


**Surveying Safely –  
RICS ‘Principles’  
for Practicing Surveyors**

**Danny Coomber MCIQB CMAPS**



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**Session Outcomes**

**You will you will gain knowledge of:**

- ▶ Your personal responsibility for H&S
- ▶ The duty placed on organisations to manage H&S
- ▶ The basic principles for risk assessment
- ▶ The practicalities of identifying, managing and monitoring H&S Risks
- ▶ The need to recognise common risks to the H&S of employers, employees, responsible persons and others.
- ▶ Template procedures available for H&S audits
- ▶ How to Survey Safely



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**Agenda**

- Part 1 – Introductions**
- Part 2 – Why Health & Safety?**
- Part 3 – Who has the responsibility?**
- Part 4 – Risk Assessment**
- Part 5 – Fire Safety Management**
- Part 6 – Monitoring**

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<b>Agenda</b>
<b>Part 7 – Consequences</b> <ul style="list-style-type: none"><li>• Consequences for the individuals involved</li><li>• Investigations</li></ul>
<b>Part 8 – Practical Technicalities</b> <ul style="list-style-type: none"><li>• Occupational Health and Hygiene</li><li>• Visiting sites and premises</li><li>• Management and Procurement of contractors</li></ul>
<b>Part 9 – Global Guidance</b> Document's audit template
<b>Part 10 – UK Law &amp; CDM 2015</b>
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# Part 1 - Introduction



   
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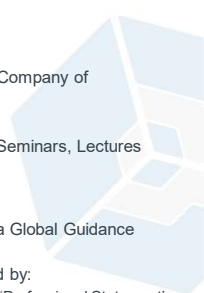
## Introduction



**Danny Coomber**

- > CIOB, CMaPS
- > Director of Butler & Young Consultants A Company of SOCOTEC
- > Many years 'in' Construction and H&S
- > Delivered Formal CDM & H&S Training, Seminars, Lectures and CPD

**Surveying Safely**

- > Now published with elevated status as a Global Guidance document (2018) including:
  - > Principals of H&S Practice supported by:
    - > Jurisdictional Guidance and (later) a 'Professional Statement'



   
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## Part 2 – Why health & safety?



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### Why Health & Safety?



**Legal Obligation**

**Corporate policy and procedures**


**Reputation**

**Moral obligation:**  
Employees, Contractors,  
Visitors (occupiers, shoppers,  
patients etc.)

**Insurance obligations**

**Contract obligations**

**Aim being that people return from work safe ....& healthy**



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## Part 3 – Who has the responsibility?



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### Who has the responsibility?

- You – Personally!
- Corporate responsibility/liability
  - The Corporate Entity
  - Senior Managers/Directors
  - Supervisors
- The individual employee
  - You, colleagues and others
  - Greater responsibility (duty of care) if you supervise
  - Greater responsibility (duty of care) for those who may be vulnerable (children, the elderly, those sleeping in residential accommodation, those without English as a native language)



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### Who has the responsibility?

- Experts in a specific field
  - Knowledge
  - Experience
  - Skills
  - And the understanding when competence is exceeded
- Responsible Persons
  - Those 'In Control' of a Premises
  - Appointed Person
  - Responsible Person
  - Authorised Person



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### Safe Person Concept

The concept of a 'Safe Person' – means that each individual must assume individual responsibility for their, their colleagues' and others', health and safety while at work

Greater emphasis on ensuring the competence of employees, including their responsibility to ensure the use of safe work equipment, safe systems of work for themselves and others

Two aspects:  
➢ Organisational responsibility  
➢ Individual responsibility



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### Organisational responsibility

- Selection**
  - Everyone must have, or be capable of developing, the job skills and competence to meet the demands of their work activities.
- Training**
  - Training must include for providing knowledge about the potential hazards in working environment(s)
- Information**
  - Staff must be provided with information about the risks and control measures associated with their working environment. This information may be generic in nature or it may relate to specific sites.
  - The organisation is responsible to ensure that findings of assessments are to be shared with 'others', both with individuals and organisations.
- Equipment**
  - Staff must be provided with equipment that is suitable for the purposes for which it is intended and everyone must understand its use and limitations.



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### Organisational responsibility

- Safe Systems of Work**
  - Systems of work are to ensure that work activities are undertaken safely.
- Instruction**
  - Individuals will receive clear instructions relating to the work activities required, operation of any equipment and appropriate safe systems of work.
- Supervision**
  - Staff will be supported with clearly defined lines of communication, supervision and expert support where necessary.
- Personal Protective Equipment**
  - Individuals will be provided with appropriate personal protective equipment that meets appropriate specifications.



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### Individual responsibility

**Performance**  
Being competent to perform their work safely, (which includes understanding the limits of their competence to undertake the work safely.)


**Control**  
Being able, and prepared, to work within accepted or designated systems of work

**Adaptability**  
Able to recognise and adapt to changing circumstances at all times

**Vigilance**  
To remain vigilant, at all times, for their own safety and that of colleagues and others

**Awareness**  
Be able to recognise their abilities and limitations.

**Teamwork**  
Be an effective member of a team



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# Part 4 – Risk Assessment

## Including Design Risk Management



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### Risk assessment

#### Stages of Risk Assessment

1. Identify hazards
2. Identify who might be harmed
3. Evaluate – Q v Q
4. Record the Findings
5. **Communicate your findings**
6. Review



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### Risk Assessment – What are you assessing

How to use a risk assessment.

- Model Risk Assessment for regular (and similar) tasks to produce SOPs...
- ‘One-off’, specific assessments for individual tasks/work
- Dynamic Risk Assessment for ‘on the spot’ and evolving risks
- Premises risk assessment for areas used by people
- Specific identified risks – Fire, Confined Spaces, Work at Height, DSE, etc.



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### Dynamic Risk Assessment

The last chance to assess the risks is immediately prior to undertaking the work activity, or indeed while in the process of completing the work and as the working environment is changing – this is commonly called 'dynamic risk assessment'.



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### • Part 5 – Fire Safety Management



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### Fire Safety Management

Fire Safety Management can be a complex matter

- It is essential the appropriately competent advice is always sought
- Differing levels and competence may be necessary for different stages in a buildings' lifecycle
- Differing expertise will be required dependent of a buildings occupation and/or usage



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### Fire Safety Management

Fire Safety is managed by:

- Passive protective measures
- Active protective measures
- A management system to ensure all the above are adequate, tested and maintained
  - Based on the Fire Strategy – FE...
  - Fire Risk Assessment
  - Appropriate work permits when undertaking work



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## Part 6 – Monitoring



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### Monitoring

Only if measured can it be managed!

Legal requirement to 'monitor' the H&S Management system.

- Day to day records
- Monthly summaries
- Board reports (KPIs)
- Internal & External Audits & Inspections

Managers must be 'assured' that all those with responsibility to 'ensure' they are doing what they should!



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### Monitoring

Typical data may include

- > Incident Reports (as well as 'Accident')
- > Contractor H&S Performance
- > Training records
- > Induction records
- > Inspections/audit results
- > Tasks/Actions being completed on time
- > 'Leading' & 'Lagging' measures

(Repeatable) KPIs relevant to the work



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### Part 7 – Consequences

- Consequences for the individuals involved
- Investigations
- UK Legal situation



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### If it all goes wrong...

Very personal consequences to the victim

Distress to their

- > Family, Work colleagues, Friends , Employer

A breach of the (UK) Law can occur without any injury,

Fees for Intervention

Prohibition Notice/ Improvement Notice/Letter

Potential Prosecution and/or civil compensation claim

Engage Lawyers and Loss Adjusters promptly



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**Any questions?**

Part 6

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**Part 8 – Practical Technicalities**

- Occupational Health and Hygiene
- Visiting sites and premises
- Management and Procurement of contractors



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**At the 'place of work'**

Toilet & Welfare facilities (water/warmth)  
Emergency Arrangements  
Condition of premises, location and plant/equipment  
Type of work

- > At height
- > Near machinery (including moving vehicles)
- > At depth
- > Near water or near proximate hazard
- > Contaminated land/Toxic Materials
- > Near the 'General Public'



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### Occupational health & hygiene

**Occupational health** - physical and mental effects of work on health (including those health issues that develop over time referred to as 'chronic')

**Occupational hygiene** - occupational hygienist  
dust, gases, fumes, noise, vibration etc



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### Occupational health

A health and safety management system should include occupational health monitoring and include arrangements for the management of the following matters:

- Stress
- violence, bullying and harassment
- alcohol and drug misuse
- musculoskeletal disease
- Repetitive Strain Injuries (RSIs)
- noise induced hearing damage
- asbestos
- hazardous substances
- cancer, and other potentially relevant diseases
- biosecurity
- new and expectant mothers
- sun protection
- environmental factors
- health monitoring and health surveillance
- Hand –arm vibration syndrome



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### Visiting sites & premises Planning

- Travelling to & from site
- Lone Working
- Condition of property (& immediate environment)
- Occupation
- Activity(ies) undertaken at the premises
- Site rules & Welfare
- Roofs and Working at Height
- High Structures (scaffold, lifts, cradles etc)
- Dangerous Substances
- Diseases
- Special Access (abseiling, confined spaces etc)
- Other risks ( roads, microwaves, electricity overhead/underground)
- Access Equipment ( MEWP, lifts, ladders etc)
- Other equipment (ie PPE)
- Environmental conditions (ie weather, winds, potential flooding up-river)
- Personal Fitness/Competence etc
- Responsibilities for others if conducting 'viewings' etc



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### Visiting sites & premises

#### Onsite

- Changes in anticipated hazards on arrival
- Emergency Arrangements
- Structural stability (structures and mounds of spoil, minerals etc)
- Timbers, glass and sharps etc
- Roof condition(s), access & coverings
- Unsafe Atmospheres (including spraying, re-fuelling etc)
- Danger from live/unsecured services
- Radio Frequency
- Slippery/uneven surfaces
- Hidden traps and openings (including excavations)
- Others at work or animals at the premises
- Rural hazards
- Contaminations (water, chemicals, legionella, mould etc)
- Adverse weather conditions/changes
- Securing and leaving



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### Procuring and Managing Contractors

Why Contract work (expertise/limit liability)

Define the work and the competences necessary (consider sustainability?)

Undertake due diligence (SSIP/Professional Bodies/references)

- > Insurances
- > Management of their sub-contractors
- > CDM ?

Discuss and take advice from the expert before finally scoping the job.

- > Define Visitor, delivery, waste and emergency arrangements (site segregation)
- > Provide 'pre-construction' information



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### Procuring and Managing Contractors

Monitor the Work

- > Induction
- > Site rules being enforced
- > Incident records
- > Ad hoc inspections
- > Site completion

Review and improve

Inform all others (occupiers, contractors etc) that the 'job' is to be undertaken (Permits Systems)



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## Part 9 – Use of the Professional Statement's audit template



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### Using the Audit Template

It is deliberately at 'high level' in order to assist smaller and non-complex organisations to undertake smaller and non-complex duties or commissions.

It is important to note that the competence of the assessor must be considered carefully. For larger, or more complex, organisations or for organisations which undertake larger and/or more complex commissions the competence of a technical H&S expert may be necessary.

If the organisation is delivering particularly complex or specialist commissions a subject matter expert, with technical H&S competence, may be required to undertake an effective audit.



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### Using the Audit Template

A scoring system 0-5 (as set out below) is used to provide a more balanced view of 'compliance' rather than a simple Compliant 'Yes' or Compliant 'No'. This is deemed of more use to members in assessing their strengths and weaknesses in relation to the management of the H&S of their employees and 'jobs'/commissions.

The legal obligations of organisations will be dependent on the jurisdiction in which they are based and/or where their work is undertaken, and a more detailed audit of jurisdiction specific legal compliance may be required in addition to the matters raised in the template.

At the time of publication RICS are considering developing an electronic version of the template to make the use of the audit easy, and repeatable, such that members can measure their level of compliance on a regular basis. Please refer to the RICS H&S Advisory Group (based at RICS Headquarters in London) for further information.



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### Using the Audit Template – Scoring

Score	Description
5	Fully Compliant (Activity undertaken training in place and documentation appropriate and current)
4	75% + Compliant (Activity undertaken, Training evidenced, documentation in place but out of appropriate date)
3	50% Compliant (Activity understood but no documentation and inadequate training)
2	20% - 49% Compliant (some action evidenced but inadequate / inappropriate and/or no training)
1	No Action evidenced
0	N/A = 0 (no/null score) Not appropriate within this organisation




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### Using the Audit Template – Example

Common Requirements at places of work	Review a specific working location/site and review the following provisions for welfare – are they sufficient for those working there?	Are there adequate clean toilets with hot/cold hand-washing facilities for both male and female personnel?
		Is there adequate provision of clean (potable) drinking water?
		Is there adequate Light to undertake the work activities?
		Are there sufficient 1 <sup>st</sup> Aid and emergency arrangements in place? (including adequately trained 1 <sup>st</sup> Aid providers.)
		Is there appropriate immediate access to competent H&S advice for all staff?
4.8 Emergency Arrangements		Is adequate detection/alerts of fire/smoke/heat in place?
		Are Carbon Monoxide (CO) detectors/alerts in place where CO gases may be able to build up and threaten life?
		Are arrangements in place for emergency evacuation, and are such arrangements well known/posted on notice boards?
4.9 Building Services		Where the workplace is a permanent (or semi-permanent) place of work are building services such as water hygiene, lifting equipment and air conditioning equipment serviced?
		Request and review evidence of testing and work sheets, consider whether local statutory obligations are being complied with.
4.10 Maintenance of Buildings		Is there evidence that the fabric/structure of permanent/semi-permanent places of work are checked adequately for condition?




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### Part 10 – UK Law & CDM 2015




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### Brief Overview of UK Law

RICS-regulated firms and RICS members also need to consider the legal jurisdiction in (each) country where they work;

**RICS strongly recommend that professional, competent, legal advice be taken, as appropriate, and in relation to any specific matter as may affect a RICS-regulated firms and/or RICS members. RICS do not take any responsibility for the accuracy of the advice provided in this oversight, not least as UK Law is subject to change both in regard to criminal Law and in Civil Law and subsequent to precedent being set in recent legal cases.**



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### Brief Overview of UK Law

#### Criminal law

Criminal law is the process by which society, through the courts, punishes organisations and individuals for breaches of its rules. Cases must be proved beyond reasonable doubt.

Some health and safety offences are strict liability, which means that the prosecution only have to prove that the offence occurred and do not have to prove intention. Other health and safety offences have the 'defence' of 'reasonably practicable', which means that, to comply with the law, all reasonably practicable steps must have been carried out to minimise or avoid the possibility of danger.

Fines and Penalties NOT Insurable

Intended to Punish  
Initiated by the State/Police/HSE etc



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### Brief Overview of UK Law

#### Civil liability

The duty of care owed from employers to employees includes providing safe premises, a safe system of work, safe plant, equipment and tools, and safe fellow workers. Employers can also be vicariously liable to persons injured by the wrongful acts of their employees, if such acts are committed in the course of their employment.

A civil action may be taken by the claimant (i.e. injured party) against the defendant (i.e. employer, employee or self-employed person). Civil cases must be commenced within three years of the breach and must be proven on the balance of probabilities.

Fines may be covered by insurance

Intended to compensate victims for damages  
Initiated by the person(s) sustaining the damages



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### Brief Overview of UK Law

#### Acts of Parliament

In 1974, the *Health and Safety at Work etc. Act 1974* (HSWA) came into force. The HSWA is the umbrella legislation for health and safety and places general duties on employers (sections 2 and 3) to ensure, so far as is reasonably practicable, that the health, safety and welfare of employees, and of persons not in their employment, is not put at risk.

This includes:

- providing and maintaining equipment
- having safe systems of work and
- ensuring that premises are safe.



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### Brief Overview of UK Law

#### Regulations

The HSWA is underpinned by numerous regulations, including the *Management of Health and Safety at Work Regulations 1999*, which impose the requirements to:  
assess risk

- ensure there are safe systems in place for carrying out surveying activities
- have access to competent health and safety advice and
- have emergency procedures in place.
- Key elements of such systems can be found in the 2013 HSE publication *Managing for health and safety (HSG65)*.



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### Brief Overview of UK Law

#### Approved codes of practice and guidance

Approved codes of practice (ACoP) are created by the HSE to assist duty holders to comply with legal duties. Although failure to comply with ACoPs is not an offence, it can be taken as evidence of failure to comply with the HSWA. Likewise, if a property professional can demonstrate they have followed the provisions of the ACoP or that something better than the standard provided in the ACoP has been achieved, they are unlikely to be found in breach of health and safety law.

The HSE and other bodies such as the Institute of Directors (IoD) also issue practical guidance to help duty holders understand what the law requires. Following this guidance is not compulsory but, if it is followed, a property professional is likely to be able to demonstrate that they have taken suitable measures to comply with the law.

#### Information sheets and leaflets



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### Brief Overview of UK Law

#### Corporate manslaughter

The offence of corporate manslaughter (known as corporate homicide in Scotland) was introduced by the *Corporate Manslaughter and Corporate Homicide Act 2007*, which came into force on 6 April 2008 and replaced the common law offence of manslaughter by gross negligence for companies and other organisations.



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### Brief Overview of UK Law

#### Corporate Manslaughter

Duties of care include Similar to Statute and Common Law

If found guilty, the penalties available are:

- an unlimited fine
- a remedial order, requiring the organisation to take steps to remedy the management failure, including any deficiencies in health and safety policies, systems or practices and/or
- a publicity order, requiring the organisation to publicise the conviction, including details of the offence and the level of fine.



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### Brief Overview of UK Law

#### Sentencing guidelines

The Sentencing Council's *Health and safety offences, corporate manslaughter and food safety and hygiene offences: definitive guideline* (came into effect on 1 February 2016 and only applies to England and Wales. The guideline applies to England and Wales. It will also be relevant to sentencing offenders in Scotland. The guideline requires a step-by-step approach to determine the sentence.

#### *Sentencing organisations for health and safety offences*



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### Brief Overview of UK Law

#### Employers' duties - All employers

The general duties with which employers must comply are set out below. All of these duties are relevant to property professionals.

Section 2 of the HSWA contains the general duties owed by an employer to its employees to ensure, so far as is reasonably practicable, their health, safety and welfare at work. In essence the main duty is to devise and implement a safe system of work in relation to employees, including matters such as safe plant and equipment and the provision of instruction, training and supervision.

Section 3 of the HSWA contains the general duty of an employer to non-employed persons,

Section 4 of HSWA places obligations on persons who have any extent of control of non-domestic premises



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### Brief Overview of UK Law

#### Employees' duties

- All employees to take reasonable care of their own safety and that of others who may be affected by their acts or omissions at work and to cooperate with their employer comply with its duty.
- It is a criminal offence for employees to intentionally or recklessly interfere with or misuse anything provided in the interests of health, safety or welfare.



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### Brief Overview of UK Law

#### Employees' responsibilities for themselves

It is an employee's responsibility to:

- make sure they are familiar with the firm's health and safety policy and arrangements for implementing safe working procedures
- comply with the health and safety policy and ensure that any equipment they use is in good and safe condition
- comply with the firm's safe systems of work, or ensure one is put in place prior to carrying out work, particularly where a risk assessment shows that a risk exists
- refuse to condone unsafe working practices



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### Brief Overview of UK Law

#### Employees' responsibilities for themselves

It is an employee's responsibility to:

- distribute information on risks
- make sure their advice to clients will minimise the risk to the health and safety of others
- make sure they are aware of any hazards that may exist, together with any safe working instructions that have been issued by others prior to carrying out work at their premises and
- if they are working alone, make sure they follow the firm's lone-working procedures.



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### Brief Overview of UK Law

#### Employees' responsibilities for others

Employees are responsible for the safety and health of anyone under their supervision and should take particular care with regard to anyone who is inexperienced and/or in training. Employees are also responsible for the safety and health of anyone who may be affected by their work.



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### CDM 2015 (UK Law)

#### Duty Holders:

- Client (includes Domestic for 1<sup>st</sup> time)
- Designer
- Principal Designer
- Contractor
- Principal Contractor

(Principal denotes more than one, such that one must be appointed, in writing, by the Client, as 'Principal')



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### CDM 2015 (UK Law)

CDM applies in all cases where 'Construction Work' (as widely defined in the regulations) is undertaken

Includes Maintenance "Where maintenance activity involves construction processes, requires construction skills and uses construction materials, it is most likely to fall within the term 'construction work' ".

Notification (F10) to HSE by Client, where the construction phase lasts more than 30 days and 20 workers or more are simultaneously on site or the aggregate workforce is likely to exceed 500 person days.



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### Table 1: A summary of roles and duties under CDM 2015 Summary of role/main duties

Clients – are organisations or individuals for whom a construction project is carried out.

Make suitable arrangements for managing a project. This includes making sure:

- other duty holders are appointed;
- sufficient time and resources are allocated;

Making sure:

- relevant information is prepared and provided to other duty holders;
- the principal designer and principal contractor carry out their duties;
- Welfare facilities are provided.

Regulation 4(5) sets out the Client's duty to ensure a principal contractor draws up a construction phase plan and that the principal designer prepares a H&S File for the project.

Monitor that site safety arrangements are functioning.



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### Table 1: A summary of roles and duties under CDM 2015 Summary of role/main duties

Domestic clients - are people who have construction work carried out on their own home, or the home of a family member that is not done as part of a business, whether for profit or not.

Domestic clients are in scope of CDM 2015, but their duties as a client are normally transferred to:

The Principal Designer

the contractor, on a single contractor project; or;

The principal contractor, on a project involving more than one contractor.

However, the domestic client can choose to have a written agreement with the principal designer to carry out the client duties.



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**Table 1: A summary of roles and duties under CDM 2015**  
**Summary of role/main duties**

Designers – are those, who as part of a business, prepare or modify designs for a building, product or system relating to construction work.

When preparing or modifying designs, to eliminate, reduce or control foreseeable risks that may arise during construction; and

The maintenance and use of a building once it is built.

Provide information to other members of the project team to help them fulfil their duties.



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**Table 1: A summary of roles and duties under CDM 2015**  
**Summary of role/main duties**

Principal designers – are designers appointed by the client in projects involving more than one contractor. They can be an organisation or an individual with sufficient knowledge, experience and ability to carry out the role.

Plan, manage, monitor and coordinate health and safety in the pre-construction phase of a project. This includes:

identifying, eliminating or controlling foreseeable risks;

ensuring designers carry out their duties;

Prepare and provide relevant information to other duty holders;

Liaise with the principal contractor to help in the planning, management, monitoring and coordination of the construction phase.



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**Table 1: A summary of roles and duties under CDM 2015**  
**Summary of role/main duties**

Principal contractors – are contractors appointed by the client to coordinate the construction phase of a project where it involves more than one contractor.

Plan, manage, monitor and coordinate the construction phase of a project. This includes:

liaising with the client and principal designer;

preparing the construction phase plan;

Organising cooperation between contractors and coordinating their work.

Ensure:

suitable site inductions are provided;

reasonable steps are taken to prevent unauthorised access;

workers are consulted and engaged in securing their health and safety; and

Welfare facilities are provided.



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**Table 1: A summary of roles and duties under CDM 2015**  
Summary of role/main duties

Contractors – are those who do the actual construction work and can be either an individual or an organisation.

Plan, manage and monitor construction work under their control so that it is carried out without risks to health and safety;

For projects involving more than one contractor, coordinate their activities with others in the project team – in particular, comply with directions given to them by the principal designer or principal contractor;

For single-contractor projects, prepare a construction phase plan.



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**Table 1: A summary of roles and duties under CDM 2015**  
Summary of role/main duties

Workers – are the people who work for or under the control of contractors on a construction site

They must:

be consulted about matters which affect their health, safety and welfare;

take care of their own health and safety and others who may be affected by their actions;

report anything they see which is likely to endanger either their own or others' health and safety;

cooperate with their employer, fellow workers, contractors and other duty holders;



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### CDM (UK Law)

Due Diligence of competences for all Duty Holders and appointees

'Proportionate paperwork !'

Pre-Construction Information

Construction Phase Plan

H&S File

More Information from

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

<http://www.citb.co.uk/>

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



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