

HEALTH AND SAFETY POLICY

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DOCUMENT CONTROL

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Intended recipients: All Trust staff			
Committee/Group Consulted: Health, Safety and Security Management Group			
Monitoring arrangements and indicators: The Health, Safety & Security Management Group will monitor all health and safety activity within the Trust.			
Training/resource implications: All staff receive mandatory health and safety awareness training at Corporate Induction and individual training is provided to health and safety monitors			
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SUMMARY

The Health and Safety at Work etc.(HASAW) Act 1974 places the duty on an employer to ensure, so far as is reasonably practicable, the health, safety and welfare of all employees and others who may be affected by its acts or omissions. This includes the provision and maintenance of safe plant, machinery, equipment and safe systems of work. Although the ultimate responsibility for compliance with the Act rests with employers, every employee also has a responsibility to ensure that no one is harmed as a result of their acts or omissions during the course of their work.

It shall be the duty of every employer to ensure, so far as reasonably practicable, the health, safety and welfare at work of all his employees (Section 2 HASAWA)

It shall be the duty of every employer to conduct his undertaking in such a way as to ensure, so far as reasonably practicable, that persons not his employment who may be affected thereby are not thereby exposed to risks to their health or safety (Section 3 HASAWA)

Compliance with the Health and Safety at Work Act is a legal requirement. As such, an offence, committed under the Act would constitute a criminal offence and could lead to prosecution, resulting in a fine and/or a term of imprisonment.

New legislation means that if the Trust commits an offence which is a material breach in the opinion of the Health & Safety Executive (HSE) inspector, or there is or has been a contravention of health and safety law that requires them to issue notice in writing of that opinion to the duty holder.

HSE inspectors may issue an improvement or prohibition notice, or a prosecution and must include the following information:

- the law that the inspector's opinion relates to;
- the reasons for their opinion; and
- notifications that a fee is payable to HSE.

In addition to the Health and Safety at Work Act 1974, others apply such as Regulations, Approved Codes of Practice, Guidance Notes and Directives. The Trust uses the Health & Safety Executive (HSE) model HSG 65 (see page 4) as a method of ensuring that the work of the Trust is conducted in as safe a manner as is reasonably practicable.

1. INTRODUCTION

- 1.1 This policy sets out the principles and arrangements by which Somerset Partnership NHS Foundation Trust base both its commitment to Health and Safety and its compliance with legislation. The policy forms part of the Trust's overall approach to staff and patient safety.

2. SCOPE

- 2.1 This policy applies to all staff employed by the Trust, either directly or indirectly, and to any other person or organisation which uses Trust services or premises for any purpose. It will also apply to bank, temporary staff, volunteers, young workers, staff working from home and contractors working on Trust business. The principles of this policy shall apply to all Trust work activities, regardless of who has or is supplying or providing them.

3. AIMS AND OBJECTIVES

- 3.1 The aims of this policy are to:

- outline the requirements of Health & Safety Regulations, Health & Safety Guidance and Approved Codes of Practise that apply to the Trust;
- inform managers and staff as to their roles and responsibilities;
- demonstrate the Trust's commitment to reducing accidents and incidents causing ill-health as well as other environmental hazards and risks in the workplace;
- set out the organisation's arrangements for Health and Safety in accordance with HSG 65;
- set out the organisations training requirements for Health and Safety.

- 3.2 The objectives of this policy is to:

- ensure the Trust has a proactive management system in place to enable it to comply with all relevant statutory health and safety legislation;
- prevent foreseeable accidents or incidents so far as is reasonably practicable by undertaking suitable and sufficient risk assessments;
- demonstrate how the Trust complies with its Statutory Health and Safety compliance against Legislation, Regulations, Approved Code of Practice (ACOPs), best practice, etc.
- prevent reoccurrence of adverse events as far as is reasonably practicable;
- compliance with relevant NHS Litigation Authority standards, Care Quality Commission (CQC) Essential Standards of Quality and Safety and other Department of Health (DoH) requirements such as Health

Technical Memorandum (HTM) or Health Building Note (HBN) where practicable;

- ensure contractors recognise their duty of care to the Trust and its employees and will be bound by their terms of contract to comply with the Health and Safety at Work Act, subordinate regulations and the Trust 'Client Requirements for Contractors'

4. DUTIES AND RESPONSIBILITIES

4.1 Responsibility for Health and Safety rests ultimately with the **Chief Executive**, who delegates responsibility to the Director of Governance and Corporate Development.

4.2 The Chief Executive is responsible for:

- ensuring this policy is implemented and reviewed;
- providing visible and active commitment to the compliance with all relevant Health and Safety legislation;
- ensuring sufficient resources are allocated to implement:
 - the Health and Safety Policy;
 - the development of a positive health and safety culture;
 - compliance with current legislation;
 - the Risk Management and Untoward Event reporting processes.

4.3 The **Director of Governance and Corporate Development** has delegated executive responsibility for health and safety in particular for:

- informing the Board on all relevant Health and Safety management issues, including alerting the Board to the requirements of this policy and any actual or potential breaches of Health and Safety Legislation;
- ensuring, through the Governance Committee structure, relevant persons are consulted with and informed of any changes which may substantially affect their health and safety e.g. in procedures, equipment or ways of working;
- ensuring clear lines of accountability throughout the organisation for the management of health and safety;
- ensuring staff are provided with information on the likely risks and dangers arising from Trust work and activity, introduce measures to reduce or get rid of those risks and inform staff as to what they need to do if they have to deal with a risk;
- putting arrangements in place to get competent people to help them satisfy health and safety legislative requirements;
- ensuring co-ordination and co-operation on health and safety matters between the Trust, its neighbours, contractors and any other relevant stakeholder;
- ensuring suitable plans are in place to manage health and safety;

- ensuring adverse health and safety consequences of introducing new technology, equipment or procedures and ways of working are mitigated so far as is reasonably practicable.

4.4 All **Executive and Non-Executive Directors** have corporate responsibility to provide a safe working environment and shall ensure adequate arrangements and resources are provided to implement the requirements of this policy, all relevant Safety Regulations and any associated procedures and safe systems of work; and apply this within their respective areas of responsibility. They ensure Health and Safety arrangements are adequately resourced and they obtain competent advice and they review reports, performance and action plans to ensure compliance. They recognise it is a criminal offence for a company to fail in any of the duties imposed by the Act, and an accident may give rise to civil liability as well. Directors can be prosecuted for the criminal offence as well as the organisation.

4.5 The **Head of Corporate Business** will:

- ensures the Trust has a robust Health and Safety Policy outlining the commitment of the Trust to ensuring the Health and Safety of all persons who either work for, or come into contact with, the Trust's estates and activities;
- liaise effectively with the Health and Safety Executive (HSE), and other safety related external agencies, on behalf of the Trust;
- regularly monitor and review all existing Trust Health and Safety policies and ensure they are readily available to all staff, changes are effectively communicated and robustly implemented;
- develop Health and Safety training and ensure implementation strategies facilitate compliance and contribute to the Trust broader strategy;
- analyse Health and Safety related adverse events, ensuring appropriate investigation, production of detailed reports, and reporting as appropriate;
- analyse Health and Safety data, producing reports as necessary for relevant groups, identifying trends and recommending consequential change/s as required;
- chair the Trust Health, Safety and Security Management group in the absence of the Director of Governance and Corporate Development;
- produce a Health and Safety Strategy and an Annual Health and Safety Report making recommendations to bring about future improvements

4.6 The Trust **Health and Safety Competent Advisor** will:

- assist in the development, production and delivery of strategies which ensure Trust compliance with statutory national and local regulations, Department of Health Directives and Trust policies;
- prepare and deliver as required senior management reports to various forums where Health and Safety is discussed;
- work with the colleagues from the to put in place an effective system in order to audit compliance with Trust Health and Safety strategies,

producing reports for that identify both compliant and non-compliant areas;

- coordinate visits and inspections by the Health and Safety Executive and the provision of documents which may be requested by an inspector regarding the Trust's statutory duties;
- provide expert advice and guidance on health and safety policy, guidance and assessment, including providing specialist workplace assessments;
- work with colleagues to identify appropriate training, strategies and contribute to the Trust education strategy.

4.7 The **Moving and Handling Advisor** acts as the principle advisor for all Trust moving and handling activities by providing moving and handling information, expertise and advice to the Trust on the suitability of moving and handling aids and appropriate training for both staff and patients in order to ensure Trust compliance with statutory national and local moving and handling regulations. The Advisor undertakes moving and handling audits across the Trust in order to put in place an effective system to audit compliance with the Trust moving and handling strategies and provides a detailed report of any findings to Senior Managers informing of appropriate actions

4.8 **Managers** at all levels will ensure:

- they have or undertake to obtain such information, instruction and training to enable them to lead on matters of health and safety within their respective roles;
- all risk assessments are carried out and documented by persons (if not themselves) competent to undertake such assessments following Trust policy;
- risk assessments are systematically reviewed and where necessary ensure suitable protocols, plans and procedures are further updated or developed to provide adequate controls and safety precautions;
- they support local managers and work with lead risk assessors, staff and staff representatives to provide suitable and sufficient equipment which is serviced and maintained and put systems and procedures in place to control and safely manage any identified risks;
- discuss and disseminate Trust safety policies and implement the requirements of those respective policies to ensure cooperation and communication;
- make adequate funding available to provide any necessary equipment, procedures and ongoing training and supervision to meet the requirements of the Health and Safety Policy and/or where a risk assessment has identified such control measures as being necessary;
- health and safety performance standards and objectives are set for those under their supervision;
- they manage the timely reporting of accidents and incidents in accordance with Trust Policy;
- investigations are undertaken, the Incident Reporting Procedure is

followed and the Significant Incident Requiring Investigation (SIRI) and Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) procedures are followed, where necessary;

- intervene to prevent poor Health and Safety practice or procedures;
- action is taken against any member of staff who ignores or deliberately fails to discharge their responsibilities for Health and Safety;
- their staff attend the appropriate training and health surveillance, including induction training, local induction and familiarisation, mandatory and statutory training; health surveillance for dermatitis, latex allergy, upper limb disorder, stress or occupational asthma, and any other training or health surveillance that is deemed necessary;
- they maintain a system of regular inspections and audits to determine the degree of compliance with both Trust and local policies and procedures and take appropriate remedial action to address any areas of non-compliance;
- all staff, including bank, agency staff, students, persons gaining work experience, temporary, young or inexperienced workers, disabled staff, pregnant and nursing mothers, lone workers, contractors and others under their supervision are afforded the same level of protection as any other Trust member of staff;
- Health and Safety matters are incorporated as necessary into staff's job descriptions, appraisals, team meetings and escalated through the local Governance Committee structure.

4.9 The **Fire Safety Adviser (FSA)** is responsible for ensuring the development and implementation of the Fire Safety Management Policy ensuring safe systems and processes are in place for the continuous effective management of fire safety risks as required by statutory, national, local regulations, department of health directives and related trust policies. The FSA will work with the Fire Manager to put in place an effective system in order to audit divisional compliance with the Trust Fire Management Policy and to analyse fire related adverse events producing reports as necessary for relevant groups, identifying trends and implementing change as required.

4.10 The **Occupational Health Service** is responsible for the assessment and enhancement of fitness for work, for advising about control of health risks in the workplace, and for leading staff health and wellbeing, specifically by providing:

- pre-placement screening;
- immunisations against infectious diseases;
- management of sharps and contamination incidents;
- health surveillance;
- staff support and counselling;
- advice about adjustments to work on health grounds;

- rehabilitation back to work after illness;
 - special advice to managers on generic risk assessments;
 - advice to managers on individual risk assessments (taking account of individual susceptibility due to pregnancy or health problems);
 - health promotion and wellbeing advice;
 - regular feedback to the Trust on work-related ill health;
- 4.11 The **Director of Human Resources** has delegated responsibility for ensuring a robust strategic approach is adopted addressing issues of employees' health, safety and wellbeing. This includes:
- the development and implementation of Human Resource policies which are compliant with Health and Safety legislation and which reflect the support mechanisms in place to assist and support employees' health, safety and well-being;
 - the commissioning and development of appropriate staff support services.
- 4.12 The **Health, Safety and Security Management Group** has the following responsibilities:
- in accordance with the Health and Safety at Work Act 1974, the Safety Representatives and Safety Committees Regulations 1977 and at the request of staff representatives, the Group acts in accordance with the Approved Code of Practice as per the requirements of these Regulations;
 - sits within the Trust's Governance and Risk Committee structure and is a key part of the arrangements for managing health and safety issues in the Trust;
 - the details of the functions and Terms of Reference of the Committee and the means of making contact with its members can be found on the Trust Intranet.
- 4.13 **Trade Union and Staff-side Health and Safety Representatives** have the following responsibilities:
- represent Trust employees in consultation and co-operation with managers with a view to developing measures to ensure the Health and Safety at work of employees;
 - highlight potential hazards, risks and dangerous occurrences in the workplace (whether or not they are drawn to their attention by employees they represent) and to be proactive by assisting in preventing accidents and adverse incidents in the workplace;
 - investigate complaints by any employee whom they represent relating to that employee's health, safety or welfare at work;
 - make representations to Trust management on any matter affecting the health and safety of employees in the workplace

It is the responsibility of each of the accredited Trades Unions and the Joint Staff Side Committee to inform the Trust Health, Safety and Security

Management Group, in writing, of their current Health and Safety representatives and any subsequent changes to this.

- 4.14 The **Infection Prevention Team** are responsible for providing the Trust with advice and guidance on infection prevention and control matters, for supporting staff in the implementation of infection prevention policies, and assisting with risk assessment where complex decisions are required. The Infection Prevention Team are also responsible for reporting Health and Safety issues i.e. decontamination, to the Trust Health, Safety and Security Management Group.
- 4.15 The **Claims and Litigation Manager** is responsible for:
- managing a defined caseload of clinical negligence and personal injury claims ethically and cost effectively on behalf of the Trust. This will be in accordance with Trust policy and procedures, based on National Health Service Litigation Authority (NHSLA) and NHS Executive (NHSE) guidelines;
 - ensuring the Trust complies with its statutory legal responsibilities in relation to the management of all claims;
 - in accordance with the Pre-Action Protocol and Civil Procedure Rules undertake all pre-action investigations; communicate with staff to obtain documentary evidence; this may include statements and documentation in the context of allegations of negligence or breach of statutory duty, consider the complexities of each case and perform a preliminary analysis of each individual claim to form a reasoned opinion on liability and quantum on the basis of evidence obtained together with the NHSLA;
 - in respect of the NHSLA, Clinical Negligence Scheme for Trusts (CNST), Liabilities to Third Parties Scheme (LTPS) and Properties Expenses Scheme (PES), liaise and negotiate with insurers and external solicitors (both claimant and Trust) on claims covered under the various NHSLA compensation schemes;
 - provide reports on a quarterly basis identifying newly reported claims and reporting on lessons learned and actions taken;
 - attend Trust committees as required and to provide ad hoc general advice.
- 4.16 The responsibilities of **Workplace Health and Safety Monitors** are to:
- spot hazards
 - support managers in undertaking non-clinical risk assessments of the environment and activities;
 - communicate health and safety issues to peers and managers;
 - raise awareness of Health and Safety;
 - local audit of local health and safety issues;
 - complete a quarterly Health and Safety checklist;
 - participate in workplace inspections and reporting results to the manager;

- promote a positive Health and Safety culture and environment locally.

4.17 **All employees** have a responsibility to:

- take reasonable care of their own Health and Safety and of others who may be affected by what they do or do not do;
- cooperate with the Trust on Health and Safety issues;
- not interfere with or misuse anything provided for their or other's health, safety or welfare;
- use any equipment, Personnel Protection Equipment (PPE), and procedures provided by the Trust, take reasonable care of it and to report any accidents, defects, damage, unsafe acts or conditions, near misses, or loss as soon as reasonably possible;
- be aware wilfully or intentionally interfering with or misusing equipment, procedures or safe systems of work will be subject to disciplinary action;
- read and understand the requirements of the Trust's Health and Safety policies, other relevant safety procedures, risk assessments, local rules etc., and carry out work in accordance with these requirements;
- ensure they report immediately any ill health, stress or other medical condition which may be work related or affect their ability to work safely;
- ensure they attend any Health and Safety induction or training courses provided for them.

4.18 **All contractors and sub-contractors** under the control of or employed directly or indirectly by the Trust must undertake their work in a safe manner. This work must be undertaken in accordance with statutory safety requirements and the Trust's policies and procedures. Contractors and sub-contractors must fully co-operate with the requirements set out in the contract documents issued prior to the commencement of any works. They must ensure:

- they and other self-employed persons (engaged on Trust business) assess and document the risks of their work and undertakings and make provision to protect themselves and others in respect of their own work activities;
- they are competent and authorised to carry out the required work and they have the supporting documentation to evidence this through risk assessments, safety plans and/or method statements, permits to work, etc.;
- all their employees and sub-contractors are appropriately informed, instructed and trained in health, safety and welfare related matters pertaining to their own and Trust work activities;
- reasonable steps are taken to ensure cooperation and communication between all contractors and Trust staff and other relevant persons;
- they report significant accidents and incidents to the Trust when

undertaking their work and incidents which fall within Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 1995 which occur as a result of the contractor's undertakings;

- they provide safe access to and from their workplace for their own staff and all others affected by their undertakings and put in place provisions to deal with a fire and do nothing to compromise the fire systems and procedures already in place within the Trust.

4.19 Even though **charity and voluntary workers** generously give their time, work and expertise to the Trust, these people are regarded as honorary employees in the eyes of the law and as such are bound by the same health and safety conditions as all other Trust staff. Charity or voluntary workers or any Trust manager or representative responsible for them must ensure risk assessments of their activities are undertaken and the identified risks are managed.

5. RISK ASSESSMENT

5.1 The Management of Health and Safety at Work Regulations 1999 places an 'absolute duty' on employers to carry out risk assessments, which should be a record of:

- identified hazards arising from or in connection with the work;
- who will be affected by the hazards;
- the control measures in place or proposed control measures;
- evaluation of the risk;
- review date.

5.2 Health and Safety Risk assessments are required to be undertaken for tasks/ environments/ situations identified as presenting a **significant** risk of injury either to Trust staff, visitors or patients. Risk assessments should be completed using the Trust's Risk Assessment Form and these should be monitored and reviewed in the following circumstances:

- whenever there is a significant change e.g. staff, environment or equipment;
- after an accident or 'near miss';
- after noncompliance identified through audits and inspection programmes;
- at least annually.

5.3 Risks which cannot be managed and actioned locally should be escalated to the risk register following guidance contained in the Risk Management Policy and procedures.

5.4 Health and Safety Risks relating to the following hazards, COSHH, Display Screen Equipment (DSE) use, Moving and Handling of patients or equipment and stress should be identified and recorded using the specialised risk assessment forms contained in the related Trust policies:

- Control of Substances Hazardous to Health (COSHH) Policy;
- Display Screen Equipment (DSE) Policy;
- Moving and Handling of Loads Policy;
- Stress Management Policy;
- Latex Policy;
- Health Surveillance Policy.

6. TRAINING REQUIREMENTS

- 6.1 The Trust will work towards all staff being appropriately trained in line with the organisation's Staff Training Matrix (training needs analysis). All training documents referred to in this policy are accessible to staff within the Learning and Development Section of the Trust Intranet.
- 6.2 All staff receive mandatory health and safety awareness training at Corporate Induction.
- 6.3 Each ward or team should appoint a nominated Health and Safety Workplace Monitor, who should not be the Ward/Team Manager, other than in exceptional circumstances. The Ward/Team Manager will arrange for the workplace monitor to be registered with the Head of Corporate Business. Training specific to the role will be provided through the Head of Corporate Business.

7. EQUALITY IMPACT ASSESSMENT

- 7.1 All relevant persons are required to comply with this document and must demonstrate sensitivity and competence in relation to the nine protected characteristics as defined by the Equality Act 2010. In addition, the Trust has identified Learning Disabilities as an additional tenth protected characteristic. If you, or any other groups, believe you are disadvantaged by anything contained in this document please contact the Equality and Diversity Lead who will then actively respond to the enquiry.

8. MONITORING COMPLIANCE AND EFFECTIVENESS

- 8.1 The Health, Safety and Security Management (HSSM) Group will monitor procedural document compliance and effectiveness. This will be achieved by the:
- quarterly untoward event reports to the Health, Safety and Security Management Group
 - quarterly report of health and safety inspections
 - annual review of staff survey at Staff Experience Group
 - annual report to Joint Management and Staff Side Committee (JMSSCC) on health and safety inspection process
- 8.2 Audit results will be presented to the Health, Safety and Security Management Group for consideration, identifying good practice, any shortfalls, action points and lessons learnt. This Group will be responsible for ensuring improvements, where necessary, are implemented.

8.3 The HSSM Group will provide a quarterly report to the Regulation Governance Group, reporting any new risk issues or areas of concern.

9. RELEVANT CARE QUALITY COMMISSION (CQC) –

9.1 Under the **Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 (Part 3)**, the **fundamental standards** which inform this procedural document, are set out in the following regulations:

Regulation 12:	Safe care and treatment
Regulation 15:	Premises and equipment
Regulation 17:	Good governance
Regulation 18:	Staffing
Regulation 20:	Duty of candour

9.2 Under the **CQC (Registration) Regulations 2009 (Part 4)** the requirements which inform this procedural document are set out in the following regulations:

Regulation 18:	Notification of other incidents
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9.3 Detailed guidance on meeting the requirements can be found at <http://www.cqc.org.uk/sites/default/files/20150311%20Guidance%20for%20providers%20on%20meeting%20the%20regulations%20FINAL%20FOR%20PUBLISHING.pdf>

10. COUNTER FRAUD

10.1 The Trust is committed to the NHS Protect Counter Fraud Policy – to reduce fraud in the NHS to a minimum, keep it at that level and put funds stolen by fraud back into patient care. Therefore, consideration has been given to the inclusion of guidance with regard to the potential for fraud and corruption to occur and what action should be taken in such circumstances during the development of this procedural document.

11. REFERENCES, ACKNOWLEDGEMENTS AND ASSOCIATED DOCUMENTS

11.1 References

The Health and Safety at Work Act 1974
NHS Employers Health Workplaces Handbook

11.2 Cross reference to other procedural documents

Control of Substances Hazardous to Health (COSHH) Policies (both Mental Health and Community Health)
Development & Management of Procedural Documents
Display Screen Equipment Policy
Fire Safety Policy
First Aid Policy
Hand Hygiene Policy
Health and Safety Strategy

Learning Development and Mandatory Training Policy

Risk Management Policy and Procedure

Staff Training Matrix (Training Needs Analysis)

Training Prospectus

Untoward Event Reporting Policy and procedure

Work and Well Being Policy

All current policies and procedures are accessible in the policy section of the public website (on the home page, click on 'Policies and Procedures'). Trust Guidance is accessible to staff on the Trust Intranet.

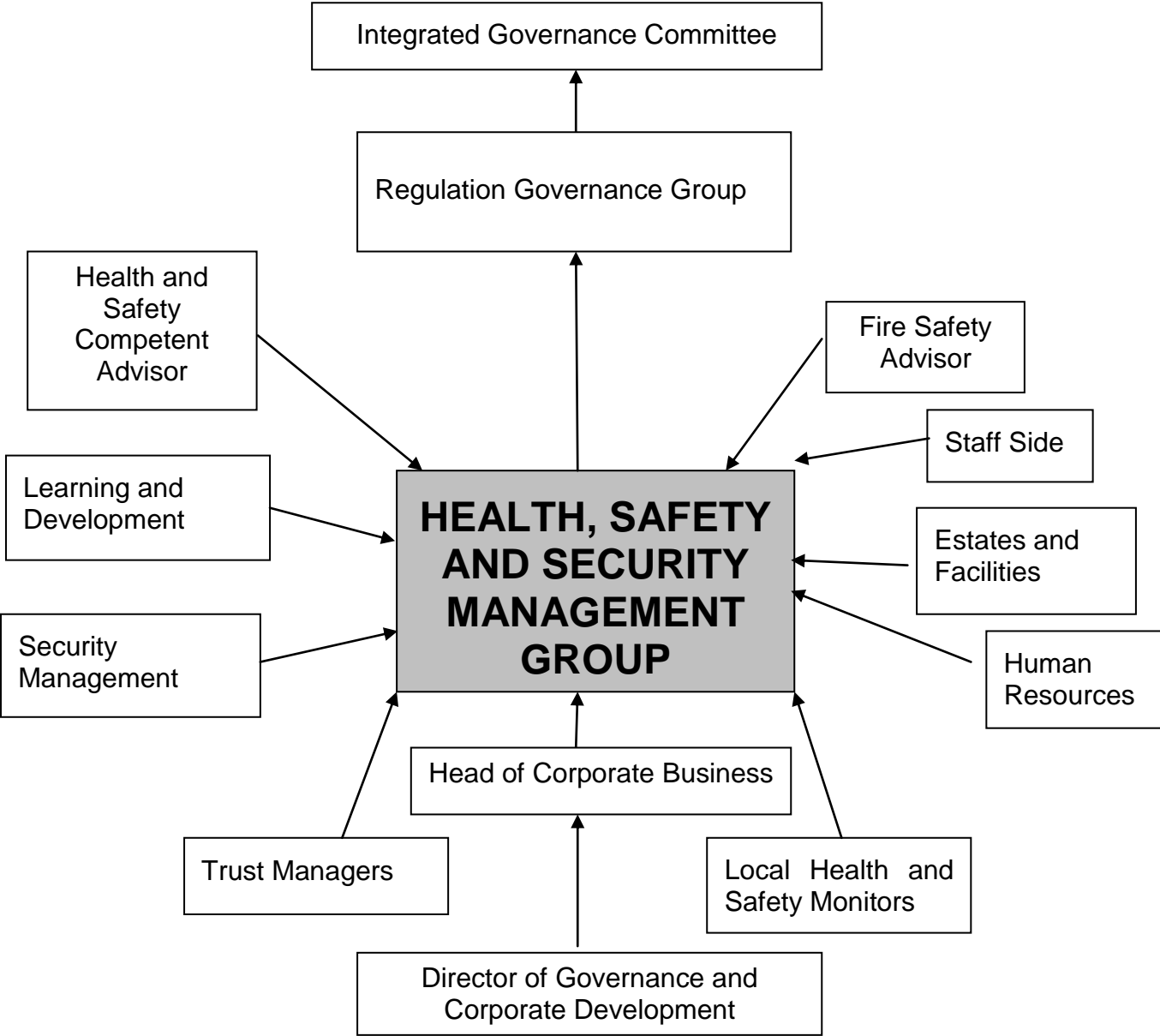
12. APPENDICES

12.1 For the avoidance of any doubt the appendices in this policy are to constitute part of the body of this policy and shall be treated as such.

Appendix A: Health, Safety and Security Management Group Structure

Somerset Partnership NHS Foundation Trust

HEALTH, SAFETY AND SECURITY GOVERNANCE STRUCTURE



The minutes of the Health, Safety and Security Management Group will be circulated to Group Members, Executive Team, Staff Side Health and Safety Representatives.