

Surveying safely

Your guide to personal safety at work



Why is health and safety important?

Because it affects you! We take significant risks in our jobs regularly, be it driving in connection with our work, being at a premises or on site.

Serious accidents at work destroy and disrupt family and personal lives. The loss of a parent, breadwinner, partner, friend is devastating and trying to rebuild a life after an accident can be equally traumatic, especially if it could have been avoided.

You have a critical role, whatever part you play in the industry. Decisions taken in the boardroom can have as much influence on health and safety as working practices in the office, travelling on business or being at a property or on site. Adequate planning, innovation and best practice, good design, sufficient resources and effective training will provide a better product more safely and more economically.

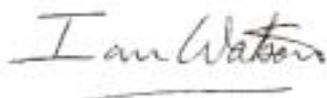
This guide has been produced by the new RICS Health and Safety Forum to help you to put health and safety first when carrying out your duties and responsibilities. It will also remind you of the many aspects of our industry that can be hazardous.

Using effective health and safety procedures will:

- **Provide a safer environment for those involved in managing property and construction**
- **Result in higher productivity, and**
- **Lessen the chance of having accidents or suffering illness.**

If we are to make a difference, and make our industry a safer place to work, we have to take personal responsibility to make it happen by eliminating or reducing risks, and planning and controlling the risks that remain for ourselves, to our colleagues and the public at large.

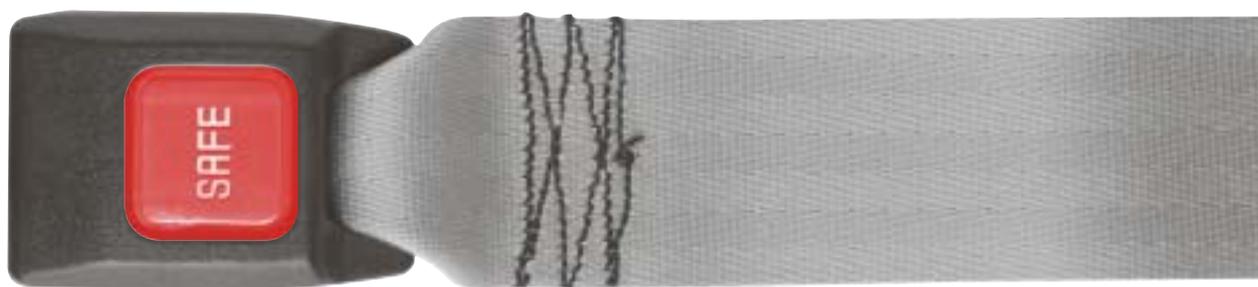
You can make a difference by putting health and safety first.



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Chairman of RICS Health and Safety Forum

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1

General statement on employers' and employees' duties

The Health and Safety at Work etc Act 1974 places a statutory duty on all employers, including their managers, to provide and maintain equipment and systems of work that are safe and without risk to the health of employees, or others who may be affected by their undertaking.

Equally, employees need to take reasonable care of their own safety and that of others who may be affected by their acts or oversights.

In addition, both employers and employees have a **duty of care** in tort (particularly negligence) towards those who may be affected by their actions or instructions.

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Safety of employees

Make sure you comply with the provisions of the Health and Safety at Work etc Act 1974. Other regulations that are important to know and adopt include:

- The Workplace (Health Safety and Welfare) Regulations 1992
- The Management of Health and Safety at Work Regulations 1999.

Employers must:

- Provide information on health and safety
- Have emergency procedures
- Carry out risk assessments
- Eliminate and control risks
- Have insurance
- Carry out health surveillance
- Provide Personal Protective Equipment (PPE)
- Provide for those with special needs
- Control working hours
- Provide regular health and safety training.

Employers with five or more employees must:

- Have written health and safety documents. The HSE document '*Successful Health and Safety Management (HS(G) 65)*' provides guidance on how to satisfy the legal requirements of the regulations
- Have a policy statement by the chief executive/managing director/senior partner outlining the organisation's commitment to health and safety, and that it will be reviewed on a regular basis
- Detail the organisation's health and safety structure, with roles and responsibilities for managing health and safety
- Make sure arrangements are in place that show the organisation's approach to health and safety, and how the management system is planned and implemented (including hazard identification, risk assessments and control measures)
- Measure, audit and review the organisation's health and safety performance on a regular basis.



Employer's actions

You have a special responsibility for people in your charge, particularly those in training or who are inexperienced.

- Make sure employees in your charge take the right equipment with them on visits. Check they know how to use it
- Make sure scrupulous records are kept of employees' movements
- Keep available, records of hazards on particular sites. Make sure all relevant people are notified
- Make sure a supply of the right equipment is available. Helmets, steel capped shoes, ear defenders, face masks, overalls, torches and batteries – these should be in your office as appropriate and in good condition
- Make sure your offices are safe:
 - Are there fire precautions and means of escape?
 - Washing facilities?
 - Is electrical equipment up to date and safe?
 - Do you prepare and store food and drink safely?
 - Have you carried out Display Screen Equipment Assessments?
 - Are you aware of the stress that some employees may be suffering?
- Assess the risks of manual handling in the office or look at the materials being used or stored and whether COSHH assessments are needed
- Provide guidance on driving on your organisations business or the use of hand held devices while driving.

Finally, the best way to make sure safe practice by people in your charge is to set a good example.

3

Your workplace

The Workplace Health Safety and Welfare Regulations 1992 provide information on what assessments you should be making and the facilities you should provide, depending on the size and nature of your organisation:

Welfare

Smokers

Rest room

First aid

Pregnant mothers

Fire – The Fire Regulations Act 1991 and Fire Regulations 1997 need you to maintain adequate fire safety equipment. Your employees need to have training on how to use it. Occupiers of premises must also carry out fire risk assessments.

First aid – accident books – you should have the correct form of accident book, which allows personal details to be extracted from the book and placed in a secure location to comply with the Data Protection Act 1998.





Signage – in addition to helpful Health & Safety signs on first aid, fire or manual handling, you should have safety signs displayed for any other significant risks, whether it be very hot water or fragile roofs.

Portable Appliance Testing (PAT) – around 25% of reportable electrical accidents involve portable appliances. Make sure you have them tested regularly (recommended annually) by an approved tester.

Contractors – to protect yourselves, you should have procedures to make sure no one comes into your building to work without you knowing they are competent, a risk assessment has been carried out and a safe system of work has been established.

Asbestos – everyone in control of premises must proactively locate and **manage** any asbestos that exists.

Disability Discrimination Act 1995 (DDA) – the DDA and the Disability Rights Commission Act 1999 requires anyone providing a service from their building and receiving visitors, to suitably provide for people with disabilities.

Legionnaires disease – depending on the use of the building with which you may be involved, you should make sure you are not at risk, by employing a WTC (Water Treatment Company) to carry out an assessment. And get advice on how to reduce any risks and how to carry out your own checks.

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Identifying hazards and carrying out risk assessments

An underlying principle of effective management of health and safety is that of risk assessment.

In the words of the Health and Safety Executive (HSE), risk assessment is *'nothing more than a careful examination of what, in your work, could cause harm to people so that you can weigh up whether you have taken enough precautions or should do more to prevent harm.'* Risk assessment involves two key concepts, being those of **hazard** and **risk**.

Hazard and risk

Hazard is something with the potential to cause harm to someone.

Risk is the likelihood (whether high or low) of the harm being caused.

Importantly, risk increases as both the severity or likelihood of the harm increases.

Working with risk assessments

The principles of risk assessment are based on common sense. Familiarity with the basis of risk assessment will make the process a natural part of your day to day work and will give you the mental skills to deal effectively with hazards on site.

However, it is important to write down a summary of the risk assessment process so there is a record of it and so that other people can refer to it. A range of HSE and other guidance is available that will allow you to develop a system suitable for you and your business.



Managing risk

Having identified a hazard and assessed the risk involved, consider how the risk might be reduced to a level as low as reasonably practicable by looking at:

- Removal of the hazard by re-planning the work process or activity
- Accepting the hazard will remain but re-planning of the work process or activity to reduce the likelihood of harm happening or to reduce the severity of the consequences if it does.

Either option will involve a consideration of the method of working and if necessary documenting a '**Safe system of work**' or '**Method statement**' for the activity.

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Before visiting premises/sites

When you receive instructions to inspect a site or premises, make sure you get relevant information about the property, identify likely hazards and carry out a risk assessment.

You must make as full an assessment as reasonably possible, consulting with others as necessary. The sorts of factors you need to take into account include:

Travelling to and from site

- Plan the journey to avoid driving too fast, for too long or when tired
- Be aware of where to park (clear, secure, easy to exit, well lit).

Lone working

- Is lone working a safe option and if so what provisions are made for communications in an emergency. Does the office have a record of employees' mobile numbers?
- Who has a record of where the lone worker is and when to expect them back in the office or at home?
- Have procedures been made for regular 'check-in' calls?
- How would access for rescue be achieved?
- Does a lone worker suffer from any medical condition which could affect personal safety, ie epilepsy, diabetes, etc?

Condition of site

- If a construction site, what stage has been reached? What are the site rules?
- Are the premises known to be derelict or in poor condition, and if so what is the extent and nature of the damage?
- Are areas to be defined as unsafe for access?
- Are security measures in force and how is access to be gained?
- Is protective clothing or special equipment needed (see later)?

Occupation

- Is the property occupied? If so, does the occupant know you are coming and have they made any special access arrangements?
- Who are you likely to encounter on the building or site, eg children, squatters, vagrants, animals?
- Are the occupants or neighbours likely to be aggressive or disaffected?

Activity

- If a building/site is occupied, what is the nature of that occupation, i.e. residential, manufacturing, warehousing, etc, and what might you encounter, e.g. noise, fumes, vehicle movements, electronic equipment etc?

Site rules and welfare

- Does the client/premises manager have 'house rules'?
- Are there 'Permit to work/enter' procedures to be followed?
- If a site, is there a 'Construction phase health and safety plan' including induction procedures to be followed?
- Might toilet, wash and first aid facilities be needed and how will these facilities be provided?

High structures

- If a scaffold exists, it is safe to use? When it was last inspected by a competent person?
- Are any towers, masts or tall chimneys involved?
- Are they to be inspected, and if so how will they be accessed?
- Is a 'cherry picker' or other special access equipment needed and who is to provide/manage it?

Dangerous substances

- Is the inspection likely to bring you into contact with hazardous substances such as chemicals, radiation, asbestos, gas or other noxious atmosphere, explosives etc?
- Are records such as a Register of Asbestos Containing Materials or environmental reports available? What do they reveal and what special precautions need to be taken?

Diseases

- Is the nature of the site such that it could be contaminated with any form of clinical waste?
- Are you likely to encounter used syringes/needles, condoms, razor blades etc?
- Could the site be a source of anthrax which, for example, could be present in haired plaster?
- Could legionella be present in disused water storage systems?
- What hazards might arise from vermin (eg Weil's disease)?

Special access

- Will special access arrangements be required (eg underground) and who will provide it and manage it?
- Is special training needed?

Special risks

- Is the nature of the building or site such that it presents special hazards, eg railway premises, security establishments, confined spaces, plant rooms, etc?

Special equipment

In certain circumstances any of the following equipment may be necessary:

- Gloves
- Respirator or face mask
- Safety helmet



- Ear defenders
- Eye protection
- Boots
- Temporary lighting

Having considered the 'physical hazards' that might exist, you need to consider these in the light of personal and environmental issues:

Environmental

- Will weather conditions and/or light levels increase risk? (eg windy conditions and high structures)
- Will temperature extremes present a hazard?

Personal

- Does gender or level of fitness have any bearing on the hazards which have been identified? Pregnant or nursing mothers need special consideration. Would lack of fitness present a hazard in itself?
- Are special skills needed and do you have those skills?
- Do you have any phobias or suffer from vertigo or claustrophobia that would impair judgement with regard to personal safety?

The above lists are by no means exhaustive and the extent to which any of the items might be relevant in a particular circumstance will vary.

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Arriving and during visits to premises/sites

However well a survey or inspection is planned in advance, you need to be alert to matters that are unknown until arrival at the premises or site. This may arise simply through a general lack of information about the site, or because the condition of the property, its occupation or other factors have changed unexpectedly.

Review the risk assessment as necessary and be alert during the inspection to other hazards such as.

Structures

- The chance of partial or total collapse of:
- Chimney stacks, gable walls or parapets
- Leaning, bulged and unrestrained walls (including boundary walls)
- Rotten or corroded beams and columns
- Roofs and floors.

Timbers and glass

- Rotten and broken floors and staircases. Flimsy cellar flaps and broken pavement lights
- Floorboards, joists and buried timbers weakened by age, decay or attack
- Projecting nails and screws, broken glass
- Glazing in windows and partitions may be loose, hinges and sashcords weak or broken. Glass panels in doors and winglights may be painted over.





Roofs

- Fragile asbestos cement and plastic coverings
- Fragile rooflights (often obscured by dirt or temporary coverings)
- Low parapets or unguarded roof edges, loose copings
- Rusted, rotten or moss covered fire escapes, access ladders and guard rails
- Rotten roof decking and joists
- Slippery roof coverings (slates, moss or algae covered slopes)
- Broken access hatches
- Mineral wool dust, mortar droppings and birds' nesting material and excrement in roof voids. Cornered birds and vermin
- Insects, including bee and wasp colonies
- Water cooling plant may harbour legionella
- Unguarded flat roofs
- Broken, loose, rotten and slippery crawling boards and escape ladders
- Weak flat roofs and dust covered rooflights
- Slippery roof surfaces
- High winds during roof inspection
- Ill-secured or flimsy, collapsible, sectional or fixed loft ladders
- Concealed ceiling joists and low purlins
- Ill-lit roof voids.

Unsafe atmospheres

- Confined spaces with insufficient oxygen including manholes, roof voids, cellars, vaults, ducts and sealed rooms
- Rotting vegetation which may consume oxygen and give off poisonous fumes
- Accumulation of poisonous or flammable gases in buildings on contaminated land
- Stores containing flammable materials such as paint, adhesives, fuel and cleaning fluids
- Hazardous substances, including toxic insecticides and fungicides
- Gas build-up in subfloor voids.

Danger from live and unsecured services

- Electricity, gas, water and steam supplies
- Awkward entrances into sub-stations and fuel stores
- Temporary lighting installations: mains connections and generators
- Buried cables and pipes
- Overhead electrical cables.

Hidden traps, ducts and openings

- Lift and services shafts, stairwells and other unguarded openings
- Manholes, including those obscured by flimsy coverings. Cesspools, wells and septic tanks.

Intruders and others

- Physical dangers from squatters, vagrants or guard dogs
- Disease risks from discarded syringes and condoms
- Structures weakened by vandalism or arson
- Aggressive tenants or property owners.



Contamination

- Asbestos, lead and other substances hazardous to health
- Chemicals in storage or leaked
- Contaminated water supplies
- Contaminated air conditioning systems (legionella)

Rural Environments

- Hazardous operations such as tree felling or tractor work
- Shafts, holes, pits, ditches, etc
- Farm animals
- Chemicals in storage or in use.

Vermin and birds

- Rats and mice (Weil's and other diseases)
- Bird droppings
- Lice and fleas may be present in bedding, soft furniture and carpets.

Securing the site and leaving

- Upon completion of the visit, the property should be left secure
- Inform any occupier or staff in site office that you are leaving
- Someone in the office or at home should know where you are and when you are due to return. Let them know as you leave and confirm when you expect to be back.

7

Safety of yourself and others

All employees of any organisation must, under the health and safety legislation, take reasonable care of their own health and safety and that of others who may be affected by their acts or omissions. As well as cooperating with their employer as necessary to help their employer to comply with their statutory duties.

It is equally a criminal offence for you to intentionally or recklessly interfere with or misuse any thing provided in the interests of health, safety or welfare. If you are a manager within an organisation you are also personally liable if you do not carry out the health and safety responsibilities associated with your duties.

Safety of yourself

- Make sure you are familiar with your organisation's health and safety policy and arrangements for implementing safe working procedures
- Comply with the office safety policy and ensure that any equipment you may use is in good and safe condition
- Comply with your organisation's safe systems of work, or ensure one is put in place prior to carrying out work, particularly where a risk assessment shows that a hazard exists
- Refuse to condone unsafe working practices by yourself or others and distribute information on hazards
- Make sure your advice to clients will minimise the risk to the health and safety of others

- Make sure you are aware of any hazards which may exist, together with any safe working instructions, which have been issued by clients prior to carrying work at their premises
- If you are working alone, make sure you follow your organisation's lone working procedures.

In other words, follow the dictates of **common sense**.

Safety of others

You are responsible for anyone under your supervision, particularly those in training or who are inexperienced, and also towards anyone who may be affected by your or their work.

- Make sure anyone in your charge takes the right equipment with them on visits. Check that they know how to use it and that it is safe to use
- Make sure a suitable and sufficient risk assessment has been carried out of the tasks to be performed, and a safe working method is in place that has been communicated to and understood before any field work taking place
- Make sure everyone has suitable and sufficient information, training and instruction on health and safety matters for the task in hand
- Check available records of hazards on particular sites and make sure that all relevant people are notified
- Make sure, wherever necessary that precautions are put in place to safeguard anyone who may be in the vicinity of works and unaware of the possible hazards
- Make sure the right equipment is used. Helmets, safety shoes, ear defenders, face masks, overalls, torches and batteries. Do not use any equipment that is defective – report it to your employer.

Finally, the best way to ensure safe practice by people in your charge is to **set a good example**.



Your legal duties

Criminal liability

The wide ranging requirements of the Health and Safety at Work etc Act 1974 are implemented principally through the Management of Health and Safety at Work Regulations 1999. These must be followed to make sure there are satisfactory and safe systems in place for the carrying out of surveying activities, many of which by their very nature (particularly when working alone) must be regarded as hazardous activities.

The regulations need you to have a health and safety policy **and** to have effective management systems in place for the planning, organisation, control and review of safe working practices (identified through the risk assessment). You will find the key elements of such systems in HSE publication HS(G) 65 – Successful Health and Safety Management.

Not taking the necessary actions to protect people from avoidable dangers in the workplace is in itself a **criminal offence** and charges may be brought against both the organisation, the directors/partners and individual managers for non compliance with any health and safety regulations. An accident does not have to happen before action is taken against you for non-compliance. If action is taken, it is for **you** to prove everything reasonably practicable was done to comply with the relevant legislation.



Employers may develop generic sets of safe working practices for each activity carried out. However, individual managers/team leaders also have a further responsibility for making sure any generic safe working practices are either sufficient or expanded as necessary for any particular activity taking place within their area of responsibility (Armour v Skeen, see case studies).

Equally employees must be given sufficient training in hazard identification and reduction/control techniques to ensure that any non-foreseeable hazards arising during the course of their work do not give rise to otherwise avoidable accidents occurring.

Civil liability

Employers and employees owe a **duty of care** to anyone who may be affected by their actions, where effects of their actions are reasonably foreseeable.

The duty to provide safe systems of work is illustrated by the judgement in *General Cleaning Contractors v Christmas* which stated: 'It is the duty of the employer to consider the situation, to devise a suitable system, to instruct his/her men what they must do, and supply any implements which may be required.'

An increasing area of liability in negligence is that of stress through work overload, particularly in cases where the result is reasonably foreseeable (*Barber v Somerset County Council* see case studies).

Key regulations

This publication sets down the background to health and safety legislation as it affects the work of surveyors. Bearing in mind the wide ranging nature of the profession it is not intended to specify every piece of health and safety legislation, code of practice or guidance notes published by the HSE.

The employer or employee must seek out the relevant information themselves. Where in doubt get specialist advice.



9

Case studies

Criminal offence caused by neglect of director, manager or secretary of an organisation

Armour v Skeen Strathclyde Regional Council and its director of highways were both prosecuted following the death of one of its employees due to lack of a safe system of work and failure to make notification of certain works taking place. While it was held that it was SRC (as the body corporate) that had committed the offence, its director of roads (being a manager or similar officer within the meaning of the Health and Safety at Work etc Act 1974) was found to have been negligent in not having a sound safety policy, developed from the authority's overall policy, in place for his department, failing to provide information to his subordinates, and failing to provide training and instructions in safe working practices.

Criminal offence caused by failure to ensure persons not in an organisations employment were not exposed to safety risks

A heating engineer was working on a development in Fitzroy Square, London. He climbed an unguarded ladder to a half platform from which he fell some 2.5 metres and suffered fatal injuries. The principal contractor on site had not carried out a risk assessment in the area in the engineer was working, the half platform had no edge protection, nor had the area been declared an exclusion zone. The principal contractor was found guilty of failing to make sure people not in their employ were not exposed to health and safety risks under S3(1) of the Health and Safety at Work etc Act 1974.

Criminal offence caused by employer's failure to manage asbestos

High street retailer Poundstretcher Ltd was ordered to pay £15 000 in fines and costs after exposing employees to asbestos fibres. A routine inspection by environment health officers found damaged asbestos insulation boarding and asbestos debris on the floor. Employees had been exposed to asbestos fibres over a period of time during routine work activities.

Civil liability for safe systems of work

General Cleaning Contractors v Christmas A person was employed by a contractor to clean the outside windows of a club. To carry out this work he stood on the sill on the outside of the window, using one hand on the window sash to steady himself. The second sash fell on to his fingers, causing him to let go, fall and injure himself. It was decided, in the House of Lords, that his employers were negligent in failing to devise a safe system for carrying out such operations on the properties their employees had to visit. And they ought to have instructed their employees how to avoid accidents and supply any implements that may be needed.

Civil liability relating to stress at work

Barber v Somerset County Council The House of Lords decision published in April 2004 is the leading case relating to stress at work. Mr Barber was a teacher who was forced to take three weeks off work due to stress, which was known to his employers. When he returned to work, his employers took no action to help, monitor his situation or reduce his workload. This resulted in his being forced to retire through work related stress and the court awarding him £100 000 damages.

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For more information

www.rics.org

www.hse.gov.uk

www.hse.books.com

www.shponline.co.uk

www.iosh.co.uk

www.rospa.com

www.britishsafetycouncil.co.uk

<http://agency.osha.eu.int/>

www.aps.org.uk



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