



# National Offender Management Service

## Health and Safety Arrangements for the Monitoring and Measurement of Health and Safety Performance

<b>This instruction applies to:-</b>		<b>Reference:-</b>
NOMS Headquarters Prisons National Probation Service		<b>AI 27/2015</b> <b>PSI 38/2015</b> <b>PI 25/2015</b>
<b>Issue Date</b>	<b>Effective Date</b> <b>Implementation Date</b>	<b>Expiry Date</b>
21 December 2015	21 March 2016	N/A
<b>Issued on the authority of</b>	NOMS Agency Board	
<b>For action by</b>	<p>All staff responsible for the development and publication of policy and instructions</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> NOMS HQ</li> <li><input checked="" type="checkbox"/> Public Sector Prisons</li> <li><input type="checkbox"/> Contracted Prisons</li> <li><input checked="" type="checkbox"/> NOMS Immigration Removal Centres (IRCs)</li> <li><input checked="" type="checkbox"/> National Probation Service (NPS)</li> <li><input type="checkbox"/> Community Rehabilitation Companies (CRCs)</li> <li><input type="checkbox"/> Other Providers of Probation and Community Services</li> <li><input checked="" type="checkbox"/> Governors</li> <li><input checked="" type="checkbox"/> Heads of Groups</li> <li><input type="checkbox"/> NOMS Rehabilitation Contract Services Team</li> </ul>	
<b>Instruction type</b>	HR function/ legal compliance	
<b>For information</b>	All staff, Contracted Service Suppliers such as Estates, Education, Healthcare etc.	
<b>Provide a summary of the policy aim and the reason for its development / revision</b>	There is a legal requirement to ensure adequate standards of health and safety for all those affected by the risks of NOMS' operations. In order to maintain such standards, it is necessary to monitor proactively and reactively the maintenance and adequacy of the NOMS' controls over such risks, to report on their efficacy and to allow correction where appropriate. This PSI outlines the key systems and actions required to maintain such a system.	
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<b>Associated documents</b>	NORCET Health and Safety Evaluation Tool – held on NOMS Rivo library <a href="#">PSI 06/2015 AI 04/2015 Policy, Organisation and Summary Arrangements for the Management of Health and Safety</a> PSI 36/2015 AI 25/2015 - NOMS Health and Safety Arrangements for Workplace Inspection	
<b>Replaces the following documents which are hereby cancelled:</b> NOMS Guidance Note		

02/2009 - Health and Safety Performance Reporting

**Audit/monitoring:** This instruction relates specifically to a monitoring process which operates across NOMS, in addition to general monitoring through the line, it is the responsibility of the Regional Leads – HSF and the National OHS Team to monitor and report on the state of the overall Health and Safety management system via Deputy Directors, Directorate / Divisional SMTs and ultimately the NOMS NEMC HSF sub-committee.

**Introduces amendments to the following documents:** None

**Notes:** *All Mandatory Actions throughout this instruction are in italics and must be strictly adhered to.*

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N.B. Readers are asked to note the Glossary and Definitions at [Annex A](#)

## **Executive Summary**

### **Background and Update**

- 1.1 This instruction is one of a number of Prison Service Instructions/Probation Instructions (PSIs/PIs) which forms part of NOMS' Health and Safety Management Arrangements as required by the Health and Safety at Work Act and subsidiary legislation. It is a legal requirement for these arrangements to be brought to the attention of all employees.
- 1.2 Legal requirements on employers require that they make provisions to monitor the effectiveness of the arrangements they have in place to control health and safety risks.
- 1.3 This arrangement summarises the key duties to be undertaken by staff and managers and the systems that operate to monitor, and report on, the effectiveness of NOMS' health and safety management system and to take action to remedy where areas of reduced performance are identified.
- 1.4 Whilst the contracting of services shifts the burden of responsibility for risk management, the organisation which commissions the contract retains responsibility for the oversight of the health and safety performance of the contracted services.
- 1.5 Where contracted services are delivered across multiple NOMS sites the NOMS management at the site retains responsibility for ensuring that the contractor operates in line with local safety rules and procedures on a day to day basis. However, that part of NOMS which leads as the "Commissioning Authority" for the wider contract with NOMS must take account of wider OHSF performance in its overall contract monitoring role. The systems and processes outlined in this instruction relate to both aspects of this oversight.
- 1.6 This instruction integrates systems for HS monitoring in NPS and NOMS where possible. Where differences in systems exist for practical purposes, this is reflected in the text.
- 1.7 NOMS has previously operated a policy in which the duty to produce arrangements for HS management has been delegated to governors and heads of group and other managers. This results in both duplication of effort and inconsistency of approach within a single employer's operations. Whilst there is a need to allow local flexibility this needs to be balanced with a need for nationally recognised and disseminated minimum standards of operation in the health and safety management system.
- 1.8 This Instruction aims to describe and identify the duties and processes which must operate across the board to deliver adequate HS monitoring. It should be noted that systems in the newly formed NPS are at an early stage of development and this instruction provides a framework for development of a standard system, especially around the use of the NORCET and Rivo systems.
- 1.9 *This PSI is issued with a 3 month lead-in period. Where programmes of OHSF monitoring are already in place, it is not necessary to repeat previously undertaken monitoring activity in the lead-in period to comply with the new instructions. It is sufficient that any revised monitoring activity developed under this instruction must be put in place within 3 months of its issue.*

### **Desired Outcomes**

- 1.10 The desired outcomes are:
  - Standardisation of monitoring activity.

- Reduction in duplication and parallel systems in operation
- Proportionate allocation of resources to HS monitoring in line with risk
- Reduction / standardisation of paper records.

#### Application

- 1.11 The duties of staff and operational managers to oversee day-to-day standards of health and safety is laid out in NOMS HS Policy and in individual job descriptions and operational guidance and training.
- 1.12 This instruction deals with monitoring and audit of the management systems to deliver effective health and safety. It does not describe in detail direct supervisory checks and or testing or inspection techniques for ensuring people, operations and equipment are operating properly.

#### Mandatory Actions

- 1.13 *Governors, Probation Heads of Cluster (or equivalent), Heads of Group and Senior Managers must be familiar with their role in the delivery of effective monitoring and oversight of HS performance both in ensuring that monitoring and reporting takes place and in responding appropriately to indications of weak performance.*
- 1.14 *Departmental, Divisional and Sectional Managers must be aware of their role in oversight of HS performance in their own area and their contribution to identifying and highlighting systemic issues and problems affecting their areas of responsibility.*
- 1.15 *Line managers at all levels must be aware of their day-to-day responsibility for the health and safety of the operations and staff for which they are responsible and that the management line is the primary means of identifying responsibility for monitoring HS on a day-to-day basis.*
- 1.16 *All employees are legally bound to co-operate on matters of health and safety and take reasonable care of themselves and others in undertaking their work tasks. Where checks on premises, equipment or activities are required to be undertaken by a member of staff as a component of an HSF monitoring regime, these duties apply, and will be supported by relevant training or supervision, if required.*
- 1.17 *All employees must report general hazards, accidents, near misses, work-related ill health or sickness absence to their line manager as soon as possible after they have occurred or become apparent.*

#### Resource Impact

- 1.18 This instruction collates a range of existing practice and tools. It is therefore not likely to have any significant resource impact though the clarification of local monitoring may reduce some current duplication of effort and systems.

(Approved for Publication)

**Carol Carpenter**  
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## 2. Operational Instructions

2.1 The list below outlines the 4 tiers and processes used for HS monitoring in NOMS.

### 1<sup>st</sup> Tier Monitoring – Team and Function/Office Level

#### Team

- Operational checks and observation
- Line management work area inspections and prescribed safety checks
- SPDR, team meetings direct management observation and supervision
- Accident and near miss reporting

#### Function

- Management tours and checks on 1<sup>st</sup> tier systems
- Local HS Inspection Program
- Review of Training plans
- Line Management Accident Investigation and reporting

### 2nd Tier Monitoring – Establishment / Group / NPS Cluster Level

- NORCET Returns and Analysis
- Accident Trend Analysis
- Trend analysis from inspection and assessment activity
- SMT led Accident Investigation and reporting
- Litigation response and analysis
- Band 4 and HSF Cluster Lead Assurance and Investigation Reports\*
- Self-Audit
- Governance and Order Audit by MoJ IAA\*
- Review of HS business plan or HS components of business plan
- Scrutiny by HS Committee / NPS Cluster H&S Group

\* **Applicable in Prisons Only**

### 3<sup>rd</sup> Tier – Regional

- Aggregated Governance and Assurance reports to DDC / DDP
- Aggregated NORCET returns and analysis to DDC
- Health and Safety Dashboards
- Aggregated IAA Data
- Aggregated HS Business Plan Reviews
- Aggregated Divisional accident trend analysis
- Regional Management Team meetings and reports

### 4<sup>th</sup> Tier – National

- Aggregated and highlighted regional reports
- Aggregated NORCET analysis
- HS Dashboards
- Progress on HS Priorities
- National OHSF Risk Register
- Aggregated National accident trend analysis

2.2 The structures and roles that underpin the monitoring system are as follows:

#### National Level

- 2.3 The Chief Executive and NOMS Board (NEMC) are responsible for receiving, considering and responding to both regular and ad hoc reports on NOMS health and safety performance.
- 2.4 The NEMC Health, Safety and Fire Sub-Committee (HSF SC) will provide six monthly reports on NOMS-wide HSF management to NEMC
- 2.5 The NEMC HSF SC will meet quarterly to consider the national Occupational Health Safety and Fire Risk and Control Report and other submissions related to feedback from HSF performance in the field which will incorporate the outputs of various monitoring processes including the following:
- Aggregated regional NORCET reports
  - Rivo Accident and Litigation data
  - Oracle Sickness Data
  - IAA G+O Audits
  - NOMS Hub Data
  - Regional Assurance Reports
  - Reports on special issues arising can be made as required in the interim and subject to the approval of the Director chairing the HSF SC.
- 2.6 Following each meeting of the NEMC HSF SC, a memo of actions and priorities will be issued by the Chair in response to the reports received and distributed to Deputy Directors of Custody (DDC) for action as appropriate.

#### Regional / Divisional Level

- 2.7 DDCs and Deputy Directors of Probation (DDP) receive information relating indirectly to HS performance via existing line management reporting, management team meetings and MI which incorporates some HS-related information.
- 2.8 In addition to these sources, DDCs and DDPs will receive, and respond to, quarterly HS assurance and governance reports produced by Regional Leads – Health, Safety and Fire (RL-HSF) and Divisional Leads – Health, Safety and Fire respectively.
- 2.9 These reports will be derived from a program of regular governance and assurance visits by the HSF leads and integrate and summarise the following sources:
- Discussion with governors / Probation Heads of Cluster (or equivalent), re key HS issues
  - Establishment NORCET returns (where applicable)
  - Reports from Cluster Leads, Band 4s.
  - Accident and litigation data
  - Inspection Programs
  - Enforcement Activity
  - National, Regional or Local HSF programs of work
  - Relevant Training Programs
  - G+O Audits (where applicable),
  - Significant issue from Prison HS and Whitley Committees and NPS H&S Groups
  - Discussion with union and non-union HS representatives.
  - On site and visiting contractor HS performance issues
- 2.10 At regional level, performance information from the above sources will be collated into a regular report for the Deputy Director and key issues discussed or disseminated at regional management meetings.

Establishment / NPS Cluster Level

- 2.11 Governors in custody and Probation Heads of Cluster, or equivalent, will receive HSF Stakeholder assurance and governance visits at locally agreed frequencies and subsequent reports from Cluster Leads HSF (CL HSF) and Divisional Leads (HSF) respectively in respect of HSF issues in the sites and services for which they are responsible.
- 2.12 In NPS, these reports should be considered by the Cluster management team and subsequently by the Cluster H&S Group
- 2.13 In Prisons, at establishment level, these reports should be considered by the SMT and subsequently by the Health and Safety Committee.

Team and Individual Level

- 2.14 NOMS HS Policy outlines these responsibilities but it should be noted that NOMS policy expects line managers to have regular supervision meetings with their staff. These are opportunities for either staff or managers to raise any concerns re health and safety issues such as training needs, stress etc and as such, form part of the overall monitoring process.
- 2.15 *Wider issues of personal skill and ability affecting safe practice by staff must be integrated into the SPDR process initially and progress formally reviewed at appropriate intervals.*

Non-Operational Groups and Sites

- 2.16 In general, managers responsible for non-operational groups and sites are required by NOMS HS policy to have in place a suitable organisation and system to ensure that relevant standards of HS are met.
- 2.17 To meet this requirement they should have nominated relevant managers and staff to ensure that the necessary preventative measures are in place and to report at suitable intervals and in suitable detail as to the effectiveness of these measures and the levels of injury, accidents and ill health occurring in their services. For lower risk office functions they will need to establish as a minimum that the following are in place and working effectively:
- Suitable and sufficient fire risk assessment and appropriate fire precautions
  - Suitable and sufficient access and security to the premises
  - Lone working arrangements where necessary
  - Adequate first and emergency aid
  - Arrangements for checking the condition of the premises
  - Arrangements for DSE training and assessment
  - Suitable induction training for the work that staff will do
  - Arrangements for checking and maintaining any plant such as boilers, lifts, hot water systems, ventilation, alarms etc.

Changes in Risk Level Requiring Additional Monitoring

- 2.18 The following is a non-exhaustive list of circumstances in which monitoring arrangements will need to be defined and agreed beyond usual arrangements and based on specific risk assessments:
- Remote work
  - Lone working
  - Home visits
  - Confined space work,

- Pregnancy
- Pre-existing medical conditions including stress and mental ill health

2.19 *All Line managers must apply additional assessment and planning to these and consider selective monitoring activity proportionate to the activity risk, its duration and the circumstances of the staff. Further PSIs/PIs and guidance relate to these areas and advice should be sought initially via MyServices.*

#### Data and Information on HS Performance – NORCET

- 2.20 NORCET is NOMS primary active monitoring tool for health and safety. Each establishment should assess its performance across the relevant components of NORCET's HS risk groups in line with the defined annually issued reporting cycle.
- 2.21 *The results are aggregated and must be reported to governors and SMTs. The establishment return must be signed off at governor or divisional level and comprises the HS strand of the wider Risk and Control Report system in custodial settings.*
- 2.22 *Returns must be scrutinised by Regional HS Leads to ensure balance.* The aggregated returns are used to inform regional and national prioritisation of HS risk control.
- 2.23 The up-to-date version of NORCET with its user guide and automatic analysis tools are currently available via the Rivo Library (see below).
- 2.24 To ensure benchmarking and normalisation of the scoring process, each Regional HS Advisor will undertake at least one cross – regional audit of an establishment each year.

#### Data and Information on HS Performance – Rivo Safeguard™ (“Rivo”)

- 2.25 Rivo is NOMS national HS Management Software. It is available to authorised users (c. 7,500) at different levels. It is the repository for records of accident and assault injuries, work-related ill-health, fires and associated litigation cases within NOMS. It also includes a checklist feature which can be used to automate and centralise local monitoring and national checking processes.
- 2.26 Rivo can provide data on the patterns and trends of injury and ill-health at different levels, on the costs and progress of litigation and, if combined with population and staffing data from the NOMS performance hub, on rates of injury to be compared with other establishments or nationally.
- 2.27 All sites and services should use data from Rivo to inform them of trends and patterns in incidents and allow them to plan and allocate resource accordingly.

**3. Policy and Strategic Context**

- 3.1 The Health and Safety at Work Act 1974 and the Management of Health and Safety at Work Regulations 1999 require policy and arrangements to be made for the management of safety and that those arrangements are effectively monitored.
- 3.2 This instruction provides more detail in line with NOMS National HS Policy and Summary HS Arrangements [PSI 06/2015 AI 4/2015](#).

## Glossary and Definitions

**Accidents** – Any adverse and unintended event which has caused injury or ill-health, this includes assaults.

**Contractors** – Organisations commissioned to undertake work on behalf of NOMS.

**G and O Audits** – Governance and Order Audits undertaken by MoJ's Independent Audit and Assurance Team in NOMS' custodial sites. These cover Fire and OHS respectively on a 3 year cycle.

**Cardinus** – Cardinus Workstation Safety Plus® - NOMS' Software Application for use by staff for the delivery of both risk assessment and training about safe use of computer workstations.

**DSE** – Display Screen Equipment – Computer and CCTV display equipment and workstations.

**IP** – Injured Party following and accident.

**Near Miss** - Any adverse and unintended event which would have caused injury or ill-health but, for some reason, did not, this includes assaults.

**NORCET** – NOMS OHSF Risk Control and Evaluation Tool – A reporting device to measure OHSF Performance at regular intervals across NOMS services.

**OHSF** – Occupational Health, Safety and Fire. This abbreviation is used to cover the whole range of OHSF risks. Where the term is used without the O and / or the F it is intended to indicate that the reference excludes that aspect of the risk, hence HS is used where references to occupational health and fire safety are **intended to be excluded**.

**OHSF Sponsor** – A senior manager in a particular NOMS location or service whose role it is to provide leadership on OHSF matters and ensure that OHSF work is expedited and that senior colleagues keep OHSF issues in mind when making management decisions. The OHSF Sponsor is not an advisor or expert.

**OSSP** – On-Site Service Providers - Contractors engaged to deliver ongoing services on NOMS' premises such as education, healthcare, facilities management etc. As distinct from contractors attending to undertake discrete, time-limited pieces of work.

**Rivo** – Rivo Safeguard ® - NOMS Accident Recording and OHSF Management Software

**Safety Tour** – A walk-through of a premises (or part of a premises) by a senior manager with a view to considering the health and safety of those using the premises and any issues or concerns they have.

**SMT** – Senior Management Team(s).

**TFM Providers** – Contractors, their employees and subcontractors who are engaged by NOMS to provide facilities management services to NOMS premises.

**WPI** – Workplace Inspection – Formal visual check of the state of a workplace (or part of it) to identify immediately visible hazards, put in place steps to remove them and make a brief record of the WPI.