

Health, Safety and Wellbeing Policy

Wivenhoe House Hotel Ltd

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1. Introduction

We recognise that:

- The health, safety and wellbeing of staff, student practitioners and customers are fundamental to our aim of providing a high-quality hotel which provides great customer service.
- High standards of health and safety management is essential to the achievement of the highest possible level of operational standards and
- Ingraining excellent health and safety practice into our vocational education programmes will contribute significantly to our aim to develop the future leaders of the hotel and hospitality industry.

The achievement of high standard of health, safety and wellbeing requires the involvement and commitment of all staff at all levels. The Board of Directors and General Manager accept their responsibility to provide strong leadership on health and safety and they expect the Deputy General Manager and Heads of Department to take ownership of health and safety risk and accept responsibility for it in their area. This Policy sets out the responsibilities we all have to look after ourselves and others affected by our work activities.

Individuals, WH and society as a whole all benefit from the provision of healthy and safe working environments. WH will help its employees and student practitioners to keep healthy at work and protect them from work-related harm. We will also provide appropriate support to those with long or short-term health conditions and disabilities to help them to remain at work.

This Policy also sets out WH's health and safety aims and objectives for the coming years. Its arrangements for implementing the Policy can be found in standards and guidance on specific occupational health and health and safety related subjects. All of these also form part of the Hotel's Health, Safety and Wellbeing Policy.

The Policy aims and objectives will be regularly reviewed to ensure that we are achieving our goals and continually improving our management of health, safety and wellbeing.

Signed



Chair of the Wivenhoe House
Hotel Limited Board (WHB)

Signed

General Manager

2. Objectives

Wivenhoe House Hotel Ltd will work together with the Edge Hotel School to

- Provide a safe and healthy environment, in which staff, student practitioners and customers are able to realise their full potential and take a proactive approach to health, safety and wellbeing
- Further develop, integrate and implement robust and effective health & safety management systems, which reflect our joint aims of demonstrating world class industry standards in the field of Hospitality
- Provide the high standard of health, safety and wellbeing for our employees, student practitioners and customers, which would be expected of a world class facility.

The following aim and objectives relate to the UoE and UECS H, S&W Policy and focus on WH's core Health & Safety activities to meet legal statutory compliance and prevent work related accidents and ill health

1. To build a health and safety structure and culture that provides the foundation though which Wivenhoe House Hotel Ltd can their staff, student practitioners, Customers, and the University community to develop, grow and flourish.

To achieve this aim, we will:

1. Create an enabling environment, where members of Wivenhoe House Hotel and the University community collaborate and engage positively with health, safety and wellbeing.
2. Continue to develop a suite of current and proportionate health and safety standards, that set out and communicate arrangements for managing significant health and safety risks within Wivenhoe House Hotel.
3. Ensure that appropriate and engaging health, safety and fire arrangements are in place within Wivenhoe House Hotel for the benefit of staff, Student Practitioners and Customers.
4. Make the best use of technology to assist with the management of health and safety, the monitoring of health and safety performance and the evidencing of continual improvement.
5. Ensure there are suitable and sufficient arrangements for the management of the key operational health, safety and fire risks identified on sectional risk registers/assessments.

A Health and Safety Plan (HS Plan) which detail specific actions to be taken to meet the aims and objectives of this Policy has also been produced and will reviewed on an annual basis.

3. General responsibilities

This Policy sets out general and overarching responsibilities. Details of more specific actions employees, managers and supervisors and others need to take to meet their responsibilities are given in WH's health and safety standards and safe working procedures. Where appropriate to its work, WH also adopts the University of Essex health and safety standards. Further information on these can be found in Section 6 of this Policy.

It is important that all employees understand their responsibilities and what they have to do to meet them. Student practitioners training for employment will be treated as employees under this Policy.

- **All employees** have the responsibilities laid down in Section 3.1
- In addition to their duties as employees, **all line managers and supervisors** have the responsibilities detailed in Section 3.2

In addition to the above responsibilities, the following employees have specific responsibilities relating to their roles:

- **Heads of Department** (Section 3.3)
- **Duty Managers** (Section 3.4)
- **Deputy General Manager** (Section 3.5)
- **General Manager** (Section 3.6)
- **WH Board of Directors (WHB)** (Section 3.7)

Advice and Assistance:

In addition to their general responsibilities, certain employees have been appointed in a supporting role.

- WH Health and Safety Liaison Officer (WHHSLO) (Section 4.1)
- Departmental Health and Safety Liaison Officers (HSLO) (Section 4.2)

The following competent specialists have been appointed to provide advice and assistance to enable to WH with meet its statutory duties:

- University of Essex Workplace Health, Safety & Wellbeing (Section 4.3)
- University of Essex Occupational Health Service (Section 4.4)
- Common Sense Compliance (CSC) for Food Safety Advice (Section 4.5)
- ECS Head of Customer Services

3.1 Employees

All employees (including student practitioners) are responsible for:

1. Looking after their own work-related health and safety and the safety of others affected by their work activities
2. Co-operating with WH by following safe working practices and carrying out their health and safety responsibilities as detailed in this and other WH health and safety related standards and procedures
3. Timely reporting of accidents, work-related ill-health, health and safety related incidents, hazards or inadequacies in health and safety procedures, in accordance with WH's procedures
4. Taking part in any health and safety training and development identified as necessary by WH or their line manager
5. Using work equipment safely and in accordance with instructions and training
6. Ensuring that activities, events or projects that they organise are risk- assessed as part of the planning stage and suitable control measures implemented
7. Seeking advice if they do not feel competent to carry out their responsibilities.

In addition employees may be given specific health and safety related roles or responsibilities. These may be detailed in their job description or other WH health and safety related standards and procedures.

Health and Safety Education

All employees are responsible for contributing to the health and safety education of students, whether this be through educational activities, involving them in the safe design of research projects or student events, or leading by example in exhibiting safe behaviours.

Employees who organise activities and events that involve students are responsible for the health and safety of the students whilst they are under their supervision. This includes ensuring that they understand the risks associated with the activities and follow health and safety instructions.

3.2 Line Managers and supervisors

All line managers and supervisors are responsible for the implementation of the Health, Safety and Wellbeing Policy in their area of control. As a general rule their direct responsibility for health and safety is determined by the extent to which they have authority to take action. That is, if they have the authority to make a general decision about some aspects of the work, they are responsible for the health and safety implications of that decision.

Their responsibilities include:

1. Positively promoting high standards of health and safety
2. Ensure managers, supervisors and employees under their control carry out their health and safety responsibilities
3. Effectively communicating relevant health and safety information to their employees and others affected by their work activities
4. Consulting employees on risk assessments and changes to their working practices that may affect their health and safety

5. Sharing information and co-ordinating arrangements for controlling health and safety risks arising from their activities which may affect University departments, the Edge Hotel School, other WH departments, employees, contractors, or users of WH premises.
6. Making sure that employees under their control are competent in health and safety, and capable of meeting their health, safety and compliance responsibilities
7. Making sure the Health and Safety Policy and relevant health and safety standards are implemented in their area of control
8. Supporting their Manager/head of Department in the development and review of risk assessments and health and safety standards
9. Ensuring risk assessments are carried out and implemented in their area of control
10. Carrying out regular monitoring and appropriate supervision to ensure that the work environment is safe and that employees are meeting their responsibilities and working safely
11. Informing their manager or WHHSLO of any health and safety concerns that they cannot address, including the need to review risk assessments or health and safety related standards
12. Taking account of the effect of work on employee health and the health of the employee on work when delegating work and assessing health and safety risks

3.3 Heads of Department

Heads of Department are responsible for ensuring that their department complies with WH health and safety requirements and has effective systems in place for the management of health and safety. Their responsibilities are to:

1. Provide leadership on health, safety and wellbeing
2. Ensure managers, supervisors and employees under their control carry out their health, safety and compliance responsibilities
3. Accept the role of or appoint a Health and Safety Liaison Officer (HSLO) to provide support on health and safety related matters
4. Ensure that those appointed as HSLOs have sufficient authority, competence, and resources to undertake the role
5. Ensure that appropriate arrangements are in place for the communication of health and safety matters to all employees, student practitioners, customers, contractors, and other visitors to their area of the business
6. Ensure that employees are consulted on the outcome of risk assessments or changes to working practices that may affect their health and safety, and account is taken of their views
7. Put into place appropriate arrangements for ensuring the health and safety competence and capability of their employees, ensuring that WH's minimum requirements for health and safety training are met
8. Ensure that where they make arrangements for contractors or representatives or other employers to carry out work activities at the Hotel, appropriate co-ordination and communication takes place for the safety of all those who may be put at risk by WH's activities or those of the contractor /other employer
9. Ensure that risk assessments are carried out in their area of control, and the control measures recorded and implemented

10. Ensure equipment and substances provided for use at work are fit for purpose, used safely, used correctly and maintained in a safe condition
11. Where risk assessment has identified a need, set up a programme of health surveillance for employees
12. Ensure that WH's health and safety standards are implemented in their area of responsibility
13. Develop and keep under review health and safety standards that relate specifically to their area of work
14. Ensure that regular monitoring and review of health, safety and compliance in their area of responsibility is undertaken, in accordance with WH's minimum requirements
15. Where any repairs, alterations, improvements or modifications beyond the scope of WH maintenance staff are required for the WH buildings or services, arrange for the work to be procured and managed by the University's Estate Management Section
16. Inform the WHHSLO or General Manager of significant health and safety risks and any health and safety concerns that cannot be addressed by the Head of Department
17. Review the implementation and effectiveness of health and safety related standards in their area of responsibility and feedback any issues they cannot address to the WHHSLO or General Manager.

3.4 Duty Managers

Duty Managers have responsibility for the day-to-day management of health and safety. This will include:

1. Leading the WH response in the event of an emergency
2. Monitoring standards of health and safety and ensuring that action is taken to address hazards and unsafe behaviour. This includes checks that regular maintenance and monitoring tasks required for safety are being carried out.
3. Completing scheduled health and safety tests and checks and maintaining the appropriate records.
4. Co-ordination and co-operation with EMS, contractors and event organisers to ensure that health and safety risks associated with their activities are controlled
5. Keeping the General Manager and/or Deputy General Manager informed of any significant health and safety issues

3.5 Deputy General Manager

1. Provide leadership on health, safety, and wellbeing
2. Ensure areas within their responsibility have effective arrangements in place for:
 - a. The provision of competent health and safety, fire safety, food safety and occupational health advice as appropriate
 - b. Co-ordination and co-operation with the University, UECS, the Edge Hotel School and contractors, to ensure health and safety risks are adequately managed and that statutory requirements relating to the safety of the premises and those affected by its work activities are met

- c. Consultation with employees on matters that affect their health and safety
3. Make sure that appropriate arrangements are in place for ensuring the health and safety competence and capability of WH employees within their areas of responsibility
4. Ensure that those appointed in a health and safety role have sufficient authority, competence, and resources to undertake the role
5. Ensure that heads of department are competent and carry out their health and safety responsibilities
6. Ensure that appropriate arrangements are in place for the communication of health and safety throughout their areas of responsibility
7. Ensure that arrangements are in place for identifying and managing significant risks arising from WH's activities. Where necessary to control risk, ensuring health and safety standards are developed, implemented, and kept under review
8. Where any repairs, alterations, improvements or modifications to University buildings or services are needed, arrange for the work to be procured and managed by the University's Estate Management Section (EMS).
9. Ensure suitable systems are in place for monitoring, auditing and review of health and safety in throughout their areas of responsibility
10. Co-operate with any monitoring or investigations undertaken by the University or UECS, to enable the University to be assured that statutory health and safety requirements are being met
11. Keep the General Manager informed of any relevant health and safety risk management and employee wellbeing issues and alerting him/her to the need to take account of the impact of new projects on employee and customer health and safety
12. Assisting the General Manager in the production of an annual report on health, safety and wellbeing performance for the WHB and UECS Board, and other reports that may be required by the WHB

3.6 General Manager

As the most senior employee responsible for the implementation of the WH Health, Safety and Wellbeing Policy, the General Manager has overall accountability for health, safety, and wellbeing at WH. The General Manager is responsible for oversight of health and safety and keeping the Board informed of relevant health and safety risk management issues.

The General Manager is responsible for ensuring that systems are in place for the effective management of health and safety and fire risk throughout WH. Their responsibilities are to:

1. Provide leadership on health, safety and wellbeing
2. Review and update the WH Health, Safety and Wellbeing Policy and Plan.
3. Ensure there are effective arrangements in place for:
 - a. The provision of competent health and safety, fire safety, food safety and occupational health advice
 - b. Co-ordination and co-operation with the University, UECS, the Edge Hotel School and contractors, to ensure health and safety risks are adequately

managed and that statutory requirements relating to the safety of the premises and those affected by its work activities are met

c. Consultation with employees on matters that affect their health and safety

d. the control of risks arising from exposure to asbestos and Legionella, where it relates to UECS activities that are outside the control of the University of Essex or other landlords

4. Make sure that appropriate arrangements are in place for ensuring the health and safety competence and capability of WH employees
5. Appoint a Wivenhoe House Health and Safety Liaison Officer (WHHSLO) and other specialist officers as may be necessary to provide advice and assistance on health and safety related matters
6. Ensure that those appointed in a health and safety role have sufficient authority, competence and resources to undertake the role
7. Ensure that heads of department are competent and carry out their health and safety responsibilities
8. Ensure that appropriate arrangements are in place for the communication of health and safety throughout WH and between WH, the University, UECS and the Edge Hotel School
9. Ensure that arrangements are in place for identifying and managing significant risks arising from WH's activities. Where necessary to control risk, ensuring health and safety standards are developed, implemented and kept under review
10. Where any repairs, alterations, improvements or modifications to University buildings or services are needed, arrange for the work to be procured and managed by the University's Estate Management Section (EMS).
11. Ensure suitable systems are in place for monitoring, auditing and review of health and safety in WH
12. Co-operate with any monitoring or investigations undertaken by the University or UECS, to enable the University to be assured that statutory health and safety requirements are being met
13. Keep the WHB informed of any relevant health and safety risk management and employee wellbeing issues and alerting Board members to the need to take account of the impact of new projects on employee and customer health and safety
14. Producing an annual report on health, safety and wellbeing performance for the WHB and UECS Board, and other reports that may be required by the WHB
15. Managerial responsibility for ensuring compliance with the Regulatory Reform (Fire Safety) Order
16. Managerial responsibility for control of risks arising from exposure to asbestos and Legionella, where it relates to activities that are within the control of WH

3.7 Wivenhoe House Hotel Limited Board (WHB)

The WH Board of Directors has ultimate responsibility for the strategic direction of WH and the health and safety impact of policy decisions. Decisions taken by the Board of Directors must comply with health and safety legislation and WH's Health Safety and Wellbeing Policy.

WH Directors are responsible for:

1. Demonstrating their commitment to the achievement of high standards of health, safety, and wellbeing
2. Approving the WH policy and strategy on Health, Safety and Wellbeing
3. Ensuring that adequate resources are allocated for the effective management of health and safety risk and the attainment of high standards of employee wellbeing
4. As necessary, seeking competent health and safety advice before making a decision that may affect the health, safety and wellbeing of employees, student practitioners and customers
5. Ensuring that appropriate arrangements are in place for the effective management of health and safety, for monitoring operational health and safety performance and for ensuring appropriate consultation on health and safety issues that affect employees and customers is undertaken
6. Ensuring that they are kept informed of and alert to significant health and safety risk management and employee wellbeing issues
7. Receiving annual reports on the health and safety performance of WH, to enable them to monitor and evaluate the implementation and effectiveness of WH's Health, Safety and Wellbeing Policy and arrangements for risk control
8. Ensuring that health and safety risks are identified as part of the planning of new projects and strategic plans
9. Providing an annual report on health and safety performance to the UECS & WH Board and the University of Essex.

4. Advice and Assistance

4.1 WH Health and Safety Liaison Officer (WHHSLO)

The WHHSLO is responsible for:

1. Supporting the General Manager on the development, review, and revision of the WH Health, Safety and Wellbeing Policy, Plan and Annual Reports
2. Setting up and chairing the WH Health and Safety Committee
3. Representing WH on the UECS Health and Safety Committee
4. Acting as the main point of contact for WH on matters of health and safety
5. Ensuring that health and safety concerns raised by employees are taken to the appropriate person / section for action (for example Head of Department, Estate Management Section, Occupational Health (OH) or HSAS)
6. Supporting the General Manager with the communication of relevant health and safety information
7. Supporting the General Manager with setting up and keeping under review WH arrangements for:
 - Communication and consultation on health and safety
 - Health and safety induction and training of employees
 - First aid
 - Fire and emergency evacuation

- Portable equipment testing
- Risk assessment
- Display Screen Equipment (DSE) Assessment
- Reporting of health and safety incidents, hazards and concerns
- Monitoring health and safety (including arranging audits, inspections and health and safety incident investigations)
- Managing Contractors.

4.2 Departmental HSLOs

In addition, each head of department may appoint a Departmental HSLO to assist and support them in meeting their health and safety responsibilities¹. Their responsibilities will include:

1. Attending WH Health and Safety Committee meetings on behalf of their department
2. Ensuring that the head of department and other managers and team leaders are kept informed of relevant health and safety issues (for example by including them on the agenda of management group meetings)
3. Supporting their head of department with setting up and keeping under review departmental arrangements for:
 - Communication and consultation on health and safety
 - Health and safety induction and training of staff and students
 - Implementation of WH health and safety requirements
 - Risk assessment and development of health and safety standards relating to their department's activities
4. Monitoring health and safety (including undertaking regular safety tours and health and safety incident investigations)
5. Keeping up to date with health and safety requirements and best practice relating to the risks that impact on their department.

4.3 University of Essex Workplace Health, Safety & Wellbeing (WHSW)

The University of Essex Health and Safety Advisory Service (WHSW) provides a competent health and safety advisory service to WH in accordance with the Management of Health and Safety at Work Regulations (Regulation 7) and the Regulatory Reform (Fire Safety) Order (Regulation 18).

The terms of the advisory service are set out in the service level agreement between University of Essex Campus Services (UECS) and the University for the provision of human resources services and includes the provision of:

- Health and safety advice to WHHSLO, WH managers and HSLO's, including advice on legislative requirements, risk assessment, new legislation and best practice guidance
- Advice on fire safety precautions and compliance with the Regulatory Reform (Fire Safety) Order

¹ If an HSLO is not appointed the head of department will undertake this role.

- Advice and assistance with the development of WH health and safety standards, including access to the University's health and safety standards (as published on their website) for WH to adopt or adapt for their use
- Assistance with audits, inspections and incident investigations
- Advising on health and safety competence and capability, and organisational training and development needs
- Producing health and safety performance data and supporting UECS with the development of performance reports.

WH staff are also entitled to attend in-house health and safety courses being run for University employees.

4.4 University of Essex Occupational Health Service

WH has appointed the University of Essex Occupational Health Service for advice and assistance on the impact of work on health and health on work. The terms of the advisory service are set out in the service level agreement for the provision of human resources services and includes:

- a clinical occupational health service
- pre-employment screening
- management referral service
- health surveillance
- eye care vouchers for DSE users
- counselling services.

4.5 Food Safety Advice

The General Manager has appointed Common Sense Compliance Ltd as their competent advisors on Food Safety.

5. The Edge Hotel School

The Edge Hotel School are responsible for the health, safety and wellbeing of their staff and have their own Health and Safety Policy Statement. It has been agreed that Edge Hotel School staff who work at Wivenhoe House Hotel will follow the health and safety standards set out by the Hotel.

6. Arrangements (Health and Safety Standards)

Health and safety standards, which include codes of practice, safe working procedures and risk assessments, detail how we do things safely and meet legal obligations for health and safety. Because of their legal status, it is important that heads of department, managers and employees follow them, and they are therefore mandatory.

Where appropriate the University of Essex standards will be adopted by WH. In such cases the General Manager will have the responsibilities assigned to Heads of Department.

WH may also produce health and safety standards covering risks arising from their work.

6.1 Responsibilities for premises related health and safety risks

The tenancy agreement between WH and the University specifies landlord and tenant responsibilities. The University (as landlord) will be responsible for the management of health and safety risks relating to the building and services. WH is responsible for risk assessment and arrangements relating to its work activities and equipment. They must also co-operate with the University to enable the University to meet its statutory duty to maintain safe premises.

The Framework agreement for the management of statutory compliance and health and safety risks between Wivenhoe House Hotel Ltd and The University of Essex provides further detail in regard to each party's responsibilities (Appendix 3).

WH must comply with University of Essex Estate Management Section (EMS) Policies and requirements relating to the safe operation of the University of Essex Estate. Where any repairs, alterations, improvements or modifications to University buildings or services are needed, the work must be procured and managed by EMS.

Where it has been agreed that certain premises maintenance tasks will be carried out by the Hotel, (e.g. as detailed in the WPCO Planning Maintenance Document), WH must follow the health and safety standards specified by the University.

The Estate Management Section policies and procedures relating to premises health and safety risks can be found at <http://www2.essex.ac.uk/estates/Pages/Policies.htm>

Fire, Asbestos and Legionella: Responsible persons

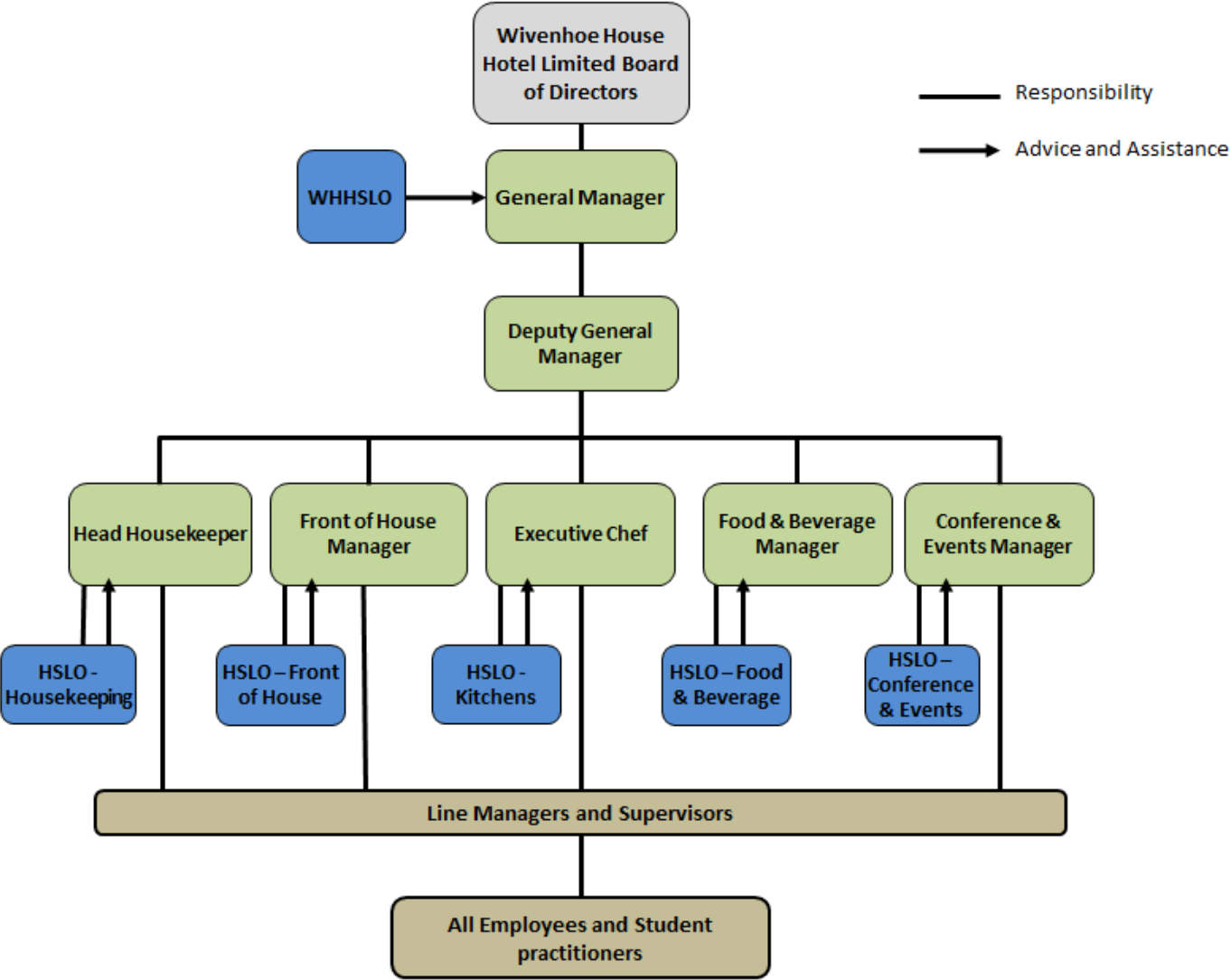
Legislation requires employers and controllers of premises to appoint a responsible person to be managerially responsible for controlling the risk of exposure to asbestos and Legionella. The Regulatory Reform (Fire Safety) Order also places responsibility for the control of risks arising from fire on the "responsible person."

Asbestos and Legionella: Managerial responsibility for asbestos and legionella risk rests with the University's Director of Estate Management. WH must comply with the EMS policies on asbestos and legionella.

The General Manager has managerial responsibility for the control of risks arising from exposure to asbestos and legionella that relate to any WH activities that are outside the scope of University of Essex Estate Management Section's control as detailed in the relevant WH management plans.

Fire: The General Manager of WH will undertake the duties of the 'Responsible Person' as prescribed in the Regulatory Reform (Fire Safety) Order for the Hotel, its employees (including student practitioners on work experience), customers and others who may be affected.

Appendix 1: Health and safety responsibility advice & assistance flow chart



Appendix 2: Definitions and abbreviations used in this Policy

Definitions:

Terms used in this Policy are defined as follows:

Auditing: Formal systematic, independent process for checking the implementation and effectiveness of WH's systems for managing health and safety.

Codes of Practice: Details arrangements for ensuring compliance with the law and gives details of what Unit General Managers, line managers and employees and others need to do to meet their health and safety responsibilities as laid down in WH's Health, Safety and Wellbeing Policy.

Consultation: Consultation involves not only giving information to employees, but also listening to them and taking account of what employees say before making any health and safety decisions.

Competence: Competence is the ability to do the job required to the necessary standard. It is not just training, but also experience of applying the skills and knowledge, which needs to be gained under adequate supervision.

Capability: Capability encompasses the employee's suitability for the task as well as their competence. This means that account needs to be taken of the employee's aptitude and physical condition, as well as their level of training, knowledge, and skills.

Guidance: Simple advice which describes how to meet responsibilities in relation to discrete subjects.

Hazard: Something with the potential to cause harm.

Health: Physical or mental condition, freedom from illness or pain.

Performance: Level of achievement. For example, how well objectives or standards are being met.

Policy: Sets the direction WH follows, responsibilities for action and arrangements for implementation.

Review: Checking that existing systems for managing health and safety are adequate and deciding on actions and timescales to remedy deficiencies. This should be based on feedback from monitoring and auditing, current legal requirements and best practice and future requirements.

Risk: A product of the likelihood of harm arising from a hazard, and the likely severity of harm.

Safety: Freedom from danger or risk of harm.

Significant risk: Risk of physical or mental harm to people arising out of, or in connection with work. Risks arising out of routine activities associated with life in general can be ignored, as can instances where the harm is likely to arise infrequently and be minor in nature.

Standards: This term covers various policies, codes of practice, local rules, procedures, schemes and risk assessments which describe how the Health, Safety and Wellbeing Policy (that is its arrangements) is implemented, significant risks are managed, and legal requirements met.

Wellbeing: The subjective state of being healthy, happy, contented and satisfied with one's quality of life. It includes physical, material, social, emotional (happiness) development and activity dimensions. In relation to the workplace, it involves creating an environment which allows employees to flourish and achieve their full potential for the benefit of themselves and the organisation.

This Policy focuses holistically on mental and physical wellbeing, through:

- Minimising work-related health and safety risks
- Providing opportunities for employees to look after their own health, and

- Providing timely support for those who have health problems, enabling them to remain in or return to work.

This approach supports the development of a workforce that is physically and psychologically well, impacts positively on employee engagement and enhances employee overall wellbeing and quality of life, to the benefit of the employee, WH and society as a whole.

Abbreviations:

HSLO	Health and Safety Liaison Officer
WHHSLO	Wivenhoe House Health and Safety Liaison Officer
WHSW	University of Essex Workplace Health, Safety, and Wellbeing
WH	Wivenhoe House Hotel
UECS	University of Essex Campus Services
WHB	Wivenhoe House Hotel Limited Board
EMS	University of Essex Estate Management Section
DSE	Display Screen Equipment

Appendix 3: Framework agreement for the management of statutory compliance and health and safety risks

Framework agreement for the management of statutory compliance and health and safety risks between:

Wivenhoe House Hotel Ltd (“WHHL”)

And

The University of Essex (“UoE”)

1. This document aims to set out relative responsibility for the management of health and safety risks between University of Essex and Wivenhoe House Hotel Limited (“the Parties”) to ensure that the University and WHHL continues to comply with relevant statutory compliance.

Background to this document

2. Under the Health and Safety at Work Act 1974 and the Regulatory Reform (Fire Safety Order) 2005, organisations have a legal duty to put in place suitable arrangements to manage health and safety. This is a wide-ranging, general duty that cannot be delegated. It should be part of the everyday process of running an organisation and an integral part of workplace behaviours and attitudes.
3. Whilst the duty cannot be delegated, compliance with a particular duty is often contracted by one organisation to another. Where this occurs both organisations have a duty to ensure that risks are properly managed. This means that the delegating organisation has to assure itself that its partner is actually delivering what it is required to do.
4. For example, where a contractor is working on site, whilst they will be responsible for the safe performance of the task in hand, the client must take steps to assure itself that health and safety risks are being managed. This is likely to be achieved by checking that the contractor is complying with the risk assessments and method statements provided.
5. Both UoE and WHHL have in place Health and Safety Policies which outline the strategic approach to managing Health and Safety. UoE is to have policies governing the organisational approach to managing specific Health and Safety risks including, but not limited to, electrical, gas, fire and water safety. These policies inform the combined approach to maintaining statutory compliance.

Co-operation and co-ordination

6. Where more than one organisation shares, or is responsible for, a specific workplace there is also a specific obligation on them under section 11 of the Management of Health and Safety at Work Regulations 1999 to co-operate with other employers:

“(1) Where two or more employers share a workplace (whether on a temporary or a permanent basis) each such employer shall—

- (a) co-operate with the other employers concerned so far as is necessary to enable them to comply with the requirements and prohibitions imposed upon them by or under the relevant statutory provisions;*
- (b) (taking into account the nature of his activities) take all reasonable steps to co-ordinate the measures he takes to comply with the requirements and prohibitions imposed upon him by or under the relevant statutory provisions with the measures the other employers concerned are taking to comply with the requirements and prohibitions imposed upon them by that legislation; and*
- (c) take all reasonable steps to inform the other employers concerned of the risks to their employees' health and safety arising out of or in connection with the conduct by him of his undertaking.”*

7. Where two or more responsible persons share, or have duties in respect of, premises there is also a specific obligation on them under regulation 22 of the Regulatory Reform (Fire Safety Order) 2005 to co-operate:

“(1) Where two or more responsible persons share, or have duties in respect of, premises (whether on a temporary or a permanent basis) each such person must—

- (a) co-operate with the other responsible person concerned so far as is necessary to enable them to comply with the requirements and prohibitions imposed on them by or under this Order;*
- (b) (taking into account the nature of his activities) take all reasonable steps to co-ordinate the measures he takes to comply with the requirements and prohibitions imposed on him by or under this Order with the measures the other responsible persons are taking to comply with the requirements and prohibitions imposed on them by or under this Order; and*
- (c) take all reasonable steps to inform the other responsible persons concerned of the risks to relevant persons arising out of or in connection with the conduct by him of his undertaking.*

(2) Where two or more responsible persons share premises (whether on a temporary or a permanent basis) where an explosive atmosphere may occur, the responsible person who has overall responsibility for the premises must co-ordinate the implementation of all the measures required by this Part to be taken to protect relevant persons from any risk from the explosive atmosphere.”

8. Where one party is in overall control of an area, the other party shall assist the controlling employer in assessing risks and co-ordinating any necessary control measures. Where no single party is in control, joint arrangements need to be agreed by all Parties and put in place.

Relevant locations

9. Notwithstanding the fact that the occupation arrangements differ between different buildings, this agreement relates to all areas where both WHHL and UoE share responsibilities including all buildings and grounds from which Wivenhoe House Hotel Ltd provide their services.

10. The default position, unless varied below, is that:

- a. UoE is responsible for ensuring that the actual buildings occupied by WHHL (solely or partly) for the provision of the above services are maintained in line with statutory requirements and that those using the buildings are not exposed to risks to their health safety and welfare. This will include primary responsibility for managing the risks set out at Schedule 1 to this agreement.
- b. WHHL is responsible for ensuring that the services provided from those locations are conducted in such a way as to ensure that employees and others are not exposed to risks to their health safety and welfare. This will include primary responsibility for managing the risks set out at Schedule 2 to this agreement.

11. The parties will cooperate and coordinate with each other in order to ensure that all relevant employees are aware of the arrangement in place and that appropriate information is shared. In particular, where control measures are put in place by one party, the other party will comply with them. For example, where a fire evacuation plan is implemented the parties will ensure that all relevant employees are aware of the plan and that fire marshals are appointed and trained as necessary.

Monitoring

12. Where one party relies on another to manage health and safety risks they shall be entitled to request an annual report from the other setting out how well those risks have been controlled over the previous 12 months; the reasons why some risks were not controlled and the steps being taken to improve compliance.

13. Where one party relies on another to carry out specific scheduled tests and checks in relation to statutory and/or local policy compliance (see section 5 above) they shall be entitled to a monthly summary from the other setting indicating the date of completion of relevant tests and checks; the reasons why any were not completed and the steps being taken to complete them - see Appendix 1.

14. In addition, one party may undertake a review of compliance with specific health and safety control measures and the other party shall cooperate with all reasonable requests for information.

Accident and incident reporting

15. Where one party becomes aware of an incident occurring at one of the shared locations and relates to the health and safety risks primarily managed by the other, they shall immediately inform the other party of the incident and agree who will take the lead for the investigation and resolution of the incident (if necessary).

16. Both parties will ensure that any accident that falls within the criteria requiring notification to the HSE under RIDDOR will be reported by one or both parties.

Default

17. Any alleged failure of one party to comply with this agreement shall be escalated to the appropriate authorised representatives detailed in sections 18 and 19 below, who agree to use their best endeavours to resolve any dispute.

Signature

18. Signed by the duly authorised representatives of Wivenhoe House Hotel Limited:

Name:

Signature:

Position: Chairperson of Wivenhoe House Hotel Ltd

Date:

Name:

Signature:

Position: Director of Estates and Campus Services

Date:

19. Signed by the duly authorised representatives of the University of Essex:

Name:

Signature:

Position: Registrar and Secretary - UoE

Date:

Name:

Signature:

Position: Deputy Vice Chancellor - UoE

Date:

Schedule 1

By virtue of this agreement, UoE is primarily responsible for ensuring that the following buildings and areas occupied by WHHL (solely or partly) for the provision of the services provided by WHHL are maintained in line with statutory requirements and that those using the buildings and areas are not exposed to risks to their health safety and welfare:

List of buildings and areas currently included within this agreement at the time of formation:

- Wivenhoe House
- Management Offices and store rooms – Constable Building
- The East Wing – above the Constable Building
- The Garden Wing
- The Sunken Garden and other associated grounds

The above list is correct at the date of creation of this agreement, however the terms of this agreement will apply to any UoE building or area in which WHHL subsequently provides services as detailed in section 8 above.

UoE will ensure that all relevant risks created by the building environment are managed, including, but not limited to, the following:

1. Asbestos (via the **UoE Asbestos Management Policy and Plan**)
2. Mechanical services including
 - a. Water safety (via the **UoE Legionella Management Policy and Plan**)
 - b. Electricity, including PAT Testing of electrical appliances used by WHHL and fixed wire electrical testing (via the **UoE Policy and Safety Rules for Safe Working on Low Voltage Electrical Systems**)
 - c. Gas safety (via the **UoE Gas Safety Management Plan**)
3. Structural building safety
4. Grounds maintenance
5. Fire safety (via the **UoE Health & Safety Policy**)
6. Cleaning and maintenance (where applicable)

Policies, plans and procedures for management of high risk areas are detailed in bold above. The relevant documents detail the relevant duty holders and responsible persons along with their responsibilities.

Schedule 2

By virtue of this agreement, WHHL is primarily responsible for ensuring that the provision of the services within the provided buildings are delivered by WHHL in line with statutory requirements and that those accessing these services are not exposed to risks to their health safety and welfare. WHHL will ensure that all relevant risks created by the provision of service are managed, including, but not limited to, the following:

1. Maintaining a safe environment (via relevant **Risk Assessments, COSHH etc.** related to the services provided in line with the WHHL Health, Safety & Wellbeing Policy)
2. Water safety (via the **WHHL Legionella Management Policy and Plan**)
3. Asbestos (via the WHHL Asbestos Management Policy and Plan)
4. Electricity (via **monthly electrical inspections, annual PAT testing and annual H&S Inspections**)
5. Gas safety (via **relevant Risk Assessments**)
6. Structural building safety (via observation and reporting defects to EMS)
7. Grounds maintenance (via observation and reporting defects to EMS)
8. Fire Safety (via **fire Risk Assessments and the WHHL Health, Safety & Wellbeing Policy**)
9. Cleaning and Maintenance (via relevant Risk Assessments where appropriate)

Policies, plans and procedures for management of high risk areas are detailed in bold above. The relevant documents detail the relevant duty holders and responsible persons along with their responsibilities.

Compliance with the above is monitored through annual Health & Safety inspection carried out in association with the UoE Health & Safety Advisory Service and a relevant Trade Union safety representative.

