

NTIA

Duty of Care

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Health and safety at work



H&S Training that targets licensed premises

For more comprehensive training in H&S developed specifically for night time and licensed premises, take a look at [Safeguarding Nightlife](#).

The workplace

Your workplace must be safe for customers and staff – that is the law. Where you work everyone has a duty of care to you, and you to them. This means:

- your colleagues have a duty of care to you
- you have a duty of care to your colleagues
- your employer has a duty of care to staff, clients and customers.

You have to be careful that you protect yourself and others from risks to health and safety at work. You should look out for things that could cause accidents, for example damaged machinery, trailing cables or wires that people could trip over, or broken glass.

Health and Safety at Work Act 1974

The Health and Safety at Work Act 1974 covers areas that both employer and employees must follow.

Duty of employers

- To ensure the health, safety and welfare of their staff, as far as is reasonably practicable
- To do everything reasonable and practicable to eradicate or minimise the risks of harm from all hazards to health, including violence

- To undertake risk assessments to identify hazards, how severe they are and how likely they are to occur. Once risk assessments are completed, processes and procedures should be put in place to eliminate the risks or, at the very least, reduce them to a minimum
- Where a violent incident (a hazard) is foreseeable, an employer must identify the nature and extent of the hazard and devise measures that will provide a safe workplace and a safe system of work.

Duty of employees

- To ensure that they are aware of the risk assessment process
- To follow the processes and procedures put in place by their employer to ensure both their own safety and that of their colleagues, including making use of any personal protective equipment provided by the employer.

Duty of care

Under common law, employers have a 'duty of care' to others. This means that they have to ensure the safety of anyone who has access to their premises, as far as is reasonably practicable. This means that there is a duty to ensure the safety of the public and to ensure that they are not put at risk because of workplace violence.

Employees also have a 'duty of care' and must take care of their own safety and the safety of others who may be affected by their action or inaction. The duty of employees does not in any way reduce the responsibility of employers to comply with their duties.

Consequences of breach of health and safety law

Under Health and safety legislation the consequences of an employer failing to fulfil their responsibilities include:

- the Health and Safety Executive (HSE) prosecuting the employer
- employees who suffer injury or stress-related illness on behalf of the employer making negligence claims and seeing compensation
- employers being in breach of their contract to provide trust and support to their employees.

Employees can also be prosecuted if they are found to be negligent.

Vicarious liability

An employer may be held criminally liable or liable in common law for the negligent or unlawful acts of a member of staff, even though the member of staff can be shown to have wilfully disobeyed the express instructions of the employer. This is known as 'vicarious liability', whereby one party becomes liable for the actions of another.

If employers are party to the negligent or unlawful act, or aid and abet the unlawful activities of another, they assume personal liability along with that other person. However, should an employee act negligently 'on a frolic their own' independently of the job, then the employer is not liable.

Risk assessments

Your employer has a legal duty to make sure that your work environment is safe and a risk assessment is the first step in the process of developing a safe working environment.

Undertaking a risk assessment involves identifying hazards, i.e. the things that can go wrong and become a danger. Having identified the hazards it is then necessary to assess the risk that they pose i.e. how likely the hazards are to happen. Your employer must carry out a risk assessment, which means that anything that could cause an accident will be listed. The risk assessment will identify the hazards in your workplace and state how risks to staff and members of the public can be reduced.

There is a **5 step system** that is used to assess risk:

1. Identify the hazards
2. Decide who might be harmed and how
3. Evaluate the risks and decide on the precautions to be taken
4. Record your findings and implement them
5. Review your assessment and update if necessary

NB – Health and safety risk assessment is not the same as dynamic risk assessment which will be covered in the Conflict Management for the Private Security unit.

Manual handling



Your role may call for you to lift and handle heavy loads or objects. These should be handled correctly at all times to prevent injury to yourself or others.

Always check to see if you can make the load lighter, easier to hold, or if you can use equipment to move the load before attempting to lift or move anything. If lifting a heavy object is unavoidable you must always:

- plan the lift
- remove obstructions from the area you will move in
- place your feet apart, giving a balanced and stable base for lifting; put the leading leg as far forward as is comfortable
- when lifting from a low level, bend your knees and keep your back straight (tucking in your chin helps)
- lean forward a little over the load if necessary to get a good grip
- keep your shoulders level and facing in the same direction as your hips
- make sure your grip is secure and keep the load close to you
- lift smoothly, keeping control of the load and don't twist your body when turning to the side
- to position the load, put it down first, and then slide into the desired position.

Accident reporting

Details of all accidents in the workplace must be recorded in an accident book, whether they involve members of staff, contractors, customers or members of the general public. It is therefore essential that you know where the accident book is kept at your workplace.

Details of the accident, including the names of the person or persons involved, the time, date and circumstances should be entered in the accident book as soon as possible after the accident has occurred.

Under RIDDOR (the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995), there is a legal duty on employers, self-employed people and people in control of premises to report injuries to employees and members of the public that occur in the workplace to the Health and Safety Executive (HSE), if as a result of an injury:

- an employee is away from work for more than three days
- an employee or customer is taken to hospital.

RIDDOR also requires the reporting of: some work related diseases; all dangerous occurrences, where something happens that does not result in an injury, but could have done; major injuries, and deaths.

RIDDOR applies to all work activities, but not all incidents are reportable. Fatal and major injuries and incidents can be reported to HSE's Incident Contact Centre by telephone. Businesses reporting all other incidents under RIDDOR are required to submit an online form, available on the HSE website, www.hse.gov.uk.

The Incident Contact Centre will then forward details of incidents to the relevant enforcing authority.

0845 300 9923

www.hse.gov.uk/riddor

First Aid

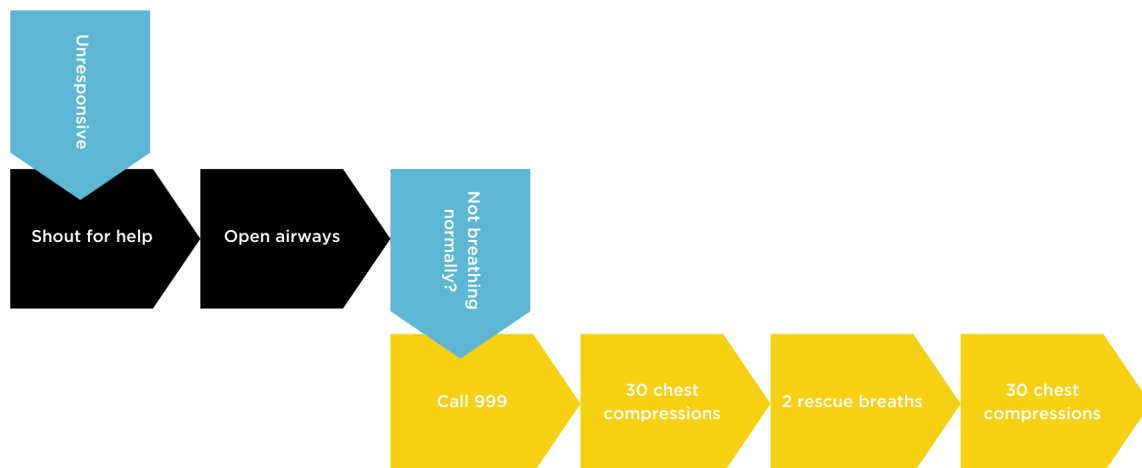


First Aid Training that targets licensed premises

For more comprehensive training in First Aid developed specifically for night time and licensed premises, take a look at [The First Aid Collective](#).

Basic advice on First Aid at work

This information is taken from the Health and Safety Executive leaflet 'Basic advice on first aid at work' and contains basic advice on first aid for use in an emergency. It is not a substitute for effective training.



A Airway

To open the airway:

Place your hand on the casualty's forehead and gently tilt the head back
Lift the chin with two finger tips.

B Breathing

Look, listen and feel for normal breathing for no more than 10 seconds:

1. Look for chest movements
2. Listen at the casualty's mouth for breath sounds
3. Feel for air on your cheek

If the casualty is breathing normally:

- Place in the recovery position
- Get help
- Check for continued breathing

If the casualty is not breathing

- Get help

Start chest compressions (see CPR).



C CPR

To start chest compressions:

1. Lean over the casualty and with your arms straight, press down on the centre of the breastbone 5-6 cm, then release the pressure;
2. Repeat at a rate of about 100-120 times a minute;
3. After 30 compressions open the airway again;
4. Pinch the casualty's nose closed and allow the mouth to open, making a good seal;
5. Blow steadily into the mouth while watching for the chest rising;
6. Remove your mouth from the casualty and watch for the chest falling;
7. Give a second breath and then start 30 compressions again without delay;
8. Continue with chest compressions and rescue breaths in a ratio of 30:2 until qualified help takes over or the casualty starts breathing normally.

Severe bleeding

If there is severe bleeding:

- apply direct pressure to the wound;
- raise and support the injured part (unless broken);
- apply a dressing and bandage firmly in place.

Broken bones and spinal injuries

If a broken bone or spinal injury is suspected, obtain expert help. Do not move casualties unless they are in immediate danger.

Burns

Burns can be serious so if in doubt, seek medical help. Cool the affected part of the body with cold water until pain is relieved. Thorough cooling may take 10 minutes or more, but this must not delay taking the casualty to hospital.

Certain chemicals may seriously irritate or damage the skin. Avoid contaminating yourself with the chemical. Treat in the same way as for other burns but flood the affected area with water for 20 minutes. Continue treatment even on the way to hospital, if necessary. Remove any contaminated clothing which is not stuck to the skin.

Eye injuries

All eye injuries are potentially serious. If there is something in the eye, wash out the eye with clean water or sterile fluid from a sealed container, to remove loose material. Do not attempt to remove anything that is embedded in the eye. If chemicals are involved, flush the eye with water or sterile fluid for at least 10 minutes, while gently holding the eyelids open. Ask the casualty to hold a pad over the injured eye and send them to hospital.

Record keeping

It is good practice to use a book for recording any incidents involving injuries or illness which you have attended. Include the following information in your entry:

- the date, time and place of the incident;
- the name and job of the injured or ill person;
- details of the injury/illness and any first aid given;
- what happened to the casualty immediately afterwards (e.g. went back to work, went home, went to hospital);
- the name and signature of the person dealing with the incident.

This information can help identify accident trends and possible areas for improvement in the control of health and safety risks.

Note that the text above is taken from the HSE leaflet Basic Advice on first aid at work. (First published 03/11). For more information about health and safety visit www.hse.gov.uk. The below text is taken from the website.

Are you an employer?

You are responsible for making sure that your employees receive immediate attention if they are taken ill or are injured at work. Accidents and illness can happen at any time and first aid can save lives and prevent minor injuries from becoming major ones.

What employers need to do

You must make appropriate first-aid arrangements for your workplace. In doing so you should consider the circumstances of your workplace, workforce and the health and safety risks that may be present to help you decide what arrangements you need to put in place.

Some small low-risk workplaces need to have only a first-aid box and a person appointed to take charge of first-aid arrangements such as calling the emergency services and stocking the first-aid box. The appointed person does not need specific first-aid training.

If your workplace has more significant health and safety risks, for example you use machinery or hazardous materials then you are more likely to need a trained first-aider.

You must provide all your employees with details of the first-aid arrangements.

First-aid needs assessment

In order to establish what provision for first-aid is required you should make an assessment of the first-aid needs appropriate to the circumstances of your business.

This should include consideration of:

- the workplace,
- the workforce, and
- the hazards and risks present.

You can find out more information on carrying out a first aid needs assessment, including a suite of example case studies and an online assessment tool to help you decide what arrangements you need to put in place for first aid (visit www.hse.gov.uk).

First-aid arrangements

Your arrangements will depend on the outcome of your first-aid needs assessment and the particular circumstances in your workplace at any given time.

The findings of the needs assessment should indicate the level of first-aid equipment, facilities and personnel required.

As a minimum, you must have:

- a suitably stocked first-aid kit
- an appointed person to take charge of first-aid arrangements;
- information for all employees giving details of first-aid arrangements.

Where your needs assessment identifies workplace or workforce issues, or more significant health and safety risks, you are likely to need a sufficient number of

appropriately trained first aiders and may need to arrange additional equipment and facilities.

First-aiders

You might decide that you need a first-aider. This is someone who has been trained by a competent first aid training provider in first aid at work, emergency first aid at work, or some other appropriate level of training (identified by your needs assessment).

If you have identified that you need first-aiders HSE has produced guidance to help you select a competent first aid training provider.

Note that the above text is taken from the Health and Safety Executive website www.hse.gov.uk.