

STAYING SAFE AND PREVENTING FIRE TOGETHER: AN INTERNAL GUIDANCE DOCUMENT DEFINING JOINT RESPONSIBILITY FOR HEALTH AND SAFETY

Executive summary

1. The SPCB has a responsibility to ensure that occupiers of the Scottish Parliament premises are informed of the arrangements in place for health and safety with a view to raising awareness and encouraging co-operation and co-ordination.

2. This paper makes a proposal for the SPCB to issue internal guidance to those occupiers, namely: Elected Members; Media Tower Occupiers and The Scottish Government.

Issues

3. The Management of Health and Safety at Work Regulations 1999 requires that employers sharing a workplace co-operate with one another and co-ordinate the measures they take to enable them to comply with health and safety law. The Approved Code of Practice (ACoP) which accompanies the above Regulations expands upon these duties as follows:

- When assessing risks and establishing procedures to deal with serious and dangerous situations, (such as fire or security incidents) it is necessary to cover the whole workplace to be effective;
- When the workplace is occupied by more than one employer, some degree of co-ordination and co-operation will be required;
- All employers should satisfy themselves that the arrangements made to ensure health and safety are adequate;
- Employers should ensure that their employees are aware of, and take part in the arrangements;
- Where a particular employer controls the workplace, others should assist them in assessing the shared risks and co-ordinating any necessary measures. In many situations, providing information may be sufficient;
- A controlling employer must inform other employers of site wide arrangements.

4. As the body with overall control of the Scottish Parliament complex, the SPCB has established site wide arrangements to maintain the health, safety and welfare of occupiers and visitors who use the premises.

5. To facilitate legal compliance and support the corporate objective of maintaining a safe and secure environment, the SPCB approved the introduction of a Memorandum of Understanding (MOU) between the SPCB,

elected Members, the Scottish Executive and Media Tower occupants in November 2007.

6. The purpose of the MOU was to clearly set out the legal duties placed on all the parties and communicate the site wide arrangements made by SPCB as host employer, with a view to ensuring a safe and healthy environment for occupiers and visitors. The MOU was formalised by requesting that stakeholders sign up to the document. While a significant proportion of stakeholders did sign up, the process of signing up was not universally accepted and therefore did not prove conducive to a partnership approach in some cases.

Recommendation

7. In place of the MOU, it is proposed that an internal guidance document is issued to Elected Members, Scottish Government and Media Tower occupiers, setting out the legal duties placed on all parties occupying the premises and the site wide arrangements made by SPCB as host employer, with a view to raising awareness and encouraging co-operation.

8. The attached internal guidance document sets out the measures taken by the SPCB as host employer, the joint legal responsibilities held by occupiers, and examples of ways in which these responsibilities can be discharged with reference to Parliament procedures, published guidance and other resources.

9. The guidance document, along with the health and safety resources published on the Parliament's website and the ongoing availability of advice from the Parliament's Health and Safety and Fire Safety Advisers will provide comprehensive support to assist Members in discharging their responsibilities as employers.

10. It is anticipated that the guidance will have more impact if SPCB Members promote key aspects of it. Annex B of the document, which lists the key duties and the practical actions which can be taken to discharge them, is of particular importance. Efforts made to promote this list of practical actions (such as making use of training opportunities, taking responsibility for disabled staff and visitors, reporting accidents and near misses, assessing risks, and attending the H&S or fire safety committees) will bring benefits in terms of compliance and a partnership approach.

Resource Implications

11. The cost of issuing the guidance and providing associated advice will be minimal and will be absorbed within existing budgets.

Governance issues

12. There are no anticipated governance issues, other than those set out above.

13. A Stage 1 Equalities Impact Assessment has been completed, which identified a modest positive impact on persons with disabilities, and no negative impacts.

Publication Scheme

14. This paper may be published in line with the SPCB's publication policy.

Next Steps / Decision

15. If Corporate Body members are in agreement with the above proposals, the attached internal guidance document will be issued to MSPs, the Scottish Government and Media Tower occupiers.

Health and Safety Office
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