



## **WORKING TOGETHER IN PARTNERSHIP**

Concordat Arrangements Between  
NHS Estates  
and  
The Health and Safety Executive

## DH INFORMATION READER BOX

Policy	Estates
HR / Workforce Management	Performance
Planning	IM & T
Clinical	Finance
	Partnership Working

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# CONCORDAT BETWEEN NHS ESTATES - AN EXECUTIVE AGENCY OF THE DEPARTMENT OF HEALTH AND THE HEALTH & SAFETY EXECUTIVE

## INTRODUCTION

This Concordat is an agreement between NHS Estates - an Executive Agency of the Department of Health (NHSE) and the Health & Safety Executive (HSE). It is intended to provide a framework to guide future working between NHSE and HSE. The objective of the Concordat is to ensure that the roles and responsibilities of the two organisations are effectively translated into practical working arrangements. NHSE and the HSE have agreed to work together in partnership to meet the shared objective of, "improving the health and safety of patients, visitors and staff throughout the NHS in England" as expounded within the NHS Plan and 'Revitalising Health & Safety' (Health & Safety Commission's Strategy Statement).

This Concordat relates to the areas of interface between NHSE and HSE in performing their respective functions. It does not place additional responsibilities on either organisation; nor does it imply any transfer of responsibility from one to the other or sharing of statutory obligations. It has no legal status and does not amend any other policies, agreements or requirements related to NHSE and HSE's activities.

This Concordat was signed on the 3rd day of September 2003.



Peter Wearmouth  
Chief Executive  
NHS Estates



Timothy Walker  
Director General  
Health and Safety Executive

## NHS ESTATES - An Executive Agency of the Department of Health

### Our vision

A modern environment for the NHS to deliver high quality healthcare

### Our mission

Delivering the Best Environment for Health

### Our aim

The drive to modernise the NHS has never been more determined than the current programme outlined in the NHS Plan. Patients expect their care to be delivered in well-designed, managed and maintained environments. Our aim at NHS Estates is clear: to meet patients' expectations for better-designed, comfortable, functional and welcoming healthcare environments.

### What we do

Our role is to provide expert advice, information and guidance on estates and facilities management issues to ministers, the Department of Health and the NHS. We provide support and advice on the procurement, design, operation and maintenance of healthcare buildings and facilities. Our staff comprises senior managers with NHS experience, professional architects, engineers, surveyors and project managers. Together we have created a centre of excellence for building better healthcare by:

- > Providing support and guidance to the NHS to ensure best value in the procurement, operation and disposal of the estate;
- > Leading the modernisation of the built environment to provide safe, secure, comfortable and welcoming healthcare facilities for patients, carers, visitors and staff;
- > Promoting research and development and identifying advances in engineering, science and technology that can be exploited to improve patient care; and
- > Ensuring that plans for modernising the NHS are underpinned by a clear long-term strategy for estates and facilities management founded on best practice worldwide.

NHSE is an Executive Agency of the Department of Health with responsibility for, amongst other issues, the preparation, development, and monitoring of safety policy and guidance for the NHS in England.

Monitoring compliance with statutory health and safety in estates related issues is achieved through NHS returns via the Estates Reporting and Information Collection system (ERIC), the Defect and Failure reporting system, continuous improvement of the relevant Standards within the Controls Assurance Framework and with Health Service Circular HSC 1999/191 (Fire Safety and Health & Safety Targets). Trusts have a duty of care to ensure that the premises used for the provision of the treatment and care of NHS patients achieve a standard that is compliant with current health and safety legislation.

Chief Executives have the ultimate responsibility for management of Health and Safety within their NHS organisations. Within their structure, they should have a nominated Executive Director for safety matters.

Find out more about the NHS Estates Agency by visiting our website - <http://www.nhsestates.gov.uk>

## HEALTH AND SAFETY EXECUTIVE

### Our vision

To gain recognition of health and safety as a cornerstone of a civilised society, and with that, achieve a record of workplace health and safety that leads the world.

### Our mission

To protect people's health and safety by ensuring risks in the changing workplace are properly controlled.

### Our aim

To protect people by providing information and advice; by promoting and assuring a goal-setting system of regulation; by undertaking and encouraging research, and by enforcing the law where necessary.

To influence organisations to embrace high standards of health and safety and to recognise the social and economic benefits.

To achieve higher levels of recognition and respect for health and safety as an integral part of a modern, competitive business and public sector and as a contribution to social justice and inclusion.

To develop new ways to establish and maintain an effective health and safety culture in a changing economy, so that all employers take their responsibilities seriously, the workforce is fully involved and risks are properly managed.

To do more to address the new and emerging work-related health issues.

To seek to optimise the use of resources to deliver our mission and vision.

### What we do

HSE is the operating arm of the Health and Safety Commission (HSC). Both are statutory non-departmental public bodies set up under The Health and Safety at Work etc Act 1974 (HSWA) and whose responsibilities extend throughout Great Britain. HSC/E are sponsored by the Department of Work & Pensions.

We look after health and safety in nuclear installations and mines, factories, farms, hospitals and schools, offshore gas and oil installations, the safety of the gas grid and the movement of dangerous goods and substances, railway safety, and many other aspects of the protection both of workers and the public.

HSE is responsible for the enforcement of HSWA and relevant statutory provisions. Its goals are to continue to reduce injury rates and work related ill health and consequent days lost from work, to continue to improve the working environment and to prevent major incidents with catastrophic consequences occurring in high-hazard industries. Although one of the HSE's functions is to provide advice and guidance, it is primarily a regulatory body. HSE works across a range of industries, including NHS Trusts and all other independent, voluntary and charitable organizations whose main activity is medical treatment.

Find out more about the Health and Safety Executive by visiting our website - <http://www.hse.gov.uk>, and within that the Health Services web page <http://www.hse.gov.uk/health> services

## PRINCIPLE AIMS

**HSE and NHSE have agreed to work together to achieve the aim of improving health and safety across the NHS, by:**

- > Improving the quality of risk assessment and risk management skills
- > Establishing a network of key contacts for each NHS organisation
- > Assisting duty holders in meeting the challenges of the 'Revitalising Health and Safety' and 'Securing Health Together' agendas
- > Producing guidance and benchmarks that address the HSE key priority targets affecting the health services
- > Working together to harmonise advice and guidance where practicable on estate issues (AcoP's, HTM's etc)

**Particular emphasis will be placed on the following issues:**

- > Duty to manage asbestos materials
- > Maintenance and construction safety
- > CDM duties
- > Working at height
- > Slips, trips and falls
- > Young people
- > Manual handling
- > Violence to staff
- > Stress

**To assist in meeting these aims, NHSE will:**

- > Ensure all NHS Chief Executives are made aware of the provisions of this Concordat
- > Adopt proactive measures to ensure that the aims of the Concordat are progressed
- > Appoint a representative of the NHSE as a single point of contact for HSE to consult on health and safety policy matters
- > Provide representation to key panels, groups or committees

**To assist in meeting these aims, HSE will:**

- > Through planned inspections and the investigation of incidents and complaints follow its published 'Enforcement Policy Statement' to ensure the appropriate level of enforcement, including prosecution, is used
- > Secure compliance with the law to ensure that those who have duties under it may be held to account for failures to safeguard health, safety and welfare
- > Appoint a representative of the HSE as a single point of contact for NHSE to consult on health and safety policy matters
- > Provide NHSE with data, in an agreed format/frequency, relating to accident or incident data, enforcement action and issues
- > Provide reasonable assistance and support for NHSE in producing guidance, training and promotional events on health and safety
- > Provide representation to key panels, groups or committees

## Exchange of information and co-ordination

To meet the aims and objectives of this Concordat both parties will; through the focal contact points in each organisation, consult each other as relevant and appropriate on draft guidance and reports, to ensure factual accuracy, benefit of each other's knowledge and expertise, and to promote consistency of advice.

To assist in this exchange and co-ordination of information the focal points from both organisations (and any other persons seen as appropriate to attend) will meet bi-annually to review progress towards achieving the aims of the Concordat, and to contribute to its annual review.

## OPENNESS & CONFIDENTIALITY

Both parties agree that any mutually derived advice and guidance produced as a consequence of this Concordat, can be shared with other appropriate parties.

For these arrangements to be effective, they rely on mutual respect for the confidentiality and sensitivity of information exchanged. Therefore neither party will disclose unpublished information to third parties without the authority of the administration that originally provided the information, subject to statutory requirements and other relevant obligations.

## REVIEW

This Concordat will be reviewed periodically, taking into account any pertinent changes to policies, procedures and structures of the parties concerned.