of Trustees

PART 2 ORGANISATIONAL ARRANGEMENTS AND LINE MANAGEMENT RESPONSIBILITIES

The attached flow charts (Appendix 1) give a general picture of the ownership of health and safety matters through all levels up to the Corporate Management Team and the Museum Trustees. These are as follows:

The Board of Trustees

Overall responsibility for Health and Safety and the implementation of the Health and Safety Policy. The person acting on behalf of the Trustees will be the National Museums Director.

National Museums Director

The Director has overall statutory and operational responsibility for managing health and safety matters day to day. The role is to:

- Ensure the health and safety policy is understood and implemented
- Develop a plan for the achievement of corporate health and safety objectives
- Ensure the development of Directorate policy and procedures and setting goals to be achieved
- Monitor performance in achieving goals
- Identify and allocate an adequate budget to ensure policy implementation
- Report to the Trustees on health and safety matters annually and at other times when appropriate
- Ensure compliance with all relevant safety legislation
- Appoint a Director who is allocated clear responsibility for health and safety.

Director of Finance and Resources

The Director allocated with responsibility for health and safety across National Museums is the Head of Finance and Resources. They will be responsible for the implementation of effective health and safety practices and procedures via the line management structure. General Managers, Departmental Heads and Departmental Managers/Team Leaders will be responsible for day to day health and safety management within their areas of authority and will be supported by trained Health and Safety Co-ordinators and others with accredited safety training in relevant risk management skills.

The Health and Safety Manager will be appointed to ensure the nominated Director is furnished with sufficient information to pass on to the Director, Corporate Management Team and Board of Trustees for future consideration, prioritisation and implementation.

Director of Estates and Facilities Management

With regard to fire safety the Director of Estates and Facilities Management will have specific responsibility at strategic level in implementing any improvements required following an inspection by the fire authorities or to comply with building standard requirements. This will be done in liaison with the relevant museum departments with the CMT kept fully informed. Once there has been time for National Museums management to formulate an Action Plan in response to an inspection report a copy of both documents will be sent to the chairperson of

the Health and Safety Committee. The TUS will receive copies and the matters arising discussed at the regular TUS/National Museums Management meetings.

Corporate Management Team

All CMT members have a responsibility within their specialist areas to ensure the health, safety and welfare of staff and others. This will include:

- Interpret the health and safety policy with regard to issues within their workplace
- Allocate health and safety responsibilities to specific people in each department
- Through an ongoing process of risk assessment and inspection identify hazards, evaluate the level of risk and instigate controls
- Consequently develop safety procedures and suitable safe systems of work to deal with identified hazards
- Ensure health and safety information is effectively communicated through management at all levels
- Allocate adequate resources, including equipment, to promote safe working
- Ensure appropriate health and safety monitoring and measuring of performance
- Ensure all persons under their authority have adequate training
- Members of the CMT will have successfully completed the Institution of Occupational Safety and Health (IOSH) 'Safety for Senior Executives' 1 day training course.

Head of Human Resources

The Head of HR will ensure that:

- Policies and procedures are in place to support day to day management of health and safety; including training and induction
- Appropriate communication and consultation arrangements are in place
- Consult regularly with the Health and Safety Manager to exchange information
- Bring proposed revisions of health and safety policy, actions agreed or completed and other relevant information to the notice of the CMT.

General and Site Managers

General Managers are responsible for day to day health and safety issues and initiatives within their area of authority and will follow the same systems as shown below for Department Heads.

Department Heads (and General and Site Managers)

To promote a positive safety culture, it is essential line managers engage in the management of health and safety across the National Museums Scotland as part of their own respective operational areas of responsibility. Reporting to the appropriate Director, Department Heads and General/Site Managers are responsible for the health and safety policy in areas under their control, in particular they will:

- Be responsible for managing the day to day implementation of health and safety initiatives (with the support of Health and Safety Coordinators or others with accredited health and safety training specific to their workplace tasks)
- Report any urgent or major health and safety issues to the Health and Safety Manager and, if necessary, CMT level

- Will ensure that the performance of any Health and Safety Coordinators appointed (or others with designated safety remits) is reviewed and priorities and objectives are set
- Working with colleagues involved in various work activities (through delegation if appropriate) ensure risk assessments are completed that identify all potential risks to the health and safety of employees and others affected by work within their department or site
- Develop appropriate health and safety procedures and systems of work specific to their area of control and activities undertaken
- Ensure staff, contractors and others are aware of safety procedures
- Record all accidents, incidents or near misses within their area of control whether or not injury has occurred
- Carry out an investigation of such accidents and incidents (the Health and Safety Manager may investigate more serious occurrences)
- Initiate corrective actions and improvements where necessary including the provision of equipment
- Monitor accident and ill health reports
- Liaise with the Health and Safety Manager on matters that cannot be effectively dealt with at local level
- Ensure adequate supervision and that services provided at their site are delivered without risks to health and safety
- Identify training needs pertinent to their work activity.

To assist in fulfilling the above requirements the following post holders will attend the IOSH 'Managing Safely' 4 day training course:

- Head of Collections Management
- Technical Manager
- Head of Support Services and Security and the Security Operations Manager
- Head of Visitor Operations
- Visitor Services Managers of the National Museum of Scotland (2)
- General/Site Managers at the National War Museum, the National Museum of Flight, the National Museum of Rural Life, the National Museum of Costume, The National Museums Collection Centre.

Managers and Team Leaders

Managers and Team Leaders have a duty to ensure that:

- They identify all potential risks to the safety and health of staff and others affected by the work in their particular department or area of control
- There is clear agreement between departmental managers/team leaders and their senior management as to who are to complete and keep updated particular risk assessments
- Those actually involved in particular tasks are consulted when completing risk assessments; the departmental Health and Safety Coordinators may assist if they have adequate knowledge of an activity
- Safe working practices are achieved through the provision of risk assessments, safe systems of work and properly documented procedures
- They ensure staff, volunteers, contractors and other relevant parties are aware of all relevant health and safety procedures and ensure that they are followed

- They ensure training needs are identified for staff functions and tasks and that the necessary training occurs and they supply equipment as necessary
- Where hazards are identified initiate corrective actions and improvements as necessary
- Record all accidents, incidents and near misses within the sphere of their control whether or not injury has occurred and monitor accident ill health reports
- Carry out an investigation into the causes of such accidents and incidents (the Health and Safety Manager may investigate more serious occurrences)
- Liaise and co-operate with safety representatives on issues concerning health and safety
- Where doubt exists concerning the safety of equipment or work activities this is communicated to the next level of management
- Withdraw faulty equipment or suspend work activities as necessary
- Maintain good standards of housekeeping in their workplace
- Overall, the National Museums Scotland Health and Safety Policy is implemented in areas under their control
- They will be required to attend a 1 day training course 'Health and Safety for Managers/ Team Leaders'.

Employee's Individual Responsibility

All employees must be aware that at all times they have a specific legal duty to:

- Take reasonable care of their own health and safety
- Avoid any act or omission which might endanger others or themselves
- Obey health and safety procedures and systems of work
- Cooperate with their managers or team leaders in using the measures to control work related hazards
- Report any hazard or safety shortcoming that has gone unnoticed or is inadequately dealt with
- Use personal protective equipment where assessed necessary
- All staff will undergo induction training and attend a half day on fire safety with refresher training every 5 years.

In addition employees are encouraged to make reasonable suggestions for improving health and safety. Staff safety forums at individual museum sites are a useful means of raising concerns and discussing solutions.

General Departmental Responsibilities

As the attached flow diagram (Appendix 1 sites page 17) concerning health and safety management within sites and departments indicates managers have a general remit to manage safety in the following areas:

Issues in public areas	Head of Visitor Operations & Visitor Services Managers
Issues in collections areas	Head of Collections Management
Issues in staff/common areas	Head of Support Services and Security & Security Operations manager
Issues in design/technical support	Technical Manager

PART 3 OTHER DESIGNATED RESPONSIBILITIES AND FUNCTIONS

Health Safety Coordinator's Role

Will on completion of effective training be available to support line managers with the process of risk assessment and the implementation of health and safety policies at departmental level. The Co-ordinators' Committee meet six times per year (alternating with the Health and Safety Committee.) The Health and Safety Manager chairs the meeting. The purpose is:

- To provide a link between individual departments and the Health and Safety Manager
- To highlight concerns relating to the health, safety and welfare of their departmental colleagues
- To raise awareness within their departments regarding sensible risk management in the work place and the need for risk assessment
- To liaise with their own line managers and keep them updated as to progress in remedying the issues raised
- Try to deal with day to day health and safety problems at local level, calling on further expertise where this is required
- In general observe and promote the various health and safety duties and responsibilities as outlined in Part 2 for the various levels of line management.

Membership as follows:

- 1 for Collections Management
- 1 for Conservation & Analytical Research including covering relevant laboratories & workshops
- 1 for Design/Exhibitions including covering joinery works, print shop
- 1 for Archaeology
- 1 for Natural Sciences (Geology)
- 1 for Natural Sciences (Zoology)
- 1 for Science & Technology
- 1 for World Cultures/Scotland & Europe
- 1 for Public Programmes
- 1 for Estates
- 1 for Visitor Services
- 1 for Security
- 1 for general office safety & computer workstation concerns

Sites (site managers or senior colleagues)

- 1 for the National War Museum
- 1 for the National Museums Collection Centre
- 1 for the National Museum of Flight
- 1 for the National Museum of Rural Life
- 1 for the National Museum of Costume*

* may not attend regular meetings at Chambers St but can liaise with RW

18 in total (other individuals can attend from time to time re any specific departmental problems or accidents)

Specific training in risk assessment training required for the above unless this formed part of health and safety courses previously attended.

Also COSHH and DSE (computer workstations) coordinators need to be reviewed might be combined with above individuals in some cases given suitable training. COSHH database is maintained by Diane Mitchell (Geology Dept).

General: The role of co-ordinator needs to be included in the individuals' job description, the workload will vary greatly. Training in risk/COSHH assessment is essential for those who have not yet received it.

Health and Safety Committee

To meet six times a year to allow museum management and accredited safety representatives of recognised trade unions to meet formally so that health and safety can be promoted and controlled effectively. The management side will be made up of:

The Director of Finance and Resources; the Head of Human Resources; the Health and Safety Manager; the Head of Estates; plus one member of the Hazardous Substances Committee. The Employee Assistance Manager to attend as needed.

The trade union side may comprise of an equal number of accredited safety representatives.

The management side and the trade union side will each have a chairperson during the committee meetings.

The committee's remit will be to look at:

- Any changes such as procedures, equipment, safe systems of work which may substantially affect health safety and welfare
- Establish, monitor and maintain health and safety standards
- The health and safety consequences of new technologies or new legislation
- Planning of health and safety training needs
- To study accident statistics and trends
- To review health and safety audit reports
- To review reports of statutory inspections
- Consider occupational health matters
- To foster health and safety awareness and best practice throughout the National Museums
- To ensure agreed recommendations and action points are acted upon
- Any other health and safety matters that arise, a health and safety issues log will be available to both sides to assist this process and will reviewed and maintained by the Health and Safety Manager.

Hazardous Substances Committee

The remit mirrors that of the Co-ordinators Committee role above and is, in general, to manage the delivery, use, storage, labelling and disposal of chemical, biological and radioactive materials in use in the National Museums. This committee meets twice a year. Radiation Protection Supervisors attend along with designated staff from workshops, laboratories, support services and departments.

Radiation Protection Supervisors

These individuals have received specialist training in the requirements of legislation and best safe practice in the use and storage of radioactive sources. They have a responsibility to advise on and monitor the controls in place, create local rules and provide advice to ensure compliance with the relevant statutory provisions and codes of practice. They may be required to investigate and report on incidents, supervise the training of staff in best safe practice and advice on any other aspects of radiation safety at the National Museums. They will be members of the Hazardous Substances Committee. They will co-ordinate with the following outside bodies to obtain information and guidance as required:

- Radiation Protection Advisors
- The Health and Safety Executive
- The Scottish Environment Protection Agency
- Health Protection Agency / Radiation and Environmental Monitoring Scotland
- Other bodies as may be involved in radiological or public safety
- Undertake training through the Health Protection Agency's Radiation Protection Division 4 day course 'Core of Knowledge' modules plus 3 yearly RPA 'Refresher Workshop' training
- There will be 3 staff members undertaking Radiation Protection Supervisors' duties drawn from Natural Science (Geology), Science and Technology and Conservation and Analytical research.

Estates Role

Members of Estates staff have a particular responsibility for buildings and fire safety matters, estates development, structural safety, general services, plant and equipment. There is a particular focus on contractor activity, both long and short term. Activities in these areas are often hazardous and risk assessments, method statements, suitable permits to work and other required documentation must be available for both National Museums and contractor works.

The Estates Development Manager will attend the IOSH training course 'Managing Client/Contractor Relationships'.

Health and Safety Manager's Role

- To fill the role of competent person as required by legislation
- Will be responsible for health and safety policies and procedures, audit of health and safety systems and practices ensuring that statutory requirements are adhered to
- Support and enable line managers in the implementation of effective health and safety arrangements and preparations of reports for the Trustees, CMT and others as required
- This will involve periodic inspection of museum premises as part of ongoing checks of standards, compliance with policies and procedures, reporting as appropriate
- To call in outside expertise as required and to liaise with outside official agencies
- The Health and Safety Manager will be trained to NEBOSH Diploma level (or equivalent).

Note: It is the Health and Safety Manager's role to advise, coordinate, guide and monitor, not to 'do'. It is the job of line management to make decisions and get things done. It is line

management who have a clear legal obligation to look after the health and safety of those reporting to them and for others within their area of control.

Employee Assistance Manager

The Employee Assistance Manager provides a confidential welfare, information, and counselling service for staff. The principal aims of the service are to provide help, support and advice to individual members and personnel with the aim of resolving problems whether they are work related, personal or domestic. To help staff remain as effective as possible by assisting them in overcoming difficulties that prevent them from doing so.

Trade Union Safety Representatives

National Museums values the contribution of trade union health and safety representatives. The functions of the trade union safety representatives are to ensure the health, safety and welfare of National Museums staff by promoting, developing and monitoring appropriate measures. Specific functions of the health and safety representatives include:

- To investigate potential hazards and dangerous occurrences in the work place
- To carry out frequent inspections in the workplace
- To inspect documentation relevant to health and safety matters
- To make appropriate representations arising from the above
- To represent their group of employees in consultations at the workplace with inspectors of the HSE and any other enforcing authority
- Consultation with management on changes that may substantially affect health and safety such as procedures, equipment or ways of working
- To investigate complaints by any employee represented relating to health, safety and welfare at work
- If required, to follow the agreed communication procedure (**Appendix 2**) with management before any trade union inspection notice (**Appendices 3 and 4**) is issued outlining grievances or health and safety deficiencies
- To investigate notifiable accidents, illness or dangerous occurrences as defined under current safety legislation

General Health and Safety Training

Training plays an essential part in the effective development of human resources. It enhances the performance of individual employees allowing them to work in a safe and competent manner as required by legislation. Competence is a combination of knowledge, skills and experience of work. Training is an important part of achieving competence and suitable health and safety training will be provided to staff pertinent to their particular area of work. Training needs will be dependent on legislation and level of risk in the work place. A defined Health and Safety Corporate Training Plan is in place and will reviewed and updated as required.

Outside Agencies

There will be active liaison at all times with:

- The Health and Safety Executive
- The Scottish Environment Protection Agency
- The Health Protection Agency's Radiation and Environmental Monitoring Scotland

- The Radiation Protection Advisors appointed (as required under legislation)
- Other specialist statutory bodies, consultants and contractors as required.

Contractors

Contractors are routinely employed by National Museums both long and short term to carry out maintenance, modification or installation of buildings, plant and equipment. National Museums will:

- Liaise with, supervise and monitor contractor activity.
- Clearly instruct the contractor on the National Museums safety requirements.
- Evaluate the contractor's health, safety and environmental performance.

This will be achieved by such means as obtaining information from the contractor regarding:

- The contractor's health and safety policy and other arrangements
- The contractor's record on health and safety
- Any specific accreditation achieved by the contractor
- The record of previous projects completed
- The contractor's reputation in a particular field
- The ability to comply with all statutory requirements
- Whether appropriate insurance is in place
- The contractors (and any subcontractors) are adequately trained, equipped and supervised
- All work equipment is safe and fit for purpose
- Will abide by the National Museums rules on health, safety and welfare.

The level of information required will vary depending on the scale of works undertaken by contractor staff. Two styles of museum contractor questionnaires suitable for contractors working on small and large scale projects are available. (See the links [Contractors Questionnaire \(smaller projects\).doc](#) and [Long term Contractors Questionnaire.doc](#)) Alternatively contractors can provide such information using their own format. Contractors who do not fulfil their duty of care to themselves and others may be required to terminate their operations and leave National Museums premises.

Where measured term/maintenance contractors are employed long term those museum staff who contract them will have principal responsibility in the shared duty of care contracted work requires. The individuals shown on the health and safety management for sites flow diagram need to be kept informed as part of general health and safety policy.

For some projects work areas are closed off from other National Museums operations and the site is under the direct control of the contractor. The museum staff acting as internal Project Coordinator (or equivalent) reporting to any outside Project Director needs to confirm that safe working practices are being observed in practice and obtain risk assessments, method statements and other relevant information from the contractors. The Health and Safety Manager must be kept informed and will advise on this so that effective communication and cooperation is observed between National Museums and contractor staff on our museum sites. (An example of a method statement form can be found at [Form for Contractor's method statement.doc](#) .)

Volunteers

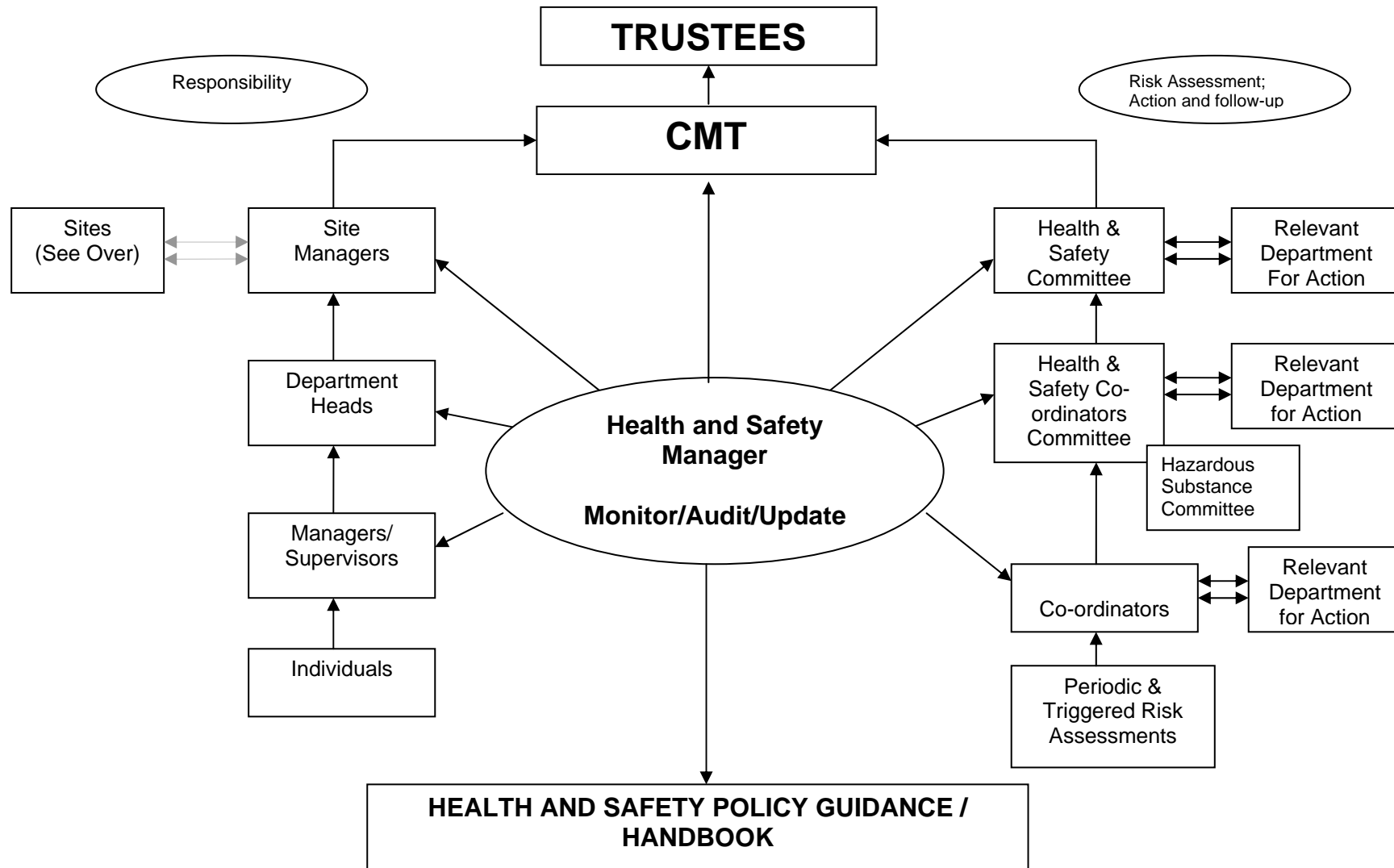
The National Museum Volunteers will assist the museum in fulfilling their duty of care to themselves, visitors and others affected by their activities.

**PART 4 -
PROCEDURES AND HEALTH AND SAFETY GUIDANCE
(HEALTH AND SAFETY MANUAL)**

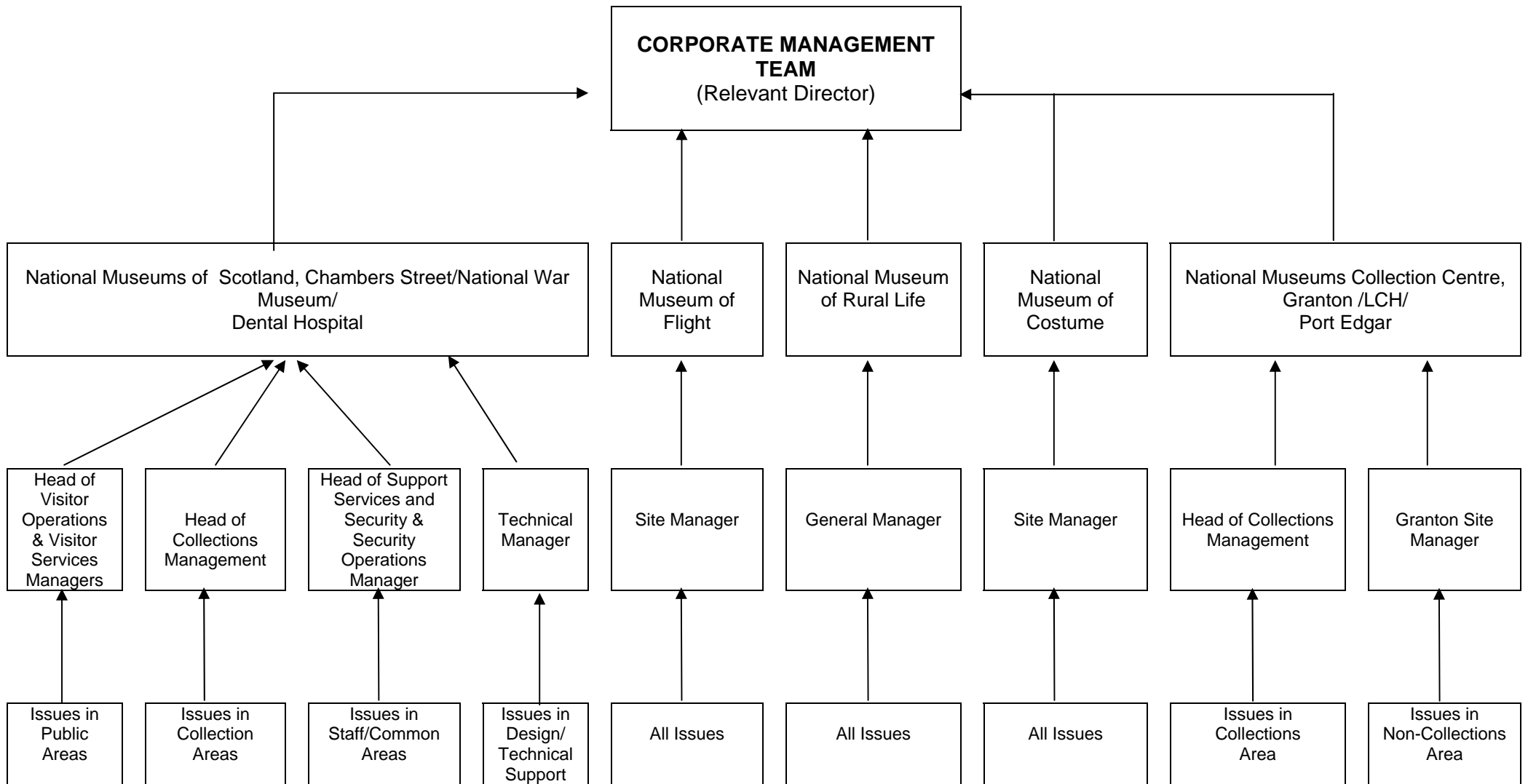
Appendix 5 looks at legal procedures and official guidance.

Part 4 will provide staff guidance and procedures for various individual health and safety issues for National Museums Scotland work activity (under development, will be added, meantime see page 26 for likely headings).

**APPENDIX 1
OVERVIEW ON HEALTH AND SAFETY MANAGEMENT/SITES**



HEALTH AND SAFETY MANAGEMENT SITES



APPENDIX 2 - NATIONAL MUSEUMS HEALTH AND SAFETY POLICY FOR COMMUNICATION ON HEALTH AND SAFETY MATTERS

General

Communication is considered a vital part of any efficient health and safety management system. Effective communication and consultation concerning all members of staff, and in particular with Trade Union Representatives, is essential.

Accredited Safety Representatives have a right to investigate notifiable accidents, incidents or illness involving colleagues they represent and to sight copies of completed accident reports. All such reports are placed on the agenda of the following National Museums Scotland joint Health and Safety Committee meeting and, if necessary, on to the Corporate Management Team meeting. In some instances where a thorough accident investigation report is completed it may not be available for discussion if legal action is pending.

Contact with external executive agencies should not be the first step.

The following procedures have been agreed between the Trade Union side (TUS) and Management side:

- Verbal communication - where an accident or incident is being actively dealt with; or
- Written communication - where potential hazards are identified or further investigation and reporting take place.

In the event of:

- any notifiable incident or dangerous occurrence as defined in the current Reporting of Injuries, Disease and Dangerous Occurrences Regulations (refer to a copy of the current regulations)
- other (but non notifiable) serious accidents or incidents occurring on the National Museums Scotland Estate that it is felt should be advised to the TUS and management.

Verbal Communication Policy

Trade Unions agree to:

- Initially contact the Duty Security Supervisor at Security Control (ext 4400) who will be aware of the problem and the course of action being taken
- Thereafter attempt to contact the manager(s) concerned
- Not contact external executive agencies outside National Museums Scotland unless sufficient and reasonable time has been given for management to respond
- Inform management prior to making contact with any external executive agencies
- When required provide management with an up to date list of Trade Union representatives with contact numbers.

Management agree to:

- Communicate the extent of the problem to Security Control

- Following this contact at least one of the accredited union Health and Safety representatives
- In their absence, any TUS official shown on the attached list will be contacted by National Museums Scotland Security Control or Management.

This will not infringe the statutory rights of the TUS appointed Health and Safety Representatives.

Written Communication Policy

To ensure effective written communication where there is a clear potential hazard to the health and safety of persons the following policy will be observed.

The Trade Unions agree to:

- In the first instance raise concerns verbally with management
- Only where an acceptable solution fails to be agreed will the TUS representative consider issuing a Union Inspection Notice (for which a procedure has already been agreed)
- Give management reasonable time (7days) to give a written response
- Only where such notification fails to resolve the issue(s), or no ongoing remedial action is advised by management, will the TUS contact external executive agencies outwith the National Museums.

Management agree to:

- Inform accredited union Health and Safety representatives of the hazard and proposed remedial action
- Follow this up with written notification
- Endeavour to resolve the problem in reasonable time given the particular circumstances
- Where a written reply is required, this will be issued within 7 days after receipt of the TUS communication
- Any written response shall provide sufficient information on the remedial action to be taken and the likely time that will be needed to resolve the hazards described
- Notify accredited union Health and Safety representatives in advance of visits by the Health and Safety agencies
- Provide accredited union Health and Safety representatives with copies of written notices of improvement, reports of inspections and management replies to these
- Where legal action is pending the information made available may be restricted.

This will not infringe the statutory rights of the accredited TUS Health and Safety Representatives.

Reference to the current Reporting of Incidents, Diseases and Dangerous Occurrences Regulations should be made as required.

See www.riddor.gov.uk or the Health and Safety Manager for reference material.

(Above communication policy agreed November 2003)

APPENDIX 3 - TRADE UNION HEALTH AND SAFETY NOTICES TRADE UNION SIDE/MANAGEMENT AGREEMENT

Union Inspection Notices (**Appendix 4**) will only be issued within National Museums Scotland where:

- The person issuing the notice is an accredited trade union health and safety representative following agreed trade union procedures
- The accredited trade union representative has ensured the safety problem has been previously notified to line management
- The nature of the safety problem is fully described
- There is clear and specific breach of health and safety legislation
- The contravention of the legislation is clearly identified in the notice
- A minimum of seven calendar days from the issuing of the notice is allowed for a management response to be made.

Union Inspection Notices will not be issued when:

- There is a very serious and imminent risk to the health and safety of people - in these instances an immediate solution must be found by National Museums Scotland management using the guidance contained in the museums manuals and procedures covering emergencies, safety, estates, security and others of relevance to the situation
- There are active measures being taken to minimise or eliminate the risk
- The matter is already subject to action by the Health and Safety Executive, Local Authority or another government regulator.

**APPENDIX 4
NMS UNION INSPECTION NOTICE**

Date: UIN Reference:

To: (name of safety manager/director as appropriate)

From: (name of safety representative issuing the notice)

has been appointed as the safety representative by.....(give name of trade union).

Under the Safety Representatives & Safety Committee Regulations 1977 believe that you as an employer are contravening the following statutory provision(s) [identify Regulations(s) contravened]

.....
.....
.....

The contravention is occurring at: (National Museums address or area of the workplace)

.....
.....
.....

The reasons for my opinion are as follows:

.....
.....
.....

And I hereby request that you remedy the said contravention(s) or, as the case may be, the matters occasioning them, by (give date).....

The following action should be taken:

.....
.....
.....

I will be posting this notice in an appropriate location so that the workforce is made aware of my concerns. Should I fail to agree on a course of action arising from this Notice, I reserve the right to inform my union and the relevant enforcement authority.

Signature of Safety Representative:

Signature of Employer (or their representative acknowledging without prejudice receipt of this notice): Date:

Position within the National Museums Scotland:.....
.....

APPENDIX 5 LEGAL PROCEDURES AND HEALTH AND SAFETY GUIDANCE

Why manage health and safety?

Competence in managing health and safety is an essential part of professional management in an organisation.

Moral duty

There is a clear moral obligation to ensure the health, safety and welfare of National Museums Scotland employees and others affected by the organisations activities. Health and safety is a major issue within the workplace and all persons within National Museums Scotland have a duty to comply with the general policy, procedures and guidance in this document. The purpose is to create a health and safety awareness and culture that permeates into all activities and areas of the National Museums Scotland. Employee involvement at all levels and museum sites offers the opportunity to promote effective health and safety performance.

Cost of poor performance

Good health and safety management results in considerable cost savings. Accidents involving National Museums Scotland staff, contractors, volunteers, work placements, the public and others as well as damage to plant or machinery and cases of damaged health all have direct financial costs. Indirect costs can result from loss of experienced and trained staff, provision of sick pay, costly repairs, delays to project timetables and possible criminal or civil legal action against National Museums.

The law and your statutory duties

While there is a clear moral imperative and cost saving reasons to secure the health and safety of people at work it is also something which the law requires.

The most important and broad ranging **duty of care** must be fulfilled by employers and is described in section 2.1 of the *Health and Safety at Work etc Act 1974 (HSWA)*:

“It shall be the duty of every employer to ensure, so far as is reasonably practicable, to ensure the health, safety and welfare at work of all his employees.”

Section 2.2 of the *HSWA* defines this in more detail:

- a) “the provision and maintenance of plant and systems of work that are, so far as is reasonably practicable, safe and without risks to health;
- b) arrangements for ensuring, so far as is reasonably practicable, safety and absence of risks to health in connection with the use, handling, storage and transport of articles and substances;
- c) the provision of such information, instruction, training and supervision as is necessary to ensure, so far as is reasonably practicable, the health and safety at work of employees;
- d) the maintenance of any place of work under the employer’s control in a condition that is safe and without risk to health;

- e) the maintenance of means of access to and egress from it that are safe and without such risks, so far as is reasonably practicable; and
- f) the provision and maintenance of a working environment for employees that is, so far as is reasonably practicable, safe, without risks to health and adequate as regards facilities and arrangements.”

So far as is reasonably practicable is not defined in the *HSAW* but has acquired meaning through judgements made in the courts of law. To carry out a duty so far as is reasonably practicable means the degree of risk in a particular activity or environment can be balanced against the time, trouble, cost and physical difficulty of taking measures to avoid the risk. If these are so disproportionate to the risk that it would be unreasonable for the people concerned to incur them to prevent it, they are not obliged to do so. It is important to remember that the judgement is an objective one and the size and financial position of the employer are immaterial.

The various sections of the *HSAW* sets out the basic framework for successful management of health and safety at work and is based on self regulation – identify the hazards in your workplace and employ means to eliminate, minimise or combat the resulting risks.

Hazard can be defined as something with the potential to cause harm.

Risk can be defined as the likelihood of such harm occurring plus the consequences.

Regulations – various

The framework has been extended by the Management of Health and Safety at Work Regulations 1999 (MHSWR) that put emphasis on ‘suitable and sufficient’ risk assessment for each workplace hazard (ignoring the trivial). The combination of these requirements equates to safety assurance:

- Self-assessment of risk
- Self-regulation of control

Regulation 5 of the MHSWR state that the fundamental principles of successful health and safety at work involve:

“...the effective planning, organisation, control, monitoring and review of the preventative and protective measures...”

(National Museums Scotland risk assessment forms can be found at [GENERAL RISK ASSESSMENT TEMPLATE oct 06.doc](#) and [NATIONAL MUSEUMS Departments RA extended format may02.doc](#).)

The *HSAW* is an enabling Act that allows numerous regulations to be brought into force that deal with health and safety standards in specific areas. The use of regulations allow changes in legal requirements to be made by a process which is cheaper and less time consuming than that required where changes are made by Acts of Parliament. The creation of UK regulations is now driven by Directives from the European Community that has to be implemented by UK law.

It is not intended in this guidance to attempt to make National Museums Scotland staff completely familiar with the detail of the statutory regulations. The guidance is intended to give a broad overview of the detailed subject of health and safety. The intended outcome is

that National Museums Scotland staff will recognise the requirement to include health and safety issues within the normal remit of work activities and at a level required by legislation.

Reference is made in the following guidance (Part 4) to the regulations most pertinent to the heading subject matter.

Health and Safety institutions

The Health and Safety Commission (HSC) has the prime responsibility of administering the law on occupational safety and health. It consists of a chairperson and up to nine members drawn from bodies representing employers, local authorities, trade unions and others bodies concerned with matters of health, safety and welfare.

The Health and Safety Executive (HSE) is headed by a director general appointed by the HSC with the approval of the Secretary of State, and two other members appointed by the HSC after approval after consultation with the director general. Inspectors are based in regional offices throughout the UK and have considerable powers to enter premises and carry out investigations.

Following an inspection, an inspector will generally give verbal or written advice as to how achieve compliance with the statutory duties. HSE staff have powers to issue improvement or prohibition notices where immediate or obvious dangers are observed. Final sanction is through criminal proceedings, generally where previous warnings have been ignored, there is a poor health and safety record or there has been a serious incident has occurred deemed serious enough to merit legal action. Local authority environmental health staff inspect certain relatively low hazard environments like shops and sports centres.

The Health and Safety Executive website address is: www.hse.gov.uk.

Guidance

The HSE and certain other organisations publish guidance on numerous work related subjects. The guidance aims to interpret what the law says so that it is observed and to give appropriate technical advice. Following guidance is not compulsory but is normally enough to ensure employers comply with the law.

Approved Codes of Practice

These are published by the HSE and have a special legal status. If employers are prosecuted for a breach of health and safety law, and it is proved that they have not followed the relevant provisions of the Approved Code of Practice, a court may find them at fault unless they can show they have complied with the law in some other way.

The Judicial System in Scotland

	Criminal Courts	Civil Courts
Laws	Health and Safety at Work etc Act 1974 Management of Health and Safety at Work Regulations 1999	Common Law Civil Law Duty of Care
Enforcers	Health and Safety Executive Inspectors Environmental Health officers Police	Employees
Burden of Proof	Beyond reasonable doubt	On the balance of probability
Outcome	Punishment Improvement Notice Prohibition Order Fine Imprisonment	Compensation

The law deals with the rules that govern society. Statutory law is made by Parliament through:

- Acts of Parliament
- Delegated legislation – Regulations
- European Union Law

Criminal Law

Criminal law deals with offences against the state with the state prosecuting alleged crimes. The burden of proof required in criminal procedure is “beyond reasonable doubt.”

District Court

Minor criminal offences are heard by the District Court, which is presided over by Justices of the Peace or a stipendiary magistrate.

Sheriff Court

Sheriff courts deal with more serious crimes and statutory offences (and certain civil cases). Under summary procedure fines of up to £20,000 and/or six months imprisonment can be made for criminal offences under the *HSAW*. There is no jury, the sheriff sits alone and decides the questions of guilt and any penalty. Under solemn procedure, heard before a sheriff and a jury of 15, the accused is served with an indictment. The indictment sets out the offences, the list of evidence to be heard at the trial and the names of the prosecution’s witnesses. Trials are adversarial with the prosecution aiming to present evidence sufficient to convict the accused.

High Court of Justiciary

This hears trials on indictment only, deals with serious crimes and has unlimited powers of punishment. It is the supreme criminal court in Scotland.

Court of Criminal Appeal

This court, consisting of a quorum of three judges, hears appeals from the district court, sheriff's court and the High Court of the Justiciary. Its decision is final. There is no appeal to the House of Lords.

House of Lords

This normally sits with five members, or "Law Lords", present. Once a decision is given on a point of law it is binding on all lower courts until the House gives a different ruling or the decision is changed by an Act of Parliament. The House only deals with civil cases (see below) in relation to Scottish appeals.

European Court of Justice

This provides the judicial interpretation/observation of European law and appeals beyond the House of Lords are heard on that basis only.

Civil Law

Court of Session

Civil law looks at disputes between two (or more) parties. The Sheriff courts deal with less complex civil cases. The Court of Session is the supreme civil court in Scotland dealing with more intricate cases. The Outer House known as the court of the first instance deals with civil cases. The Inner House acts as a court of appeal with a further appeal available to the House of Lords. The civil procedure is again adversarial, often settled out of court and the pursuer bears the burden of proof "on the balance of probabilities".

Common Law

Common law deals with judicial precedent with the rules based on previous judgements made in areas where no statute law exists. It governs the rights and duties of individuals towards one another unless statute law intervenes.

The majority of cases relating to common law arise from negligence (a loss wrongfully caused) in relation to the duty of care. To establish liability for negligence:

- The defender must owe the pursuer a duty of care
- The defender must be in breach of that duty
- The pursuer must suffer damage as a result

The court must decide whether any physical or psychological injury resulting could have been foreseen.

Civil procedure relies on remedies rather than a verdict of guilty/not guilty that follows a criminal trial. The remedy generally involves some form of payment in damages, for alimony and so on instead of a prison sentence.

PART 4 PROPOSED GUIDANCE HEADINGS

- Accidents and incidents (inc reporting)
- Asbestos
- Communication, consultation and representation (inc trade union representation)
- Confined spaces
- Construction activities
- Control of Contractors
- Control of Substances Hazardous to Health (COSHH)
- Computer workstations (also called display screen equipment, dse)
- Disabled persons
- Electricity
- Employers'/Employees' duties
- Expectant and nursing mothers
- Field Trips
- Fire and fire precautions (inc housekeeping)(a separate NATIONAL MUSEUMS Fire Safety Policy is available)
- First aid
- Gas systems (inc pressure vessels & local exhaust ventilation)
- Legionella control
- Lifting machinery and equipment (inc fork lifts, goods lifts)
- Lone working
- Manual handling
- Noise and vibration
- Office safety
- Occupational health
- Passenger lifts
- Permits to work
- Personal protective equipment
- Policies and Procedures
- Radiation
- Risk assessments
- Safety signs
- Safe systems of work (and method statements)
- School visits
- Slips, trips and falls
- Special events indoors
- Special events outdoors
- Stress and violence
- Storage shelving
- Training and competence(inc induction)
- Travel in the UK & abroad
- Vehicles and driving
- Visitors and the public
- Welfare facilities
- Work equipment (inc machinery, plant)
- Working at heights (inc mobile elevated work platforms, scaffolding & ladders)
- Working from home
- Young persons (inc school/student placements, children)
- Zoonoses

