

Higher National Unit Specification

General information for centres

Unit title: Health and Safety Legislation: An Introduction

Unit code: DF87 34

Unit purpose: The Unit will introduce candidates to the key features of current legislation surrounding Health and Safety at Work. Candidates will study the main principles as well as look at the practical implementation in a working environment.

On completion of the Unit the candidate should be able to:

1. Explain the legal framework which governs health and safety at work.
2. Explain the key features of the Health and Safety at Work Act 1974.
3. Explain how the Health and Safety at Work Act is implemented in the workplace.

The general principles in this Unit are about enabling candidates to develop a generic working knowledge of the law of Health and Safety as applicable in a work environment.

It is an appropriate Unit for candidates who require knowledge of the Health and Safety at Work Act 1974 and of Common Law as Health and Safety at Work and the regulations made under it, which are tailored to different industries, are of increasing importance in European Law.

Credit value: 1 HN Credit at SCQF level 7: (8 SCQF credit points at SCQF level 7*)

**SCQF credit points are used to allocate credit to qualifications in the Scottish Credit and Qualifications Framework (SCQF). Each qualification in the Framework is allocated a number of SCQF credit points at an SCQF level. There are 12 SCQF levels, ranging from Access 1 to Doctorates.*

Recommended prior knowledge and skills:

Access to this Unit will be at the discretion of the centre.

It would be advantageous for a candidate to have achieved a national Unit such as:

- ◆ ED5B 10 Contribute to the Health, Safety and Security of the Workplace (Intermediate 1)
- ◆ ED4B 11 Contributing to Health and Safety in the Workplace (Intermediate 2)
- ◆ D11P 12 Health and Safety at Work (Higher)

General information for centres (cont)

Core skills: There may be opportunities to gather evidence towards core skills in this Unit, although there is no automatic certification of core skills or core skills components.

Context for delivery: If this Unit is delivered as part of a group award, it is recommended that it should be taught and assessed within the subject area of the group award to which it contributes.

Assessment: The assessment strategy for this Unit relies on the use of written evidence for Outcome 1 and a case study for Outcome 2. In order to encourage candidates to move from legal concepts to their application to the workplace, the regulations which apply to the relevant industry will be used. In other words, the Unit will be set in the context of a work environment/industry which is appropriate to the candidate's area of study.

Outcome 3 will be in the form of written response(s) where the evidence will be drawn from a real working environment relevant to the candidate.

Higher National Unit specification: statement of standards

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The sections of the Unit stating the Outcomes, knowledge and/or skills, and evidence requirements are mandatory.

Where evidence for Outcomes is assessed on a sample basis, the whole of the content listed in the knowledge and/or skills section must be taught and available for assessment. Candidates should not know in advance the items on which they will be assessed and different items should be sampled on each assessment occasion.

Outcome 1

Explain the legal framework which governs health and safety at work.

Knowledge and/or skills

- ◆ The Common Law - Civil and Criminal – as this relates to Health and Safety.
- ◆ The Statutory Law - Civil and Criminal – as this relates to Health and Safety.
- ◆ The effects of the European Union – as this relates to Health and Safety.

Evidence requirements

Candidates will need evidence to demonstrate their knowledge and/or skills by showing that they can:

- ◆ Identify the source of law within the legal system.
- ◆ Explain the current statutory material including statutory instruments.
- ◆ Describe the effect of European Directives.

Assessment guidelines

Candidates should have access to statute, treaty documents but they should gain sufficient information to provide a concise development of the law. Evidence should be generated through a restricted open book assessment under supervised conditions.

Outcome 2

Explain the key features of the Health and Safety at Work Act 1974.

Knowledge and/or skills

- ◆ The general requirements of the Act.
- ◆ The specific requirements.
- ◆ Those who are affected.
- ◆ The need for the appointment of a “Competent Person”

Higher National Unit specification: statement of standards (cont)

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Evidence requirements

Candidates will need evidence to demonstrate their skills and/or knowledge by showing that they can:

- ◆ Provide a concise understanding to the framework of the Act.
- ◆ Explain to whom the Act applies.
- ◆ Describe legal liabilities under the Act.

Evidence should be generated through a written assessment under supervised conditions.

Assessment guidelines

A case study would provide an ideal method of assessing this outcome.

This should contain sufficient information to explain the key features of health and safety legislation.

Outcome 3

Explain how the Health and Safety at Work Act is implemented in the workplace.

Knowledge and/or skills

- ◆ Consequence of not implementing the Act – legal, financial, consequential, corporate and individual liability.
- ◆ Monitoring the implementation of Health and Safety Regulations in the workplace.
- ◆ The five steps to risk assessment.
- ◆ Relevant information to employees under the Regulations.
- ◆ Codes of practice relevant to occupational area and measures taken to fulfil the statutory obligations having regard to the nature of the activities.
- ◆ The need for Planning, organisation, control, monitoring and review of preventative and protective measures.
- ◆ Regulations surrounding the use of equipment.
- ◆ Duties of employees at work.
- ◆ The duties and responsibilities of and for visiting workers.
- ◆ Accident and Incident Reporting – internal and external to regulatory bodies
- ◆ Enforcement and the role of inspectors.

Evidence requirements

Candidates will need evidence to demonstrate their knowledge and/or skills by showing that they can explain the methods of implementing the regulations in the workplace.

Higher National Unit specification: statement of standards (cont)

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Evidence should be generated which covers all of the knowledge and skills section. A study of a workplace environment and collection of evidence for each point would be required for a satisfactory response.

This may involve a Risk Assessment to help to determine what measures should be taken to comply with the appropriate statutory duties of the relevant activity/industry.

Assessment guidelines

It would be possible for a candidate to complete separate assessments for this outcome or combine the parts of the task and submit it as one complete assignment. The integration of assessment is also possible, both within this Unit and across other Units of study. This would be particularly relevant to any work-based placements or tasks where there would be a clear opportunity to integrate assessment tasks.

Administrative Information

Unit code:	DF87 34
Unit title:	Health and Safety Legislation: An Introduction
Superclass category:	PL
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Higher National Unit specification: support notes

Unit title: Health and Safety Legislation: An Introduction

This part of the Unit specification is offered as guidance. The support notes are not mandatory.

While the exact time allocated to this Unit is at the discretion of the centre, the notional design length is 40 hours.

Guidance on the content and context for this Unit

The purpose of the Unit is to introduce the candidate to current Health and Safety legislation. Candidates will be introduced to the reasons for the legislation and will investigate what lies behind the key points in the legislation.

Candidates will then look at the relevant legislation itself. Here candidates will look at those who are affected by the legislation and its significance.

Candidates will then investigate the practical application of the Act. Here candidates will look at a real work environment and study the practical application of the relevant legislation and the impact that this legislation has in the workplace.

In **Outcome 1** the following should be covered:-

- ◆ The Common Law - Civil and Criminal – as this relates to Health and Safety. E.g. implied duty on the employer to take reasonable care of employees (civil law). A criminal action resulting from a culpable homicide (criminal law).
- ◆ The Statutory Law - civil and Criminal – as this relates to Health and Safety. E.g. (civil) to suppress a danger before it arises – this is the basic principle of statutory law. A breach of this may lead to both civil and criminal action. An example might be the “Supply of Machinery (Safety) Regulations 1992” which covers both aspects.
- ◆ The effects of the European Union – as this relates to Health and Safety. Article 118A – Framework Directive has particular relevance and as example of this could be “Francovitch v Italian Republic 1992”.

The reasons which led to the creation of legislation (source of law), the Act itself and relevant secondary legislation should also be considered as will the impact of relevant European directives in the industry.

Higher National Unit specification: support notes (cont)

Unit title: Health and Safety Legislation: An Introduction

Outcome 2 will cover the key features of the Health and Safety at Work Act 1974.

Each industry will have its own specific requirements.

The Key Provisions are:

- ◆ To secure the Health and Safety of Persons at Work.
- ◆ The protection of persons other than Persons at Work
- ◆ Controlling, keeping and the use of dangerous substances
- ◆ Controlling emissions into the atmosphere

Candidates should acquire a general understanding of the Act and a more specific understanding of how it applies in particular industry. Those affected by the Act and the legal liabilities under the Act should also be covered.

Outcome 3

This should cover how the act is implemented in practice.

The following should be covered:-

- ◆ Consequence of not implementing the Act – legal, financial, consequential, corporate and individual liability.
- ◆ Monitoring the implementation of Health and Safety Regulations in the workplace. Workplace procedures and regulations should be identified.
- ◆ The five steps to risk assessment:
 - 1 Look for the hazard
 - 2 Decide who might be harmed and how
 - 3 Evaluate the risks and decide whether the existing precautions are adequate or whether more should be done.
 - 4 Record your findings
 - 5 Review your assessment and revise it if necessary.
- ◆ Relevant information to employees under the Regulations. E.g. Have a Health and Safety policy which is written and brought to the attention of all employees and external workers (visitors).
- ◆ Codes of practice relevant to occupational area and measures taken to fulfil the statutory obligations having regard to the nature of the activities, e.g. COSHH regulations, RIDDOR etc
- ◆ The need for Planning, organisation, control, monitoring and review of preventative and protective measures taking account of any statutory and/or organisational requirements
- ◆ Specific regulations surrounding the use of equipment.
- ◆ Duties of employees at work. E.g. Regulation 12 applies – employees have duties to use any machinery, equipment, dangerous substance, transport equipment, means of production or safety device provided by the employer in accordance with any training and / or instruction. Employees **MUST** inform their employer should any person interfere or misuse anything provided in the interests of Health and Safety, e.g. fire extinguisher, warning notices, special containers for dangerous substances, fencing, walls etc.

Higher National Unit specification: support notes (cont)

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- ◆ The duties and responsibilities of and for visiting workers. Section 3 applies which makes clear that there is a duty to provide information to persons not in their employment. An example could be “Swan v Hunter” case.
- ◆ The need for Accident and Incident Reporting – internal (in accordance with organisational requirements) and external to regulatory bodies (e.g. the HSE) in accordance with the legislation.
- ◆ Enforcement and the role of inspectors. The local authorities have the responsibility to make adequate arrangements for the enforcement of the relevant statutory provisions. The authority will appoint inspectors who can issue various notices and have wide powers.
E.g.
 - a) Enter premises.
 - b) Ask for police assistance.
 - c) Take measurements, photographs, recordings, samples etc.
 - d) Dismantle “on the spot”.
 - e) Examine any person and ask questions for relevant information and consult.
 - f) Take copies of books and documents including computer data which must relate to the investigation.
 - g) Any other power necessary within their remit of enforcing their authority.
 - h) Inspectors can put notices and prohibitions in place.

Guidance on the delivery and assessment of this Unit

This Unit may be delivered as a free standing Unit or as part of a group award where it is primarily designed to provide candidates with an introduction to Health and Safety legislation and its application. It will be recognised that a considerable number of candidates may not have had any experience of a workplace environment.

Candidates should be encouraged to appreciate the importance of this subject area in relation to the consequences of not implementing the Act. Wherever possible, links should be drawn which will enable candidates to understand the connection between knowledge and its application in the context of familiar situations in the workplace.

Open learning

There is no automatic barrier to this Unit being delivered by this route. It would be possible for Outcomes 1 and 2 to be delivered and assessed through this method. Outcome 3 requires the candidate to study the Act in the workplace and delivering this through open learning may present a challenge.

Higher National Unit specification: support notes (cont)

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Special needs

This Unit specification is intended to ensure that there are no artificial barriers to learning or assessment. Special needs of individual candidates should be taken into account when planning learning experiences, selecting assessment instruments or considering special alternative Outcomes for Units. For information on these, please refer to the SQA document *Guidance on Special Assessment Arrangements* (SQA, 2001).

General information for candidates

Unit title: Health and Safety Legislation: An Introduction

This Unit is designed to give you an introduction to the reasons for legislation which underpin Health and Safety regulations.

In **Outcome 1** you will learn about:

- ◆ The common Law - civil and Criminal – as this relates to Health and Safety.
- ◆ The Statutory Law - civil and Criminal – as this relates to Health and Safety.
- ◆ The effects of the European Union – as this relates to Health and Safety.

You will look at the reasons which led to the creation of legislation (source of law), the Act itself and relevant secondary legislation. You will also look at the impact of relevant European directives in your industry.

Outcome 2 will cover the key features of the Health and Safety at Work Act 1974. You will acquire a general understanding of the Act and a more specific understanding of how it applies in your industry. You will study those affected by the Act and your legal liabilities under the Act.

For **Outcome 3** the assessment may be an investigation in a workplace environment to gather details on a number of areas as follows:-

- ◆ Consequence of not implementing the Act – legal, financial, consequential, corporate and individual liability.
- ◆ Monitoring the implementation of Health and Safety Regulations in the workplace.
- ◆ The five steps to risk assessment.
- ◆ Relevant information to employees under the Regulations.
- ◆ Codes of practice relevant to occupational area and measures taken to fulfil the statutory obligations having regard to the nature of the activities.
- ◆ The need for Planning, organisation, control, monitoring and review of preventative and protective measures.
- ◆ Regulations surrounding the use of equipment.
- ◆ Duties of employees at work.
- ◆ The duties and responsibilities of and for visiting workers.
- ◆ Accident and Incident Reporting – internal and external to regulatory bodies
- ◆ Enforcement and the role of inspectors.

General information for candidates (cont)

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Bibliography

An Introduction to the Law of Health and Safety at Work in Scotland
(Professor Victor Craig and Professor Kenneth Miller ISBN: 0414013751)

Butterworth's Employment Law Handbook

Regulations, Management of Health and Safety at Work

Various Health and Safety Executive (HSE) material is available covering almost every area.

Relevant codes of practice for the industry concerned.