

HEALTH, SAFETY AND WELLBEING POLICY

Date policy adopted: 01/04/2011

Review period: Ad hoc when a change to legislation or ESC process requires it and at least every three years

Date of last review: 27/06/2024

Date of next review: 30/06/2027

1. Purpose and Scope

The Commissioner (ESC) is committed to promoting the health, safety and wellbeing of everyone who works in the office, works remotely or who may be affected by the work activities of the office. The Commissioner is also committed to meeting legal obligations to provide a safe working environment. In turn, all employees are expected to observe all relevant health and safety law.

This policy supports employees in pursuing good practice and provides a set of guidelines for safe working for themselves and others.

This policy applies to all employees regardless of working pattern or nature of employment contract. It also applies to anyone working within the premises of and / or for the Commissioner where they would be using ESC equipment and privy to ESC records and files (E.g. employed by an agency). The word employee(s) in the context of this policy should be taken to mean all such individuals, unless specifically referred to as being directly employed by ESC.

Any visitors to ESC premises will also be covered by the policy for the duration of their visit.

2. Implementation, monitoring and review of the policy

Overall responsibility for policy implementation, monitoring and review lies with ESC.

Everyone covered by the scope of the policy is obliged to adhere to, and facilitate implementation of, the policy. Appropriate action will be taken to inform all new and existing employees and others covered by its scope of the existence of the policy and their role in adhering to it. The policy will be reviewed at such times as legislation or the ESC policy position determines this to be appropriate and at least every three years. Although visitors will not be specifically provided with a copy of the policy on each visit, the policy will be made publicly available for anyone wishing to view it.

3. Senior Management Team Commitment

The senior management team are committed to promoting a safe and healthy work environment on behalf of ESC and will, so far as is reasonably practicable, safeguard the physical and mental wellbeing of all employees who work for or are engaged on activities on behalf of ESC. Due to the nature of Health and Safety risk, it is impractical to list all of the measures that the Senior Management team will commit to.

However, the Senior Management Team will commit to:

- providing and maintaining a healthy, safe and secure working environment, and ensuring that all that is reasonable and practicable is done to prevent personal injury and illness
- conducting risk assessments where appropriate
- providing appropriate information, instruction, training and supervision, together with safe working methods and procedures
- making provisions for first aid and welfare facilities
- implementing appropriate security arrangements
- ensuring the co-operation of employees in carrying out and adhering to this policy in an effective and proactive manner
- ensuring that employees are aware of and accept their individual and collective legal responsibility with regard to the health and safety of themselves and others
- ensuring that all employees are made aware of the procedures relating to accidents and sickness, observing all legal requirements
- ensuring the requirements of the Display Screen Equipment regulations are met, regardless of whether the employee is located in the office or working remotely
- ensuring the requirement of the Working Time Regulations are met, as outlined in the Hours of Work and Annual Leave Policy
- ensuring that all employees are aware of precautions to be taken to minimise the risk of spread of infection in the workplace, and precautionary measures that will be put in place in the case of serious risk of infection in the workplace, including the potential move to remote working for all employees where that would be the most appropriate way to protect the health of all employees.
- ensuring that these same requirements are met, to the best of their ability, when employees are working remotely

Training

ESC will provide training and retraining where necessary, especially when new working practices or equipment are introduced.

Housekeeping

ESC will:

1. maintain the offices in a safe state of repair, cleanliness and decoration
2. arrange regular checks of fittings, furnishings and services to ensure repairs are dealt with immediately
3. ensure an effective system for receiving and dealing with fault reports
4. maintain high standards of lighting, ventilation and hygiene
5. encourage employees to work to a clear desk policy which promotes security and ensures office cleaners are able to clean.

As part of ESC's lease arrangements, the implementation of housekeeping items 1 through 4 have been sub-contracted to the Scottish Legal Aid Board (SLAB), for employees working in the office. The Head of Corporate Services will take into consideration SLAB's performance in these areas as part of the lease renewal process. When employees are working remotely, they will have responsibility to uphold the same expected levels of housekeeping in the remote location.

Fire

ESC will:

- take adequate steps for fire prevention in the office accommodation
- ensure that designated Fire Marshalls take cognisance of the employees and visitors in the office on a given day
- in the event of an evacuation of the building, refer to the acting Fire Marshall to ensure all employees and visitors are present at the Fire Assembly Point.

ESC will (through delegation of these functions to SLAB):

- take adequate steps for fire prevention in communal areas
- ensure that suitable fire procedures are introduced and maintained
- appoint a Fire Marshall as required
- ensure a notice detailing Fire procedures is displayed on the inside of any door into the main office
- ensure there are regular fire drills and that the alarm systems and other installations are checked and maintained.

Any employee working remotely will be responsible for ensuring that they have an adequate level of protection and emergency planning in the case of fire in the remote location.

Health and Hygiene

ESC will:

- carry out an assessment of first-aid needs and provide appropriate first aid facilities
- appoint a suitable number of trained first-aiders to provide basic first aid treatment where necessary
- carry out regular assessments of the workplace in relation to the risk of infection spread and put in place any methods or practices as required to minimise the risk to employees.

ESC will (through delegation of these functions to SLAB):

- appoint a suitable number of trained first-aiders to provide advanced first aid treatment where necessary
- ensure a notice detailing First Aid procedures is displayed adjacent to the doors of the main office
- ensure the adequacy and cleanliness of hand-washing and toilet facilities
- (when safe to do so) provide canteen facilities for employees and visitors, including the provision of cutlery and crockery. Employees who do not wish to use these facilities and choose alternative methods, such as providing their own crockery, do so at their own risk. Visitors will be given access to these facilities as appropriate.

Accidents

ESC will:

- maintain records of accidents in line with data protection legislation
- ensure all accidents, injuries and near misses are investigated to establish the cause and to prevent recurrence
- carry out reporting procedures required by statute and health or other authorities.

4. Mental Health Wellbeing

It is recognised that factors affecting the mental health of employees will also relate to the Health, Safety and Wellbeing Policy. This is specifically covered in the ESC Mental Health and Wellbeing Policy which should be read in conjunction with this policy.

5. Expectations

Employees are required by law to take all reasonable care of their own safety, and the safety of others who may be affected by what they do, or don't do, at work. To meet these requirements all individuals are asked to comply with the health and safety requirements set out below.

The obligations on individuals engaged in work for the Commissioner are to:

- take reasonable care for the health and safety of themselves, colleagues and others
- establish and maintain safe and healthy practices when working remotely such as from home and cooperate fully with the ESC self-assessment regime, including adopting any recommendations made
- observe safety requirements where these apply to them
- co-operate in measures designed to promote health and safety at work
- advise a member of the senior management team of any unsafe condition, work practice or work equipment
- refrain from misusing or interfering with anything provided in the interests of health and safety
- report any faulty or hazardous fixtures, fittings, furniture, or equipment - especially electrical equipment
- immediately report accidents and near misses of any description, no matter how trivial, which occur while an individual is on the premises, to the Corporate Services Team
- report any use of a First Aid box to the Corporate Services Team
- report injuries sustained away from their normal place of work as soon as possible
- refrain from attempting to repair faulty equipment and instead report the fault to the Corporate Services Team who will arrange for it to be repaired or replaced
- never carry out a task they have not been trained to do
- never carry out a task that may be thought to be dangerous
- keep all emergency exits, stairs and corridors free of obstructions, and never to block fire escapes or jam fire doors open
- ensure familiarity with the nearest fire escape route to the work area, and know the fire procedure and assembly point
- ensure that all public rooms are kept as clean and tidy as possible
- make sure that they know how to obtain first aid if required
- advise a member of the senior management team in the event that they develop a health condition which may necessitate alteration of work for safety reasons (for example pregnancy or a back injury).

6. Breaches of the Policy

Anyone who does not comply with this policy, and is directly employed by ESC, may be subject to disciplinary action as set out in the disciplinary procedures.

Any other person covered by this policy, and found not to comply, will be reported to the relevant office/employer. This may also result in ESC terminating any contract which has been affected by the breach.

Equality Impact Assessment

Does this policy comply with the general Public Sector Equality Duty (s149 Equality Act 2010)?

This policy applies to all employees, contractors and all who interact with the work of ESC. Its impact was considered when drafting. We consulted with all employees prior to publication to identify and address any issues.

Data Protection Impact Assessment

Have we considered any effect the policy may have on the collecting, processing and storing of personal data?

The records generated by this policy will contain personal data and may contain sensitive and special category personal data. Suitable retention and destruction policies are in place to manage this material.

Information Security Impact Assessment

Have we considered the impact any policy may have on our cyber-resilience?

This policy should have no impact on our cyber-resilience.

Records Management Impact

Have we considered the impact any policy may have on our ability to manage our records?

This policy should have no impact on our ability to manage our records.

Version	Description	Date	Author
1.0	First draft	01/06/21	Public Appointments Officer
1.1	Update to phone number	16/05/2023	Corporate Services Officer
1.2	Adding a policy review period and updating accessibility features	27/06/2024	Human Resources and Facilities Officer