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1. Fire precautions and means of escape

Fire precautions have been, and continue to be some of the best regulated aspects of health, safety and welfare at work, but universities particularly have experienced some pretty destructive fires over the years. Glasgow School of Art lost the Charles Rennie MacIntosh library in May 2014; 2014 was also a bad year for chemistry labs at Nottingham and York, and Southampton lost a world-class computer science and research building in October 2005. There were 2 fires in 48 hours at the University of Westminster Harrow campus in July 2007; in May 2001 City University lost the top floor and roof of a Grade 2 listed building, and the Bower Building at Glasgow caught fire in in October 2001, followed by Strathclyde in November 2003. This list of major fires is by no means exhaustive.

On the positive side, there have been remarkably few injuries in such events. Either the buildings have been empty, or the fire escape procedures have worked as they should, as in the events at Westminster University in April 2013, or Abertay University as recently as 3rd November 2015. Student accommodation burned down in Bristol in October 2015, but everyone got out safely, although 121

students had to be found alternative accommodation.

Significant changes took place across the UK when the old Fire Precautions legislation was repealed 11 years ago. A common factor in the different legislative provisions for England & Wales, Scotland and Northern Ireland is the requirement to conduct a suitable and sufficient fire risk assessment as the basis for determining the appropriate measures to take. In all three jurisdictions, the local fire service is the regulator and enforcer for universities and colleges, and the vast majority of other workplaces like shops and bars that may also be on campus.

England & Wales: The main legislation is the Regulatory Reform (Fire Safety) Order 2005:

<http://www.legislation.gov.uk/ukxi/2005/1541/contents/made>

The Department for Communities & Local Government has issued comprehensive guides to fire risk assessments and other information for a range of workplaces – this link is the one for educational premises generally:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/14887/fsra-educational-premises.pdf

There are other guidance documents for Offices, Sleeping accommodation and places of assembly which might be relevant. To see a list of all the DCLG guides go to:

<https://www.gov.uk/workplace-fire-safety-your-responsibilities/fire-risk-assessments>

Scotland: the key piece of legislation is the Fire (Scotland) Act 2005:

<http://www.legislation.gov.uk/asp/2005/5/contents> and Part 2 of the Police and Fire Reform (Scotland) Act 2012:

<http://www.legislation.gov.uk/asp/2012/8/contents/enacted> supplemented by the

Fire Safety (Scotland) Regulations 2006: <http://www.legislation.gov.uk/ssi/2006/456/contents/made> and other legislative instruments.

Search the www.legislation.gov.uk for Fire (Scotland) Act 2005 to get the full list. The Scottish Government has also issued detailed guidance for educational premises here:

<http://www.gov.scot/Resource/0041/00418065.pdf>

Northern Ireland: the main piece of legislation since November 2010 is the Fire and Rescue Services (Northern Ireland) Order 2006 and associated regulations. See:

http://www.healthandsafetyworksni.gov.uk/managing_fire_safety for more detailed guidance. One very useful document is the Fire Safety Log Book, that contains lots of advice for managing fire precautions and record sheets for key management issues

<http://www.nifrs.org/firesafe/downloads/Fire%20Safety%20Log%20Book%20Template.pdf>

Because of the move away from the prescriptive standards of the old Fire Precautions Act, changing the means of escape for fire and other aspects of fire precautions is now less restricted than it

used to be. Previously the employer had to ask the local fire brigade to make an inspection visit prior to issuing a fire certificate that set out the fire precautions plan. The inspector could require the employer to make whatever changes in the workplace were necessary to ensure maximum levels of safety.

Any changes to the workplace without fire service authorisation would invalidate the certificate, so the fire service had to authorise changes and reissue the certificate. Under the risk assessment-based regime, now all the employer has to do is review the fire risk assessment and update it where necessary, but this should be based on Building Regulations and other information, the standards of which do have an input from the fire authorities.

UCU safety reps must be involved in any moves by the employer to change the fire safety arrangements, starting with the risk assessment. Safety reps should also be closely involved with training plans and practice evacuations; one UCU rep has reported a case where the employer has failed to appoint fire marshals or wardens, and even cases where some employees have refused to leave the buildings when practice evacuations take place; employers should ensure that such things don't happen. Advice about risk assessments is available from the local fire service. It is worth noting that a number of fire authorities have taken a harder line on enforcement and prosecutions in the recent past. See: <http://www.staylegal.net/top-25-expensive-fines-fire-safety-breaches/>

2. Sickness & Injury: the Osborne judgements!

a) Industrial Injury Benefits under threat but no change yet

As part of his July budget statement in 2015, the Chancellor announced that the

government was initiating a review of the industrial injuries benefit scheme, and would report its findings in the November Spending Review, but no such announcement was included. The Government was considering whether employers and insurers should play a greater role in providing support for those who suffer injury or diseases at work.

The scheme provides benefits for those people who have been injured at work and have suffered some degree of disability or incapacity, or been made ill by certain prescribed work-related conditions. The main benefit is Industrial Injury Disablement Benefit, (IIDB) and the benefit is linked to the degree of disability caused, which is assessed by the DWP. Some conditions like the invariably fatal asbestos-related disease mesothelioma automatically attract 100% - currently £168 a week. That's hardly adequate compensation for such serious injury, but better than nothing. Injuries causing incapacity assessed at below 14% are not compensatable.

TUC's Hugh Robertson reports that the DWP has found that changing the scheme is much more complex than it first appeared, especially as the insurers and employers raised objections to paying for the cost of the scheme. The DWP is therefore taking longer over the review, but it hasn't gone away and DWP officials are still considering options.

One view is that, where employers are negligent or in breach of their statutory duty to ensure a safe workplace that results in harm, then the employer and their insurers should bear the cost, not the state. That may well prompt employers to take worker's health, safety and welfare more seriously. We'll report more as and when it happens.

For details of how the scheme currently operates, see:

www.gov.uk/government/publications/industrial-injuries-disablement-benefits-technical-guidance/industrial-injuries-disablement-benefits-technical-guidance

b) Public sector sickness absence review announced

As part of the Autumn Statement and Comprehensive Spending Review in November, the Government announced a review of public-sector sickness absence. This was not announced in the Chancellor's main speech to Parliament, but was revealed in the Treasury's "Blue Book" published afterwards.

The Treasury states that the Government will "review sickness absence in public-sector workforces before consulting on how to reduce its impact on public service delivery, and consider legislation where necessary". It argued that public-sector sick pay was estimated to cost around £4.5 billion a year "and terms are more generous than typical private-sector arrangements. It is right that the Government reviews how the current systems for managing and compensating for sickness are working and looks at what reforms might be needed to move to a more modern and productive state."

How far this review will apply to colleges and universities is anyone's guess, given the increasing lack of definition between public and private. It does continue the trend of describing the continued worsening of employment conditions as modernisation to the highest possible standards. We might be living in the second Elizabethan era, but it feels increasingly like the first.

Better news was that there would be extra money for the Access to Work scheme to help disabled employees get back into and remain in work. The government also propose a White Paper in 2016 that will set out reforms "to improve support for people with health conditions

and disabilities, including exploring the roles of employers, to further reduce the disability employment gap and promote integration across health and employment". Now what on earth can that mean?

<https://www.gov.uk/government/publications/spending-review-and-autumn-statement-2015-documents/spending-review-and-autumn-statement-2015>

3. Recourse rebranded

In 2006 the College and University Support Network (CUSN) was established with UCU funding assistance. They offered support services to staff working in further and higher education, and. In 2010, CUSN was renamed Recourse.

In 2015, Teacher Support Network, Recourse and Worklife Support joined forces to become Education Support Partnership, and the organisation continues to offer support to FE and HE employees. The telephone support line continues, and is now available as a Freephone number on 08000 562 561. Some areas like the Channel Islands cannot access 08000 numbers, the alternative is 020 8987 6212. The Education Support Partnership website only gives the numbers for England, Wales and Scotland. They tell us that for members in Northern Ireland, there are two different numbers - 08088 020 304 and 0208 987 6213, and will amend their website to include these numbers.

For more general information about the provision see:

<https://educationsupportpartnership.org.uk/telephone-support>

4. Turning out cold again

Given the surprising mildness of the weather so far this autumn, we haven't had so many enquiries about temperature, but we have had a few. So here's a bit of organising advice for reps to give to members when it is cold.

The standard is in the Workplace Health, Safety & Welfare Regulations 1992: Reg. 7 - Temperature in Indoor workplaces. This requires that the temperature in the workplace is reasonable. The Approved Code of Practice (ACoP) Paragraph 61 says this should normally be a minimum of 16° Celcius where the work is sedentary, but also says this may not be enough to ensure reasonable comfort; for many people it isn't.

Premises management professional organisation the Chartered Institute of Building Services Engineers (CIBSE) recommends that in educational premises in winter the temperature should be between 19°-21° Celcius in classrooms, lecture theatres and the general areas, and even warmer in changing rooms. The Guidance to the Workplace Regulations quotes CIBSE as an authoritative source. People do not work effectively when they are too cold to feel comfortable, and students don't concentrate so well, which can lead to classroom discipline problems. So here are some ideas to involve members and employees in the process of getting conditions improved.

It's too cold. What can we do?

- Tell your immediate manager that you don't consider the temperature to be reasonable. Confirm this in writing or by e-mail. Copy your letter or e-mail to the principal and the UCU health and safety representative. Put "It's too cold today" in the subject line of any e-mail. (Employees have a duty under the Management Regulations (Regulation 14) to inform the employer in cases where they reasonably believe there are shortcomings in their protective arrangements for health and safety.)

- Ask your manager for a thermometer so you can check the temperature. Employers are required to provide a sufficient number of thermometers in the workplace so employees can check the temperature.
- As well as telling the UCU health and safety representative it isn't warm enough, ask them to come and investigate and raise the issue with the management.
- Find out who else feels cold and make a collective complaint.
- Ask the employer to provide you with some supplementary heating – a fan heater or oil-filled radiator is appropriate in a staff room; a classroom will need something larger. This is a legal requirement on the employer.
- Ask student groups what they think. They can complain as well.
- Think about what other action you could take to persuade the employer to address the problem
- Keep doing it until the problem is resolved

You should aim to persuade your employer to adopt the CIBSE recommendations of 19°–21° degrees Celsius as the local standard – make a bargaining demand.

5. Fieldwork in remote places

Thanks to Markus Eichhorn at Nottingham University for this reference to some useful guidance:

<http://www.extremephysiolmed.com/content/pdf/s13728-015-0041-x.pdf>

Written by leading practitioners of wilderness medicine, it focusses specifically on remote locations and medical needs, and provides clear guidance for the minimum levels of medical training that should be provided in support of such work. Looks like a useful supplement to the guide to health

& safety in fieldwork issued by UCEA to its member institutions:

<http://www.ucea.ac.uk/en/publications/index.cfm/guidance-on-health-and-safety-in-fieldwork> and we have passed-on the link to the Universities Safety and Health Association (USHA) for information.

6. University fined for H&S breaches

Cranfield University has been fined after a worker suffered potentially life-threatening injuries whilst dismantling an explosive device.

Swindon magistrates were told that three employees from the Explosives Research Section at the Defence Academy of the University were working to deactivate former military cluster bomblets in February 2011. One of them exploded causing serious injuries to one of the workers, who suffered severe abdominal injuries and his right colon which was penetrated by a shard of metal required removal after surgery. He also suffered lacerations to his face and shoulder, and nerve damage to his right hand.

The HSE investigation found no suitable risk assessment had been carried out, and that the university's management team were unaware of the process being carried out by their staff.

Cranfield University pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act 1974; and Section 4(1) of the Manufacture and Storage of Explosives Regulations 2005 and were fined £80,000 with costs of £75,000.

The HSE Inspector commented:

"This case reinforces the fact that employers need to ensure all activities, especially those that are novel or only undertaken infrequently, have been properly assessed as to the associated hazards and risks, and that safe systems of work are in place to effectively control

those risks. The worker's injuries were life threatening and could have been avoided had a thorough assessment of the risks been carried out. As the university admitted, the task should not have been carried out in this manner"

<http://press.hse.gov.uk/2015/university-fined-after-bomblet-explosion-seriously-injures-worker/>

7. Quick updates

a) Life-Work Balance: an alternative view of flexible working: if you didn't see it:

<http://www.theguardian.com/money/2016/jan/02/work-life-balance-flexible-working-can-make-you-ill-experts-say>

b) Standing up for the employer: we've referred to the "standing-up at work" fad before – a half-page advert in the Metro (I was on the tram!) by a desk supply company claims that 15,000 offices in London have switched to adjustable desks, and invites employers to "Turn your place of work into a productive, healthy and positive sit/stand environment". Prices start at £325, and you get a free "support mat" to stand on. As Peanuts' Charlie Brown used to say "Good grief". Still, makes a change from insisting that standing-up at work is a good way to lose weight. Plenty of information around offering alternative views on the health risks associated with standing up.

c) Flooding: The TUC has re-issued some guidance on flooding, given the experience of the past few weeks. <https://www.tuc.org.uk/workplace-issues/health-and-safety/health-and-safety-flooded-areas>

The Independent reports on the New Year's honours that "*Neil O'Connor, a high ranking official at the Department for Communities and Local Government, has been awarded a CBE "for services to fire safety and flood resilience."*

d) Latest TUC publication on Wellbeing: Published just days before Christmas, this is a revision of an earlier document, and much the better for it. Available for free download at <https://www.tuc.org.uk/sites/default/files/work-and-well-being-2015.pdf> and the link is being posted on the UCU website.

e) 2016 edition of TUC Hazards at Work manual: this is about to go to the printers. The TUC expects it to be ready by early April. Reps attending a TUC course should be able to purchase one for a very preferential price, but Branches can ask UCU for reimbursement of the purchase price. UCU continues to recommend all Branches and LA's have a copy as a reference source for safety reps. The link to the official TUC Order Form will be circulated when it becomes available.

John Bamford

UCU Health & Safety Advice

Contact **UCU Health & Safety Advice**
UCU Health & Safety Advice is provided by the Greater Manchester Hazards Centre, and is available for 3 days each week during extended term times. The contact person is John Bamford: (e) jbamford@ucu.org.uk (t) 0161 636 7558