

Health & Safety E-news September 2009



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Welcome to the September 2009 edition of our Health & Safety E-news Update. In this issue, we highlight imminent changes to the training regime for first aiders and an extension to the way that the Health and Safety at Work etc Act 1974 applies outside Great Britain which also has implications to the offshore and renewable energy businesses.

If the Health & Safety Team can assist you with any employment issue then please do not hesitate to contact us.

In this edition:

- **New First Aid Training Arrangements**
- **Application of HSW Act**

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New First Aid Training Arrangements

From 1 October 2009 the HSE is introducing new arrangements to the first aid training regime. The relevant Regulations will not change but a revised version of L74 – “First aid at work: Approved Code of Practice and Guidance” will be issued.

The present arrangements are that first aiders must have a valid certificate in first aid at work issued by a training organisation approved by HSE before they take up their first aid duties. The regulations allow for the appointment of a person or persons to take charge of situations where a person may need first aid and the first aid equipment if the first aider is temporarily absent, in exceptional circumstances or if the employer’s circumstances are such that a first aider is not necessary. That appointed person does not have to undergo first aid training although it is strongly advised that they do.

The new ACOP will indicate that in order to comply with the regulations a first aider provided by an employer must hold a certificate of competence in either first aid at work (FAW – now a three day course) issued by a provider approved by HSE or in emergency first aid at work (EFAW – a one day course) issued by a provider approved by HSE or a recognised awarding body of Ofqual/SQA.

The employer should carry out a first aid needs assessment to enable them to decide how many first aiders they require and whether the FAW or EFAW course is most suitable.

The FAW or EFAW certificate issued is valid for three years. Those holding the FAW certificate can requalify by undertaking a 2 day course whereas those holding the EFAW certificate must complete the same course again every third year. Employers must arrange retraining before the certificate expires.

There is a strong recommendation that first aiders undertake annual refresher training during the three year certification period but this is not mandatory.

The new arrangements do not affect first aiders holding a valid FAW certificate but any retraining undertaken on or after 1 October 2009 is subject to the new arrangements.

The revised ACOP will contain a flowchart to help employers work out whether they need first aiders, how many they need and which certificate they should hold.

New First Aid Training Arrangements Continued

The minimum requirements remain as:

- An appointed person to take charge of first aid arrangements (no certificate required but training strongly advised)
- A suitably stocked first aid box
- Information for employees about first aid arrangements

Application of HSW ACT

On 5 August 2009 a new order extending the application of the Health and Safety at Work etc Act 1974 to certain areas beyond the territorial sea came into force.

The variation extends the application of the HSW Act to cover energy structures (such as wind turbines) and to certain offshore installations where, because of a change of use, the HSW Act had ceased to apply (such as construction, reconstruction, alteration, repair, maintenance, cleaning, use, operation, demolition and dismantling of any structure which would be otherwise be an offshore installation).

In relation to energy structures, the HSW Act will now apply to activities within a REZ. A REZ is an area outside the territorial sea, designated by order under sections 84(4) of the Energy Act 2004 which may be exploited for the production of energy from water or wind. The kind of activities now covered are:

- (a) the construction, reconstruction, alteration, repair, maintenance, cleaning, use, operation, demolition and dismantling of any energy structure or related structure, or any preparation for any such activity;
- (b) the transfer of people or goods between a vessel or aircraft and an energy structure or related structure;
- (c) the loading, unloading, fuelling or provisioning of a vessel;
- (d) the operation of a cable for transmitting electricity from an energy structure or related structure to Great Britain;
- (e) a diving project associated with any of the activities listed.

The term "related structure" is included in paragraph (a) to ensure that the all significant activities related to energy structures are subject to the Act.

In practice this means that duty holders must comply with the provisions of the HSW Act in the areas specified and that the HSE can ensure compliance by exercise of their powers including, for example, inspection and investigation.

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