



Llywodraeth Cymru
Welsh Government

Health and safety code of practice

for contracted provision

Code of practice

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Health and safety code of practice for contracted provision

Audience	Welsh Government contracted providers of work-based learning, Jobs Growth Wales ('providers'), and further education institutions (FEIs) in Wales.
Overview	This document contains the minimum health and safety contractual requirements for providers and FEIs in Wales.
Action required	Providers and FEIs in Wales should ensure their health and safety management system and its provision of contracted learning and Jobs Growth Wales meets the requirements of this document.
Further information	<p>Enquiries about this document should be directed to: Stephen Jones Health and Safety Manager Welsh Government Tŷ'r Afon Bedwas Road Bedwas Caerphilly CF83 8WT</p> <p>Tel: 03000 253911 e-mail: pagaf@wales.gsi.gov.uk</p>
Additional copies	This document can be accessed from the Welsh Government's website at www.wales.gov.uk/healthandsafety

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.

This document is also available in Welsh.

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1. Management of health and safety

For the purpose of passing on contractual requirements of this Code to sub-contract providers, the definition 'provider' should be replaced with the definition 'sub-contract provider' [excluding parts 1(e) to 1(l)] and 6.8.

- (a) The provider has:
- a health and safety policy
 - undergone a full risk assessment of all its undertaking
 - a management structure that supports the implementation of the policy and
 - a review and audit system that checks, evaluates, corrects and develops its health and safety arrangements and personnel.
- (b) The provider has a nominated director, or equivalent, with responsibility for health and safety.
- (c) The provider reviews and/or audits every aspect of its health and safety management system, at least annually, including the review/audit procedure, producing a report of its findings/recommendations.
- (d) The provider undertakes a quality check on its appraisal and monitoring documentation, in respect to employers / placements, and learners to:
- identify the effectiveness of the arrangements for appraisal and monitoring
 - test the effectiveness of the documentation, and
 - monitor the effectiveness of appraisal and monitoring personnel.

See Annex 5 – Quality assurance checking for guidance

- (e) The provider initially assesses a proposed sub-contract provider's health and safety management system, documenting their level of compliance with this Code.
- (f) If the provider is able to ensure that the sub-contract provider meets the requirements of this Code then a formal contract is agreed containing all the requirements set out in 9.2 of this Code.
- (g) Subject to (f): The provider reviews their sub-contract provider's health and safety management system at least three months into funded operation and then subsequently on an annual basis.
- (h) The review of sub-contract providers should suitably and sufficiently evaluate compliance, including evidence checks on the sub-contract provider's appraisal, contracts and monitoring and document tracking systems. The review undertaken should conclude in a report which informs on the sub-contract provider's compliance with this Code. The review would only relate to appraisal in relation to Jobs Growth Wales.

- (i) If a shortfall is identified in a sub-contract provider's management of health and safety which could directly put at risk, cause serious injury or ill-health to a learner, the provider should immediately contact the Welsh Government Health and Safety Manager for advice, on 03000 253911.
- (j) If a shortfall is identified in reviewing sub-contract provider's appraisal, contracting or monitoring documentation that equates to there being a weakness, then a sample of employers/placements shall be visited to assess the risk to learners. In relation to Jobs Growth Wales where a shortfall is identified in respect to appraisal, the sub-contract provider should provide assurance that no further issue could occur.
- (k) If, in review, the provider identifies a significant shortfall in a sub-contract provider's health and safety management system which cannot or will not be remedied through development, the provider contacts the Health and Safety Manager for advice.
- (l) The provider maintains records regard initial assessment and subsequent reviews of their sub-contract providers.

1.1 Health and safety policy

1.1.1 The provider's health and safety policy is in writing and comprises a statement of intent, organisational structure and arrangements. The three parts do not necessarily have to be integrated into one document.

1.1.2 The provider's written health and safety policy covers all its undertaking.

1.1.3 The health and safety policy is signed by the head of the organisation.

1.1.4 The provider's health and safety policy identifies its clear commitment to providing a safe and healthy working environment for all persons.

1.1.5 The provider's health and safety policy includes an unequivocal statement in respect to the provider's commitment to learners' health, safety and welfare.

1.1.6 Arrangements relating to the health, safety and welfare of learners are appropriately communicated to persons responsible for control and implementation.

1.1.7 The health and safety policy is updated, following the findings/ recommendations of the annual audit report or significant changes to the organisation or any of its arrangements.

1.2 Risk assessments

1.2.1 The provider risk assesses all its activities, as required by law.

1.2.2 The provider records all its significant hazards and suitably assesses their related risks, whether by a general risk assessment, or specific assessment as required by law.

1.2.3 The provider ensures all risks are managed through effective physical and management controls.

1.2.4 The provider's general and specific risk assessments take into account those individuals who may be at increased risk, including young persons, expectant/new mothers, persons with disability and/or learning difficulties etc.

1.2.5 All risk assessments are completed prior to learning.

1.2.6 There is a system to inform the risk assessor of changes which may incur a revision of risk assessments.

1.2.7 The provider reviews risk assessments, at a period appropriate to the risk and/or when accidents, diseases or dangerous occurrences occur.

The provider's health and safety policy and risk assessments should be regarded as elements of its health and safety management system, contributing to the implementation of appropriate arrangements which are identified in the health and safety policy.

2. Staff competencies

The responsibility for deciding and assuring the competence of personnel rests with the organisation that employs them.

2.1 The provider has a named competent person to advise and assist the organisation in the implementation of its health and safety policy.

2.2 The provider's health and safety competent person has adequate authority to manage/coordinate/control all aspects of the health and safety management system.

2.3 The provider's health and safety competent person has sufficient qualifications and/or experience and has knowledge of current legislation and the general principles of health and safety governing risk assessment, accident/disease prevention etc.

2.4 The provider's health and safety competent person has sufficient understanding of the Code.

2.5 Providers who deliver learning at their own premises ensure that they have competent persons in respect of:

- supervision
- first aid, and
- suitable personnel to assist in the event of an emergency.

2.6 Provider's appraisal personnel have:

- a good understanding of health and safety, in general
- a full understanding of their duties and the relevance of the documentation used, and
- the knowledge and awareness to recognise hazards and risks in the occupational areas they are appraising.

2.7 Provider's monitoring personnel have:

- a full understanding of their duties and the relevance of the documentation used
- a full understanding of hazards and risks in the occupational areas they are dealing with, and
- access to Provider persons who can provide specific competent assistance and support.

N.B. 2.7 does not relate to providers who are only contracted to deliver the Jobs Growth Wales programme.

2.8 The provider has a system to assess and develop personnel with health and safety responsibility. This system:

- identifies health and safety training requirements
- ensures training is resourced and met, and
- is tested to ensure its effectiveness.

3. Learning environment

The requirements, below, apply to providers who deliver training/learning at premises which are under their control. The following requirements are not relevant to learning undertaken at employer/placement, or the Jobs Growth Wales programme.

3.1 The provider has adequate systems in place to be able to demonstrate that learning environments under their direct control are safe and without risk to health.

3.2 The provider's control of the learning environment includes an inspection process which is documented, has a means to enable repair/replacement or development of identified hazards or workplace issues, and is communicated to all staff and learners.

3.3 The provider provides welfare facilities which include:

- adequate numbers of sanitary conveniences that are clean, maintained, ventilated and readily available
- washing facilities with hot/cold running water, soap and hand-drying facilities
- readily accessible wholesome drinking water, and
- areas to rest and to eat meals.

The learning environment, together with its management controls and practices should tie-in with the risk assessment process.

4. Equipment, materials and safe systems of work

The requirements, below, apply to providers who deliver training/learning at premises which are under their control. The following requirements are not relevant to learning undertaken at employer/placement, or the Jobs Growth Wales programme.

4.1 The provider has adequate systems in place, to be able to demonstrate that equipment/machinery and materials including chemicals under their direct control are safe and without risk to health.

4.2 The provider's system for controlling equipment/machinery and chemicals includes:

- risk assessment; and
- inspections (statutory or otherwise).

4.3 Materials, including chemicals, are:

- purchased with required manufacturer's safety data sheet; and
- risk assessed, following COSHH requirements.

4.4 Safe systems of work are required for high risk activities and include:

- task assessment
- hazard identification
- definition of safe systems
- system implementation
- system monitoring and
- communication to all relevant persons.

4.5 Work instructions are required for routine tasks to ensure both quality and safety.

4.6 Personal protective equipment is provided, free of charge:

- in addition to other control measures
- appropriate to the risk and
- suitable for use.

4.7 The provider ensures the continuous integrity of personal protective equipment through its:

- correct use
- appropriate storage and

- cleanliness and otherwise general maintenance.

The management of equipment, materials and personal protective equipment should tie-in with the risk assessment process, where all risks are assessed, in line with general or specific statutory requirements.

5. Learner induction - health and safety training

The following requirements are not relevant to the Jobs Growth Wales programme.

5.1 The provider delivers a general health and safety induction to its learners, including relevant information in respect of its health and safety policy, legal and contractual responsibilities etc.

5.2 When the provider delivers training/learning at its own premises, or premises used by the provider to deliver learning, the general induction includes:

- a tour of the premises and introduction to key staff
- information in respect to the learner's legal responsibility
- information in respect of the general risks and their controls as identified in risk assessment
- emergency procedures
- first aid provision
- prohibitions
- accident, ill-health and other incident reporting arrangements; and
- provision of personal protective equipment, and its cleaning and storage.

5.3 When the provider delivers training/learning at its own premises or premises used by the provider to deliver learning, the provider ensures a specific induction is undertaken which includes:

- the immediate training/learning environment
- specific equipment/machinery/chemicals and personal protective equipment to be used by the learner
- information in respect of the specific risks and their controls as identified in risk assessment
- relevant first aiders
- fire warning and evacuation
- nearest and otherwise available sanitary conveniences
- welfare facilities, and
- coverage of supervision.

5.4 General induction must be given, as soon as possible, upon commencement of learning.

5.5 Prior to placing learners at employer/placement, the provider undertakes an induction as at 5.1.

5.6 The provider ensures that their sub-contract providers deliver induction to learners as detailed in 5.1 to 5.4.

5.7 The provider ensures that their employers/placements provide learners with adequate induction.

5.8 The provider has a system in place to ensure that induction is understood by those being inducted.

5.9 The induction process is tested to:

- gain information on the learner's understanding, and
- evaluate the effectiveness of the induction.

5.10 The provider reviews all its systems and documentation in respect of induction ensuring effective and up-to-date information is conveyed to the learner in a way that ensures it is understood.

6. Accident/disease recording and reporting

The following requirements are not relevant to the Jobs Growth Wales programme.

6.1 The provider has procedures and processes for recording and reporting accidents, diseases and dangerous occurrences which are written and communicated to all relevant persons, including learners.

6.2 The provider reports all relevant accidents, diseases and dangerous occurrences, using the Accident/Disease or Dangerous Occurrence Record (HS001).

6.3 Submission of the HS001 should be made through the email address: pagaf@wales.gsi.gov.uk

6.4 Fatalities must be notified directly to the Welsh Government Health and Safety Manager, on the day of occurrence, or otherwise as soon as it is known, on 03000 253911.

6.5 Major accidents, accidents occasioning more than 7 days absence, diagnosed occupational diseases and dangerous occurrences must be notified to the Welsh Government Health and Safety Manager, within 12 working days of occurrence, or in the case of diseases a diagnosis by a medical practitioner. For guidance related to major accidents, please see Welsh Government Accident/disease recording and reporting guidance for contracted provision – www.wales.gov.uk/healthandsafety.

6.6 The provider must notify the Welsh Government of incidents to learners that involve bullying or other forms of violence at work, including racial harassment, within 12 working days.

6.7 The provider ensures all reasonable endeavours are made to secure reports of accidents, diseases and dangerous occurrences from their employers/placements.

6.8 The provider can provide assurance that its sub-contract providers will secure reports of accidents, diseases and dangerous occurrences from their employers/placements.

6.9 The provider's recording process includes a means to effect preventative measures and monitoring to ensure their effectiveness.

6.10 The provider records its findings of the accident/disease or dangerous occurrence on the Accident/Disease Information (AF1) document and submits it to the email address: pagaf@wales.gsi.gov.uk. Submission of the AF1 should be within 25 working days of the initial submission of the HS001.

6.11 If amendment is required to the AF1, or further information is required which would necessitate a hold on closure by Welsh Government, submission of the revised AF1 should be made to the email address pagaf@wales.gsi.gov.uk identifying the accident/disease number on top of page 6 of the AF1. This reference number will be given to the provider following the initial submission of the HS001.

6.12 The provider has sufficient understanding of the Welsh Government, Accident/disease recording and reporting guidance for contracted provision.

Accidents/diseases or dangerous occurrences that occur at provider premises should tie-in with the review of individual risk assessments and/or the risk assessment process.

Accidents/diseases or dangerous occurrences that affect or could have affected learners should tie-in with the accident/disease procedure in respect to employers/placements and the frequency in which the employer/placement should be monitored etc.

7. Emergencies

The requirements, below, apply to providers who deliver training/learning at premises which are under their control. The following requirements are not relevant to learning undertaken at employer/placement, or the Jobs Growth Wales programme.

- 7.1 The provider has systems and procedures identified/required through risk assessment and law to detect, control, warn relevant persons of and prevent emergencies.
- 7.2 The provider has a named responsible person in respect to fire management.
- 7.3 The provider has assessed the requirement and implemented appropriate personal emergency evacuation plans in respect to persons who are less able to evacuate the premises, in the event of an emergency.
- 7.4 The provider makes available all statutory required equipment in respect to fire and first aid, which is maintained and reviewed to ensure continuous compliance.
- 7.5 The provider has procedures and systems in place that enable the evacuation of all persons from their premises upon timely warning of an emergency.
- 7.6 The provider tests the evacuation procedure at least once a year, to:
 - assess the adequacy of the procedures in respect to emergency; and
 - contribute to the review of assessments.
- 7.7 The provider ensures that all relevant information relating to first aid, fire or any other known emergency is communicated to all persons including learners, as appropriate.
- 7.8 The provider reviews/audits all procedures and processes in respect to emergencies, adopting appropriate timescales as identified by assessment or law.

8. Appraisal

8.1 The provider ensures that an appraisal is undertaken, and the employer/placement accepted or accepted with development, prior to:

- Learners/participants being placed
- learning programme/work experience commencing, and
- contract being agreed, signed and dated by both provider and employer/placement. There is no requirement for providers to have a contract in place, regarding health and safety, in respect to Jobs Growth Wales.

8.2 The provider ensures that an appraisal of employers/placements is undertaken by competent persons, who understand the principles of health and safety and have relevant experience in respect to the occupational route of the learning to be undertaken.

8.3 The provider records details of the employer's/placement's health and safety management system, on a specific appraisal document which covers the criteria in Annex 1, and provides a means to record development action arising from issues/concerns found at the appraisal.

8.4 Development action arising from issues/concerns found at appraisal is monitored at a reasonable time-scale.

8.5 The provider evaluates the organisational risk band, against the employer's/placement's level of health and safety management, using the criteria in Annex 2. This is not a requirement in respect to Jobs Growth Wales.

8.6 The provider determines the combined risk band by cross-referring the organisational risk band with the occupational risk (guidance which can be found under Classification of Activities page 30). This is not a requirement in respect to Jobs Growth Wales.

8.7 The provider records the organisational, occupational and combined risk bands on the appraisal document. This is not a requirement in respect to Jobs Growth Wales.

8.8 The provider ensures that when an employer/placement has been assessed as unacceptable, that no contract is agreed, no learners/participants are placed, or learning programme commenced. In respect to this requirement, only the placement of participants applies to Jobs Growth Wales.

8.9 The provider ensures that when an employer/placement has been assessed as deferred, no contract is agreed, no learners are placed, or learning programme/work experience commenced until adequate progress has been made in respect to development. This requirement does not apply to Jobs Growth Wales.

8.10 The provider ensures that persons undertaking an appraisal of employers/placements have the authority to prohibit contracting, learning/work experience or commencement of the Jobs Growth Wales programme, if the employer/placement has been evaluated as unacceptable

8.11 The provider ensures that persons undertaking an appraisal of employers/placements have the authority to defer contracting and learning/work experience until acceptable development has been agreed and progressed. This requirement does not apply to Jobs Growth Wales.

8.12 The provider has a tracking system which:

- checks appraisal dates to ensure appropriate monitoring or re-appraisal is undertaken
- checks development plans to ensure closure of identified actions
- checks the expiry dates of employer's/placement's Employers Liability Compulsory Insurance and Public Liability Insurance, if appropriate, ensuring up-to-date insurance has been provided.

N.B. 8.12 does not apply to Jobs Growth Wales

8.13 The appraisal system operates effectively and will be unaffected by:

- changes in personnel
- organisational restructure, and
- workload of appraisal personnel.

8.14 The provider's and sub-contractor provider's appraisal process considers:

- the work or activities undertaken (occupational risks)
- the areas where the learner/s will be working
- interviewing suitable persons at the employer/placement e.g. manager, and
- checking relevant documentation e.g. policy, risk assessments.

8.15 Appraisal records for employers/placements where funded learning has ceased should not be archived until the period of dormancy has ended.

8.16 Re-appraisal is required when:

- the initial or any subsequent appraisal has been in place for 4 years
- there are major changes in the structure, environment, undertaking etc. of the employer/placement
- significant issues found following an accident/disease report, and/or

- an employer/placement has not been used for learning/work experience for a period of time – see Annex 3 to determine appropriate periods of re-appraisal in this instance.

The last bullet-point does not apply to Job Growth Wales.

8.17 Appraisal records of in-use employers/placements are archived after 4 years, and retained in archive for a minimum of 4 years.

8.18 In respect to learners/participants with learning difficulties and/or disabilities, the provider ensures the appraisal is carried out with specific attention and consideration to the individual.

9. Contractual controls

The following requirements are not relevant to the Jobs Growth Wales programme.

9.1 There must be a contract between the following parties:

- provider and sub-contract provider
- provider and their employers/placements, and
- sub-contract provider and their employers/placements.

9.2 The contract must have clauses covering the following:

- compliance with relevant health and safety legislation
- adequate Employer's Liability Compulsory Insurance and Public Liability Insurance cover, if appropriate
- a health and safety policy is in place, where required by law
- risk assessment process, as required by law
- provision of competent persons with responsibility for health and safety;
- learner induction
- provision of necessary personal protective equipment, free of charge, and ensure its proper use
- provision of safe and healthy
 - working/learning environments
 - equipment, materials
 - systems of work
 - welfare facilities, and
 - emergency arrangements
- prohibitions are understood and agreed by all relevant persons
- accident/disease recording and reporting, and
- access for appraisal, monitoring, accident reporting and review purposes by the provider and sub-contract provider, if appropriate, and the Welsh Government.

9.3 A contract with an employer/placement should only be agreed if appraisal has occurred and the employer/placement is:

- accepted unconditionally, or
- accepted, with development plan, or
- previously deferred, but having been accepted following the appropriate progression of a development plan.

9.4 A contract between the parties specified in 9.1, must be in place prior to learners being placed.

10. Monitoring

The following requirements are not relevant to the Jobs Growth Wales programme.

10.1 The provider monitors and ensures its sub-contract providers monitor, all employers/placements where there is a learner in place, following the criteria in 10.2 and Annex 4.

10.2 Monitoring is undertaken to a frequency identified by the risk banding following the appraisal process and includes:

- a review of the appraisal information
- a review of the last monitoring visit, if appropriate
- induction (first monitoring)
- interviews with appropriate persons e.g. supervisor, learner
- work area, equipment etc.
- provision and use of personal protective equipment
- ongoing information, instruction and training is being given, as appropriate e.g. specific induction
- questions relating to whether the learner/s has had an accident etc.
- questions relating to the enforcement or discontinuation of prohibitions
- records kept of visit, documenting appropriate information, and
- development action, if appropriate.

10.3 The provider ensures that development action from appraisal has been implemented, with information on closure recorded on the monitoring document and also communicated to persons with responsibility for updating development plan records.

10.4 The provider ensures that issues found in monitoring effect development action, which is followed up and closed out in subsequent monitoring.

10.5 All monitoring staff must be aware that they immediately inform the provider if there are significant issues that may affect the learner's health or safety.

10.6 When the provider is made aware of significant issues that may affect the learner's health or safety, through monitoring staff or otherwise, they task appraisal personnel with the role to check the validity of the issue and take appropriate action, if required.

11. Terms and definitions

Appraisal – The initial health and safety assessment of an employer/placement, prior to any learner/participant being placed or contract being agreed. For further guidance see Annex 1.

Arrangements – health and safety procedures or systems in place to manage/control risk.

Audit (health and safety) – A regular and thorough examination and evaluation of an organisation's health and safety management system (policies, operational systems and procedures, including completed appraisal, contract and monitoring documentation).

Authority – relating to competent person – power to enforce the organisation's health and safety policy, delegated by the chief executive or equivalent.

relating to appraisal personnel – delegated authority to refuse the acceptance of employer/placement, if standards are significantly below contractual requirements.

Combined risk banding – Overall risk banding, derived from combining occupational and organisational risk bands (see matrix in Annex 2) assisting the determination of an employer's/placement's acceptance level (accepted unconditionally, accepted conditionally, deferred or unsatisfactory). The combined risk banding also determines the frequency of monitoring, see Annex 4.

Competent person – The 'Management of Health and Safety at Work Regulations 1999' Regulation 7(1) states:

Every employer shall [subject to paragraphs (6) and (7)], appoint one or more competent persons to assist him in undertaking the measures he needs to take to comply with the requirements and prohibitions imposed upon him by or under the relevant statutory provisions...*

In addition, the competent person should have the ability and authority to influence and implement Welsh Government contractual requirements.

Competence – 'Management of Health and Safety at Work Regulations 1999' Regulation 7(5), states:

A person shall be regarded as competent for the purposes of paragraphs (1) and (8) where he has sufficient training and experience or knowledge and other qualities to enable him properly to assist in undertaking the measures referred to in paragraph (1).*

* Providers should view the full regulation if there is any doubt regarding context

Contract – Formal document where specified requirements are agreed by all concerned parties. Can be entitled 'agreement', although suitable clauses should identify its intention as a binding document.

COSHH – Control of Substances Hazardous to Health (Regulations 2002). The abbreviation relates to the control of substances, dusts, biohazards etc.

Dangerous occurrence – Is an occurrence which arises out of or in connection with work that could have resulted in injury.

Defer (deferred) – Classification of risk in appraisal of employers/placements. The provider postpones placing any learner, or agreeing funding, until the employer/placement has provided sufficient evidence against a development plan, which would lower the combined risk band to High. Placing a learner or commencing learning should not be agreed until the provider gains assurance that the agreed development plan has been progressed and there is no immediate danger.

Development plan – a written agreement that addresses contractual deficiencies identified during the review, appraisal, monitoring process or accident report. The development plan also includes time-scales for completion.

Disability – ‘A person (P) has a disability...if (P) has a physical or mental impairment and the impairment has a substantial and long-term adverse effect on P’s ability to carry out normal day-to-day activities.’ This statement is taken from the Equality Act 2010.

Disease – Diseases which are reportable to Welsh Government should be diagnosed by a medical practitioner as work-related, e.g. Occupational Dermatitis.

Dormant employers/placements (Dormancy) – Employer/placement no longer used for learning/work experience or Jobs Growth Wales but their details are retained for possible use in the future.

Employer/placement – An organisation, company, or business where a learner/participant – whose funded programme is organised and assessed by a provider – is placed to gain employment or work-based learning or work experience.

Expectant/new mother – A woman who is pregnant, has given birth within the previous six months or is breast-feeding. (A woman of child-bearing age may not know that they are pregnant, so the employer should bear this in mind when undertaking a risk assessment, considering capability etc.)

Health and safety management system – An organisation’s arrangements for health and safety, together with the controlling and auditing mechanisms that the organisation uses to test and develop these arrangements. In relation to providers of funded learning, such a system should include, if appropriate, appraisal, monitoring, contracting and accident recording/reporting arrangements with regard learners/participants with sub-contractor providers or employers/placements. In respect to providers who are contracted for Jobs Growth Wales, only the appraisal arrangements should be included as additional to its legal obligations regarding health and safety.

Induction (health and safety) – the initial health, safety and welfare information communicated to the learner by the provider, sub-contract provider and/or employer/placement, as appropriate.

Learner – Any young person or adult on a learning or training programme, course or activity funded by the Welsh Government.

Learning – any learning or training, course or activity funded by the Welsh Government in respect to Skills and Lifelong Learning.

Major accident –

- Eye injury effecting a temporary or permanent loss of eyesight
- Major Fracture affecting all bones other than those in fingers, thumbs or toes;
- Requiring Hospital Admittance for 24+ Hours
- Any Amputation
- Injury as a result of electrocution. or
- Dislocation of the shoulder, hip, knee or spine

Monitoring – the ongoing health and safety assessment of an employer/placement and the training location's health and safety standards.

Outdoor activities – includes any off-site activity, and can include such activities as caving, climbing, trekking and water-sports, educational visits, pedestrian town projects, walking trips etc.

Outdoor activities should be planned, risk assessed and supervised by competent persons.

All outdoor activities, funded as part of the learning programme, should be considered as learning, with regard to the criteria in the declaration and code. Working/learning environments would therefore include environments where outdoor activities are undertaken.

Participants – Persons undertaking a Jobs Growth Wales programme.

Peripatetic work – Work undertaken in various locations on a transient or short-term basis as opposed to work undertaken everyday at the same location.

Prohibitions – An agreement that identifies that a learner should not use defined equipment, vehicles, materials, or from entering defined areas, where the lack of competence, training etc. would endanger that person. Prohibitions would be gradually lifted or ceased following appropriate mentored training.

Provider – an organisation contracted to the Welsh Government to deliver learning/training/Jobs Growth Wales programmes, courses or activities, either directly at their premises, the premises of others, or indirectly through sub-contract providers or employers/placements.

Review – a general survey or assessment of systems, documents etc.

Risk assessment – A formal examination of an identified hazard, evaluating the risk of the hazard being realised and the controls in place to eliminate, reduce, isolate or control that risk etc. Where the assessment has identified that, in spite of existing controls, risk remains, then additional or alternative controls should be sought. Written risk assessments should be recorded and reviewed.

Statement of intent – A general statement signed and dated by the most senior person in the organisation, declaring the organisation's commitment to health and safety. This forms only one part of the health and safety policy.

Sub-contract provider – an organisation contracted to a provider to deliver Jobs Growth Wales or work-based learning programmes, either directly or through employers/placements.

Suitable and sufficient – (general term) Adequate and fitting the purpose.

Supervision – A process of ongoing mentoring, practical instruction, training or guidance provided by a person with sufficient and appropriate competence to do so.

Unacceptable – Defined in Annex 2. When an employer/placement is found to be unacceptable then that term is strictly administered. However, even this type of employer/placement can develop. If the provider or sub-contract provider decides to revisit the employer/placement, or is approached by the employer/placement to arrange a revisit, such a visit would either be with the intention to re-appraise or some preliminary discussion prior to re-appraisal being undertaken.

Weakness – (appraisal, contracting, monitoring) – Errors and/or omissions in appraisal, contract or monitoring documents which may indicate significant non-compliance or danger. A judgement should be made as to whether a visit is required to the employer/placement where the error or omissions arise, to gain assurance regarding learner/s safety.

Welfare (as it relates to learners/participants) – Adequate washing facilities, sanitary conveniences, wholesome drinking water, changing rooms, adequate staff areas to consume food.

Young Person means any person who has not attained the age of eighteen – Management of Health and Safety at Work Regulations 1999, Regulation 1.

Annex 1: Appraisal of employers/placements

The following information is given to assist providers and sub-contract providers (through the provider) in identifying the health and safety standards expected at employer/placement. The list is general and not exhaustive.

A1.1 General requirement

Adequate Employers Liability Compulsory Insurance and Public Liability Insurance are in place, if appropriate.

A1.2 Safety policy and risk assessment

- (a) There is a health and safety policy (statement, organisation and arrangements) which must be in writing where required by law.
- (b) Risk assessments have been undertaken and recorded where required by law.
- (c) Appropriate procedures/control measures have been introduced as a result of the risk assessments.

A1.3 Staff competencies

- (a) There is access to a 'competent person' to assist learners in matters of health and safety.
- (b) Supervisory personnel have a detailed knowledge of the occupational area and are aware of the hazards and risks involved.

A1.4 Learning environment

- (a) A safe and healthy learning environment is provided, including adequate welfare facilities.

A1.5 Equipment, materials and safe systems of work

- (a) Suitable safe equipment and materials are provided with safe systems of work and control measures as appropriate.
- (b) Appropriate personal protective equipment is issued where required and at no cost to the learner.

A1.6 Learner provision

- (a) An effective method for ensuring an adequate health and safety induction, and subsequent ongoing health and safety training, for the learner is in place.

(b) Induction covers at least the following:

- employer's legal responsibilities
- learner's legal responsibilities (to themselves and others including co-operation with their employer/placement)
- the significant risks identified from the risk assessments
- the control measures devised
- the health and safety policy, organisation and arrangements
- emergency and fire arrangements
- prohibitions, rules, do's and don'ts
- accident, ill-health and other incident reporting arrangements
- first aid arrangements
- arrangements for the provision and safe use of personal protective equipment e.g. protective clothing
- supervision arrangements
- arrangements for the safe use of equipment and machinery
- arrangements for the protection of learners in relation to the use of any hazardous substance, and
- manual handling hazards and protective measures.

(c) The learner's induction and other appropriate health and safety training, information and instruction are recorded.

The above criteria does not relate to the appraisal of Jobs Growth Wales employers/placements

A1.7 Accident and disease recording and reporting

- (a) There is a system for the recording and reporting of accidents, diseases and dangerous occurrences (both statutory and contractual).
- (b) Duties to report accidents, diseases and dangerous occurrences are well known.
- (c) Accidents, diseases and dangerous occurrences will be recorded by a competent person.

The above criteria does not relate to the appraisal of Jobs Growth Wales employers/placements

A1.8 Emergency planning

Adequate emergency arrangements are in place and these are maintained and tested.

A1.9 The purpose of appraisal

The purpose of appraisal is to evaluate the employer's/placement's management of health, safety and welfare, to ensure a learner or Jobs Growth Wales participant is not placed into an unacceptable environment, or learning/work experience is undertaken in an acceptable environment with risks managed.

In practical terms this means:

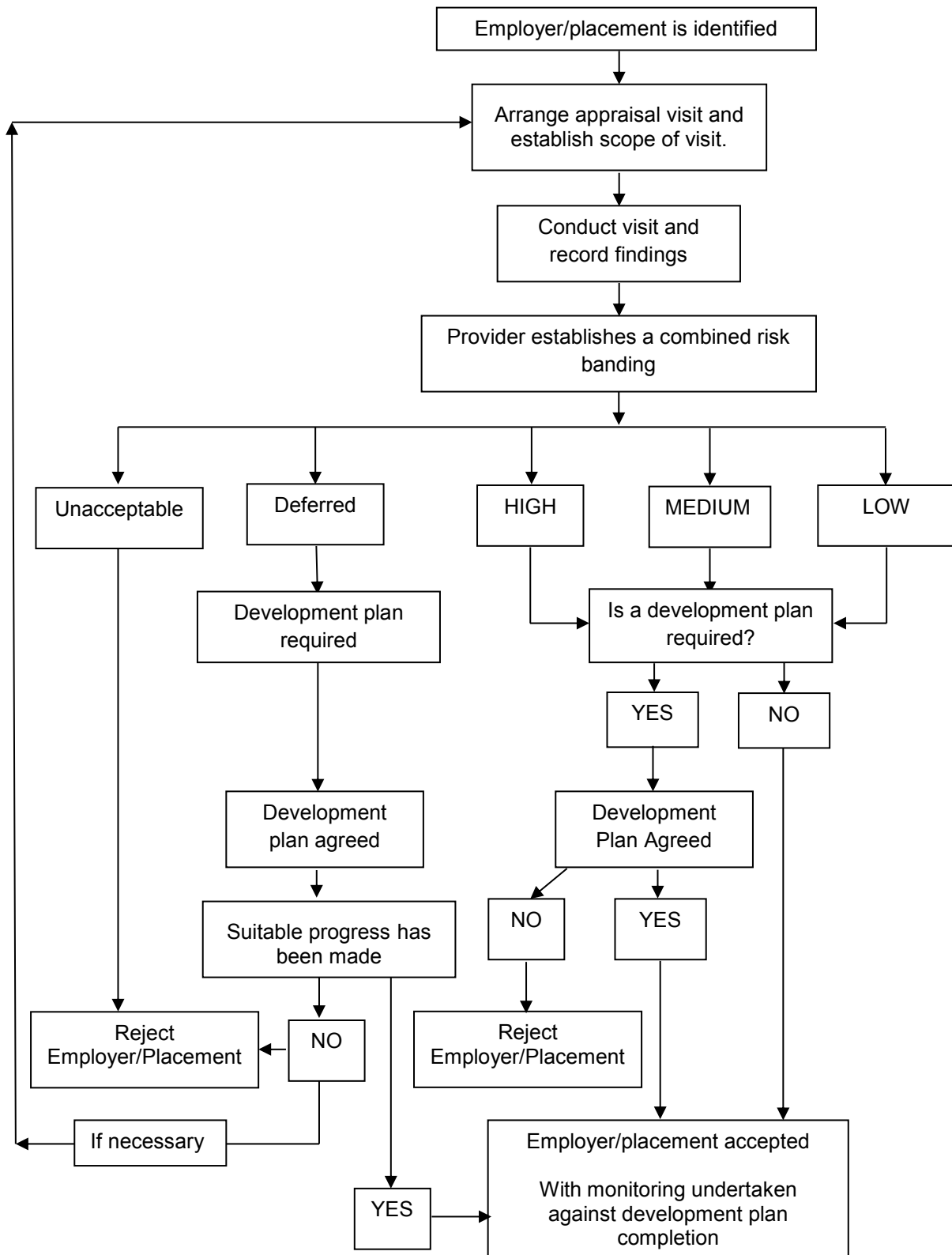
- Assessing the employer's/placement's policy and procedures, inspection and maintenance systems etc. to gain assurance that health, safety and welfare is managed
- Observe the physical conditions, environment and working practices as they may affect the learner
- In the case of peripatetic work, where the appraisal may typically take place at the employer's/placement's main business location, a judgement needs to be made on whether a visit to a typical site is required before contracting, and
- For providers who have employers/placements with multi-sites and these employers/placements have robust corporate policies and systems that cover all sites, then only one site needs to be appraised. It is preferred that the appraisal is undertaken at the head office.

In respect to work-based learning there is scope in which the provider can differentiate the level of practical attention given to the appraisal process in respect to occupationally low risk employers/ placements. It is advised that consultation regarding this area be made with the Welsh Government Health and Safety Manager before any difference in approach is made. Contact details can be found at the front of this document.

Whilst a level of competence is required to at least meet the requirements in section 2 of this Code, determining whether an employer/placement is acceptable or unacceptable is a matter for appraising personnel. This level of authority also applies in determining the occupational and organisational risk. This Code provides a list of activities in Annex 2 to guide the determination of occupational risk. There are also criteria to assist in defining the organisational risk. Defining organisational risk is an opinion based on the assurance needed by the provider. It is a contractual requirement, and does not equate to any standard of legal health and safety compliance.

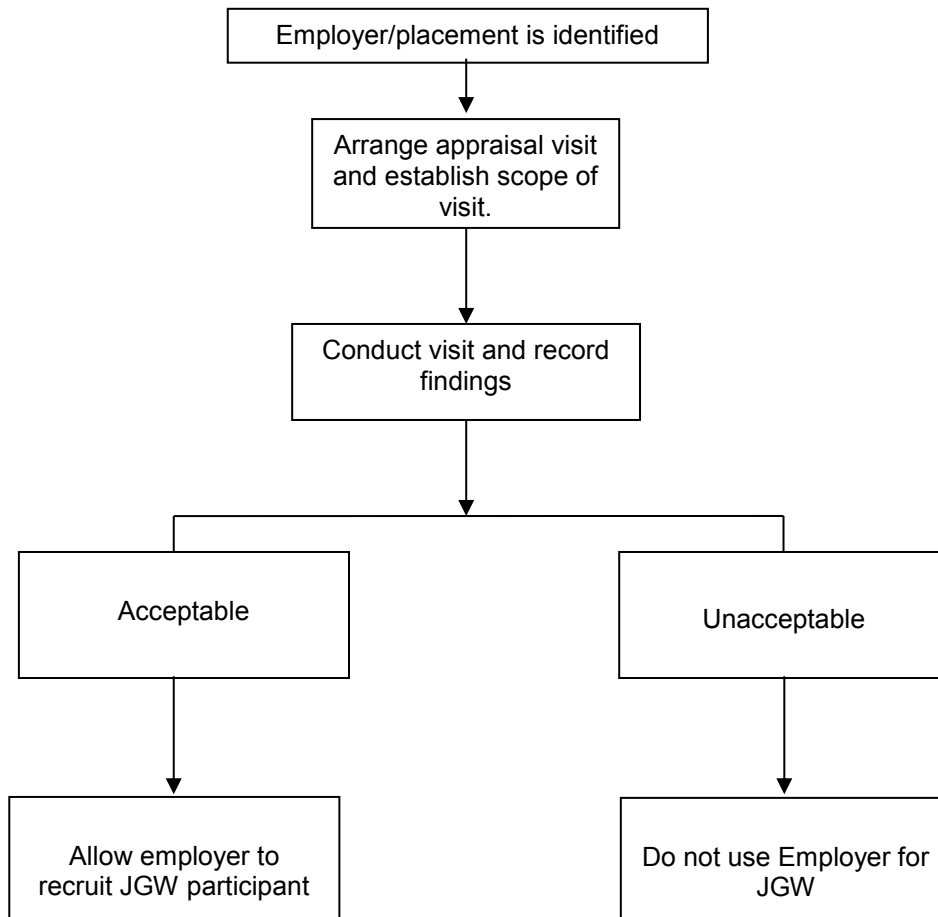
Appraisal of employers/placements flowchart (Work-based learning only)

The following process must be followed prior to an employer/placement being funded.



Appraisal of employers/placements flowchart (Jobs Growth Wales only)

The following process must be followed prior to place a participant.



Annex 2: Risk banding employers/placements (Work-based learning only)

Using the information and matrix below, providers should combine the occupational and organisational risk levels to reach an overall risk banding decision. The combined risk band determines the frequency of monitoring.

Occupational risk levels should be established from the 'Classification of Activities (Occupational Risk)' on page 30.

Organisational risk definitions

Low Risk – Demonstration of high standards of health and safety management. There is detailed evidence of compliance with health and safety legal requirements.

Medium Risk – Demonstration of basic standards of health and safety management. There is a minimal level of compliance with health and safety contractual and legal requirements. Improvements required in accordance with an agreed development plan.

High Risk – Demonstration of poor standards of health and safety management. There is insufficient compliance with health and safety contractual and legal requirements and significant management improvements are necessary. A development plan is agreed with strict time-scales.

The organisational risk banding can change upon sufficient progress or completion of development plans, or an increase/decrease in risk through increased shortfall/improvements, thereby affecting combined risk banding and frequency of monitoring.

Defer – Demonstration of poor standards of health and safety. There is insufficient compliance with health and safety contractual and legal requirements and significant management improvements are necessary, as risk to learners is high. The employer/placement is deferred until adequate development, with strict time-scales, has been agreed and progressed.

Unacceptable – The employer's/placement's attitude, non-compliance with health and safety requirements and/or ability to agree a development plan determines them unacceptable.

Organisational/Occupational Risk Matrix

		Highest Occupational Risk Level		
		LOW	MEDIUM	HIGH
Organisational Risk	LOW	Combined L	Combined L	Combined M
	MEDIUM	Combined L	Combined M	Combined H

Level	HIGH	Combined H	Combined H	DEFER
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For Guidance, only - Classification of activities (occupational risk)

	Risk Levels
Administration	Low
Agriculture, horticulture, fishing and forestry	High
Animal nursing	High
Animal care (including retail)	Medium
Care	Medium
Catering (kitchen)	High
Chemicals and chemical products	High
Construction	High
Education	Low
Electronics	Medium
Engineering (mechanical and electrical)	High
Equestrian	High
Hairdressing/beauty	Medium
Hotels and restaurants (non-catering)	Medium
Manufacturing/craft	High
Mining and quarrying	High
Outdoor activities	High
Printing	Medium
Repair of motor vehicles, motor cycles	High
Retail trade	Low
Sales	Low
Security	High
Sport/recreation and leisure	Medium
Textiles/clothing	Medium
Transport	High
Utilities	High
Wholesale and warehousing	Medium

Annex 3: Re-appraising dormant employers/placements (Work-based learning only)

When funded learning or work experience ceases with an employer/placement the provider may retain the contact on a database for future use. In this instance the employer/placement is identified as being 'dormant'.

As the appraisal and/or monitoring documentation completed in respect to the employer/placement may still be relevant when learning/work experience resumes there may not be a requirement to re-appraise. However there may be a need to monitor.

Monitoring Example: It has been identified by the provider that funded learning will recommence with an employer/placement after a period of five months being dormant. The last monitoring visit undertaken three months prior to dormancy identified the employer/placement as having a combined medium risk band (occasioning monitoring every six months). As the last health and safety check was 8 months prior to the proposed recommencement of learning a monitoring visit would be required on the day of recommencement.

Providers should include dormant employers/placements within their tracking system, comprising the date of dormancy start, the employer/placement combined risk band, together with a pre-determined date of expected re-appraisal if learning/work experience were to recommence at this time.

In respect to re-appraisal, there are prescribed periods of 'dormancy' which would require a re-appraisal to be undertaken. These periods are determined by the combined risk at appraisal or monitoring. It should be noted that there is no requirement to re-appraise if there is no learner in place.

HIGH combined risk

Employers/placements should be re-appraised after 12 months of becoming dormant, prior to recommencement of learning/work experience. Recommencement of funded learning prior to this period may necessitate monitoring to be undertaken.

MEDIUM combined risk

Employers/placements should be re-appraised after 24 months of becoming dormant, prior to recommencement of learning/work experience. Recommencement of funded learning prior to this period would necessitate monitoring to be undertaken.

LOW combined risk

Employers/placements should be re-appraised after 48 months of becoming dormant, prior to recommencement or learning/work experience. Recommencement of funded learning prior to this period would necessitate monitoring to be undertaken.

Annex 4: Monitoring employers/placements (Work-based learning only)

Monitoring should only be undertaken when the employer/placement has been accepted, accepted with a development plan, or, in the case of a previously deferred employer/placement, when suitable progress has been evidenced against the development plan whereby the combined risk band is lowered to high risk.

A4.1 The first monitoring visit of an employer/placement should be undertaken using the following timescales:

- combined High – visit within the first **3 weeks** of the appraisal/re-appraisal date
- combined Medium – visit within the first **8 weeks** of the appraisal/re-appraisal date
- combined Low – visit within the first **13 weeks** of the appraisal/re-appraisal date

If the learner is employed-status, the first monitor can be undertaken as soon as the employer/placement is appraised. If this is not undertaken, the above guidelines apply.

A4.2 The first monitoring visit for learners should include:

- the employer's/placement's general and/specific induction
- the working environment of the learner, to observe and confirm that the health and safety management system assessed during appraisal is implemented
- the learner's personal safety and welfare needs have been addressed, and
- any outstanding matters or remedial action identified from the initial appraisal, which are addressed, or are in the process of being addressed.

A4.3 All subsequent monitoring of employers/placements should be undertaken using the following timescales:

- combined High – visit within **3 months** of appraisal date and every subsequent 3 months unless the risk banding changes or a re-appraisal is required
- combined Medium – visit within **6 months** of appraisal date and every subsequent 6 months unless the risk banding changes or a re-appraisal is required
- combined Low – visit within **12 months** of appraisal date and every subsequent 12 months unless the risk banding changes or re-appraisal is required.

A4.4 The frequency of monitoring, after re-appraisal, should be determined from the re-appraisal date, with monitoring undertaken against criteria in A4.2, and undertaken against criteria in A4.5.

A4.5 Generally, a monitoring visit should cover:

- any outstanding matters or remedial action identified from the initial appraisal or monitoring which are addressed, or are in the process of being addressed
- the working environment of the learner, to observe and confirm that standards have been maintained (premises, environment, working practices etc.), and
- the Learner's personal safety and welfare needs have been addressed.

A4.6 Discussions should take place with the learner and learner's supervisor to confirm:

- documented induction has been carried out and the Learner is aware of the risks and control measures, emergency arrangements etc.
- supervision is in place as agreed and working in practice
- prohibitions are understood by the learner and supervisor
- personal protective equipment has been provided and used as agreed
- ongoing information, instruction and training is being given as appropriate, and
- evidence of Learner's understanding.

A4.7 Every health and safety monitoring visit should be recorded.

A4.8 If standards have dropped to an unsatisfactory level, since the appraisal or previous monitoring visit, then immediate action should be taken to cease learning and/or issue a development plan.

A4.9 If the employer/placement was initially deferred until sufficient progress has been made against the development plan, the frequency of monitoring should be determined from the date when the learner was placed with the employer/placement or learning commenced.

A4.10 The risk banding of employer's/placement's can change following monitoring, but only when sufficient development has been closed out, or there is an increase/decrease in risk through increased shortfall or improvement.

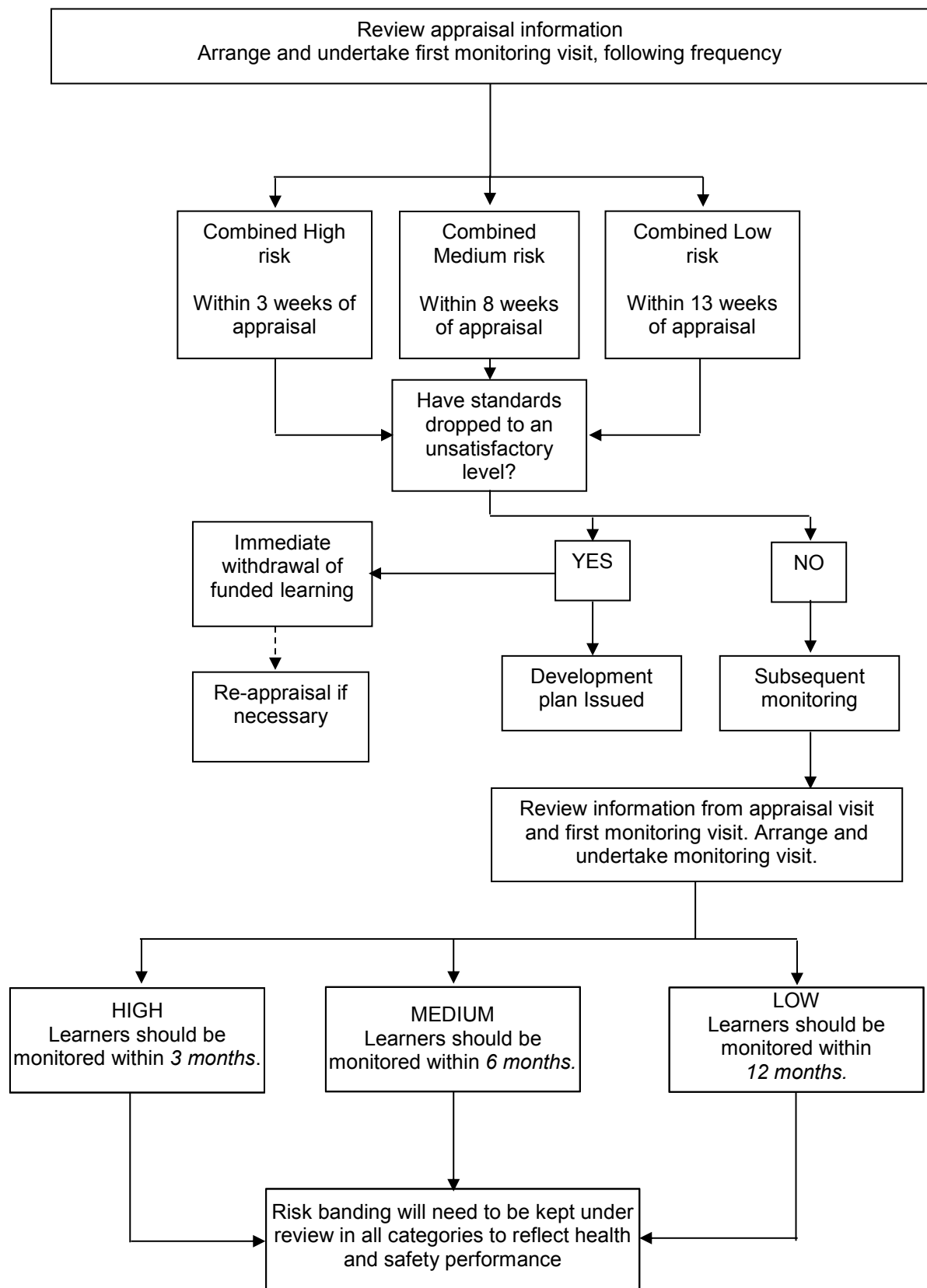
A4.11 The provider should ensure that learner accidents/diseases, where shortfall was found in the recording process, contribute to change in risk banding and subsequent monitoring.

A4.12 Monitoring within a period following dormancy, but before the employer/placement is required to be re-appraised, should be undertaken following

the pre-determined frequency at the initial appraisal. If the period of dormancy has extended beyond the frequency of monitoring then a monitor should be undertaken as soon as possible following recommencement with the employer/placement – see example at Annex 3

Monitoring is undertaken to test the implementation of the employer's/ placement's health and safety management system. It is tested through the viewpoint of the learner, but this does not mean that every learner is monitored. If there are several learners at an employer/placement then only one Learner is used to complete the monitor. It is advised, in the instance of an employer/placement with more than one learner, to vary or alternate the learners used in the monitoring process, and if appropriate starting with the learners undertaking the highest risk occupational route/activity.

Monitoring employers/placements flowchart (Work-based learning only)



Annex 5: Quality assurance checking

The criterion at 1(d), Management of Health and Safety, requires the provider to undertake a quality assurance check (quality check) on the appraisal and monitoring documentation it completes in respect to employers/placements. This check should be robust enough to gain assurance that documents have been effectively completed, incorporating at least the following:

A5.1 The quality checking of appraisal and monitoring documentation should be undertaken as soon as is possible following the appraisal or monitor.

A5.2 The person undertaking the quality check should not be the person who had undertaken the appraisal or monitor.

A5.3 Persons with the responsibility for quality checking should have an understanding of health and safety and appraisal/monitoring process.

A5.4 The provider should have a documented means of identifying what should be checked, and what determines a well completed document.

A5.5. The quality checking of appraisal and monitoring documents should be recorded, identifying the acceptability of a document and the line of action taken to effect revision, if required.

A5.6 The recording of quality checks should identify the person/s undertaking the role and the date undertaken.

A5.7 For new appraisal/monitoring personnel, it is expected that quality checking is undertaken on all completed appraisal and/or monitoring documents for a period of three months from commencement of the role.

A5.8 After the 3 month period appraisal and/or monitoring documentation completed by appraisal/monitoring personnel should be quality checked on a percentage basis – a percentage determined by the provider and based on the quality of completion.

A5.9 The provider should use the quality checking system to determine the effectiveness and development of linked systems, including:

- appraisal and monitoring
- (re) training of appraisal personnel and monitoring officers
- assessment and development of appraisal personnel and monitoring officers.