

# **An introduction to health and safety for studio organisations**

## **Contents:**

1. Introduction
2. Health and Safety Policy
3. Risk Assessments
4. Fire Risk Assessments
5. Asbestos Management Plan
6. Control of Substances Hazardous to Health [COSHH]
7. Electrical Inspections
8. Lift Inspections
9. RIDDOR
10. Additional resources

## **1 Introduction**

Health and Safety regulations and procedures can seem daunting for small organisations, both those just starting out and those that have been established for many years.

In recent years, changes to legislation have also changed the onus of responsibility in some areas for those responsible for non-domestic buildings, which studio organisations need to be aware of.

This document is intended to give a general overview of the main areas of health and safety those organisations running studio premises need to be aware of, and the relevant legislation for each area. It is not intended to be a comprehensive guide to everything you need to know about health and safety.

There is a large amount of more detailed health and safety information, advice and practical guidance, freely available, which this document signposts to. Depending on their individual needs and experience, organisations may need to seek further specialised advice. This document is not intended to be a substitute for such advice.

Some key things to remember when dealing with health and safety are:

- Keep it simple
- Use common sense
- Regularly review procedures, assessments and policies
- Document what you do
- Get advice when you need it
- Make yourself aware of your legal responsibilities
- Many areas of health and safety can be improved with simple practical measures
- There are aspects of compliance that will involve considerable capital expenditure, especially for those organisations in older buildings.

## 2 Health and Safety Policy

### *Management of Health and Safety at Work Regulations 1999*

All companies and sole practitioners are required to have a health and safety policy.

If the organisation or individual employs five or more people there is a legal requirement to have a written policy.

For organisations employing less than 5 people, although it is not a legal requirement, having a written policy will be of benefit in demonstrating that you operate a safe workplace. You may well be asked for if you are in receipt of funding, or involved in partnership work.

The policy should be clear and easily understood. It should set out the organisation's general approach and objectives and the arrangements you have put in place for managing health and safety in your organisation. It needs to state who does what, when, and how.

To be effective, a policy needs to be reviewed regularly. You should document that you have done so, either by updating and dating the policy changes or recording this review elsewhere in your organisation's records.

A [template policy](http://www.hse.gov.uk/business/policy.htm) can be downloaded free from the Health and Safety Executive website <http://www.hse.gov.uk/business/policy.htm>

Be sure also to make all artists in the building aware of your health and safety guidelines for safe use of the studios and building.

*'A policy is different from a risk assessment. A policy shows the general vision and arrangements for the whole business and is broader than a risk assessment. A risk assessment is a systematic review of how you eliminate and control each significant hazard, and whether you are doing enough.'*

[From the HSE website]

### 3 Risk Assessments

#### *Management of Health and Safety at Work Regulations 1999*

For studio providers, risk assessments may cover two areas: firstly the studio premises and the risks to the public and occupants; and, secondly your duty to assess and manage the health risks to any employees.

Keep risk assessments simple.

It is a document that examines what in your premises / workplace could cause harm to people. This can include procedures as well as physical aspects. Using the risk assessment you can then assess whether you have taken sufficient precautions or need to do more.

A good place to start is with the HSE's [Five Steps to Risk Assessment](http://www.hse.gov.uk/risk/fivesteps.htm).  
<http://www.hse.gov.uk/risk/fivesteps.htm>

You will also find a blank template on the HSE page. You will need to adapt this to your own circumstances, depending on the size and type of your organisation, whether you have employees or not, whether you also run public events [including open studios].

The five steps are:

1 *Identify the hazards*

Walk around the building and make note of obvious issues [some common areas in older buildings might be poor lighting, trip hazards].

Review records of previous incidents or reports.

Get feedback from users of the buildings.

2 *Decide who might be harmed and how*

Who uses the building? The artists in the studios obviously, but remember also to account for visitors, general public, contractors, etc. Remember that special risks will apply to children, young people, vulnerable adults, people with disabilities, and pregnant and breast-feeding women.

3 *Evaluate the risks and decide on precaution*

The law requires you to do everything 'reasonably practicable' to protect people from harm. Ask yourself these questions:

Can I get rid of the hazard altogether? If not, how can I control the risks so that harm is unlikely?

*The HSE advises businesses when controlling risks to apply the principles below, if possible in the following order:*

*Try a less risky option*

*Prevent access to the hazard*

*Organise work / access to reduce exposure to the hazard*

*Issue personal protective equipment*

*Provide welfare facilities*

*For most studio organisations, the first two or three options are going to be the only viable ones.*

#### 4 *Record your findings and implement them*

For organisations with fewer than five employees it is not a legal requirement to have a written risk assessment, though it is good practice to do so, and is a useful tool for any organisation to review risk with.

In recording your assessment you need to be able to show that:

- A proper check was made
- You asked who might be affected
- You dealt with all the obvious significant hazards, taking into account the number of people who could be involved
- The precautions are reasonable, and the remaining risk is low
- You involved your staff or their representatives in the process. [For studio organisations this could include artists in the buildings].

#### 5 *Review your assessment and update if necessary*

Remember to update your assessments regularly [at least annually and when there are significant changes].

You will also need to know what processes and materials artists are using in their studios, as of course this can affect others in the building. Providing artists with a template form to complete and return to you is a way of ensuring that every artist in the studios completes their own risk assessment which, in turn, will form part of yours.

Remember that the risks will not only be the obvious things you can see in the common areas of the building, but may be the result of the actions of a self-employed artist in a studio.

Be sure also to make all artists in the building aware of your health and safety policy, and set out clear guidelines for all artists and occupants for the safe use of the studios and building.

## 4 Fire Risk Assessments

### *Regulatory Reform [Fire Safety] Order 2005*

The Regulatory Reform (Fire Safety) Order 2005 came into effect in October 2006 and replaced over 70 pieces of fire safety law, including the requirement for business premises to have fire certificates. The Order applies to all non-domestic premises in England and Wales. The law applies to all those who are:

- Responsible for business premises
- An employer or self-employed with business premises
- Responsible for a part of a dwelling where that part is solely used for business purposes
- A charity or voluntary organisation
- A contractor with a degree of control over any premises.

In effect, this means every single studio organisation.

Under the Order, the responsible person must carry out a fire safety risk assessment and implement and maintain a fire management plan.

There are 5 key steps in a fire safety risk assessment, which are similar to the steps taken in a general risk assessment:

- 1 *Identify the hazards*  
How could a fire start? What could burn?
- 2 *Consider the people who may be at risk*  
This may include artists, visitors, and anyone who may be particularly vulnerable such as children, vulnerable adults, elderly and disabled people.
- 3 *Evaluate and act*  
Think about what you have found in steps 1 and 2 and remove and reduce any risks to protect people and premises.
- 4 *Record, plan and train*  
Keep a record of the risks you identified and what actions you have taken and will take to reduce or remove them. Make a clear plan of how to prevent fires and, should a fire start, how you will keep people safe. Make sure those in the building know what to do in the event of a fire.
- 5 *Review*  
Regularly review your fire risk assessment to ensure it remains up to date - at least annually and more frequently when there are significant changes.

You can carry out a fire risk assessment yourself. The duty to carry out and implement a fire risk assessment lies with the responsible person, who is usually the person at the head of your organisation. [In the case of charities or companies this will be ultimately your board of trustees or directors ultimately. Achieving fire safety is often a matter of common-sense, and in many cases there may be no need for specialist knowledge or training, providing the person responsible makes enough time available to go through all the necessary steps.

In carrying out a risk assessment, however, the responsible person may decide that, given the nature of the premises or the people involved, they do not have the necessary competence to carry their duties under the Order.

In that case, they could choose to appoint one or more 'competent' persons to assist them. The level of competence is not prescribed in the Order, which recognises that the extent of competency will vary according to the nature and complexity of the premises involved. The term 'competent person' is explained as referring to a person who '*... has sufficient training and experience or knowledge and other qualities ...*' to implement the requirements of the article.

Training in carrying out fire risk assessments [usually a one day session] is often available through your local Fire Service, which will generally be cheaper than using a commercial organisation. For those organisations with smaller sites, training may not necessarily be needed, provided you make yourself fully aware of the issues involved.

Communities and Local Government has produced a series of detailed technical guides for a range of specific types of premises. These are designed to help with the assessment process and provide advice on every aspect of fire safety.

The guide most suitable for studio organisations is [Fire Safety Risk Assessment - Factories and Warehouses](http://www.communities.gov.uk/publications/fire/firesafetyrisk3) [£12 or free to download]:  
<http://www.communities.gov.uk/publications/fire/firesafetyrisk3>

In addition, there is a shorter [entry-level guide](http://www.communities.gov.uk/publications/fire/regulatoryreformfire) to explain the Regulatory Reform Order to responsible persons:  
<http://www.communities.gov.uk/publications/fire/regulatoryreformfire>

If your organisation shares a building with others, you will need to coordinate your risk management plan with them, as risks you each identify will impact on each part of the building. If your plan changes as a result of a review or changes you made to your premises over time, you will need to share the revised risk management plan with others who share the premises.

## 5 Asbestos Management Plan

### *Control of Asbestos at Work Regulations 2006*

An asbestos management plan must be put in place by those responsible for non-domestic premises [The 'Dutyholder']. In most cases, this means the leaseholder, although in buildings where the studio organisation is one of several tenants the freeholder or managing agents may be responsible.

The Dutyholder must:

- Find out whether the premises contain asbestos, and, if so, where it is and what condition it is in. If in doubt, materials must be presumed to contain asbestos
- Assess the risk
- Make a plan to manage that risk [i.e. make, and keep up-to-date, a record of the location and condition of the asbestos containing materials [ACMs] and act on it].

The first step is to carry out an Asbestos Audit, or survey. These fall into three categories, with Type 1 being the simplest and cheapest survey, and Type 3 being the most extensive:

#### *Type 1: Location and assessment survey*

In this type of survey no actual sampling is carried out, so there is no positive identification of ACMs. The purpose of the survey is to locate presumed ACMs, assess the extent to which they were used and their condition. As a result you may end up bearing the cost for managing materials that do not contain asbestos, as you are presuming that any material, which can reasonably be expected to contain asbestos, does so, and you must then manage it and treat it as such for any future work.

#### *Type 2: Standard sampling, identification and assessment survey*

Similar to type 1, but in this case representative samples of the ACMs are collected and analysed to rule out or confirm the suspected presence of asbestos. Sampling may take place simultaneously with the survey or be carried out after the type 1 survey is complete. Condition of the ACMs in question must also be assessed. The advantage of this slightly more costly survey is that you will be more likely to not end up treating all suspect materials as ACMs, which makes future management simpler and less costly.

#### *Type 3 Full access sampling and identification survey*

This survey is the most thorough type. A full sampling programme is undertaken [which can involve drilling to reach hidden from view areas] to identify ACMs and the extent to which they are used. This type of survey is designed to be used as a basis for tendering the removal of ACMs before major refurbishment. It would generally not be needed by studio providers except in cases of a major refurbishment of a building where there are likely to be large quantities of asbestos in areas probably to be disturbed or demolished.

Asbestos surveys and sampling is one area where there is usually no alternative but to seek specialised advice. Make sure the company you use is accredited to carry out this work. For further information on this refer to the section on this on the [HSE website](#)

## **6 Control of Substances Hazardous to Health**

### *Control of Substances Hazardous to Health Regulations 1999*

COSHH, known as the Control of Substances Hazardous to Health Regulations, are intended to protect people from ill health caused by exposure to hazardous substances.

Most of the legislation refers to employers and employees. Complying with COSHH requires employers to:

- Assess the risks to health and safety
- Decide what precautions are needed to prevent ill health
- Prevent or control exposure
- Make sure that the control measures are used and maintained
- Monitor exposure and carry out health surveillance if appropriate
- Ensure that all employees are properly informed, trained and supervised.

COSHH requires that employers provide their employees with suitable information, instruction and training about:

- The nature of the substances they work with or are exposed to and the risks created by exposure to those substances
- The precautions they should take.

A key source of information for a COSHH assessment is the Hazard Data Sheet provided with a substance by the manufacturer. Manufacturers are legally required to inform customers of hazards associated with products and, if possible, guidelines to their safe use on a label and a Hazard Data Sheet.

How does the law affect studio organisations in relation to artists in studios?

Most studio organisations will not be dealing directly with hazardous substances, but don't forget to assess and document easily overlooked items such as cleaning products, or paint and other chemicals used in maintenance and repairs.

The real onus is on the artists in the studios. As a self-employed individual, an artist is expected to follow the COSHH requirements even if they are not an employer.

The law states that individuals who make income from the use of potentially hazardous substances should have carried out a risk assessment. For those artists to whom COSHH applies a written COSHH assessment should form part of the general risk assessment.

Studio organisations should make sure they have made all artists in their studios aware of their responsibilities under the law. You will also need to know what processes and materials artists are using in their studios as this can affect others in the building. As with other aspects of health and safety covered here, providing artists with a template form to complete and return to you is a way of ensuring that every artist in the studios completes their own risk assessment which, in turn, will form part of yours.



## 7 Electrical Inspections

### *The Electricity at Work Regulations 1989*

The Electricity at Work [EAW] Regulations 1989 require that *'as may be necessary to prevent danger, all systems shall be maintained so as to prevent so far as is reasonably practicable, such danger.'* In order to comply with The Electricity at Work Regulations 1989 employers and owners must ensure that all electrical systems and equipment are regularly inspected and, if need be, repaired to ensure that they are safe to use.

The following indicates the required testing/inspection:

#### *Fixed Installations*

- Five yearly inspection and test of fixed installations [including specialist testing of control panels for heating systems and building maintenance systems]
- Annual testing of areas where public entertainment licence is held. [The actual frequency will be specified in the licence but is normally annual]
- It is highly likely your buildings insurer, and freeholder if applicable, will insist on a five yearly fixed wiring test certificate
- You should have your electrical installation inspected and tested by a competent person, such as an Electrical Contractors Association [ECA] or National Inspection Council for Electrical Installation Contracting [NICEIC] approved electrical contractor.

#### Portable appliance testing [PAT]

The HSE states that 25% of all reportable electrical accidents involve portable appliances. The Electricity at Work Regulations place a legal responsibility on employers, employees and self-employed persons to comply with the provisions of the regulations and take reasonably practicable steps to ensure that no danger results from the use of such equipment.

In effect, this requires regular inspection and testing, and maintenance where required. The Health & Safety at Work Act [1974] places such an obligation in the following circumstances:

- Where appliances are used by employees
- Where the public may use appliances
- Where appliances are supplied or hired
- Where appliances are repaired or serviced.

The level of inspection and testing required is dependent upon the risk of the appliance becoming faulty, which will depend on the type of appliance, how, and where it is used.

Thus, unless you have employees, there may not be a strict legal requirement to test electrical equipment, or to insist that artists in your studios have their electrical equipment tested.

However, it may be a requirement of your insurance, and the lack of testing may mean your fire risk assessment demonstrates an unacceptably high level of risk.

PAT testing does NOT have to be carried out by a fully qualified electrician. It may be carried out in-house with suitable equipment and training, or by a number of companies specialising in PAT.

The Institution of Electrical Engineers [IEE] publishes the "Code of Practice for In-service Inspection and Testing of Electrical Equipment" (ISBN: 0-85296-776-4). This guide forms the basis for portable appliance testing in the U.K.

### Fire Systems / Fire Alarms / Detectors / Emergency lighting

These will all require annual checks by a specialist contractor, and more frequent checks by a person who knows how system operates [i.e. one who has been shown how to test the equipment by the installer or the person carrying out the annual tests].

You will also need to carry out regular weekly tests of your fire alarm system; this should be part of your Fire Risk Assessment.

## 8 Lifts

### *Lifting Operations and Lifting Equipment Regulations 1998*

Passenger lifts: Passenger lifts must be thoroughly examined and tested every 6 months. They should also be serviced every 6 months although this could be carried out at the same time as the thorough examination.

Goods lifts: These should be examined and tested at least every 12 months, and serviced as above.

It should be noted that, in many studio buildings, there is only a goods lift, which may in fact be used for everyday use as a passenger lift. In this case it should be tested every six months. Your lift service company will be able to give you detailed guidance on this area. Note that they may make recommendations for work as well as instructing on mandatory required work. You will need to make a judgement on whether all the recommended work is required to meet your particular health and safety needs.

## 9 RIDDOR

### *Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995*

RIDDOR requires the reporting of work-related accidents, diseases and dangerous occurrences to the HSE.

An incident should be reported if it results in:

- Death
- Major injuries
- Injuries that require more than three days off work
- Diseases
- Dangerous occurrences.

For more information on RIDDOR, please refer to the section on the [HSE website](#) dealing with this.

## 10 Further resources: links and further reading

From the HSE website

<http://www.hse.gov.uk>

This is an excellent resource and the best place to start with any health and safety enquiry. There are many case studies, template forms and clear simple guidance.

Health and Safety Policy

<http://www.hse.gov.uk/business/policy.htm>

Risk Assessments

<http://www.hse.gov.uk/business/risk.htm>

Fire Safety and Fire Risk Assessments

<http://www.communities.gov.uk/fire/>

Fire Safety is dealt with not by the HSE but by Communities and Local Government.

There is a great deal of information on their website, and publications to buy or download for free.

Asbestos management

<http://www.hse.gov.uk/asbestos/campaign/duty.htm#who>

COSHH

<http://www.hse.gov.uk/coshh/>

<http://www.coshh-essentials.org.uk/>

Electrical Safety

<http://www.hse.gov.uk/electricity/>

Electrical Contractors Association [ECA] <http://www.eca.co.uk/>

National Inspection Council for Electrical Installation Contracting [NICEIC]

<http://www.niceic.org.uk/>

RIDDOR

<http://www.hse.gov.uk/riddor/>

Information for individual artists

<http://www.a-n.co.uk/>

AN has a useful guide for individual artists, written in 2003 by David Pope. It is only available to subscribers.