

This is the second Health & Safety newsletter being produced in 2003/4, bringing members up to date with recent developments regarding:

- H&S Law
- Members' experiences
- The Association's initiatives on this topic

### **Publications**

There are still stocks of the shop posters and the Information Pack for Operations Managers available. Please ring Thao Nguyen on 020 7422 8620 if you wish to order any of these. These publications are free, although postage may be charged for bulk orders.

The Shop Manager Workbook is now out of print, but this is freely available on the Association's website [www.charityshops.org.uk](http://www.charityshops.org.uk) along with sample generic risk assessments for shops and stock collections.

### **H&S Workshops 2003**

A successful workshop was held in Nottingham on 1<sup>st</sup> October, which covered the principles of how to control risks and comply with UK legislation. Participants took full advantage of the opportunity to ask questions about issues affecting their own experiences and challenges.

There are still places available on the last workshop to be held this year in London on 18 November. Please ring 020 7422 8620 if you wish to attend.

### **Accident Book**

The HSE Accident Book has been revised because the previous version does not comply with the Data Protection Act 1998 (DPA). After 31 December 2003 it will be an offence under the DPA to use any accident book that allows personal details and information to be seen by anyone reading or making an entry in the book.

The new book also contains useful information on first aid and how to manage H&S information to help prevent accidents from happening in the first place.

*Copies of The HSE Accident Book ISBN 0 7176 2603 2 (price £4.75 plus VAT) are available from HSE Books, PO Box 1999, Sudbury, Suffolk, CO10 2WA (Tel: 01787 881165 or fax: 01787 313995). The book is also available from all good bookshops*

### **Recent Court Cases**

Reports of three recent court cases provide some useful lessons for charity retailers. The first concerns a civil claim for compensation and the other two relate to prosecutions for non-compliance with H&S legislation.

In a landmark case in February, a judge ruled that a shop assistant at an off-licence was not provided with sufficient security during an attack by knife-wielding robbers. The employee was traumatised by the incident in which a knife was held to her throat.

This shop had been a robbery target for several years and the shop assistant had previously spoken to management about her concerns over her vulnerability. Her lawyer argued that the incident would have been less likely to occur if she had not been working alone.

The judge ruled that the company had placed a higher priority on economic concerns than staff security and he awarded the employee £179,000 in compensation. It is expected that this case will open the door for similar court action in the future given the statistics on shop hold-ups.

In May, Oldham Council successfully prosecuted a distribution company for three breaches of the H&S at Work Act after a painter/decorator suffered an electric shock when his head touched a live wire hanging from a lighting circuit.

The company had not only failed to insulate the wire suitably; it had not carried out an assessment of the risks where the man was working nor provided the worker with any information or instructions about the risks he faced. The firm was fined £6000 and had to pay the Council's costs of £895.

This case highlights the need for employers to work with contractors to ensure risks are fully assessed and controlled for the benefit of both parties.

In another court case a charity was fined £75,000 and ordered to pay legal costs of £35,000 following the death of a 21 year old volunteer as the result of a boating accident during a rescue training exercise.

The judge expressed "difficulty with fining the charity as they do not seek profit and the money goes to good purposes". However he felt the fine had to reflect the need for good H&S procedures, given that charities are becoming increasingly important as employers.

This is a useful reminder that charities will not be treated lightly when cases come to court.

## Fire Risk Assessments

There is a legal requirement to conduct a fire risk assessment at every workplace. This is separate from the general risk assessment required of employers by the Management of H&S at Work Regulations 1999. Local fire brigades are the enforcing authorities that monitor and ensure compliance with this regulation.

Fire Officers have similar powers to Environmental Health Officers (EHOs) with regard to issuing notices. One charity has recently received a formal improvement notice from a fire authority for failing to carry out a workplace fire risk assessment at one of its shops. Fire Officers will probably ask for copies of the assessments when they visit premises.

More fire authorities are producing guidance on how to complete a fire risk assessment. One simple way of obtaining this is via the website [www.fpa-fireriskassessment.com](http://www.fpa-fireriskassessment.com). This is aimed at those who run small to medium sized enterprises.

This website contains a full list of the questions addressed in a fire risk assessment, along with the necessary advice if the answers indicate that there is a deficiency to be rectified. It is also possible to complete an assessment online at this website.

## Fire Drills



The general guidance is that fire drills should be held at least once a year and several charities require their shops to practise the evacuation procedure two or three times a year.

One of the main challenges facing charity shops is how to involve every volunteer with these drills, given that there are usually twenty or more volunteers in a team, most of whom will only spend half a day a week in the shop.

The Princess Alice Hospice has addressed this by introducing a system of 'Passive Fire Drills'.

The fire evacuation procedure in each shop is posted on a noticeboard dedicated to H&S, and the volunteers are asked to read and remember it. At a later date, the Shop Coordinator asks them, on an individual basis, what the procedure is. If they cannot recall it, they are asked to read it once more and at a subsequent date, they are asked again.

A Fire Drill Practice Record Sheet is also kept on the noticeboard, listing the names of all volunteers. The Shop Coordinator enters the date when each volunteer is asked about the procedure and puts a ✓ or X according to the answer. These 'Passive Fire Drills' will be repeated at least twice a year.

The evacuation procedure notice contains the essential information, such as the means of raising the alarm (a whistle), the address of the shop (for informing the fire brigade) and the assembly point.

## Charities Safety Group

Those who have attended the H&S Workshops will be familiar with the training video. This is part of a training pack for charity and voluntary organisations, which members can borrow from the Association.

The pack was produced by the Charities Safety Group (CSG). Formed in 1997, this now comprises 31 active member organisations, with links to many hundreds of charities.

CSG has established a good working relationship with the Health & Safety Executive, with whom it wrote the guidance booklet *Charity and Voluntary Workers – A guide to Health & Safety at work*. HSE publication ISBN 0 7176 2424 2

The Group is currently working with the HSE to:

- Rewrite and update this publication
- Introduce a standard paragraph in all HSE key guidance documents to emphasise the protection of volunteer workers

CSG is also lobbying for an amendment to the H&S at Work Act 1974 to change the term "employee" to "worker", which would automatically bring volunteers the same level of recognition and protection as employees

The Group plans to produce guidance relating to issues such as managing violence at work and Lone Work risk management. Best practice, guidance and advice documents will be available on its website and their member-only area will be expanded to include a query answering service.

CSG has also secured a collaborative arrangement with an occupational Health & Safety consultancy to provide specific support to charities with no H&S expertise at minimal or no cost.

The Group welcomes new members. Contact can be made via:

Charities Safety Group, Old Brompton Road, Box 541, London SW7 3SS (email: [info@csg.co.uk](mailto:info@csg.co.uk); website: [www.csg.org.uk](http://www.csg.org.uk) or tel: 07745 937567)

**Members are invited to use this newsletter to share their ideas and experiences in managing H&S in their shops. Contributions from charities of all sizes would be greatly appreciated.**

**Please contact Thao Nguyen on 020 7422 8620 if you wish to share something or to ask for advice from other members on a particular topic.**

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