



Health and Safety Policy Framework

Health and Safety Policy

HSP01



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Our health and safety policy commitment

Crown Estate Scotland (Interim Management) is a body corporate constituted by The Crown Estate Scotland (Interim Management) Order 2017 and having its principal place of business at 6 Bells Brae, Edinburgh, EH4 3BJ, acting in exercise of the powers conferred on it by the Scotland Act 1998 (as amended) and The Scottish Crown Estate Act 2019 on behalf of Her Majesty the Queen.

We manage, develop and care for a variety of assets across Scotland including four rural estates, mineral and salmon fishing rights, about half of the coastal foreshore and almost all the seabed out to 12 miles.

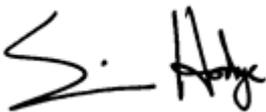
Through working with others, we aim to innovate with land and property to create prosperity for Scotland and its communities. All our revenue profit goes to Scottish Government. Our 2017-20 corporate plan and annual business plans detail our priorities and objectives, and our Framework Document sets out our functions, duties and powers.

We seek to not only comply with health and safety legislation but find opportunities to continually improve and we recognise that excellent health and safety management is fundamental to the success of an organisation. As an organisation and employees, we will:

- Openly listen to suggestions to improve health and safety.
- Provide strong and active leadership in health and safety.
- Ensure adequate arrangements are in place to identify health and safety risks to the organisation and risks are managed appropriately.
- Develop arrangements to prevent, so far as reasonably practicable, injury, ill health and damage as a result of its undertaking.
- Provide clear instruction, information, training and supervision to ensure employees have the right skills, knowledge and experience to do their work.
- Engage and consult with employees and our supply chain to request their involvement with health and safety culture and conditions.
- Allocate sufficient resources for health and safety to be managed effectively.
- Assess and plan for potential emergency scenarios.
- Maintain safe and healthy working conditions, provide and maintain safe plant equipment and machinery and ensure safe use and storage of substances.

Our Health and Safety Framework sets out how we will achieve this. We will review this policy and this framework annually to capture changes in legislation and new ideas from within our organisation and our supply chain. All employees are expected to understand and apply the requirements of this policy and CES will support and enable staff to embed a positive health and safety culture.

Signed:



Simon Hodge
Chief Executive
Dated: 5 August 2019

About our health and safety framework

This document outlines how Health and Safety issues are managed within Crown Estate Scotland (CES). The framework is based on the following essential principles:

- Strong and Active Leadership from senior management and the Board:
 - Visible, active commitment from the Board.
 - Effective communication to staff.
 - Integration of good health and safety management with business decisions.
- Workforce Involvement:
 - Engaging the workforce in the promotion and achievement of safe and healthy conditions.
 - Effective communication from and with staff.
 - Providing high quality training.
- Assessment & Review:
 - Identifying and managing risks.
 - Accessing competent advice.
 - Monitoring, reporting and reviewing performance.

Crown Estate Scotland recognises the three main reasons why health and safety compliance is vital:

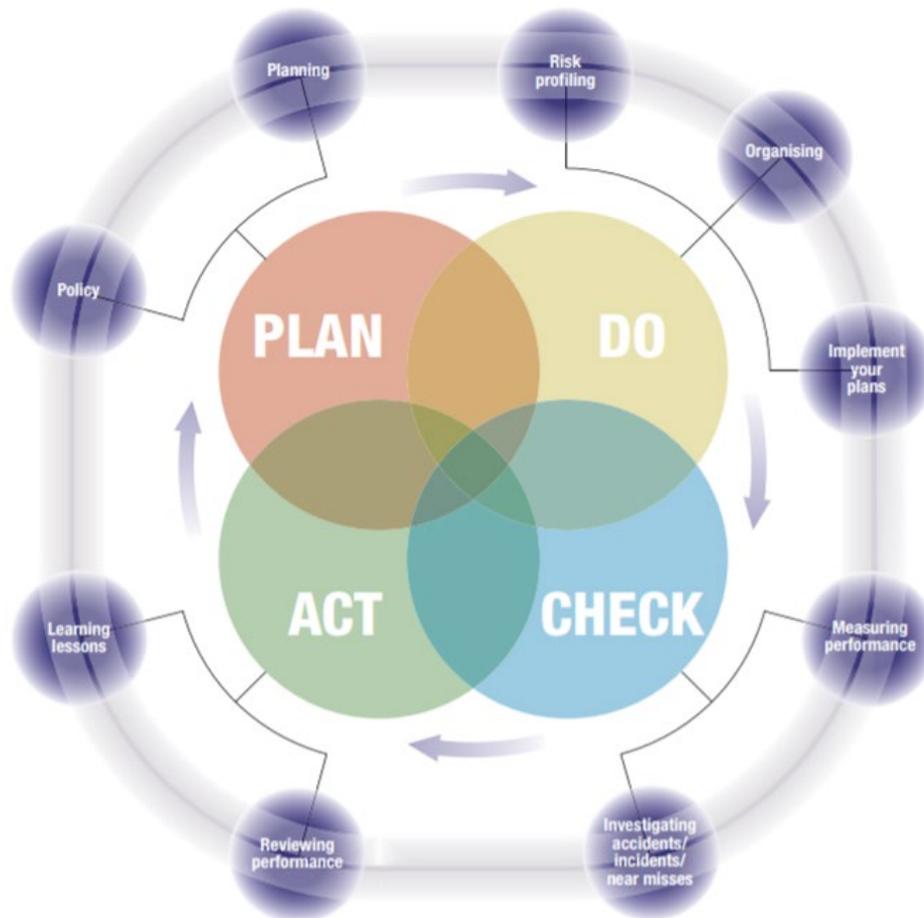
- Moral: There is no justifiable reason why the Health & Safety of CES employees or members of the public should be compromised as a result of the activities of CES. CES seeks to fully comply with the legislation and best practice.
- Legal: The Health & Safety at Work etc Act 1974 places broad duties on employers to ensure, so far as reasonably practicable, the health, safety and welfare of its employees and the health and safety of people who are not employed but who are affected by its undertaking. CES is aware that failure to comply with the Act and the regulations made under it could be subject to a criminal prosecution.
- Financial: The cost of failure to comply with Health & Safety regulations can be significant, in terms of staff impact lost output and potential fines. Complying with Health & Safety legislation is therefore good business and CES considers the price of compliance as an investment rather than a cost.

We will seek to comply with the Health and Safety at work Act etc., 1974 and all other relevant statutory provisions across all aspects of CES business. This involves:

- Developing arrangements to prevent, injury, ill-health and damage as a consequence of our undertakings.
- Providing a safe and healthy working environment.
- Providing and maintaining plant, machinery and systems of work that are safe and without risk to health.
- Ensuring assessments of risks to people are undertaken and control measures implemented to manage these risks.
- Providing information, instruction, training and supervision as is necessary to ensure the health and safety of our employees.

- Allocating sufficient resources to enable health and safety policies to be effectively implemented.
- Consulting and maintaining good relations with employees, trade union representatives, and relevant public agencies.
- Making the management of health and safety is an integral part of our daily activities and actions.

Our four-point approach to health and safety management is based on the Health & Safety Executive and Institute of Directors guidance 'Leading Health and Safety at Work – INDG417(rev1)',



We use the plan, do, check, act questions in the Health and Safety Executive leadership checklist¹ to evaluate our performance (Annex 1).

Responsibilities for health and safety

CES is defined as a Public Corporation, with oversight by a board of non-executives and a chairman appointed by Scottish Ministers.

The Crown Estate Scotland Board is expected to assure itself on the effectiveness of the internal control and health and safety risk management systems. The Board is supported in this role by Crown Estate Scotland Audit and Risk Committee, and a board member with a specific focus on health and safety management. To provide this assurance, the Crown Estate Scotland Board requires that the

¹ <http://www.hse.gov.uk/leadership/checklist.htm>

Accountable Officer ensure that a system of health and safety risk management is embedded in the organisation. This requirement is laid out in the organisation's Framework Document².

In accordance with the Scottish Public Finance Manual, Crown Estate Scotland will introduce an Assurance Framework³ to provide the basis for the annual Certificate of Assurance from the Accountable Officer. This assurance framework will incorporate risk management, including for health and safety management, requiring the Crown Estate Scotland Executive Team to provide evidenced assurance of appropriate risk management in each of the four functions in accordance with this risk management policy. The operation of the Assurance Framework will be tested by CES' internal and external auditors.

The Crown Estate Scotland Board reviews and approves risk management policy after seeking advice from the Audit and Risk Committee. The policy is formally reviewed and approved on at least an annual basis.

Health and safety is considered at every board meeting. On a quarterly basis a specific health and safety report is provided to the Audit and Risk Committee with an analysis of accidents and incidents, and evidence in relation to learning, mitigation and development of health and safety culture and practice.

A specific member of staff is nominated to take a lead role for workplace health and safety and maintaining a health and safety manual at each of the three locations (Fochabers, Glenlivet and Bells Brae). These nominated staff are responsible for:

- Fire risk assessment, fire alarm checks and maintenance, designation of fire wardens, management of fire exits and fire extinguishers.
- First aid provisions.
- Water hygiene management (legionella).
- General safety of workspaces including avoidance of trip hazards.
- Signage, display of health and safety law poster and display of health and safety committee material.
- Local implementation of emergency procedures and identification of responsible persons.

CES has a Health and Safety Central Committee with representatives from all business areas (draft terms of reference are at Annex 2). It is a formal basis for workforce input into health and safety management and provides a forum for understanding how to strengthen health and safety culture and communications. The Committee reviews learning from incidents and accidents and inputs into H&S policies.

Risk management processes

CES maintains a Strategic Risk Register which identifies and records response to risks that are significant at an organisational level. The objective is to mitigate or terminate risks to achieve a residual risk rating in accordance with risk appetite. Risk 1 is that an accident on the Scottish Crown Estate leads to a fatality or serious injury. The following control strategy is summarised:

- Health and safety expertise and capacity sourced.

² <http://crownestatescotland.com/about-us/structure-governance>

³ <http://www.gov.scot/Topics/Government/Finance/spfm/assurancecerts>

- Risk management policies and risk assessment processes in place.
- Active programme of health and safety culture development, induction and training.
- Health and safety integrated into governance and reporting.
- Health and safety appropriately reflected in contract and tenancy arrangements.
- Implement member-of-the-public safety management for in-hand land, particularly where CES provides recreation facilities.
- Reporting, inspection and monitoring systems for directly managed activities and activities overseen by managing agents.

CES has prepared a series of Health and Safety Policy Guidance Notes as a key tool for risk management. The current suite is:

Number	Title	Owner
HSP01	Health and Safety Policy Framework	Chief Executive
HSP02	Management of Common Risks	Chief Executive
HSP03	Emergency and Incident Response	Chief Executive
HSP04	Environmental Management	Head of Property
HSP05	Electrical Safety and Gas Safety	Rural Asset Manager
HSP06	Asbestos Management	Rural Asset Manager
HSP07	Managed Properties in the Rural Portfolio	Rural Asset Manager
HSP08	Managed Properties in the Coastal Portfolio	Coastal Asset Manager
HSP09	Plant Equipment and Heavy Operations	Countryside Manager
HSP11	Occupational Health and Wellbeing	HR Manager
HSP12	Working at Heights	Countryside Manager
HSP13 (in prep)	Forestry	Head Forester
HSP14 (in prep)	Tree safety	Head Forester
HSP15 (in prep)	Trail Management	Countryside Manager

Health and Safety Guidance Notes will be reviewed annually.

CES maintains a Crisis Communications Management Plan that lays out procedures for managing emergency situations, including a health and safety incident.

Health and safety culture

CES is in the process of finalising its People Strategy, which aims ‘to engage and develop individuals, motivating our high-performing team and organisation, and inspiring each other to keep Crown Estate Scotland a great place to work’. It uses the Fair Work Principles⁴: work which offers effective voice,

⁴ <http://www.fairworkconvention.scot/framework/FairWorkConventionFrameworkFull.pdf>

opportunity, security, fulfilment and respect. They balance the rights and responsibilities of employers and individuals to benefit individuals, organisations and society.



These principles embed health, safety and wellbeing throughout (Appendix 2).

Both the organisation's Chief Executive and Head of Property have completed The Institution of Occupational Safety and Health (IOSH) Health and Safety Leadership course and additional training is underway for the Glenlivet Business Assistant, who co-ordinates health and safety management.

CES utilises the services of the health and safety consultancy, Greens of Haddington Ltd, for expert advice, guidance on the development of health and safety policies, and ongoing monitoring of health and safety management. Greens of Haddington Ltd provide an alert service to ensure changes in legislation are communicated to relevant personnel and incorporated into policies and procedures.

Health and safety training and induction

Health and safety is included in induction procedures for new staff. CES is commissioning an e-learning platform to support this, which will include: responsibilities and legal requirements; hazards and risks; safety signs and notices; and workplace safety and procedures.

More specific training is provided to staff involved in specialist tasks. This principally relates to field staff based at Fochabers and Glenlivet.

Reporting and monitoring

A health and safety summary is provided to every board meeting and a more substantial quarterly report is considered by the Health and Safety Committee and put to the CES Audit and Risk Committee, which subsequently reports to the Board.

An accident book is maintained at each office / staff base. Reporting of dangerous occurrences/near misses is actively encouraged and shared learning from occurrences is facilitated. Completed forms are sent to Karen Smith, the H&S Coordinator and the Head of property for compilation and for the H&S advisor to establish whether further investigation and or revision of existing working practices needs to be adopted.

Resumption and recording systems are well developed for CES field teams, and these systems are being extended across the organisation. This approach is based on an Excel spreadsheet for recording compliance evidence and feeding an Outlook resumption system. Our Cascade HR system will be used for individual training records as well as ill-health absence recording.

Directly managed activities

CES carries out a limited amount of direct land management activity on the Glenlivet and Fochabers estates involving a team of seven staff. The activities are:

- Forest management.
- Estate maintenance – particularly water supplies.
- Glenlivet estate visitor services.

Where required these activities are managed in accordance with relevant legislation.

Policies and procedures are in place to identify and manage the risk to staff for the activities they undertake. Supervisory responsibilities have recently been reviewed and a clearer and simplified line management arrangement put in place.

The managing agents, Savills, have a role in instructing some of the estate maintenance tasks undertaken by the maintenance team. Health and safety aspects of the job specification are managed through their contractor management system. The Glenlivet Countryside Manager is the line manager responsible for the health and safety of the CES team undertaking these tasks.

All commercial forest areas across the Crown Estate Scotland are managed in-hand by the CES Forester. Forest management activities including felling, ground preparation, planting and general maintenance are the responsibility of the Forest Manager. Woodland management is audited annually against the UK Woodland Assurance Standard which includes elements of forestry health and safety.

Health and safety of members of the public

Over much of the Scottish Crown Estate, tenants have primary responsibility for the health and safety of members of the public. CES holds primary land owner responsibility for member of the public health and safety in our directly managed forests and other in-hand land. At Glenlivet we invite members of the public onto a network of walking and cycling trails which are subject to active management and a regime of regular safety checks, with an emphasis on managing the interaction between public access and forestry operations.

Health and safety of tenants, contractors and third parties

Most activity on the Scottish Crown Estate is undertaken by tenants and agreement holders. CES also uses contractors, agents and other service providers. These contractual arrangements can be characterised as follows:

- Direct procurement contracts. This includes a range of services, most significantly for land agency, legal advice, financial advice and HR services. CES also from time to time procures practical services in relation to building and estate management. Management of direct contracts involves implementation of appropriate on-site procedures as well as ensuring health and safety is properly covered in contract documentation. Where appropriate these arrangements are managed under the CDM regulations.

- Indirect procurement contracts. Agreement management for the rural and coastal portfolio is undertaken by managing agents. This can involve managing agents procuring and managing construction and building repair activities on the Scottish Crown Estate. In these cases managing agents use contract management systems that establish and meet the requirements of CDM regulations. Procedures are in place to monitor managing agent compliance through regular reporting, incident management procedures and property compliance, in accordance with the terms of managing agent appointments (Annex 4). These processes are subject to annual audit. Our current managing agents are:
 - Savills – management of rural and urban property apart from forestry and recreation facilities and CES workplaces.
 - Bidwells – management of coastal assets and agreements.
 - Wardell Armstrong – management of active and in-hand quarries and mineral works.
- Leases and licence agreements. CES has some 5000 leases and licence agreements ranging from fish farms and marine activities through farms, river fishing, mineral extraction to houses and business premises.
- ‘Standing sales’. Timber is sold by standing sale, whereby the buyer secures a temporary right of occupation to a felling site in order to harvest an agreed area of timber.
- Partnerships and SPVs. Occasionally CES might enter into a legal agreement with third parties in relation to an investment or project. Currently the only example is the MeyGen tidal energy project.

CES is currently reviewing historic approaches to health and safety provisions in this range of agreements and legal advice is being sought as a basis for moving to a consistent approach across the organisation.

Document Control

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Change Record

Modified Date	Author	Version	Description of Changes

Stakeholder Sign-off

Name	Position	Signature	Date
Andy Wells	Head of Property		July 2019
Andrew Green	Health and safety consultant		July 2019

Appendix 1: HSE health and safety checklist

Plan

- How do you demonstrate the board's commitment to health and safety? See [Writing a health and safety policy](#).

Do

- What have you done to ensure your organisation, at all levels including the board, receives competent health and safety advice? See [Deciding who will help you with your duties](#).
- How are you ensuring all staff – including the board – are sufficiently trained and competent in their health and safety responsibilities? See [Health and safety training: A brief guide](#).
- How confident are you that your workforce, particularly safety representatives, are consulted properly on health and safety matters, and that their concerns are reaching the appropriate level including, as necessary, the board? See [Consulting and involving your workers](#).
- What systems are in place to ensure your organisation's risks are assessed, and that sensible control measures are established and maintained? See [Controlling the risks](#).

Check

- How well do you know what is happening on the ground, and what audits or assessments are undertaken to inform you about what your organisation and contractors actually do?
- What information does the board receive regularly about health and safety, eg performance data and reports on injuries and work-related ill health? See [Auditing and reporting](#).
- Do you compare your performance with others in your sector or beyond?
- Where changes in working arrangements have significant implications for health and safety, how are these brought to the attention of the board?

Act

- What do you do to ensure appropriate board-level review of health and safety? See [Successful health and safety management](#).

Annex 2: Crown Estate Scotland Health and Safety Central Committee draft terms of reference

The Crown Estate Scotland Health and Safety Central Committee includes representatives from across Crown Estate Scotland including business/asset managers from all areas of CES business, the H&S advisor, a Trade Union nominee/representative, HR representation, H&S business co-ordinators/administrators the Fochabers and Glenlivet maintenance workforce and the H&S advisor.

The role of the Crown Estate Scotland Health and Safety Central Committee is to:

- To assist with the management, monitoring and compliance with H&S policies and activities across all aspects of CES business.
- To promote a strong Health and Safety culture by involving staff at all levels in the management and monitoring of health and safety and welfare in the workplace.
- To review delivery of the Plan, Do, Check and Act approach across Crown Estate Scotland business activities according to the HSE checklist.
- To identify issues or matters of concern and bring these to the attention of the Health and Safety Advisor and the Chief Executive.
- To raise staff awareness regarding hazards in the workplace and the controls in place to manage them.
- To promote understanding and awareness of Crown Estate Scotland health and safety policies across the organisation.
- To gather information that can be used for reporting purposes.
- To contribute to communications regarding health and safety matters to staff.
- To review all H&S incidents and make recommendations regarding improvements to H&S management.

Annex 3: Themes for Crown Estate Scotland People Strategy (based on Fair Work Principles)



OPPORTUNITY

- Development to equip staff for changes to working world and build workforce to deliver in the future.
- 'Knowledge Islands' / silos - building resilience



EFFECTIVE VOICE

- Recognising differences across the workforce – inclusivity
- Support channels for employee voice and decision-making



SECURITY

- Safe and healthy working environment
- Pay & conditions are fit for purpose
- Living Wage accreditation



FULFILMENT

- Development
- Job satisfaction
- Empowerment
- Realising potential
- Recognising and celebrate success and achievement.



RESPECT

- Line management
- H&S, well-being
- Age-inclusive workplace
- Fairness
- Valuing diversity

Annex 4: Schedule to Managing Agent's Contracts

Schedule Part 8 – Health & Safety

1.1 You are responsible for managing and making sure we meet, as property owners, our health and safety obligations. In particular, you must:

- (a) maintain all relevant records including statutory records;
- (b) fully co-operate with our head of Health and Safety⁵ or any health and safety adviser we instruct.
- (c) as soon as possible, tell us about any new health and safety law or other law which affects our health and safety obligations whether or not it may lead to a requirement to carry out work to any of our properties.
- (d) make sure that all contractors and suppliers you appoint to do work to our properties have the relevant skills, resources and have effective health, safety and environmental management systems. You must review these systems regularly, make sure that the contractors implement all necessary controls when carrying out work at any of our properties, and keep records of any such reviews for future inspection.
- (e) make sure that all assessments of risks created by any of our properties are carried out and formally reviewed at least once every 12 months and make any necessary changes on-site within agreed timescales.
- (f) make sure that if there is an accident, incident or environmental incident, a suitable investigation is carried out and the findings are communicated to us as soon as possible. You must tell us straight away if there is a serious or major incident, including any enforcement action by a regulatory body.
- (g) inform us of any intended work to the property (including service-charge work) that is notifiable to the Health & Safety Executive under the Construction (Design and Management) Regulations 2015 (“CDM 2015”). Where you appoint contractors to carry out construction work as defined by CDM 2015 at our properties, you will take on the role of “Client” and fully discharge all duties of the ‘client’ as detailed in CDM 2015. You must identify and formally appoint competent duty holders including as necessary Principal Designers and Principal Contractors and provide assurance that those duty holders meet the standard outlined in CDM 2015. You must make sure we are fully aware of the extent of the proposed work and have sufficient understanding of the arrangements in place to control it, including a pre-start inspection of the site and documented confirmation that all “Client Duties” have been fully discharged.

1.2 Where you manage building projects, you must carry out initial checks before any construction work begins on non-notifiable projects including, as stated in Guidance L153:

- (a) checking that there is adequate protection for our workers or members of the public or both;
- (b) checking that the contractor has provided adequate welfare facilities;
- (c) checking that there is good co-operation and communication between designers and contractors;
- (d) getting confirmation from the contractor that the arrangements they agreed to make have been implemented.

1.3 Where you are responsible for the instruction/co-ordination/management of any directly employed Crown Estate personnel, you must ensure that:

- (a) they remain compliant with all internal safety, health and environmental requirements;

⁵ This wording is per the existing contracts and will be changed in the next contract review.

- (b) appropriate risk assessments and method statements are in place for the tasks instructed;
- (c) they are competent to carry out the assigned task;
- (d) there is safe access and safe equipment;
- (e) they are provided with information on the health and safety risks associated with the task;
- (f) adequate supervision is in place;
- (g) they comply (through regular inspections) with all health and safety controls (identified in risk assessments); and
- (h) health and safety is regularly reviewed as part of day to day management.

1.4 We aim to attain compliance and future accreditation to voluntary Health and Safety Standards. You must work closely with our Head of Health and Safety and all appointed specialist advisers and agree to implement practices and controls to assist in this process.

1.5 Where we issue Crown Estate health and safety policies from time to time, you must comply with these.

1.6 We will agree health and safety performance targets with you each year as part of the business planning process.

1.7 You may be subject to a health and safety due diligence audit at least once every 12 months.

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