

Health and Safety Policy Framework

Health and Safety Policy

HSP01



Health and Safety Policy Framework

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	08/08/19		Simon Hodge	Update incident reporting information, reference to the Business Continuity and Emergency Response Plan, and HSP list
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Sign-off

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

Our health and safety policy commitment

Crown Estate Scotland 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 nautical miles, and rights to some activities from 12 to 200 nm.

Our purpose is investing in property, natural resources and people to deliver lasting value for Scotland. All our revenue profit goes to Scottish Government. Our 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.
- Take reasonable care of our own health and safety and that of our colleagues.
- Ensure arrangements are in place to identify health and safety risks to our employees and to ensure risks are managed appropriately.
- Develop arrangements to prevent, so far as reasonably practicable, injury, ill health and damage as a result of our undertaking.
- Provide clear guidance, instruction, information, training and supervision to ensure employees have the right health and safety skills, knowledge and experience to do their work safely.
- Engage and consult with employees to ensure 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.
- Ensure clarity of health and safety responsibilities with tenants, contractors and service providers.
- Seek opportunities to promote high standards of health and safety management amongst our stakeholders and to be an exemplar of good practice.

Our Health and Safety Framework sets out how we will achieve this. We will review this policy and framework annually to update with 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:

A handwritten signature in black ink, appearing to read 'S. Hodge', enclosed within a thin black rectangular border.

Simon Hodge
Chief Executive

Dated: 29 January 2020

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:

- Visible and active Health and Safety leadership from senior management and the Board with effective communication to staff on health and safety matters and integration of good health and safety management in decision making; and fostering a strong Health and Safety culture.
- Workforce involvement by engaging and consulting the workforce in the promotion and achievement of safe and healthy working conditions and providing high quality training.
- Assessment and review: identifying and managing risks; accessing competent advice; and monitoring, reporting and reviewing performance.

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

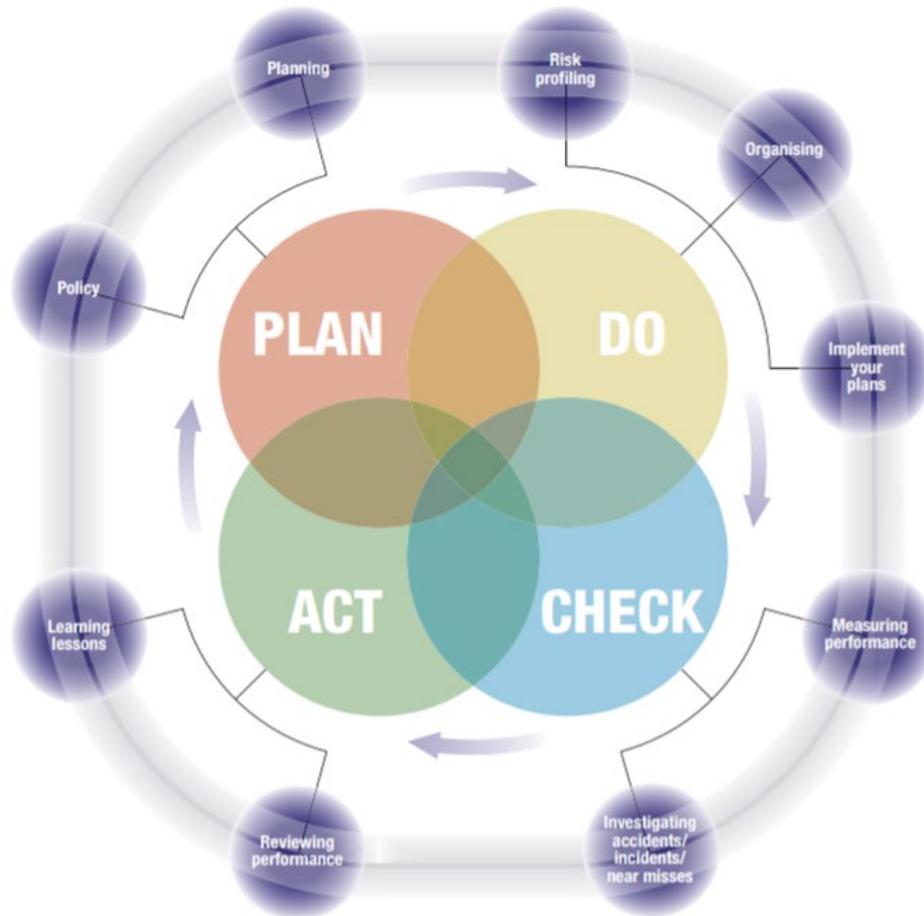
- **Moral:** There is no justifiable reason why the Health & Safety of CES employees or members of the public should be compromised as a result of the activities of CES. CES takes its moral obligations seriously.
- **Legal:** CES works to fully comply with the legislation and best practice. The Health & 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 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 providing a safe and healthy working environment by:

- Developing arrangements to prevent injury, ill-health and damage as a consequence of our undertakings.
- 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 bodies.

- Making the management of health and safety an integral part of our culture, 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).

Health and safety governance

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 Accountable Officer ensure that a system of health and

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

safety risk management is embedded in the organisation. This requirement is laid out in the organisation's Framework Document².

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.

A quarterly 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. An annual report is prepared for the CES Board, as well as quarterly summary reporting of accidents.

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.

Health and safety management

The **Accountable Officer** delegates specific health and safety management responsibilities to **CES Directors**.

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 CES Directors 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's internal and external auditors.

CES Directors will define the Health and Safety responsibilities of **team leaders** and ensure that this is done in a way that meets the requirements of CES health and safety policies and is defined in individual forward job plans.

The **Director of Property** has specific responsibilities for Health and Safety of Property team operatives on the rural estate and for Health and Safety oversight through contracts and tenancy agreements across the rural and coastal estate. CES carries out some direct land management activity on the Glenlivet and Fochabers estates. The principle activities are forest management; estate maintenance – particularly water supplies; and Glenlivet estate visitor services. The Glenlivet **Countryside Manager** is the line manager responsible for the health and safety of the CES team undertaking these tasks. 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.

Forest management activities including felling, ground preparation, planting and general maintenance are the responsibility of the **Forest Manager**. Woodland management is

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

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

audited annually against the UK Woodland Assurance Standard which includes elements of forestry health and safety.

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 CES **Business Support Manager** is responsible for office health and safety at the Edinburgh Office, and the **Countryside Business Assistant** for Glenlivet and Fochabers. 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.

Risk management processes

CES maintains a Strategic Risk Register which identifies and records response to risks that are significant at an organisational level, including in relation to Health and Safety. The objective is to mitigate or terminate risks to achieve a residual risk rating in accordance with risk appetite. For Health and Safety, the following control strategy is summarised:

- Health and safety expertise and capacity sourced.
- 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.
- Health and safety manuals in place for staff working at all operating bases.

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	Control of Substances Hazardous to Health	Countryside Manager
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
HSP13	Forestry Operations	Forestry Manager
HSP14	Tree safety	Forestry Manager
HSP15	Management of Trails, Car Parks and Recreational Areas	Countryside Manager

Health and Safety Guidance Notes will be reviewed annually or sooner if necessary.

CES maintains a Business Continuity and Emergency Response 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, opportunity, security, fulfilment and respect. They balance the rights and responsibilities of employers and individuals to benefit individuals, organisations and society. The schematic below shows the themes for the CES People Strategy, which embed health, safety and wellbeing throughout:

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



Both the organisation's Chief Executive and Director of Property have completed The Institution of Occupational Safety and Health (IOSH) Health and Safety Leadership course.

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.

In relation to forestry, CES is a member of FISA (the Forest Industry Safety Accord).

Health and safety training and induction

Health and safety is a key element in induction procedures for new staff. CES has an e-learning platform to support this, which includes: 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 quarterly 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. An annual report is prepared for the CES Board, as well as quarterly summary reporting of accidents.

An accident book is maintained at Bells Brae (1st floor mail room), Glenlivet (staff kitchen) and Fochabers (staffroom). Staff are encouraged to report any accident, near miss, occupational disease, dangerous occurrence, fire, or unsafe act or condition in relation to the CES workforce or properties. A digital proforma is provided on the staff intranet. Reports are reviewed to establish whether further investigation and or revision of existing working practices needs to be adopted. Shared learning from occurrences is facilitated.

All accidents involving first aid treatment will be referred to the Health and Safety Coordinator. All accidents to staff, contractors or members of the public that result in a hospital visit will be reported to the Head of Property within two days. If an incident could be defined as a 'Dangerous Occurrence' according to the reporting of Injuries, Diseases and

Dangerous Occurrences Regulations 2013 (RIDDOR), the Head of Property is responsible for reporting it to the National Incident Contact Centre.

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.

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 landowner 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 and other estate activities.

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 3). 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 though 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.

Annex 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 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: 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;

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

(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;

(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.