

UNIVERSITIES AND COLLEGES EMPLOYER'S ASSOCIATION
and
UNIVERSITIES SAFETY AND HEALTH ASSOCIATION

leading health and safety at work

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**LEADERSHIP ACTIONS
FOR VICE CHANCELLORS AND
MEMBERS OF UNIVERSITY
GOVERNING BODIES**

www.usha.org.uk
www.ucea.ac.uk
www.hse.gov.uk/leadership

“ Board level involvement is an essential part of the 21st century trading ethic. Attitudes to health and safety are determined by the bosses, not the organisation’s size. ”

“ Health and safety is integral to success. Board members who do not show leadership in this area are failing in their duty as directors and their moral duty, and are damaging their organisation. ”

“ An organisation will never be able to achieve the highest standards of health and safety management without the active involvement of directors. External stakeholders viewing the organisation will observe the lack of direction. ”

“ Health and safety is a fundamental part of business. Boards need someone with passion and energy to ensure it stays at the core of the organisation. ”

Quotes from health and safety leaders in the public and private sectors.

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introduction

This guidance sets out an agenda for the effective leadership of health and safety within Higher Education. It applies to members of all higher education senior management (Vice Chancellors, Principals, Deputy Vice Chancellors, Pro-Vice Chancellors, Registrars, etc.) and governing bodies (in your institution this may be known as University Council, Court, Board of Governors or Senate).

Protecting the health and safety of employees or members of the public who may be affected by your activities is an essential part of risk management and must be led by the governing body.

Failure to include health and safety as a key business risk in board decisions can have catastrophic results. Many high-profile safety cases over the years have been rooted in failures of leadership.

Health and safety law places duties on organisations and employers, and senior management can be personally liable when these duties are breached: members of the governing body have both collective and individual responsibility for health and safety.

By following this guidance and the recommendations made by UCEA in its *Code of Best Practice University Health and Safety Management you will help your institution find the best ways to promote a health and safety culture and therefore meet its legal obligations.

The starting points are the following essential principles. These principles are intended to underpin the actions in this guidance and so lead to good health and safety performance.

Further information is available on the UCEA website covering leadership and Health and Safety Management in HEIs see resources section <http://www.ucea.ac.uk>

ESSENTIAL PRINCIPLES

- **Strong and active leadership from the top:**
 - visible, active commitment from the governing body;
 - establishing effective 'downward' communication systems and management structures;
 - integration of good health and safety management with business decisions.
- **Worker involvement:**
 - engaging the workforce in the promotion and achievement of safe and healthy conditions;
 - effective 'upward' communication;
 - providing high quality training.
- **Assessment and review:**
 - identifying and managing health and safety risks;
 - accessing (and following) competent advice;
 - monitoring, reporting and reviewing performance.

Costs of poor health and safety at work

HSE statistics reveal the human and financial cost of failing to address health and safety.

- More than 200 people are killed at work in the United Kingdom each year. This does not include work-related road deaths.
- In 2006, 30 million working days were lost in the UK to occupational ill health and injury, imposing an annual cost to society of £30 bn (more than 3% of GDP).
- Surveys show that about two million people suffer from an illness that they believe to be caused or made worse by work.
- Many thousands of deaths each year can be attributed to occupational illnesses, including some cancers and respiratory diseases.

Organisations can incur further costs – such as uninsured losses and loss of reputation.

IN THIS GUIDANCE

The following pages set out:

- a four-point agenda for embedding the essential health and safety principles;
- a summary of legal liabilities;
- a checklist of key questions for leaders;
- a list of resources and references for implementing this guidance in detail.

The agenda consists of:

Core actions for governing bodies and senior managers that relate directly to the legal duties of an HEI. *These actions are intended to set a standard.*

Good practice guidelines that set out ways to give the core actions practical effect. *These guidelines provide ideas on how you might achieve the core actions.*

Case studies selected from organisations which have demonstrated successful leadership towards health and safety.

Benefits of good health and safety

Addressing health and safety should not be seen as a regulatory burden: it offers significant opportunities.

Benefits can include:

- reduced costs and reduced risks – employee absence and turnover rates are lower, accidents are fewer, the threat of legal action is lessened;
- improved standing among suppliers and partners;
- a better reputation for corporate responsibility among investors, customers and communities;
- increased productivity – employees are healthier, happier and better motivated.

A website www.hse.gov.uk/leadership provides links to all the resources mentioned.

Legal responsibilities of Higher Education Institutions (HEI)

Health and safety law states that organisations must:

- provide a written health and safety policy;
- assess risks to staff, students, partners, stakeholders and any other people who could be affected by their activities;
- arrange for the effective planning, organisation, control, monitoring and review of preventive and protective measures;
- ensure they have access to competent health and safety advice;
- consult staff about their risks at work and current preventive and protective measures.

Failure to comply with these requirements can have serious consequences – for both HEIs and individuals. Sanctions include fines, imprisonment, reputational damage and disqualification as a director.

Under the Corporate Manslaughter and Corporate Homicide Act 2007 an offence will be committed where failings by an organisation's senior management are a substantial element in any gross breach of the duty of care owed to the organisation's staff or members of the public, which results in death. The maximum penalty is an unlimited fine and the court can additionally make a publicity order requiring the organisation to publish details of its conviction and fine.

plan the direction for health and safety



The governing body should set out a clear strategy on health, safety and wellbeing. Members of governing bodies need to establish a health and safety policy that is much more than a document – it should be an integral part of your institution’s culture, of its values and performance standards.

All members of governing bodies should take the lead in ensuring the communication of health and safety duties and benefits throughout the organisation. Executive directors must develop policies to avoid health and safety problems and must respond quickly where difficulties arise or new risks are introduced; non-executives must make sure that health and safety is properly addressed.

CORE ACTIONS

To agree a policy, governing bodies will need to ensure they are aware of the significant risks faced by their Institution.

The policy should set out the governing body’s role and that of individual members in leading the health and safety of its organisation.

It should require the governing body to:

- ‘own’ and understand the key issues involved;
- decide how best to communicate, promote and champion health and safety.

The health and safety policy is a ‘living’ document and it should evolve over time, eg in the light of major organisational changes such as restructuring or a significant acquisition.

GOOD PRACTICE

- Health and safety should appear regularly on the agenda for governing body meetings.
- The Vice Chancellor can give the clearest visibility of leadership.
- The presence on the governing body of a senior manager with responsibility for health and safety oversight can be a strong signal that the issue is being taken seriously and that its **strategic importance** is understood.
- Setting targets helps define what the board is seeking to achieve.
- An independent member of the governing body can act as a health and safety champion.

Corporate governance

For many Institutions, health and safety is a corporate governance issue. The governing body should integrate health and safety into the main governance structures, including sub-committees, such as risk, management and audit.

The Turnbull guidance on the Combined Code on Corporate Governance has been interpreted by funding councils for HEIs to have in place robust systems of internal control, covering not just ‘narrow’ financial risks but also risks relating to the environment, business reputation and health and safety.

Case study – North Staffordshire Combined Healthcare NHS Trust

The board found itself facing service improvement targets. Using new corporate and clinical guidance, it set about taking a ‘whole systems’ approach to managing corporate risk, giving one of its directors responsibility for the leadership of health and safety for the first time. Health and safety was also made a key item on the board agenda.

This has resulted in a much better integrated health and safety management system that increases the opportunity to identify and manage all corporate risks, and a much more open culture, improving reporting and monitoring. The board actively promotes a culture that gives staff the confidence to report incidents. This has resulted in:

- 16% reduction in incidence rates over two years;
- 10% reduction in insurance premiums.

deliver

health and safety

Delivery depends on an effective management system to ensure, so far as is reasonably practicable, the health and safety of staff, students and members of the public.

HEIs should aim to protect people by introducing management systems and practices that ensure risks are dealt with sensibly, responsibly and proportionately.

CORE ACTIONS

To take responsibility and 'ownership' of health and safety, members of the governing body must ensure that:

- ✓ health and safety arrangements are adequately resourced;
- ✓ they obtain competent health and safety advice;
- ✓ risk assessments are carried out;
- ✓ staff or their representatives are involved in decisions that affect their health and safety.

The governing body should consider the health and safety implications of introducing new processes, new working practices or new staff, dedicating adequate resources to the task and seeking advice where necessary.

Governing body decisions must be made in the context of the HEI health and safety policy; it is important to 'design-in' health and safety when implementing change.

GOOD PRACTICE

- ✓ Leadership is more effective if senior management are seen to be actively reinforcing the HEI health and safety policy by following all safety measures themselves and addressing any breaches immediately.
- ✓ Consider health and safety when deciding senior management appointments.
- ✓ Having procurement standards for goods, equipment and services can help prevent the introduction of expensive health and safety hazards.
- ✓ The health and safety arrangements of partners, key suppliers and contractors should be assessed: their performance could adversely affect yours.
- ✓ Ensuring that risk management and audit committees are chaired by a senior manager to make sure that key issues are addressed and guard against time and effort being wasted on trivial risks and unnecessary bureaucracy.
- ✓ Providing health and safety training to some or all of the members of the governing body to promote understanding and knowledge of the key issues in the HEI.
- ✓ Supporting staff involvement in health and safety, above your legal duty to consult staff representatives, can improve participation and help prove your commitment.

Case study – British Sugar

British Sugar was devastated in 2003, when three workers died. The business had always considered health and safety a key priority but realised a change in focus was needed. It carried out a comprehensive, boardroom-led review of its arrangements. This included:

- the chief executive assigning health and safety responsibilities to all directors;
- monthly reports on health and safety going to the board;
- more effective working partnerships with employees, trade unions and others;
- overseeing an audited behavioural change programme;
- publishing annual health and safety targets and initiatives to meet them.

Results included:

- 43% drop in time lost to injuries over two years;
- 63% reduction in major health and safety issues in one year;
- much greater understanding among directors of health and safety risks.

monitor

health and safety



Monitoring and reporting are vital parts of a health and safety culture. Management systems must allow the governing body to receive both specific (eg incident-led) and routine reports on the performance of health and safety policy.

Much day-to-day health and safety information need be reported only at the time of a formal review (see action 4). But only a strong system of monitoring can ensure that the formal review can proceed as planned – and that relevant events in the interim are brought to the governing bodys' attention.

CORE ACTIONS

The governing body should ensure that:

- appropriate weight is given to reporting both preventive information (such as progress of training and maintenance programmes) and incident data (such as accident and sickness absence rates);
- periodic audits of the effectiveness of management structures and risk controls for health and safety are carried out;
- the impact of changes such as the introduction of new procedures, work processes or products, or any major health and safety failure, is reported as soon as possible to the governing body;
- there are procedures to implement new and changed legal requirements and to consider other external developments and events.

GOOD PRACTICE

- Effective monitoring of sickness absence and workplace health can alert the board to underlying problems that could seriously damage performance or result in accidents and long-term illness.
- The collection of workplace health and safety data can allow the governing body to benchmark the Institution's performance against others in its sector.
- Appraisals of senior managers can include an assessment of their contribution to health and safety performance.
- Governing bodies can receive regular reports on the health and safety performance and actions of contractors.
- Some Institutions have found they win greater support for health and safety by involving workers in monitoring.

Case study – Mid and West Wales Fire and Rescue Service

Mid and West Wales Fire and Rescue Service recognised that it was critical to demonstrate to staff that health and safety was fundamental to the success of its overall service delivery – and that commitment to health and safety came from the top of the organisation. The director of service policy and planning was made health and safety director, and implemented a revised framework for health and safety. The director made site visits to engage the workforce and placed renewed emphasis on the need to improve incident reporting, investigation and monitoring procedures. The service has reported:

- £100 000 reduction in insurance liability premiums in one year through improved corporate strategic risk management;
- 50% reduction in sickness absence resulting from work-related injury over two years;
- 50% reduction in injury rates over three years.

review

health and safety

A formal review of health and safety performance is essential. It allows the governing body to establish whether the essential health and safety principles – strong and active leadership, staff involvement, and assessment and review – have been embedded in the organisation. It tells you whether your system is effective in managing risk and protecting people.

CORE ACTIONS

The governing body should review health and safety performance at least once a year. The review process should:

- ✔ examine whether the health and safety policy reflects the Institution's current priorities, plans and targets;
- ✔ examine whether risk management and other health and safety systems have been effectively reporting to the governing body;
- ✔ report health and safety shortcomings, and the effect of all relevant governing body and management decisions;
- ✔ decide actions to address any weaknesses and a system to monitor their implementation;
- ✔ consider immediate reviews in the light of major shortcomings or events.

Auditing and reporting

HEIs need to have formal procedures for auditing and reporting health and safety performance. The governing body should ensure that any audit is perceived as a positive management and planning tool.

HASMAP has been developed by USHA as a sector specific auditing package. HASMAP is the tool of choice for mapping HEIs health and safety performance against health and safety management standards (see resource section).

GOOD PRACTICE

- ✔ Performance on health and safety and wellbeing is increasingly being recorded in Institutions' annual reports to investors and stakeholders.
- ✔ Management can make extra workplace tours to gather information for the formal review.
- ✔ Good health and safety performance can be celebrated at central and local level.

Case study – Sainsbury's

Sainsbury's rethought its approach to health and safety after an external audit highlighted the need for a more unified approach across the company. The key element was a health and safety vision, set out by the group HR director and backed by a plan that included targets over three years.

As part of the plan, all board directors were given training on health and safety responsibilities. Health and safety now regularly features on board agendas.

The business benefits include:

- 17% reduction in sickness absence;
- 28% reduction in reportable incidents;
- improved morale and pride in working for the company, as indicated by colleague surveys.

when leadership falls short

When members of governing bodies do not lead effectively on health and safety management, the consequences can be severe. This could have adverse implications for student recruitment, reputation, including research and teaching assessments. These examples mark issues for all governing bodies to consider.

Competent advice, training and supervision

Following the fatal injury of an employee maintaining machinery at a recycling firm employing approximately 30 people, a company director received a 12-month custodial sentence for manslaughter. The machinery was not properly isolated and started up unexpectedly. An HSE and police investigation revealed there was no safe system of work for maintenance; instruction, training and supervision were inadequate. HSE's investigating principal inspector said: 'Evidence showed that the director chose not to follow the advice of his health and safety advisor and instead adopted a complacent attitude, allowing the standards in his business to fall.'

Monitoring

The managing director of a manufacturing company with around 100 workers was sentenced to 12 months' imprisonment for manslaughter following the death of an employee who became caught in unguarded machinery. The investigation revealed that, had the company adequately maintained guarding around a conveyor, the death would have been avoided. The judge made clear that whether the managing director was aware of the situation was not the issue: he should have known as this was a long-standing problem. An area manager also received a custodial sentence. The company received a substantial fine and had to pay the prosecution's costs.

Risk assessment

A company and its officers were fined a total of £245 000 and ordered to pay costs of £75 500 at Crown Court in relation to the removal of asbestos. The company employed ten, mostly young, temporary workers; they were not trained or equipped to safely remove the asbestos, nor warned of its risk. The directors were also disqualified from holding any company directorship for two years and one year respectively.

Legal liability of individual members of governing bodies for health and safety failures

If a health and safety offence is committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the organisation, then that person (as well as the organisation) can be prosecuted under section 37 of the Health and Safety at Work etc Act 1974.

Recent case law has confirmed that directors cannot avoid a charge of neglect under section 37 by arranging their organisation's business so as to leave them ignorant of circumstances which would trigger their obligation to address health and safety breaches.

Those found guilty are liable for fines and, in some cases, imprisonment. In addition, the Company Directors Disqualification Act 1986, section 2(1), empowers the court to disqualify an individual convicted of an offence in connection with the management of a company. This includes health and safety offences. This power is exercised at the discretion of the court; it requires no additional investigation or evidence.

Individual directors are also potentially liable for other related offences, such as the common law offence of gross negligence manslaughter. Under the common law, gross negligence manslaughter is proved when individual officers of a company (directors or business owners) by their own grossly negligent behaviour cause death. This offence is punishable by a maximum of life imprisonment.

Note: equivalent legislation exists in Northern Ireland, ie article 34A of the Health and Safety at Work (Northern Ireland) Order 1978 and article 3(1) of the Company Directors Disqualification (Northern Ireland) Order 2002.

health and safety leadership checklist

This list is designed to check your status as a *leader* on health and safety. See the resources section for advice and tools that may help you answer these questions.

- How do you demonstrate the governing bodies's commitment to health and safety?
- What do you do to ensure appropriate governing body-level review of health and safety?
- What have you done to ensure your organisation, at all levels including the governing body, receives competent health and safety advice?
- How are you ensuring all staff – including the board – are sufficiently trained and competent in their health and safety responsibilities?
- How confident are you that your workforce, particularly safety representatives, are consulted properly on health and safety matters, and that their concerns are reaching the appropriate level including, as necessary, the governing body?
- What systems are in place to ensure your Institution's risks are assessed, and that sensible control measures are established and maintained?
- How well do you know what is happening on the ground, and what audits or assessments are undertaken to inform you about what your Institution and contractors actually do?
- What information does the governing body receive regularly about health and safety, eg performance data and reports on injuries and work-related ill health?
- What targets have you set to improve health and safety and do you benchmark your performance against others in the sector?
- Where changes in working arrangements have significant implications for health and safety, how are these brought to the attention of the governing body?
- Does your corporate health and safety plan incorporate the objectives set out in the UCEA health and safety plan? (see key resources overleaf)
- How confident are you that attitudes within the Institution do not condone poor practices or produce tolerance to it?

key resources

The HSE have provided a dedicated web page to assist HEIs with further advice and guidance. It includes links to various publications and websites. A downloadable version of this guidance is available from the UCEA website.

You can get further information from the following organisations:

UCEA (www.ucea.ac.uk)

- UCEA health and safety committee
- health and safety publications

USHA (www.usha.org.uk)

- University Health and Safety Management Code of Best Practice ISBN 0-9532431-3-3
- HASMAP

Health and Safety Executive (HSE) (www.hse.gov.uk)

- *Successful health and safety management* HSG65 HSE Books 1997 ISBN 978 0 7176 1276 5
- *Leadership for the major hazard industries* Leaflet INDG277(rev1) www.hse.gov.uk/pubns/indg277.pdf
- principles of sensible risk management
- measuring health and safety performance
- competent health and safety assistance
- worker involvement
- case studies and tools
- enforcement

Institute of Directors (IoD) (www.iod.com)

- dedicated web page at: www.iod.com/hsguide
- *Wellbeing at work: A Director's Guide* IoD 2006 ISBN 978 1 9045 2048 1

Institution of Occupational Safety and Health (IOSH) (www.iosh.co.uk)

- *Questioning performance: The director's essential guide to health, safety and the environment* IOSH ISBN 978 0 901357 37 3
- competent health and safety assistance

Royal Society for the Prevention of Accidents (RoSPA) (www.rospa.com)

- DASH: Director Action on Safety and Health
- GoPoP: Going Public on Performance – measuring and reporting on health and safety performance
- case studies

Trades Union Congress (TUC) (www.tuc.org.uk)

- safety representatives

ABOUT THIS GUIDANCE

This guidance is addressed to HEI governing bodies. HEIs are required to comply with health and safety law. Although reference is made to existing legal obligations, following the guidance is not in itself obligatory. However, if you do follow it you will normally be doing enough to help your Institution meet its legal obligations.

In considering the liability of an organisation under the Corporate Manslaughter and Corporate Homicide Act 2007, a jury must consider any breaches of health and safety legislation and may have regard to any health and safety guidance. In addition to other health and safety guidance, this guidance could be a relevant consideration for a jury depending on the circumstances of the particular case.

Copies of this publication are freely available from the UCEA website (www.ucea.ac.uk).

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