

# **Health & Safety Xpert®**

## ***User Guide***

Software by  
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House Builder XL Limited

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# HOW TO USE THIS BOOK AND GET STARTED

Thank you for purchasing **Health & Safety Xpert®**. We hope that you will find it an invaluable tool for helping your business take care of the health, safety and welfare of your employees, subcontractors and the general public, while meeting the requirements of current UK health and safety regulations.

## What can Health & Safety Xpert® do?

**Health & Safety Xpert®** produces comprehensive documentation to help your company meet the requirements of UK Health and Safety legislation. Plus, if you use **EstimatorXpress®** for your estimating, you can import jobs directly into **Health & Safety Xpert®** and the software will automatically detect what documentation you may require. You can then check through the system's suggestions, customise the documents to your own requirements and print the ones you want. For a complete list of the documentation produced see page 6.

If you do not have **EstimatorXpress®**, call the **HBXL Sales Team** on **0117 916 7898**.

## How to use this guide and get started with Health & Safety Xpert®

This User Guide explains how to install **Health & Safety Xpert®** on page 7. You will also find a detailed description of each screen starting at page 8. For a general overview of the main health and safety regulations you should be familiar with, see page 23. For a detailed explanation of the documentation that **Health & Safety Xpert®** produces, why you need it, what you do with it and the specific regulations that apply, please turn to page 30.

To obtain maximum benefit from **Health & Safety Xpert®**, we recommend that you read through this guide before starting to use the software.

## Additional Help

Support for **Health & Safety Xpert®** is available from the **Business Support Team** on **0117 916 7899**. Please note support is only available with a valid Support & Updates subscription. For more information, call the **Business Support Team** on **0117 916 7899** or email [support@hbxl.co.uk](mailto:support@hbxl.co.uk)

Additional **Context Sensitive Help** is also available on every screen by pressing the **F1** key on your keyboard at any time or pressing the **Help button** on every screen.

## Disclaimer

HBXL has made every effort to ensure that the information regarding Health & Safety Regulations contained in this User Guide is accurate at the time of going to press. Its contents should be used as guidance material and not as a replacement for current legislation or standards. It remains your responsibility to carefully review the information and documentation provided with **Health & Safety Xpert®**. If you have any queries, you should address the Health & Safety Executive for further advice.

**Health & Safety Xpert®** supplies a precedent bank of documentation and services to help meet a business's obligations under health and safety requirements in the house building sector. It is a generic product for which you shall be solely responsible for adapting documents procedures and recommendations to meet the specific requirements of your own health and safety needs for your specific project(s). House Builder XL shall have no liability or responsibility insofar as **Health & Safety Xpert®** is applied by you to your business's health and safety needs in an inappropriate way.

## WHAT CAN HEALTH & SAFETY XPERT® DO?

**Health & Safety Xpert®** is a really easy way to ensure that your company is giving due consideration to the health, safety and welfare of your employees, subcontractors and the public and that you produce documentation to show that your company takes its responsibility to meet the requirements of current UK health and safety legislation seriously.

**Health & Safety Xpert®** is suitable for builders, developers, architects and contractors. Simply tell **Health & Safety Xpert®** what kind of project you are undertaking and it does the rest producing a comprehensive **Company Health & Safety Policy**, **pre-populated Risk Assessments** and **COSHH Assessments**, in addition to **Method Statements**, **Pre-construction Information**, **Construction Phase Health & Safety Plan**, **Toolbox Talks** and **Health & Safety File** for every job you undertake as well as much, much more.

Plus, if you use **EstimatorXpress®**, you can import your jobs directly into **Health & Safety Xpert®**. With a few clicks, you can review and customise and then print the documents you need to create a comprehensive health & safety file for your job.

Plus you can also print out:

Blank Risk Assessments  
Client Acknowledgement of Risk Assessment  
COSHH Coversheet  
Accident & Incident Record  
Accident & Incident Investigation Form  
Simple Construction Phase Plan  
PPE Register  
Toolbox Talks Register  
Toolbox Talks Training Record  
Method Statements  
Plant Inspection Record  
Site Set Up Checklist  
Site Rules  
Site Safety Induction  
Site Induction Register  
Site Attendance (Visitors) Register  
Fire Plan  
Report of Inspection Scaffold/Excavation  
Health & Safety File  
Written Breach of Health & Safety Procedures  
Health & Safety Audit  
Toolbox Talks  
Waste Management Checklist

Noise Assessments  
Site Inspection  
Permit to Work Electricals  
Permit to Work Excavations (Permit to Dig)  
Permit to Work Asbestos  
Permit to Work Confined Spaces  
Permit to Work at Height  
Hot Works Permit  
Permit Register  
Excavation Pre-Works Checklist  
Excavation Inspection Record  
Scaffolding Inspection Record  
Scaffolding Handover Sheet  
Harness Inspection Record  
Lifting Equipment Inspection Record  
Contractor Questionnaire  
CDM 2015 duty holders checklist  
Contractors Responsibilities for domestic clients  
Domestic Client Responsibilities  
Hand & Arm Vibration (HAVS) Exposure Record  
Ladder Inspection Record  
Work Equipment Inspection Record  
Designer Risk Management Document

For more detailed descriptions of each document, why you need it, what you do with it and the regulations that apply, please turn to page 30.

# INSTALLING HEALTH & SAFETY XPERT®

## 1. INSTALL YOUR HEALTH & SAFETY XPERT® SOFTWARE

- [1] Download Health & Safety Xpert™ software from the website.
- [2] Follow the on-screen instructions until the installation is complete.

## 2. LAUNCHING HEALTH & SAFETY XPERT® FOR THE FIRST TIME

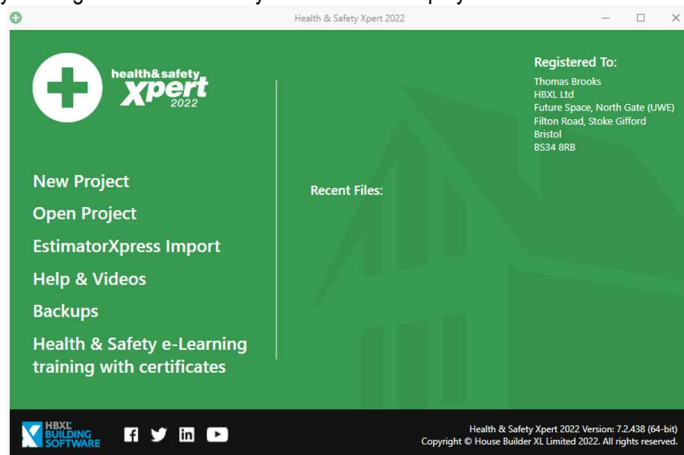
Before attempting to run your **Health & Safety Xpert®** software, it is essential that you check that your computer meets the minimum requirements below:

- 1GHz processor
- 2GB RAM if running Windows 7 or 8. Minimum of 4GB RAM if running Windows 10/11
- 150MB Hard Drive Space
- Windows® 7/8.1/10/11
- Internet Connection
- SVGA Monitor capable of 1024 x 768 Resolution
- 2 Button Pointing Device & Printer



- [1] To launch the system either double-click on the **Health & Safety Xpert®** icon on your desktop or select **Health & Safety Xpert®** from the Start, Programs Menu.
- [2] You will then be required to follow the registration wizard to fill in your company contact details and register your copy of **Health & Safety Xpert®**. You can change your company address details at any time by clicking on the text where your address is displayed on the **Main Menu**.

When complete, you will then see the **Main Menu** appears.



# WORKING YOUR WAY AROUND THE SCREENS

## MAIN MENU & CREATING A NEW HEALTH & SAFETY PROJECT

Launch **Health & Safety Xpert®** by double-clicking on the **Health & Safety Xpert®** icon on your desktop or selecting **Health & Safety Xpert®** from the Start, Programs Menu.



The **Main Menu** will appear:

From the **Main Menu**, you can:

- (a) Create a new job by clicking on **New Project**.
- (b) Open an existing job by clicking **Open Project**.
- (c) Import a job from **EstimatorXpress®** clicking on **EstimatorXpress Import**.
- (d) Access **Health & Safety Xpert®** Help by clicking **Help & Videos**.
- (e) Backup and restore your **Health & Safety Xpert®** contacts and changes clicking on **Backups**.
- (f) Access **Health & Safety e-learning** courses by clicking **Health & Safety E-learning & Videos with certificates**.



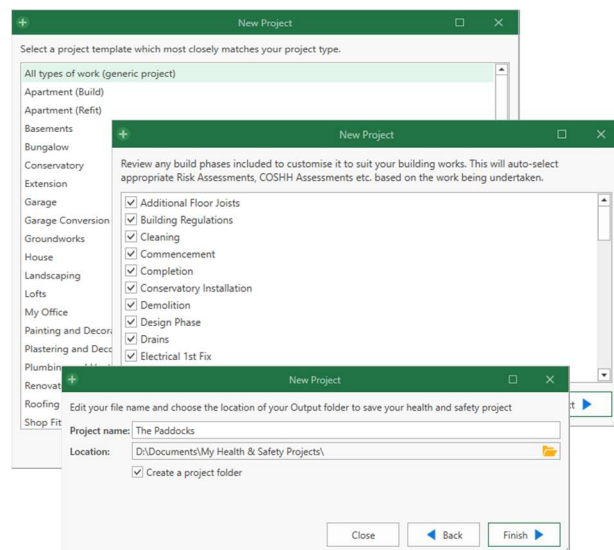
Clicking **New Project** launches the **New Project Wizard**.

Choose a **Project Type**. Select whichever most closely matches your project. If you are unsure, select **All Types of Work** (generic project). **Health & Safety Xpert®** will now auto-detect the **Risk Assessments** and **COSHH Assessments** that you may require. Click **Next**.

Review and confirm the build phases you wish to include as this will affect the documents brought into the project. Click **Next**.

Give a name for the project and confirm location where the documents will be saved.

Click **Finish** to create your new project.





The **Project Details** screen will appear. Notice that it includes the details you entered as you created the job. To find out what to do next, please turn to page 10.

The Paddocks - Health & Safety Xpert 2022

File Home Settings Help

Export Print Output Folder Output

Project Details Health & Safety Policy Pre Construction Info Risk Assessments COSHH Assessments Method Statements Construction Phase Plan Toolbox Talks Management Docs Health & Safety File

Enter your project details into the fields below. It is recommended that you enter these now so they appear on all your documents.

Project name: The Paddocks

Project reference:

Client:

Site address:

Building company: Thomas Brooks, HBXL Ltd, Future Space, North Gate (UWE), Filton Road, Stoke Gifford, Bristol, BS34 8RB

Health & safety director:

Principal designer:

Principal contractor:

Default risk assessor:

HSE:

Logo:

health&safety  
xpert  
2022

Browse

Clear

Useful links from the Health and Safety Executive (HSE)

These links were correct at the time of publishing. If you experience any problems with these links please email support@hbxl.co.uk

[How to implement the HSE 'Plan, Do, Check, Act' approach with Health & Safety Xpert](#)

[HSE home](#)

[HSE and construction](#)

[HSE responsibilities and duties for various roles](#)

[HSE Guidance - Plan, Do, Check, Act approach \(HSG 65\)](#)

[HSE COSHH information](#)

[Managing health and safety in construction](#)

[Construction phase plan \(simple version\)](#)

[HSE F10 notification](#)

[Health and safety made simple guide](#)

[HSE CDM Regulations and Guidelines](#)

[HSE accident reporting guidance and links](#)

[HSE vibration guidance](#)

[HSE Hand-arm vibration exposure calculator](#)

[HSE asbestos essentials \(HSG210\)](#)

[EH40/2005 Workplace exposure limits](#)

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<https://www.hse.gov.uk/copyright.htm>

## PROJECT DETAILS TAB

Once you have created, opened or imported a job in **Health & Safety Xpert®**, the **Project Details** screen is displayed with the **Project Name** you entered when you created the job:

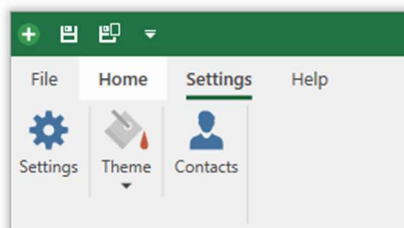
**N.B. It is essential that you fully complete the Project Details tab before proceeding any further because the information you enter here will appear in the documents that Health & Safety Xpert® creates.**

Use the **Contact** button to select **Contacts** for **Client, Site, Principal Contractor, Principal Designer** and **HSE** and so on.




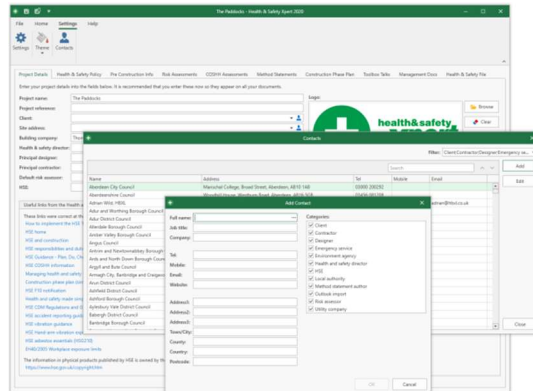
See overleaf how to edit your contacts.

You can access your contacts at any time by clicking on **Contacts** on the **Settings** ribbon tab.



You can also add new **Contacts** to the **Address Book**.

1. Press the **Contact** button  adjacent to the **Contact** you wish to add. The **Address Book** pops up.
2. Click **Add** button. A dialog box pops up.
3. Fill out the necessary **Contact** details.
4. Select a **Contact Category**, if appropriate, from the **Categories** check boxes.
5. Click **OK**.
6. You are returned to the **Address Book** where the **Contact** has now been added.
7. Click **OK** to select the **Contact** and return to the **Project Details Tab**. To return to the **Project Details Tab** without selecting a **Contact**, click **Cancel**.

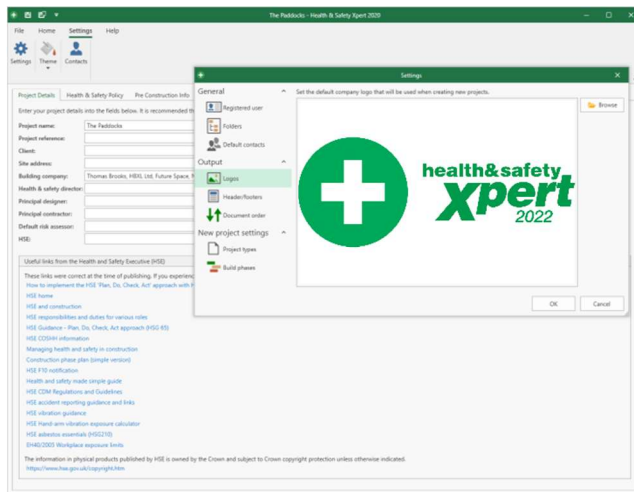


At this stage, we recommend that you import your company logo into **Health & Safety Xpert®** as it will also appear in all the documents that are produced.



1. On the Project Details tab, locate your **Company Logo** graphic (or other image file) on your computer using the **Browse** button.

2. Once selected click **Open** button and it will add it in to this job.



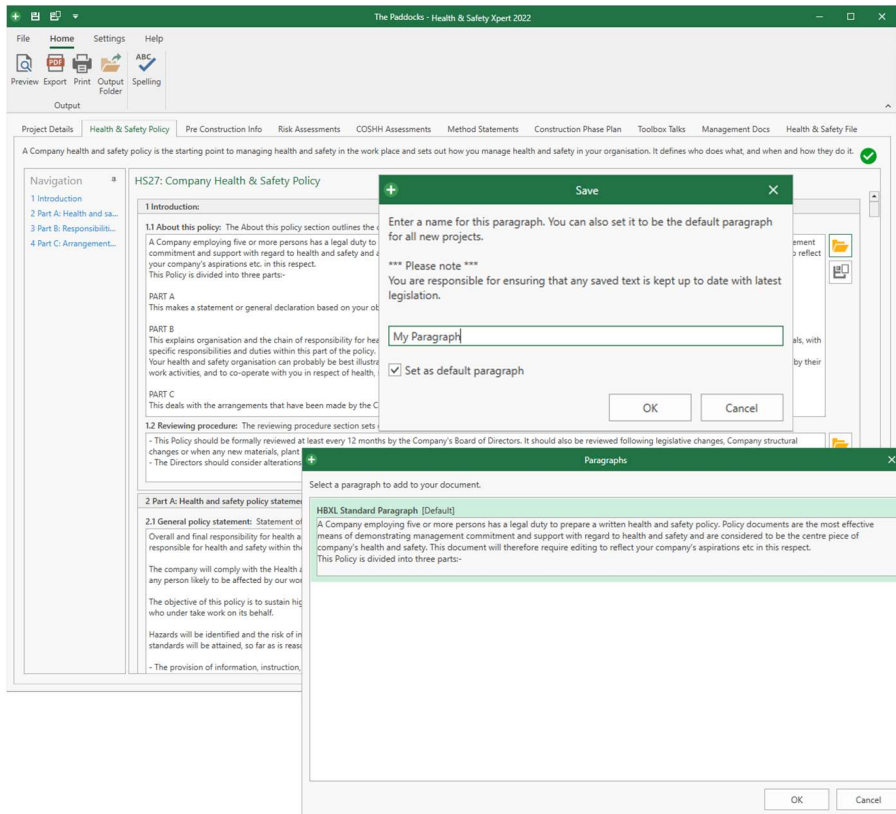
If you want to ensure your logo is used for all future jobs instead click on the **Settings** ribbon tab, then click the **Settings** button.

In the dialog box that pops up click on **Logos** under the title **Output**.

Then click **Browse** button adjacent to the image and locate your **Company Logo** or other image file. Once you have located it click **Open** button. It will then be available by default for all future jobs.

# HEALTH & SAFETY POLICY TAB

In the **Health & Safety Policy** screen, you should review and edit the text of the **Health & Safety Policy** document.



To edit the text simply type into the boxes.

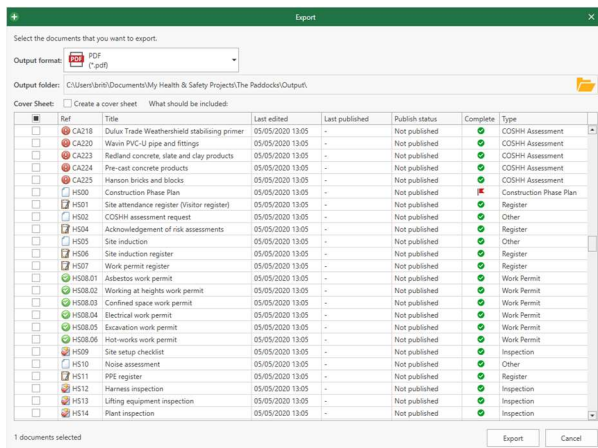
If you want your changes to be available for use in other jobs in the future, you can save your new text using the **Save As** button.



You will be prompted to enter a name for your new version of the paragraph, then click **OK**.

If you want to select this as a default paragraph check the box.

Alternatively, you will be able to select your own version for future jobs by using the **Select** button.



Once you are satisfied with the **Health & Safety Policy**, simply click the **Export** button to export to a PDF or Word doc.

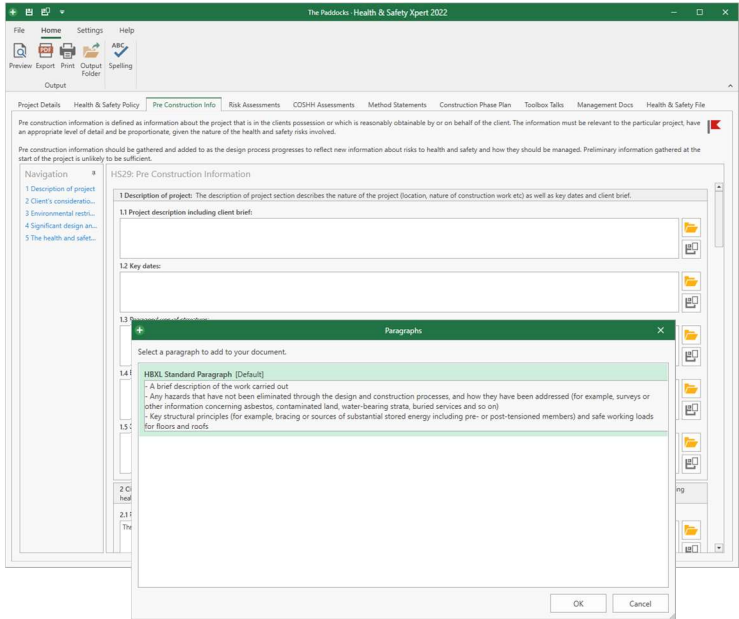
Alternatively you can click **Preview** to view a preview.

Or click **Print** to print a copy.

For more detailed information about the **Health & Safety Policy** and why you need one, see page 30.

PRE-CONSTRUCTION INFO TAB

In the **Pre-construction Info** screen, it is **essential** that you review and edit the text of the **Pre-construction Information** document because it is unique and specific to the job for which it is prepared and therefore requires you to enter your own bespoke text.



To edit the text simply type into the boxes.

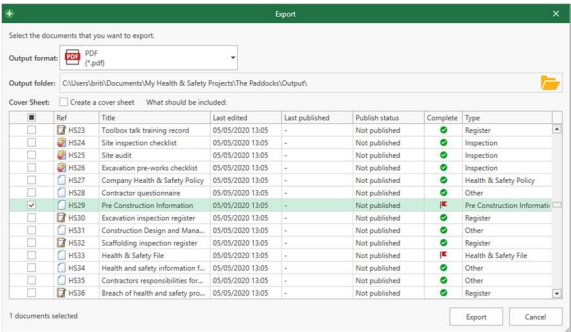
If you want to save any of the changes you have made to these paragraphs for use in other projects in the future, you can do this using the **Save As** button.



You will be prompted to enter a name for your new version of the paragraph, then click **OK**.

If you want to select this as a default paragraph check the box.

Alternatively, you will be able to select your own version for future jobs by using the **Select** button.



Once you are satisfied with the **Pre-construction Info**, simply click the **Export** button to export to a PDF or Word doc.

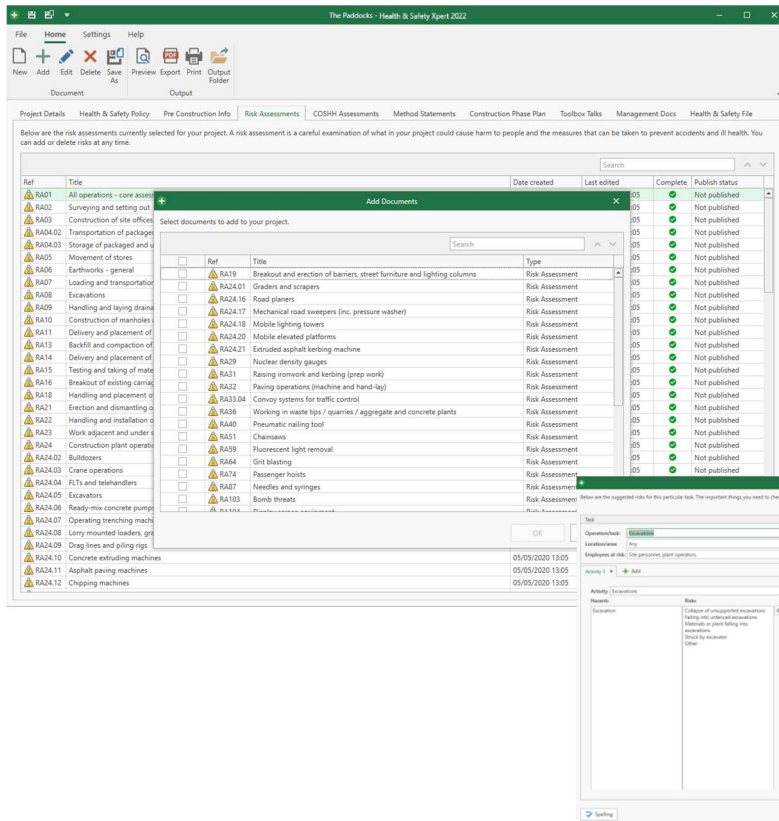
Alternatively you can click **Preview** to view a preview.

Or click **Print** to print a copy.

For more detailed information about the **Pre-construction Info** and why you need one, see page 42.

# RISK ASSESSMENTS TAB

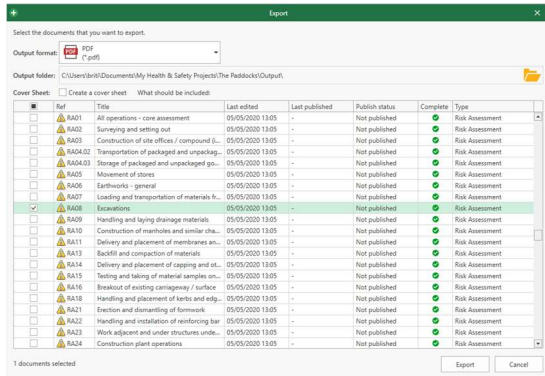
In the **Risk Assessments** screen, you should review and edit the text of the various **Risk Assessment** documents.



If you are aware of additional risks on site that are not covered by the **Risk Assessments** listed, you should add extra **Risk Assessments** to your project from the **Health & Safety Xpert®** library of **Risk Assessments** using the **Add** button.

Or create a new **Risk Assessment** by pressing the **New** button.

Having selected a **Risk Assessment**, by clicking on it, use the **Edit** button to review it and make changes. See notes overleaf for assistance.



Once you are satisfied with the **Risk Assessments**, simply click the **Export** button to export to a PDF or Word doc.

Alternatively you can click **Preview** to view a preview.

Or click **Print** to print a copy.

For more detailed information about **Risk Assessments** and why you need them, see page 31.

## NOTES ABOUT RISK ASSESSMENTS

### Legal Requirements & Recording

Regulation 3 of the **Management of Health and Safety at Work Regulations 1999** requires employers to make suitable and sufficient assessment of the risks to the health and safety of their workers, or any other person who may be affected by their undertakings and to record the significant findings of the assessments. The requirement relates also to the self-employed. The recorded assessment should be an effective statement of hazards and risks, which then leads management to take the relevant action to ensure health and safety. It needs to be part of the employer's overall approach to health and safety.

### Contents

- All relevant hazards and risks should be addressed
- Consider what normally happens in the workplace or during work activity
- Consider who might be affected
- Take into account existing precautionary measures
- Show what control measures are to be put in place to ensure a safe system of work

### Format

The Risk Assessment document provided with Health & Safety Xpert® has been designed to assist in meeting the above requirements. A number of construction operations have been identified, together with associated risks and hazards and recommended control measures in generic form. The format has been designed so that when completed, it will be regarded as 'Site Specific'. The assessor is invited to select/review from those generic hazards suggested, to indicate whether they are applicable and to add others, identifying the persons at risk and the risk product\*. The assessor is also invited to select/review from the list of suggested controls those that he feels should be implemented. Space is also provided for the inclusion of other controls considered necessary to deal with any circumstances relating to a particular site and then recalculate the risk product† with the post control measures in place.

### Definitions

**Activity** identifies the task which poses a risk. For example, when excavating a trench, working in unstable ground poses a risk. **Hazard** outlines the elements of the activity which have potential to cause harm. In this case, unstable sides to the trench could cause harm. **Risk** outlines the likelihood that harm will occur and the possible outcomes of the hazard. For example, unstable ground could result in trench collapse and entrapment.

### Risks & Quantitative Evaluation

The first **Pre-Control Risk** drop down box indicates the **likelihood** of the risk occurring during the proposed work. The likelihood of trench collapse and entrapment before control measures is probable. The second **Pre-Control Risk** drop down box relates to the **severity** of the outcome, should the risk occur. For example, the potential outcome of trench collapse and entrapment is multiple fatalities.

\*The risk product is obtained by Health & Safety Xpert® multiplying the two numbers together - in consequence, the higher the number the more serious the matter.

### Controls & Quantitative Evaluation

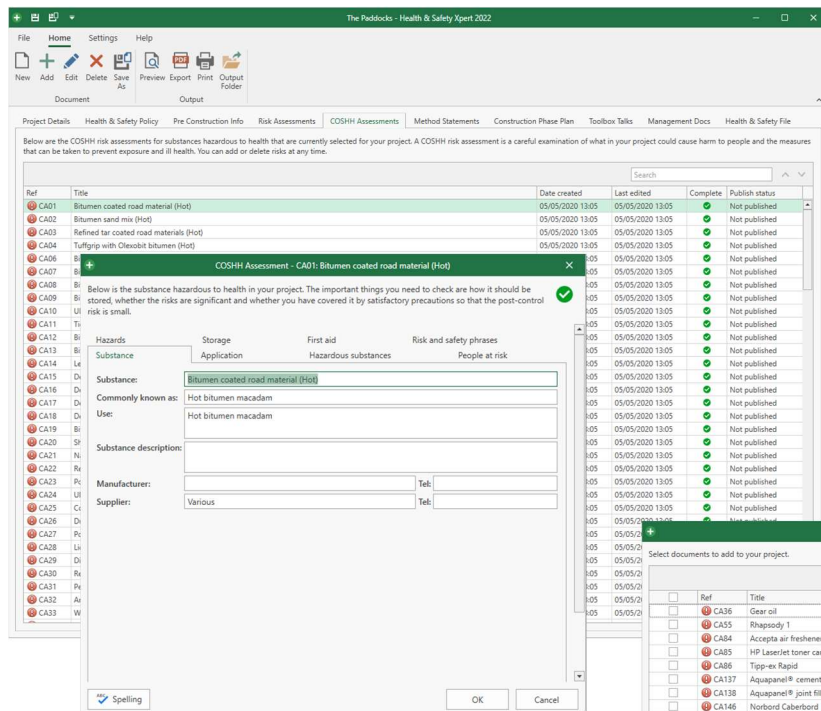
The **Control Measures** are the measures put in place to reduce or avoid the risk. Assessing ground conditions and using appropriate trench support systems are measures which reduce the risk of trench collapse and entrapment. The **Post-Control Risk** drop down boxes relate to the **likelihood** and **severity** of the risk once **Control Measures** are in place. Implementing **Control Measures** makes trench collapse and entrapment more unlikely, but should it occur, fatalities are still possible.

†The risk product **Post-Control** is obtained by Health & Safety Xpert® multiplying the two numbers together - in consequence, the higher the number the more serious the matter.



## COSHH ASSESSMENTS TAB

In the **COSHH Assessments** screen, you should review and edit the text of the various **COSHH Assessment** documents.



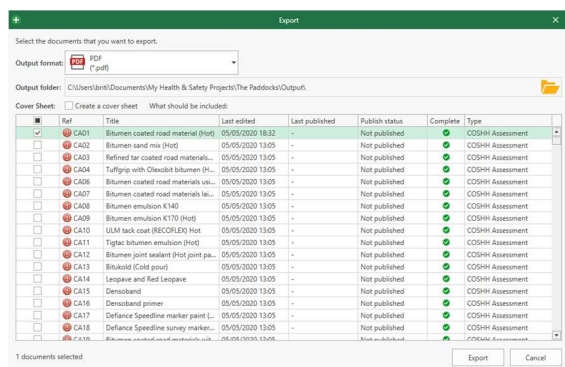
Having selected a **COSHH Assessment**, use the **Edit** button to review it and make any changes.



If you are aware of additional substances on site that are not covered by the **COSHH Assessments** listed, you should add any extra **COSHH Assessments** to your project from the **Health & Safety Xpert®** library of **COSHH Assessments** using the **Add** button. Similarly, you can delete any you think you do not require using the **Delete** button.



You can also create your own COSHH Assessments using the **New** button.



Once you are satisfied with the **COSHH Assessments**, simply click the **Export** button to export to a PDF or Word doc.

Alternatively you can click **Preview** to view a preview.

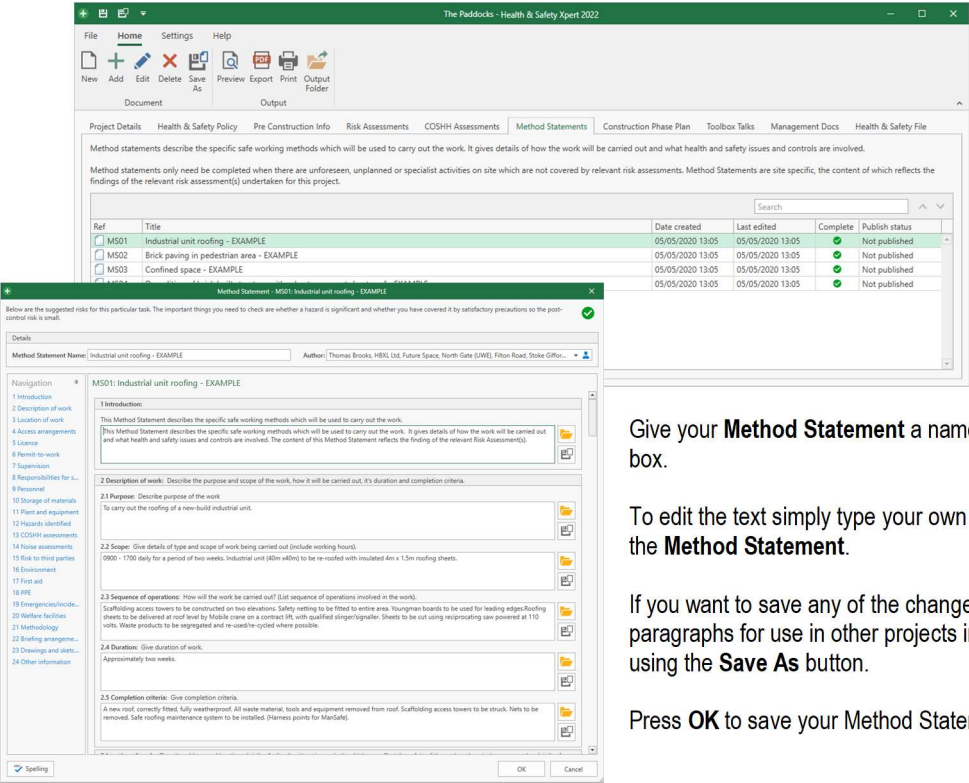
Or click **Print** to print a copy.

For more detailed information about **COSHH Assessments** and why you need them, see page 32



METHOD STATEMENT TAB

In the **Method Statements** screen, you can create new Method Statements and edit the text of any existing Method Statements you have previously created. Health & Safety Xpert® is supplied with three template Method Statements to help you get started. Because each Method Statement is unique and specific to the job for which it is prepared it therefore requires you to enter your own bespoke text. You can have more than one Method Statement per project.



To get started with a Method Statement press the **New** button.



Give your **Method Statement** a name at the top of the dialog box.

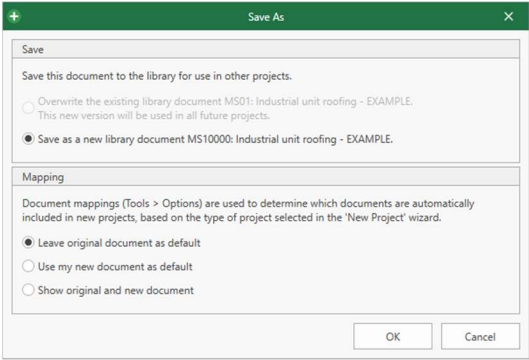
To edit the text simply type your own wording for each section of the **Method Statement**.

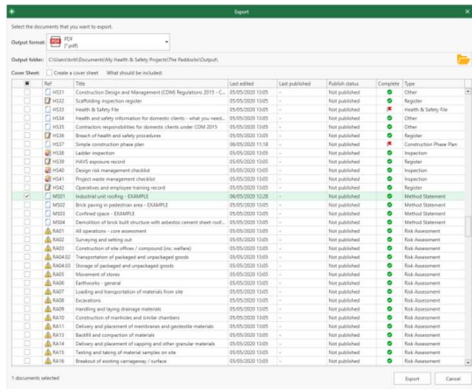
If you want to save any of the changes you have made to these paragraphs for use in other projects in the future, you can do this using the **Save As** button.



Press **OK** to save your Method Statement.

If you want to make your Method Statement available for future projects press **Save As** and it will be saved to your library of Method Statements.





Once you are satisfied with your **Method Statement**, simply click the **Export** button to export to a PDF or Word.

Alternatively you can click **Preview** to view a preview.

Or click **Print** to print a copy.

For more detailed information about **Method Statements** and why you need them, see page 34.

## CONSTRUCTION PHASE PLAN TAB

In the **Construction Phase Plan** screen, it is **essential** that you review and edit the text of the **Construction Phase Plan** document and the **Organisational Chart** because each **Construction Phase Plan** is unique and specific to the job for which it is prepared and therefore requires you to enter your own bespoke text.

If you are undertaking small scale routine work such as installing a kitchen, bathroom or replacing windows a **Simple Construction Phase Plan** completed BEFORE the work starts is usually sufficient. The **Simple Construction Phase Plan** can be found in the **Management Docs** tab under reference HS37

The screenshot shows the 'Save' dialog box in the software. It contains the following text:

Enter a name for this paragraph. You can also set it to be the default paragraph for all new projects.

\*\*\* Please note \*\*\*  
You are responsible for ensuring that any saved text is kept up to date with latest legislation.

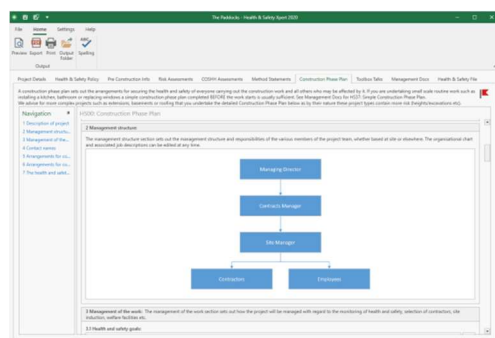
My Paragraph

☒ Set as default paragraph

OK Cancel

To edit the text simply type your own wording for each section of the **Construction Phase Plan**.

If you want to save any of the changes you have made to these paragraphs for use in other projects in the future, you can do this using the **Save As** button. Press **OK** to save your paragraph.



When you edit the **Management Structure**, you can review and make changes to the **Organisational Chart**.

To edit the job titles, add a new person or delete a person from the chart, or edit role responsibilities, simply click on the chart and the **Edit Organisational Chart** dialogue box will pop. When your edits are complete press **OK**.

Once you are satisfied with the **Construction Phase Plan**, simply click the **Export** button to export to a PDF or Word doc.

Alternatively you can click **Preview** to view a preview.

Or click **Print** to print a copy.

For more detailed information about the **Construction Phase Plan** and why you need it, see page 43

The screenshot shows the 'Export' dialog box. It contains a table with the following columns: Title, Last edited, Last published, Publish status, and Type. The table lists various documents, including:

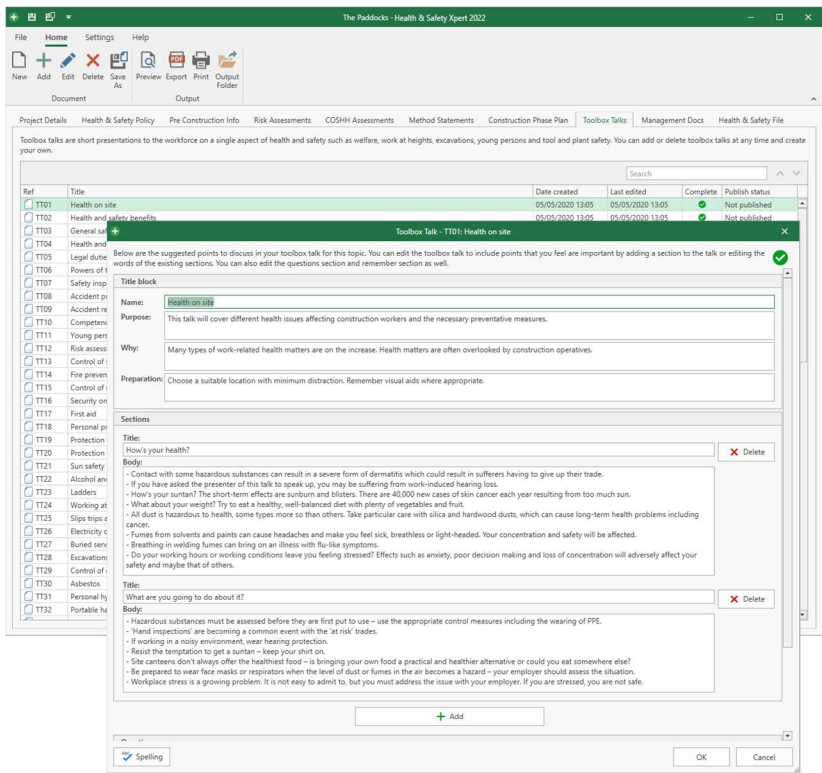
Title	Last edited	Last published	Publish status	Type
Construction Phase Plan	05/05/2020 13:05	-	Not published	Construction Phase Plan
Site attendance register...	05/05/2020 13:05	-	Not published	Register
CDSH assessment...	05/05/2020 13:05	-	Not published	Other
Access/development of...	05/05/2020 13:05	-	Not published	Register
Site induction	05/05/2020 13:05	-	Not published	Other
Site induction register	05/05/2020 13:05	-	Not published	Register
Work permit register	05/05/2020 13:05	-	Not published	Register
Asbestos work permit	05/05/2020 13:05	-	Not published	Work Permit
Working at heights...	05/05/2020 13:05	-	Not published	Work Permit
Confined space work p...	05/05/2020 13:05	-	Not published	Work Permit
Electrical work permit	05/05/2020 13:05	-	Not published	Work Permit
Excavation work permit	05/05/2020 13:05	-	Not published	Work Permit
Hot-works work permit	05/05/2020 13:05	-	Not published	Work Permit
Site setup checklist	05/05/2020 13:05	-	Not published	Inspection
Noise assessment	05/05/2020 13:05	-	Not published	Other
PPE register	05/05/2020 13:05	-	Not published	Register
Harness inspection	05/05/2020 13:05	-	Not published	Inspection
Lifting equipment insp...	05/05/2020 13:05	-	Not published	Inspection
Plant inspection	05/05/2020 13:05	-	Not published	Inspection
Excavation inspection	05/05/2020 13:05	-	Not published	Inspection
Scaffolding inspection	05/05/2020 13:05	-	Not published	Inspection
Site rules	05/05/2020 13:05	-	Not published	Other

1 documents selected

Export Cancel

# TOOLBOX TALKS TAB

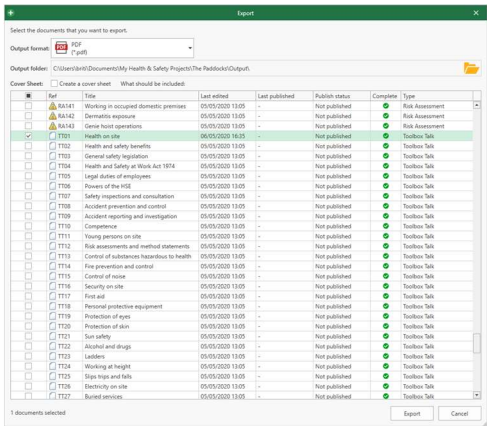
In the **Toolbox Talks** screen, you can print a variety of template Toolbox Talks templates for use on site.



To review and edit a **Toolbox Talk**, select the Toolbox Talk and then use the **Edit** button to review it and make changes.



If you are aware of additional topics on site that are not covered by the **Toolbox Talks** listed, you can create new Toolbox Talks and add them both to your project and to the library of Toolbox Talks in **Health & Safety Xpert®** for use in other future jobs using the **New** button.



Once you are satisfied with the **Toolbox Talks**, simply click the **Export** button to export them to a PDF or Word doc.

Alternatively you can click **Preview** to view a preview.

Or click **Print** to print copies.

For more detailed information about **Toolbox Talks** and why you need them, see page 40.

## MANAGEMENT DOCUMENTS TAB

In the **Management Documents** screen, you can print a variety of other useful health & safety documents. We recommend you read through the relevant sections of the Guide to Printouts located on pages 30-63 to decide which documents you would like to use for your project.

Once you are satisfied with these **Management Documents**, simply click the **Export** button to export to a PDF or Word doc.

Alternatively you can click **Preview** to view a preview.

Or click **Print** to print a copy.

For more detailed information about these management documents turn to pages 30-63.

The screenshot displays the 'Management Documents' interface. At the top, a menu bar includes 'File', 'Home', 'Settings', and 'Help'. Below this is a toolbar with icons for 'New', 'Add', 'Edit', 'Delete', 'Save', 'Preview', 'Export', 'Print', and 'Output Folder'. The main area shows a list of documents with columns for 'Ref', 'Title', 'Date created', 'Last edited', 'Complete', 'Type', and 'Publish status'. A search bar is located at the top right of the list.

A preview window for 'HS01: Site attendance register (Visitor register)' is open, showing the document's introduction and a table for recording visitor details. The table has columns for 'Date', 'Name', 'Company', 'Vehicle Registration', 'Time In', and 'Time Out'.

An 'Export' dialog box is also visible, allowing users to select documents to export. It includes a dropdown for 'Output format' (PDF or Word), a text field for 'Output folder', and a table for selecting specific documents. The table has columns for 'Ref', 'Title', 'Last edited', 'Last published', 'Publish status', 'Complete', and 'Type'. A checkbox 'Create a cover sheet' is also present.

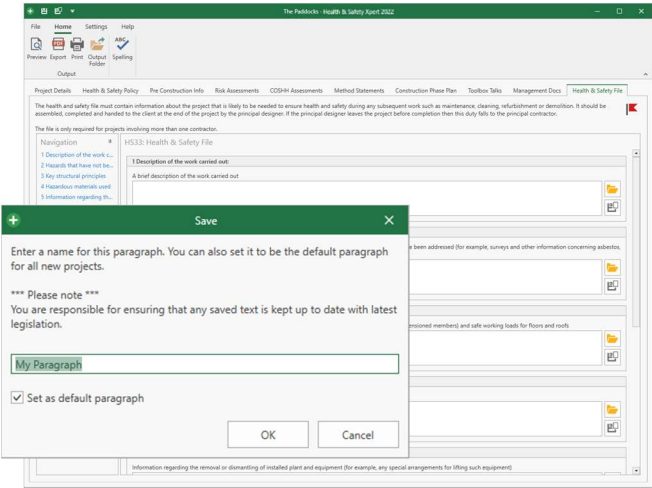
Ref	Title	Date created	Last edited	Complete	Type	Publish status
HS01	Site attendance register (Visitor register)	05/05/2020 13:05	05/05/2020 13:05	✓	Register	Not published
HS02	COSHH assessment request	05/05/2020 13:05	05/05/2020 13:05	✓	Other	Not published
HS04	Acknowledgement of risk assessments	05/05/2020 13:05	05/05/2020 13:05	✓	Register	Not published
HS05	Site induction	05/05/2020 13:05	05/05/2020 13:05	✓	Other	Not published
HS06	Site induction register	05/05/2020 13:05	05/05/2020 13:05	✓	Register	Not published

Ref	Title	Last edited	Last published	Publish status	Complete	Type
HS05	Site induction	05/05/2020 13:05	-	Not published	✓	Other
HS06	Site induction register	05/05/2020 13:05	-	Not published	✓	Register
HS07	Work permit register	05/05/2020 13:05	-	Not published	✓	Register
HS08.01	Asbestos work permit	05/05/2020 13:05	-	Not published	✓	Work Permit
HS08.02	Working at heights work permit	05/05/2020 13:05	-	Not published	✓	Work Permit
HS08.03	Confined space work permit	05/05/2020 13:05	-	Not published	✓	Work Permit
HS08.04	Electrical work permit	05/05/2020 13:05	-	Not published	✓	Work Permit
HS08.05	Excavation work permit	05/05/2020 13:05	-	Not published	✓	Work Permit
HS08.06	Hot-work work permit	05/05/2020 13:05	-	Not published	✓	Work Permit
HS09	Site setup checklist	05/05/2020 13:05	-	Not published	✓	Inspection
HS10	Noise assessment	05/05/2020 13:05	-	Not published	✓	Other
HS11	PPE register	05/05/2020 13:05	-	Not published	✓	Register
HS12	Harness inspection	05/05/2020 13:05	-	Not published	✓	Inspection
HS13	Lifting equipment inspection	05/05/2020 13:05	-	Not published	✓	Inspection
HS14	Plant inspection	05/05/2020 13:05	-	Not published	✓	Inspection
HS15	Excavation inspection	05/05/2020 13:05	-	Not published	✓	Inspection
HS16	Scaffolding inspection	05/05/2020 13:05	-	Not published	✓	Inspection
HS17	Site rules	05/05/2020 13:05	-	Not published	✓	Other
HS18	Scaffolding handover certificate	05/05/2020 13:05	-	Not published	✓	Other
HS19	Fire plan	05/05/2020 13:05	-	Not published	✓	Other
HS20	Accident investigation report	05/05/2020 13:05	-	Not published	✓	Other
HS21	Accident and incident record	05/05/2020 13:05	-	Not published	✓	Other
HS22	Toolbox talk register	05/05/2020 13:05	-	Not published	✓	Register

HEALTH & SAFETY FILE TAB

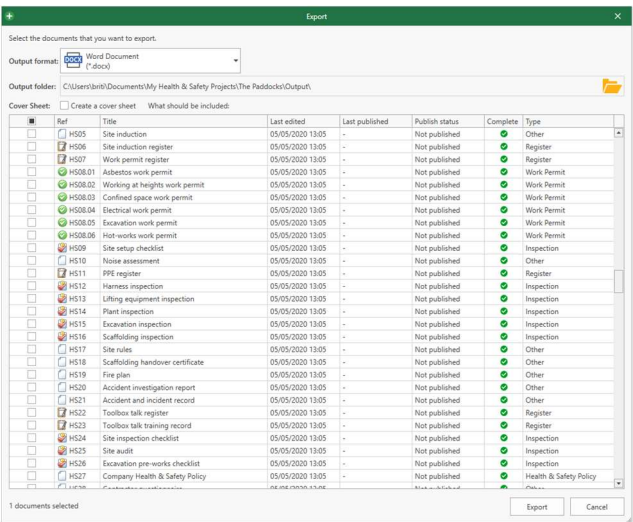
In the **Health & Safety File** screen, it is essential that you review and edit the text of the **Health & Safety File** document because each **Health & Safety File** is unique and specific to the job for which it is prepared and therefore requires you to enter your own bespoke text.

The file is only required for projects involving more than one contractor.



To edit the text simply type your own wording for each section of the **Health & Safety File**.

If you want to save any of the changes you have made to these paragraphs for use in other projects in the future, you can do this using the **Save As** button. Press **OK** to save your paragraph.



Once you are satisfied with the **Health & Safety File**, simply click the **Export** button to export to a PDF or Word doc.

Alternatively you can click **Preview** to view a preview.

Or click **Print** to print a copy.

For more detailed information about the **Health & Safety File** and why you need it, see page 45.

# WHAT ARE THE MAIN HEALTH & SAFETY REGULATIONS YOU NEED TO KNOW ABOUT?

## THE HEALTH & SAFETY AT WORK ACT 1974

The Health & Safety at Work Act 1974 describes the general duties that employers have towards their employees and to members of the public:

- The health and safety of people at work
- Protection of other people affected by work activities
- The control of risks to health and safety from articles and substances at work
- The control of some atmospheric emissions

The employers' main duties are to ensure, so far as reasonably practicable, the health and safety and welfare at work of all their employees. The degree of risk in a particular job or workplace needs to be balanced against the time, trouble, cost and physical difficulty of taking measures to avoid or reduce the risk. In particular:

- The provision of safe plant and systems of work
- The safe use, handling, storage and transport of articles and substances
- The provision of any required information, instruction, training and supervision.
- A safe place of work including access and egress
- A safe working environment with adequate welfare facilities

The law requires that when five or more people are employed the employer must:

- Prepare a written general health and safety policy
- Set down the organization and arrangements for putting that policy into effect
- Revise and update the policy as necessary
- Bring the policy and arrangements to the notice of all employees

In addition, every employer and self-employed person is under a duty, so far as reasonably practicable, that persons not in their employment (and themselves for self-employed) who may be effected, are not exposed to risks to their health & safety.

### Powers of Inspectors

Under the **Health & Safety at Work Act 1974**, inspectors have the authorization to enter premises at any reasonable time (or anytime in a dangerous situation), and to:

- Take a constable with them if necessary
- Examine and investigate
- Take measurements, photographs and recordings
- Take possession of or retain anything for examination or legal proceedings
- Require any person who can give information to answer questions and sign a statement
- Issue an Improvement Notice, which is a notice identifying a contravention of the law and specifying a date by which the situation must be remedied
- Issue a Prohibition Notice, which is a notice identifying and halting a situation which involves or will involve a risk of serious personal injury. A contravention need not have been committed. The notice can have **immediate effect**.



### **Fee For Intervention (FFI)**

Under The Health and Safety (Fees) Regulations 2012, those who break health and safety laws are liable for recovery of HSE's related costs, including inspection, investigation and taking enforcement action.

### **Offences**

Notices will contain, or have attached, an explanation of what you must do to comply. You are often allowed to use a different but equally effective alternative. When notices are issued, a copy will be provided for any employees. The law requires some notices to be put in a register, which is open to public inspection. Failure to comply with a notice is a serious offence and is likely to lead to prosecution.

The laws that Inspectors enforce take account of the costs of what you are required to do. This means that the action required must be in proportion to the risks concerned.

If you appeal against an Improvement Notice it is suspended until the appeal is heard. A Prohibition Notice usually remains in force until the appeal is heard. An appeal form will be enclosed with either type of notice.

The Inspector can also decide to prosecute any company and/or individual breaking the law. When an offence is committed by a corporate body with the knowledge, connivance or neglect by a responsible person, both that person and the body corporate are liable to prosecution.

Prosecution is more likely where there:

- is a blatant disregard for the law (particularly for economic reasons)
- is reckless disregard for the health and safety of workpeople and others
- have been repeated breaches of legislation and management is neither willing nor structured to deal adequately with these
- has been a serious accident or a case of ill-health arising from a substantial legal contravention or where:
- a particular type of offence is prevalent in an activity or area
- a particular contravention has caused justifiable, serious public concern

Offences under the **Health & Safety at Work Act 1974** attract unlimited fines and/or 12 months imprisonment at lower court (and unlimited fines and/or 2 years imprisonment at higher court).

In addition to the above a Health and Safety Executive leadership flow chart and checklist are available on the HSE website [hse.gov.uk/leadership/checklist.htm](https://hse.gov.uk/leadership/checklist.htm)

Health & Safety Xpert software will assist in complying with this model.



## THE MANAGEMENT OF HEALTH & SAFETY AT WORK REGULATIONS 1999

### **The Management of Health & Safety at Work Regulations 1999 clarifies what employers are required to do to manage health and safety under the Health & Safety at Work Act 1974**

This law requires every employer to carry out a suitable & sufficient risk assessment. If there are 5 or more employees in the workplace, the significant findings must be recorded.

It applies the ESRIC principal of risk management through the hierarchy of Elimination, Substitution, Reduction, Isolation, Control together with Information, Instruction, Training and Supervision.

Every employer is obliged to appoint one or more competent persons to advise and assist in undertaking the necessary measures to comply with the relevant statutory requirements.

Information must be provided to staff on the risk assessment, risk controls, emergency procedures and the identity of people appointed to assist on health & safety matters. The information provided must take account the level of training, knowledge and experience of the employees.

When giving tasks to employees their capabilities with regard to health & safety must be taken into account. Employees must be provided with adequate health & safety training.

**Young people** (under 18) must be protected at work from risks to their health & safety that are the result of lack of experience, or absence of awareness of existing or potential risks or because they have not fully matured. Risks to young people must be given careful consideration in your **Risk Assessments**.

## CONSTRUCTION (DESIGN & MANAGEMENT) REGULATIONS 2015

### How does CDM 2015 apply to you?

Under CDM 2015 organisations or individuals can be one or more duty holders for a project. The different duty holders are summarised below, together with their duties. The list of duties is not comprehensive. Fuller details can be found in the health and safety document HS31 in your Health & Safety Xpert software.

#### Client Duties

A **client** is an organisation or individual for whom a construction project is carried out.

#### Summary of role/main duties

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

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

Clients must also make sure that:

- relevant information is prepared and provided to other duty holders
- the principal designer and principal contractor carry out their duties
- welfare facilities are provided
- The Health and Safety Executive are informed if the project is '**notifiable**'

A project is '**notifiable**' if the construction work on a construction site is scheduled to:

- last longer than 30 working days **and** have more than 20 workers working simultaneously at any point in the project; **or**
- exceed 500 person days

Where a project is notifiable, the client must give notice in writing to the Health & Safety Executive as soon as is practicable before the construction phase begins.

#### Domestic Client

**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 in furtherance 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 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 for the principal designer to carry out the client duties.

### **Principal Designer Duties**

The **Principal Designer** is a designer 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.

### **Summary of main duties**

Plan, manage, monitor and co-ordinate health and safety in the preconstruction 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 co-ordination of the construction phase

### **Designers Duties**

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

### **Summary of role/main duties**

When preparing or modifying designs, eliminate, reduce or control foreseeable risks that may arise during:

- construction
- the maintenance and use of a building once it is built and;
- provide information to other members of the project team to help them fulfil their duties

### **Principal Contractor Duties**

**Principal Contractors** are contractors appointed by the client to co-ordinate the construction phase of a project where it involves more than one contractor.

### **Summary of role/main duties**

Plan, manage, monitor and co-ordinate the construction phase of a project. This includes:

- liaising with the client and principal designer
- preparing the construction phase plan
- organising co-operation between contractors and co-ordinating their work

Ensure that:

- suitable site inductions are provided
- reasonable steps are taken to prevent unauthorised access
- workers are consulted and engaged in securing their health and safety
- welfare facilities are provided

### **Contractors**

**Contractors** are those who do the actual construction work. They can be either an individual or a company.

### **Summary of role/main duties**

- 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, co-ordinate 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

## **Workers**

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

### **Summary of role/main duties**

They must:

- be consulted about matters which affect their health, safety and welfare
- take care of their own health and safety and that of 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
- co-operate with their employer, fellow workers, contractors and other duty holders

## **General**

**Construction (Design and Management) Regulations 2015** gives principal contractors, contractors and those who control the way in which construction work is carried out various specific duties including:

- Safe place of work
  - Safe access and egress to places of work
  - Safe places of work with adequate space for workers
  - That people are prevented from gaining access to unsafe access or workplaces
- Excavations are safe
  - Ensure that excavations do not accidentally collapse
  - Prevent, so far as is reasonably practicable, a person from being buried or trapped by a fall of material
  - Support, so far as is reasonably practicable, the sides, roof or adjacent area to prevent a collapse
  - Provide suitable and sufficient equipment to support the excavation
  - Work on supports for an excavation only under competent supervision
  - Stop any person vehicle or equipment being near to an excavation where it is likely to cause collapse
  - Prevent any risk so far as is reasonably practicable, of injury from underground cables or services
  - Prevent persons, vehicle or plant, equipment or any accumulation of material falling into the excavation
- Fire & other emergencies
  - Provide unobstructed, properly signed emergency routes and exits to a place of safety
  - Set up appropriate emergency procedures with designated people
  - Make people on site familiar with procedures and test the procedures
  - Provide suitable signs to indicate the firefighting equipment
- Welfare facilities
  - Provide sanitary and washing facilities with adequate supply of drinking water
  - Accommodation for clothing and changing facilities
  - Rest facilities
- Traffic routes & Vehicles
  - Organized so that vehicles and people can move safely
  - Organized so there is a separation between people and vehicles, or where this is not reasonably practicable, people are protected and warning of approaching vehicles is given
  - Vehicles can only be used where routes are free of obstructions, there is sufficient room or warning has been given to the driver
  - Suitable signs should be erected

- Training, Inspection and Reports
  - Construction work where training or technical knowledge is required to protect people shall only be carried out by competent people or under competent supervision
  - Where the work is part of an excavation make sure it is inspected before work and at specified intervals by a competent person
  - Reports of inspections must be produced by the competent person before the end of the working period

## CONTROL OF SUBSTANCES HAZARDOUS TO HEALTH REGULATIONS (COSHH) 2002

**Control of Substances Hazardous to Health Regulations (COSHH) 2002** extends the steps required under risk assessments and a duty to deal with accidents and emergencies. COSHH covers most substances hazardous to health in workplaces and covers persons who may be on the premises but not employed whether they are at work or not, including visitors and contractors.

The seven basic steps include:

1. Assess the risks to health
2. Decide what precautions are to be taken
3. Prevent or adequately control exposure
4. Ensure control measures are used and maintained
5. Monitor the exposure of employees to hazardous substances
6. Carry out appropriate health surveillance where necessary
7. Ensure employees are properly informed, trained and supervised

Basically **no work may be carried out** where employees are liable to be exposed to substances hazardous to health **unless** a **suitable and sufficient risk assessment** has been carried out including the steps needed to meet COSHH have been made. **Where 5 or more employees are employed the significant findings must be recorded.**

## EMPLOYERS LIABILITY (COMPULSORY INSURANCE) ACT 1969 AND REGULATIONS 1998

Employers liability (compulsory insurance) act 1969 and regulations 1998 states that employers are responsible for the health & safety of employees while they are at work.

Employees may be injured at work, or they or former employees may become ill as a result of their work while employed. They may try to claim compensation if they believe them to be responsible. The **Employers Liability Compulsory Insurance Act 1969** ensures that an employer has at least a minimum level of insurance against such claims.

This is why it is important to undertake training and provide site rules to avoid such scenarios.

# GUIDE TO PRINTOUTS INCLUDED WITH HEALTH & SAFETY XPERT®

## COMPANY HEALTH & SAFETY POLICY

Under the **Health & Safety at Work Act 1974**, every employer by law with 5 or more employees must prepare and update as necessary a **Company Health and Safety Policy**.

Under the **Health & Safety (First Aid) Regulations 1981**, an employer must provide adequate and appropriate first aid facilities and equipment, rendered by qualified first aiders. **Employees must be informed** of these arrangements including the location of facilities, equipment and people and this is usually included in a **Company Health and Safety Policy**.

A **Company Health and Safety Policy** would normally also included general statements of how the company intends to comply with other relevant regulations including:-

- Deposit of Poisonous Waste Act 1972
- The Dangerous Substances and Explosive Atmospheres Regulations 2002 (DSEAR)
- Control of Asbestos at Work Regulations 2012
- Control of Pollution (Amendment) Act 1989
- Electricity at Work Regulations 1989
- Environmental Protection Act 1990
- Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991
- Chapter 8 Traffic Signs Manual 1991 (Traffic Signing Regulations and General Directions)
- Manual Handling Operations Regulations 1992
- Workplace (Health, Safety & Welfare) Regulations 1992
- Personal Protective Equipment at Work (Amendment) Regulations 2022 (PPER 2022) (PPER 1992 Regulations as Amended in 2022)
- The Construction (Design and Management) Regulations 2015
- R.I.D.D.O.R. 2013
- The Health and Safety (Consultation with Employees) Regulations 1996
- Safety Signs and Signals Regulations 1996
- Lifting Operation and Lifting Equipment Regulations 1998
- Provision and Use of Work Equipment Regulations 1998
- The Management of Health and Safety at Work Regulations 1999
- The Control of Substances Hazardous to Health Regulations 2002
- Control of Noise at Work Regulations 2005
- Control of Vibration at Work Regulations 2005

Use the **Company Health and Safety Policy** included in **Health & Safety Xpert®** to establish general standards for health, safety and welfare within which your company will carry out its work and distribute responsibility for the implementation and management of these standards. All employees and sub-contractors must be familiar with your **Company Health and Safety Policy** and must be able to access a copy of it, should they wish to consult it further.

## RISK ASSESSMENTS

Under the **Management of Health & Safety at Work Regulation 1999**, (clarifying what employers are required to do to manage health and safety under the **Health & Safety at Work Act 1974**) **every employer** is required to carry out suitable & sufficient **risk assessments**. If there are 5 or more employees in the workplace, the **significant findings must be recorded**.

**Young people** (under 18) must be protected at work from risks to their health & safety that are the result of lack of experience, or absence of awareness of existing or potential risks or because they have not fully matured. Risks to young people must be given careful consideration in your **Risk Assessments**.

Specifically in relation to construction, the **Construction (Design & Management) Regulations 2015** requires that **risks are properly assessed** and steps are taken to avoid or reduce them so far as is reasonably practicable.

In addition, **Risk Assessment** is an essential part of complying with the following regulations to determine a safe system of work.

- Control of Substances Hazardous to Health Regulations (COSHH) 2002
- Control of Asbestos at Work Regulations 2012
- Confined Spaces Regulation 1997
- Work at Height Regulations 2005
- Lifting Operations & Lifting Equipment Regulations 1998
- Provision and Use of Work Equipment Regulations 1998
- Personal Protective Equipment at Work (Amendment) Regulations 2022 (PPER 2022) (PPER 1992 Regulations as Amended)
- Control of Noise at Work Regulations 2005
- Electricity at Work Regulations 1989

Use the **Risk Assessments** included in with **Health & Safety Xpert®** to help you properly assess the risks on your sites and record what measures you have taken to avoid and reduce them. It is important to file these records so that they could be consulted by an inspector if necessary.

You can also use the blank **Risk Assessment** included with **Health & Safety Xpert®** to create your own additional **Risk Assessments** for high risk activities if required. (**Method Statements** need only be completed when there are unforeseen, unplanned or specialist activities on site which are not covered by relevant risk assessments. **Method Statements** are site-specific and can only be completed by a trained, experienced and competent person. **Method Statements** must be completed on site.)

## DESIGNER RISK MANAGEMENT DOCUMENT

When preparing or modifying designs, you are required to eliminate, reduce or control foreseeable risks that may arise during construction and the maintenance and use of the building once it is built. You must have regard to the General principles of Prevention set out in the **Management of Health and Safety at Work Regulations 1999**. You can write up how you achieved this in the **Design Risk Management Document** if you are in any way involved in the design of the project.

## ACKNOWLEDGEMENT OF RISK ASSESSMENTS

The **Health & Safety at Work Act 1974** describes the general duties that employers have towards their employees and to members of the public. This regulation includes:

- The health and safety of people at work
- Protection of other people affected by work activities
- The control of risks to health and safety from articles and substances at work
- The control of some atmospheric emissions

The **Construction (Design & Management) Regulations 2015** requires that risks are properly assessed and steps are taken to avoid or reduce them so far as is reasonably practicable.

Use the **Acknowledgment of Risk Assessments** to confirm that all relevant persons working on the project have seen and understood any and all risk assessments that have been carried out. It is important to file these records so that they could be consulted by an inspector if necessary.

## COSHH ASSESSMENTS

The **Health & Safety at Work Act 1974** states that one of an employer's main **duties** is to ensure, **so far as reasonably practicable**, the health and safety and welfare at work of all their employees. This includes the safe use, handling, storage and transport of articles and substances.

Under the **Control of Substances Hazardous to Health Regulations (COSHH) 2002**, **no work may be carried out** where employees are liable to be exposed to substances hazardous to health **unless a suitable and sufficient risk assessment** has been carried out. Where **four or more employees are employed** the **significant findings** must be **recorded** and steps taken to comply.

COSHH covers most substances hazardous to health in workplaces and covers persons who may be on the premises but not employed, whether they are at work or not, including visitors and contractors.

In addition, the **Control of Asbestos at Work Regulations 2012** requires employers or the self-employed to prevent exposure at work to asbestos or, where this is not reasonably practicable, to ensure that exposure is kept as low as possible – and in any event below the control limit for asbestos. Employers must ensure a competent person **assesses the risks** from ACM's (Asbestos Containing Materials) **before work starts**.

Use the **COSHH Assessments** included in **Health & Safety Xpert®** to help you identify and record any risks associated with dangerous substances and the measures that you have taken to control and prevent exposure. It is important to file these records so that they could be consulted by an inspector if necessary.

Two documents packaged with the software to assist you in completing your COSHH assessments.

- EH 40. This is a HSE publication containing a list of workplace exposure limits for use with the COSHH Regulations 2002
- Risk and Safety Phrases. This is a list which contains details of special risks attributed to dangerous substances and preparations, together with safety advice.



## COSHH COVER SHEET

The **Health & Safety at Work Act 1974** states that one of an employer's main **duties** is to ensure, **so far as reasonably practicable**, the health and safety and welfare at work of all their employees. This includes the safe use, handling, storage and transport of articles and substances.

Under the **Control of Substances Hazardous to Health Regulations (COSHH) 2002**, **no work may be carried out** where employees are liable to be exposed to substances hazardous to health **unless a suitable and sufficient risk assessment** has been carried out. Where **5 or more employees are employed** the **significant findings** must be **recorded** and steps taken to comply.

COSHH covers most substances hazardous to health in workplaces and covers persons who may be on the premises but not employed, whether they are at work or not, including visitors and contractors.

Use the **COSHH Assessments** included in **Health & Safety Xpert®** to help you identify and record any risks associated with dangerous substances and the measures that you have taken to control and prevent exposure.

Should you order a COSHH data sheet from a manufacturer, use the **COSHH Cover Sheet** included in **Health & Safety Xpert®** to request that your company carries out its own COSHH Assessment of the product/dangerous substance (and attach it to the manufacturers data sheet), identifying and recording any risks associated with it and the measures that you have taken to control and prevent exposure.

It is important to file these records so that they could be consulted by an inspector if necessary.

## WRITTEN BREACH OF HEALTH & SAFETY PROCEDURES

Use the **Written Breach of Health & Safety Procedures** management document to provide evidence of managing on-site breaches of Health & Safety where an Employee/Operative has failed to follow on site guidelines for Health & Safety. The action you take might be anything from training to disciplinary action. This demonstrates that you are actively monitoring activities on site and taking action where necessary.

The causes of all breaches should be established in order to enable appropriate preventive action to be taken in the future. This is an essential part of the reactive monitoring of your company's Health and Safety standards. Use the **Written Breach of Health & Safety Procedures** Form included with **Health & Safety Xpert®** to carry out this function. It is important to file these records so that they could be consulted by an inspector if necessary.

## METHOD STATEMENTS

The **Health & Safety at Work Act 1974** describes the employers' main **duties** which are to ensure, **so far as reasonably practicable**, the health and safety and welfare at work of all their employees.

The degree of risk in a particular job or workplace needs to be balanced against the time, trouble, cost and physical difficulty of taking measures to avoid or reduce the risk. In particular the **employer** must **provide safe** plant and **systems of work** ascertained by **Risk Assessments**.

**Method Statements** need only be completed when there are unforeseen, unplanned or specialist activities on site which are not covered by relevant risk assessments. **Method Statements** are task and site-specific and can only be completed by a trained, experienced and competent person.

In addition the **Construction (Design and Management) Regulations 2015** stipulate the requirement for **Method Statements** from contractors to be included in the **Construction Phase Health & Safety Plan**.

**Method Statements** are an important part of complying with other specific regulations to determine a safe system of work including:

- Work at Height Regulations 2005
- Electricity at Work Regulations 1989
- Confined Spaces Regulation 1997
- Control of Asbestos at Work Regulations 2012

Use the **Method Statement** printout included with **Health & Safety Xpert®** to help you prepare, implement, communicate and record safe systems of work in accordance with the findings of the relevant **Risk Assessments**.

## ACCIDENT & INCIDENT RECORD

**Reporting accidents** and ill health at work is a **legal requirement**. The information enables the enforcing authorities to identify where and how risks arise and to investigate serious accidents. The enforcing authorities can then help and advise you on preventive action to reduce injury, ill health and accidental loss - much of which is uninsurable.

**RIDDOR, or the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013**, places a legal duty on:

- employers;
- the self-employed; and
- those in control of premises;

to notify and report some work-related accidents, diseases and dangerous occurrences to the relevant enforcing authority for their work activity.

**You must keep a record** of any reportable injury, disease or dangerous occurrence. This must include the date and method of reporting; the date, time and place of the event, personal details of those involved and a brief description of the nature of the event or disease.

The law requires the following work-related incidents to be reported to the Health & Safety Executive RIDDOR Incident Contact Centre immediately online at <http://www.hse.gov.uk/riddor/>

### Types of reportable incidents

#### Deaths:

All deaths to workers and non-workers, with the exception of suicides, must be reported if they arise from a work-related accident, including an act of physical violence to a worker.

#### Specified injuries to workers:

The list of 'specified injuries' in RIDDOR 2013 replaces the previous list of 'major injuries' in RIDDOR 1995. Specified injuries include (regulation 4):

- a fracture, other than to fingers, thumbs and toes
- amputation of an arm, hand, finger, thumb, leg, foot or toe;
- permanent loss of sight or reduction of sight;
- crush injuries leading to internal organ damage;
- serious burns (covering more than 10% of the body, or damaging the eyes, respiratory system or other vital organs);
- scalplings (separation of skin from the head) which require hospital treatment;
- unconsciousness caused by head injury or asphyxia;
- any other injury arising from working in an enclosed space, which leads to
- hypothermia, heat-induced illness or requires resuscitation or admittance to hospital for more than 24 hours.

#### Over-seven-day injuries to workers:

This is where an employee, or self-employed person, is away from work or unable to perform their normal work duties for more than seven consecutive days (not counting the day of the accident).

**Injuries to non-workers:**

You must report injuries to members of the public or people who are not at work if they are injured through a work-related accident, and are taken from the scene of the accident to hospital for treatment to that injury. Examinations and diagnostic tests do not constitute 'treatment' in such circumstances.

**Reportable occupational diseases:**

Employers and self-employed people must report diagnoses of certain occupational diseases, where these are likely to have been caused or made worse by their work. These diseases include (regulations 8 and 9):

- carpal tunnel syndrome;
- severe cramp of the hand or forearm;
- occupational dermatitis;
- hand-arm vibration syndrome;
- occupational asthma;
- tendonitis or tenosynovitis of the hand or forearm;
- any occupational cancer;
- any disease attributed to an occupational exposure to a biological agent.

**Reportable dangerous occurrences:**

Dangerous occurrences are certain, specified near-miss events. Not all such events require reporting. There are 27 categories of dangerous occurrences that are relevant to most workplaces. For example:

- the collapse, overturning or failure of load-bearing parts of lifts and lifting equipment;
- plant or equipment coming into contact with overhead power lines;
- the accidental release of any substance which could cause injury to any person.. For a full, detailed list, refer to the online guidance at: <http://www.hse.gov.uk/riddor/>

**You must keep a record of:**

Any other occupational accident causing injuries that result in a worker being away from work or incapacitated for more than three consecutive days (not counting the day of the accident but including any weekends or other rest days). You do not have to report over-three-day injuries, unless the incapacitation period goes on to exceed seven days. If you are an employer who has to keep an accident book, the record you make in this will be enough. You must produce RIDDOR records when asked by HSE, local authority or ORR inspectors.

**I'm self-employed. What do I need to do?**

If you are working in someone else's premises and suffer either a major injury or an injury which means you cannot do your normal work for more than seven days, then they will be responsible for reporting, so, where possible, you should make sure they know about it.

If you or a member of the public is injured while you are working on your own premises, if there is a dangerous occurrence there, or if a doctor tells you that you have a work-related disease or condition, then you need to report it.

However, as a self-employed person you don't need to notify immediately if you suffer a major injury on your own premises. Either you or someone acting for you should report it within 10 days.

\* As of 6 April 2012, the reporting requirement in RIDDOR for over-three-day injuries has changed to seven days. The trigger point has increased from 'over three days' to 'over seven days' incapacitation (not counting the day on which the accident happened). Incapacitation means that the worker is absent or is unable to do work that they would reasonably be expected to do as part of their normal work.

## ACCIDENT & INCIDENT INVESTIGATION FORM

**RIDDOR**, or the **Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013**, places a legal duty on:

- employers;
- the self-employed; and
- those in control of premises;

to notify and report some work-related accidents, diseases and dangerous occurrences to the relevant enforcing authority for their work activity (see **Accident & Incident Record** for more details.)

**The causes of all accidents and incidents** (including 'near misses') should be established in order to enable appropriate preventive action to be taken in the future. This is an essential part of the reactive monitoring of your company's Health and safety standards. **Use the Accident & Incident Investigation Form** included with **Health & Safety Xpert®** to carry out this function. It is important to file these records so that they could be consulted by an inspector if necessary.

## CDM DUTY HOLDERS CHECKLIST

**The Construction (Design & Management) Regulations 2015** sets out the responsibilities for all duty holders. Everyone involved with the project teams duties are explained in brief in the **CDM Duty Holders Checklist** management document which can be printed and provided to members of the team (Client, Principal Designer, Principal Contractor and Contractor) in order that they understand their role and responsibilities.

If you are a Client, Principal Designer, Designer, Principal Contractor or Contractor you have CDM duties in respect of ALL projects.

Use the **CDM Duty Holders Checklist** management document included with Health & Safety Xpert® to help you inform every one of their responsibilities for each job you carry out or are involved with.

## DOMESTIC CLIENT RESPONSIBILITIES UNDER CDM 2015

**The Construction (Design & Management) Regulations 2015** sets out the responsibilities for all duty holders including clients and domestic clients. Domestic Clients duties are explained in brief in the **Domestic Client Responsibilities under CDM 2015** management document which can be printed and provided to your client in order that they understand their role and responsibilities.

A domestic client is someone who has construction work done on their own home, or the home of a family member, which is not done in connection with a business. Local authorities, housing associations, charities, landlords and other businesses may own domestic properties but they are not a domestic client for the purposes of CDM 2015. If the work is in connection with a business attached to domestic premises, such as a shop, the client is NOT a domestic client.

All those who work in the construction industry have their part to play looking after their own health and safety and in improving the industry's health and safety record. Clients have duties under CDM 2015 however DOMESTIC client's duties must be carried out by;

- The Contractor, for a project where there is only one contractor
- The principal contractor, for a project where there is more than one contractor
- The principal designer where there is a written agreement that the principal designer will fulfil these duties

Use the **Domestic Client Responsibilities under CDM 2015** management document included with Health & Safety Xpert® to help you inform your clients of their responsibilities for each job you carry out.

## CONTRACTOR RESPONSIBILITIES FOR DOMESTIC CLIENTS UNDER CDM 2015

The **Construction (Design & Management) Regulations 2015** sets out the responsibilities for all duty holders including contractors working for domestic clients. Domestic Clients duties are explained in brief in the **Domestic Client Responsibilities under CDM 2015** management document which can be printed and provided to your client in order that they understand their role and responsibilities. Use the **Contractor Responsibilities for Domestic Clients under CDM 2015** as a checklist for yourself as a contractor and also to provide to the client to demonstrate that YOU as a contractor know YOUR responsibilities.

A domestic client is someone who has construction work done on their own home, or the home of a family member, which is not done in connection with a business. Local authorities, housing associations, charities, landlords and other businesses may own domestic properties but they are not a domestic client for the purposes of CDM 2015. If the work is in connection with a business attached to domestic premises, such as a shop, the client is NOT a domestic client.

### F10 FORM

Go to <https://www.hse.gov.uk/forms/notification/f10.htm> to notify the HSE of your project details online.

If you do not have the facilities to use the online form then you may notify the HSE in writing.

See <https://www.hse.gov.uk/forms/notification/f10.htm>

Under the **Construction (Design & Management) Regulations 2015** a project is notifiable if the construction phase is scheduled to

- (a) last longer than 30 working days **and** with more than 20 workers working simultaneously at any point in the project **or**
- (b) exceed 500 person days of construction work.

Where a project is notifiable the client must give notice in writing to the HSE as soon as practicable before the construction phase begins.

This advises the HSE of information such as:

- Address of the construction site
- A brief description of the project
- The date planned for the start of the construction phase
- The planned duration
- The contact details of the principal contractor
- The estimated number of people at work on the construction site

(This list is not exhaustive)

## PPE REGISTER

**Every employer** shall ensure that **suitable PPE** (Personal Protective Equipment) is **provided to employees described as limb (a) workers and limb (b) workers** who may be exposed to risks to their health & safety under the **Personal Protective Equipment at Work (Amendment) Regulations 2022 (PPER 2022)**.

### Definitions of limb (a) and limb (b) workers

In the UK, section 230(3) of the Employment Rights Act 1996's definition of a worker has 2 limbs:

- Limb (a) describes those with a contract of employment. This group are employees under the Health and Safety at Work etc Act 1974 and were in scope of PPER 1992
- Limb (b) describes workers who generally have a more casual employment relationship and work under a contract for service – they did not come under the scope of PPER 1992

Before choosing any PPE, employers must ensure that a proper assessment (**Risk Assessment**) is made to determine whether the PPE is suitable. Employers should provide employees AND limb (b) workers with adequate and appropriate information, instruction and training including:

- The risks which PPE will avoid or limit
- The purpose for which and the manner in which PPE should be used
- Any action required of the employee to maintain the PPE
- Employers are required to provide demonstration of PPE where appropriate

Use the **PPE Register** included in **Health & Safety Xpert®** to record these instructions and that the employee and limb (b) worker understands the requirement to use and look after the PPE they have been issued with.

### Notes:

When there is an overlap in the duties in the general **Personal Protective Equipment at Work Regulations** and those specifically covering asbestos, hazardous substances (COSHH) and noise etc then the *specific* legislative requirements should prevail.

Every employer must provide suitable head protection for each employee and limb (b) worker and replace it whenever necessary. A similar duty is placed on self-employed people. Every employer shall ensure, so far as reasonably practicable, that each employee (and any other person over whom they have control) at work wears suitable head protection unless there is no foreseeable risk of injury to their head other than through falling.

The person in control of a site may make rules regulating the wearing of suitable head protection. These must be in writing, in for example, your **Company Health & Safety Policy**, **Site Rules**, explained in your **Site Induction** and recorded in your **PPE Register**. It is important to file these records so that they could be consulted by an inspector if necessary.

Use the **PPE Register** included with **Health & Safety Xpert®** to provide evidence that suitable personal protective equipment including head protection has been supplied to all personnel on site

**PPER 2022** draws on this definition of worker and captures both employees and limb (b) workers:

“worker” means ‘an individual who has entered into or works under –

- (a) a contract of employment; or
- (b) any other contract, whether express or implied and (if it is express) whether oral or in writing, whereby the individual undertakes to do or perform personally any work or services for another party to the contract whose status is not by virtue of the contract that of a client or customer of any profession or business undertaking carried on by the individual;
- and any references to a worker’s contract shall be construed accordingly.

## TOOLBOX TALKS

The **Health & Safety at Work Act 1974** describes the general duties that employers have towards their employees and to members of the public which include:

- The provision of safe plant and systems of work
- The safe use, handling, storage and transport of articles and substances
- The provision of any required information, instruction, training and supervision
- A safe place of work including access and egress
- A safe working environment with adequate welfare facilities

The **Management of Health & Safety at Work Regulations 1999** clarifies what employers are required to do to manage health and safety under the **Health & Safety at Work Act 1974** and states that information must be provided to staff on the risk assessment, risk controls, emergency procedures and the identity of people appointed to assist on health & safety matters. The information provided must take account the level of training, knowledge and experience of the employees.

Information, instruction and training regarding safety, COSHH, access, plant, work systems and health and safety is carried out as part of your **Site Induction** and as part of regular **Toolbox Talks**. Relevant information will also be contained within the **Site Rules**.

Use the **Toolbox Talks templates within Health & Safety Xpert** to provide short presentations to the workforce on a single aspect of health and safety and then maintain a record of what information and training has been delivered to site personnel and by whom. Use the **Toolbox Talks Register** in conjunction with the **Toolbox Talks Training Record** which enables you to record who attended which training session. It is important to file these records so that they could be consulted by an inspector if necessary

## TOOLBOX TALKS REGISTER

As above, the **Health & Safety at Work Act 1974** describes the general duties that employers have towards their employees and to members of the public. The **Management of Health & Safety at Work Regulations 1999** clarifies what employers are required to do to manage health and safety under the **Health & Safety at Work Act 1974**.

Information, instruction and training regarding safety, COSHH, access, plant, work systems and health and safety is carried out as part of your **Site Induction** and as part of regular **Toolbox Talks**. Relevant information will also be contained within the **Site Rules**.

Use the **Toolbox Talks Register** to maintain a record of what information and training has been delivered to site personnel and by whom. Use the **Toolbox Talks Register** in conjunction with the **Toolbox Talks Training Record** which enables you to record who attended which training session. It is important to file these records so that they could be consulted by an inspector if necessary



## TOOLBOX TALKS TRAINING RECORD & RECORD OF TRAINING COURSES

The **Health & Safety at Work Act 1974** describes the general duties that employers have towards their employees and to members of the public.

The **Management of Health & Safety at Work Regulations 1999** clarifies what employers are required to do to manage health and safety under the **Health & Safety at Work Act 1974** and states that information must be provided to staff on the risk assessment, risk controls, emergency procedures and the identity of people appointed to assist on health & safety matters. The information provided must take account the level of training, knowledge and experience of the employees.

The **Provision and Use of Work Equipment Regulations 1998** states that persons who use work equipment must have adequate:

- Health & safety information
- Where appropriate, written instructions about the use of the equipment

Information, instruction and training regarding safety, COSHH, access, use of plant, work systems and health and safety is carried out as part of your **Site Induction** and as part of regular **Toolbox Talks**. Relevant information will also be contained within the **Site Rules**.

Use the **Toolbox Talks Training Record** to record who attended each training session. Use the **Toolbox Talks Training Record** in conjunction with the **Toolbox Talks Register** which enables you to record what information and training has been delivered to site personnel and by whom. It is important to file these records so that they could be consulted by an inspector if necessary.

Use the **Record of Training Courses** to record the training undertaken by your employees. It is important to file these records so that they could be consulted by an inspector if necessary.

## PRE-CONSTRUCTION INFORMATION

The **Management of Health & Safety at Work Regulations 1999** clarifies what employers are required to do to manage health and safety under the Health & Safety at Work Act 1974. It applies the principal of prevention, through effective arrangements for health & safety (planning, organization, monitoring & review).

More specifically the **Construction (Design & Management) Regulations 2015** sets out the requirement for a Preconstruction Information.

### What is Pre-construction Information?

- 1) Pre-construction information provides the health and safety information needed by:
  - a) designers and contractors who are bidding for work on the project, or who have already been appointed, to enable them to carry out their duties
  - b) principal designers and principal contractors in planning, managing, monitoring and co-ordinating the work of the project. It also provides a basis for the preparation of the construction phase plan. Some material may also be relevant to the preparation of the health and safety file
- 2) Pre-construction information is defined as information about the project that is already in the **client's possession or which is reasonably obtainable by or on behalf of the client**. The information must:
  - a) be relevant to the particular project
  - b) have an appropriate level of detail
  - c) be proportionate, given the nature of the health and safety risks involved
- 3) Pre-construction information should be gathered and added to as the design process progresses to reflect new information about the risks to health or safety and how they should be managed. Preliminary information gathered at the start of the project is unlikely to be sufficient.
- 4) When pre-construction information is complete it must include proportionate information about:
  - a) the project, such as the client brief and key dates of the construction phase
  - b) the planning and management of the project, such as the resources and time being allocated to each stage of the project and the arrangements to ensure there is co-operation between duty holders and that the work is co-ordinated
  - c) the health or safety hazards of the site, including design and construction hazards and how they will be addressed
  - d) any relevant information in an existing health and safety file

The information should be in a convenient form and be clear, concise and easily understandable to allow other duty holders involved in the project to carry out their duties.

The client has the main responsibility for providing pre-construction information. However, the principal designer must help and advise the client.

Use the **Pre-Construction Information tab** included with **Health & Safety Xpert®** to help you prepare a comprehensive and detailed **Pre-construction Information document** for each job you carry out. Much of the information contained in this document is specific to the individual job and must therefore be carefully prepared for each separate project you carry out.

## CONSTRUCTION PHASE HEALTH & SAFETY PLAN

The **Management of Health & Safety at Work Regulations 1999** clarifies what employers are required to do to manage health and safety under the Health & Safety at Work Act 1974. It applies the principal of prevention, through effective arrangements for health & safety (planning, organization, monitoring & review).

More specifically the **Construction (Design & Management) Regulations 2015** sets out the requirement for a Construction Phase Health & Safety Plan.

The **Construction Phase Health & Safety Plan** is a document that records how health and safety will be managed for the construction phase of a project. It is the basis for communicating to all those involved in the construction phase of the project, so it should be easy to understand and as simple as possible.

In considering what information is included, the emphasis is that it:

- 1) is relevant to the project
- 2) has sufficient detail to clearly set out the arrangements, site rules and special measures needed to manage the construction phase, **but**
- 3) is still proportionate to the scale and complexity of the project and the risks involved.

**The plan should not be cluttered with documents (such as generic risk assessments, records of how decisions were reached or detailed method statements) that get in the way of a clear understanding of what is needed to manage the construction phase.**

The principal contractor must develop the **Construction Phase Health and Safety Plan** so that it addresses the specific issues of the project during construction. These include:

- 1) A description of the project such as key dates and details of key members of the project team.
- 2) The management of the work, including:
  - the health and safety aims for the project
  - the site rules
  - arrangements to ensure cooperation between project team members and coordination of their work e.g. regular site meetings
  - arrangements for involving workers
  - site induction
  - welfare facilities
  - fire and emergency procedures.
- 3) The control of any of the specific site risks relevant to the work involved.

It is a clients' responsibility to ensure that construction work does not take place until the principal contractor has prepared a satisfactory **Construction Phase Health & Safety Plan**.

Use the **Health & Safety Plan** included with **Health & Safety Xpert®** to help you prepare a comprehensive and detailed **Construction Phase Health & Safety Plan** for each job you carry out. Much of the information contained in a **Health & Safety Plan** is specific to the individual job and must therefore be carefully prepared for each separate project you carry out.

## WASTE MANAGEMENT CHECKLIST

Although Site Waste Management Plans are no longer mandatory, they are generally recognised as a useful tool in assisting companies to meet their environmental obligations, as well as identifying savings in costs and material usage, Use the **Waste Management Checklist** included in **Health and Safety Xpert** to demonstrate how you have achieved this.

NB: There is no legal requirement for continual monitoring and recording.

## HAND & ARM VIBRATION (HAVS) EXPOSURE RECORD

**Under The Control of Vibration at Work Regulations 2015** employers are required to protect workers from harmful vibration.

In order to do this employers must decide what the workers' exposure is likely to be as part of a vibration Risk Assessment which is contained within **Health & Safety Xpert**. Use the **HAVS Exposure Record** included in **Health and Safety Xpert** to help with this. Once you know enough about the work to establish the likely level of vibration exposure, the focus can shift to investigating and taking practical steps to reduce the exposure and the risk.

NB: There is no legal requirement for continual monitoring and recording.

## HEALTH & SAFETY FILE

The **Health and Safety File** is defined as a file appropriate to the characteristics of the project, containing relevant health and safety information to be taken into account during any subsequent project or future maintenance work. Specifically the **Construction (Design & Management) Regulations 2015** sets out the requirement for a Health & Safety File.

The Health and Safety file must contain relevant information about the project which should be taken into account when any construction work or any maintenance work is carried out on the building AFTER the current project has finished. **The file is only required for projects involving more than one contractor.**

The file must contain information about the current project that is likely to be needed to ensure health and safety during any subsequent work such as maintenance, cleaning, refurbishment or demolition. When preparing the Health and Safety File, information on the following should be considered for inclusion:

- A brief description of the work carried out
- Any hazards that have not been eliminated through the design and construction processes, and how they have been addressed (for example, surveys or other information concerning asbestos, contaminated land, water-bearing strata, buried services and so on)
- Key structural principles (for example, bracing or sources of substantial stored energy including pre- or post-tensioned members) and safe working loads for floors and roofs
- Hazardous materials used (for example, lead paints and special coatings)
- Information regarding the removal or dismantling of installed plant and equipment (for example, any special arrangements for lifting such equipment)
- Health and safety information about equipment provided for cleaning or maintaining the structure
- The nature, location and markings of significant services, including underground cables, gas supply equipment and fire-fighting services
- Information and as-built drawings of the building, its plant and equipment (for example, the means of safe access to and from service voids, and the position of fire doors)

There should be enough detail to allow the likely risks to be identified and addressed by those carrying out the work and be proportionate to those risks.

The principal designer has primary responsibility for preparing the file, and reviewing, updating and revising it as the project progresses. If their appointment continues to the end of the project they must also pass the completed file to the client to keep. If the principal designer's appointment finishes before the end of the project, the file must be passed to the principal contractor for the remainder of the project. The principal contractor must then take on the responsibility for reviewing, updating and revising it and passing it to the client when the project finishes.

Use the **Health & Safety File** included with **Health & Safety Xpert®** to help you prepare a comprehensive and detailed **Health & Safety file** for each job you carry out. Much of the information contained in a **Health & Safety file** is specific to the individual job and must therefore be carefully prepared for each separate project you carry out.

## PLANT INSPECTION & WORK EQUIPMENT INSPECTION RECORD

Under the **Health & Safety at Work Act 1974**, it states that one of an employer's main **duties** is to ensure **so far as reasonably practicable**, the health and safety at work of all their employees. This includes the **provision of safe plant** and systems of work.

The **Provision and Use of Work Equipment Regulations 1998** stipulates that where work equipment is exposed to conditions causing deterioration which is liable to result in dangerous situations it must be **inspected** at suitable intervals by a competent person. **Records** of inspections must be kept with sufficient information to properly identify the equipment, its normal location, dates, faults found, action taken, to whom faults were reported, who carried out the inspection.

Compliance is based on the following 3 criteria:

- It is in an efficient state
- It is in efficient working order
- It is in good repair

In addition, the **Lifting Operations & Lifting Equipment Regulations 1998** aims to reduce the risks to people's health and safety from lifting equipment provided for use at work (such as cranes on hire on a construction site, hoist or forklift truck). The regulations require that lifting equipment is:

- Strong and stable enough for the particular use and marked to indicate safe working loads
- Positioned and installed to minimize risks
- Used safely
- Subject to on-going examination and where appropriate, **inspected by competent people**.

Use the **Plant Inspection Record** or the **Work Equipment Inspection Record** to record the results of your plant and smaller tools inspections. The **Plant or Work Equipment Inspection Records** should be completed each week for all plant on a site by a suitably qualified person. It must not be signed until any maintenance required that is indicated by the checklist included in the document has been carried out and confirmed as satisfactory by subsequent inspection. It is important to file these records so that they could be consulted by an inspector if necessary.

## LADDER INSPECTION RECORD

Under the **Work at Height Regulations 2005** ladders can be used when a risk assessment has 'demonstrated that the use of more suitable work equipment is not justified because of the low risk and short duration of use or: existing features on site which he cannot alter.'

A pre-use check should be carried out at the start of the working day and after any change, such as the ladder having been dropped or moving from a dirty area to a clean area.

- Check the stiles – Ensure they are not bent or damaged as the ladder could buckle or collapse
- Check the feet – Missing, worn or damaged feet could cause the ladder to slip. If moving from a dirty area to a clean area check the feet of the ladder are clean, mud or sand may cause the ladder to slip.
- Check the rungs – Bent, worn, missing or loose rungs could cause the ladder to fail.
- Check any locking mechanisms – Bent, worn or damaged fixings could cause the ladder to collapse. Ensure any locking bars are engaged.
- Check the stepladder platform – If it is split or buckled the ladder could become unstable or collapse.
- Check the steps or treads on stepladders – If they are contaminated they could be slippery. If the fixings are loose on the steps, they could collapse.

If the ladder has any defects, do not use the ladder and report the defects to your employer.

## SITE SET UP CHECKLIST

The **Health & Safety at Work Act 1974** describes the general duties that employers have towards their employees and to members of the public:-

- The provision of safe plant and systems of work
- The safe use, handling, storage and transport of articles and substances
- The provision of any required information, instruction, training and supervision
- A safe place of work including access and egress
- A safe working environment with adequate welfare facilities

The **Construction (Design and Management) Regulations 2015** state that the employers must:

- Ensure a safe place of work
- Make people on site familiar with emergency procedures and test the procedures
- Provide sanitary and washing facilities with adequate supply of drinking water
- Provide accommodation for clothing and changing facilities
- Provide rest facilities

Use the **Site Set Up Checklist** included with **Health & Safety Xpert®** to check and record that you have adequately met these requirements before works commence. It is important to file these records so that they could be consulted by an inspector if necessary.

## CONTRACTOR QUESTIONNAIRE

The **Management of Health & Safety at Work Regulations 1999** clarifies what employers are required to do to manage health and safety under the **Health & Safety at Work Act 1974**. It applies the principal of prevention, through effective arrangements for health & safety (**planning, organization, monitoring & review**).

More specifically under the **Construction (Design and Management) Regulations 2015**, the principal contractor is responsible for planning, managing and controlling health & safety during the construction phase of the project by:

- Developing and implementing the construction phase health & safety plan
- **Ensuring that competent and properly resourced subcontractors are used where necessary**
- Ensuring so far as reasonably practicable that all contractors comply with the rules laid down in the Health & Safety Plan
- Obtaining risk assessments & method statements from contractors
- Ensuring that workers have received adequate training
- Monitoring health & safety performance

Use the **Contractor Questionnaire** to ensure that the principle contractor and any other subcontractors are competent and have made adequate provision for health and safety and can provide documentary evidence of methods they use to implement their policies and procedures. It is important to file these records so that they could be consulted by an inspector if necessary.



## SITE RULES

The **Management of Health & Safety at Work Regulations 1999** clarifies what employers are required to do to manage health and safety under the **Health & Safety at Work Act 1974**. It applies the principal of prevention, through effective arrangements for health & safety (**planning, organization, monitoring & review**).

The **Health & Safety at Work Act 1974** describes the general duties that employers have towards their employees and to members of the public.

- The provision of safe plant and systems of work
- The safe use, handling, storage and transport of articles and substances
- The provision of any required information, instruction, training and supervision
- A safe place of work including access and egress
- A safe working environment with adequate welfare facilities

**Information must be provided** to staff on the risk assessment, risk controls, emergency procedures, the identity of people appointed to assist on health & safety matters. The information provided must take account the level of training, knowledge and experience of the employees.

The **Construction (Design and Management) Regulations 2015** state that the principal contractor must:

- Plan, manage and monitor the construction phase and coordinate matters relating to health and safety during the construction phase to ensure that, so far as is reasonably practicable, work is carried out without risks to health and safety
  - Make people on site familiar with emergency procedures and test the procedures
  - Take the necessary steps to prevent access by unauthorized persons.
  - Provide sanitary and washing facilities with adequate supply of drinking water
  - Provide accommodation for clothing and changing facilities
  - Provide rest facilities (including seating with backs)
- (This list is not exhaustive)

Under the **Personal Protective Equipment at Work (Amendment) Regulations 2022 (PPER 2022)**, **every employer** shall ensure that **suitable PPE** (Personal Protective Equipment) is **provided to employees and limb (b) workers** who may be exposed to risks to their health & safety.

Use the **Site Rules** printout included with **Health & Safety Xpert®** to communicate the rules and principles of site Health & Safety and safe methods of work to your site personnel. The **Site Rules** are also a means of ensuring that site personnel use the PPE including head protection you have provided them with. You should communicate the **Site Rules** verbally and distributes written copies of them during the **Site Induction**. You should also display further copies of them around the site, including in the welfare facilities.

## SITE INDUCTION

The **Health & Safety at Work Act 1974** describes the general duties that employers have towards their employees and to members of the public:

- The provision of safe plant and systems of work
- The safe use, handling, storage and transport of articles and substances
- The provision of any required information, instruction, training and supervision
- A safe place of work including access and egress
- A safe working environment with adequate welfare facilities

The **Construction (Design and Management) Regulations 2015** state that the principal contractor must:

- Plan, manage and monitor the construction phase and coordinate matters relating to health and safety during the construction phase to ensure that, so far as is reasonably practicable, work is carried out without risks to health and safety
- Make people on site familiar with emergency procedures and test the procedures
- Provide sanitary and washing facilities with adequate supply of drinking water
- Provide accommodation for clothing and changing facilities
- Provide rest facilities

The **Provision and Use of Work Equipment Regulations 1998** states that persons who use work equipment must have adequate:

- Health & safety information
- Where appropriate, written instructions about the use of the equipment

The **Management of Health & Safety at Work Regulations 1999** state that information must be provided to staff on:

- Risk assessments
- Risk controls
- Emergency procedures
- The identity of people appointed to assist on health and safety matters
- Risks notified by others.

Use the **Site Induction** included with **Health & Safety Xpert®** as a guide for carrying out a thorough and adequate induction of all site personnel before they commence work. The **Site Induction** is the ideal framework within which to convey information, instructions and training regarding risk assessments, controls, site safety, safe methods and systems of work, welfare facilities, site rules, use of plant and equipment, Personal Protective Equipment (PPE), Control of Substances Hazardous to Health (COSHH), Reporting of Injuries, Diseases and Dangerous Occurrences (RIDDOR), emergency procedures, personnel etc.

## SITE INDUCTION REGISTER

The **Health & Safety at Work Act 1974** describes the general duties that employers have towards their employees and to members of the public:-

- The provision of safe plant and systems of work
- The safe use, handling, storage and transport of articles and substances
- The provision of any required information, instruction, training and supervision
- A safe place of work including access and egress
- A safe working environment with adequate welfare facilities

The **Construction (Design and Management) Regulations 2015** state principal contractors, contractors and those in control of construction work must:

- Ensure a safe place of work
- Make people on site familiar with emergency procedures and test the procedures
- Provide sanitary and washing facilities with adequate supply of drinking water
- Provide accommodation for clothing and changing facilities
- Provide rest facilities

The **Management of Health & Safety at Work Regulations 1999** state that information must be provided to staff on:-

- Risk assessments
- Risk controls
- Emergency procedures
- The identity of people appointed to assist on health and safety matters
- Risks notified by others.

Use the **Site Induction Register** included with **Health & Safety Xpert®** to record who has attended a Site Induction. All site personnel should attend a Site Induction before they commence work in order to receive important information, instructions and training regarding site safety, safe methods and systems of work, welfare facilities, site rules, plant and equipment, Personal Protective Equipment (PPE), Control of Substances Hazardous to Health (COSHH), and Reporting of Injuries, Diseases and Dangerous Occurrences (RIDDOR) etc.

The **Site Induction Register** provides documentary evidence that a site induction has been carried out and that personnel attended it, understood it, have received a copy of the **Site Rules** and have agreed to abide by the policies, procedures, methods and rules of your company. It is important to file these records so that they could be consulted by an inspector if necessary.

## SITE ATTENDANCE REGISTER

The **Construction (Design and Management) Regulations 2015** require that people are prevented from gaining access to unsafe workplaces and in addition stipulates that **only authorized people are allowed on site**.

Use the **Site Attendance Register** (also known as a **Visitors Register**), which requires that people sign in and out of site, to control access to the site. In addition to controlling access on site, the **Site Attendance Register** is a vital way of accounting for personnel should the site be evacuated in an emergency.

## FIRE PLAN

Under the **Construction (Design and Management) Regulations 2015**, the main duty holders are principal contractors, contractors and those in control of construction work this includes in the event of fire & other emergencies.

These regulations ensure that:

- unobstructed, properly signed emergency routes and exits to a place of safety are provided
- appropriate **emergency procedures** with **designated people** are set up
- people on site are made familiar with procedures and test the procedures
- suitable signs to indicate the firefighting equipment are provided

These regulations also specify that a **Health & Safety Plan** covering emergency procedures and other safety rules is created.

Use the **Fire Plan** printout included with **Health & Safety Xpert®** to help you create a suitable **Fire Plan** for your site. It details the measures that you will take to control the risk of fire on site and the responsibilities for ensuring that the measures are being implemented consistently and are adequate.

It is important to file these records so that they could be consulted by an inspector if necessary.

## NOISE ASSESSMENT

Under the **Control of Noise at Work Regulations 2005**, employers are required to protect people from exposure to harmful noise. The main requirements apply when noise exposure is above certain action levels, which is ascertained through a detailed **risk assessment** called a **Noise Assessment**.

Use the **Noise Assessment** printout included in **Health & Safety Xpert®** to record the noise assessments you carry out and the measures you will take to protect people from exposure to harmful noise. It also provides recommendations for PPE. The Health & Safety Executive recommends an assessment is necessary in any situation where people have difficulty hearing one another when 2/3 metres apart (80 dba).

Tasks requiring a **Noise Assessment** may include but are not limited to asphalt paving, blasting, carpentry, drilling/chipping/grinding/finishing concrete, crushing, driving crawler/tractor/dumper/excavator/grader/loader/roller/ wheeled tractor/wheeled loader, pouring, digging, scabbling, shovelling hardcore, guniting, shuttering, piling, sandblasting, re-inforcing and any other use of air-compressed tools. It is important to file these records so that they could be consulted by an inspector if necessary.

## HEALTH & SAFETY AUDIT

The **Health & Safety at Work Act 1974** describes the general duties that employers have towards their employees and to members of the public.

- The health and safety of people at work
- Protection of other people affected by work activities
- The control of risks to health and safety from articles & substances at work
- The control of some atmospheric emissions

The employers' main **duties** are to ensure, **so far as reasonably practicable**, the health and safety and welfare at work of all their employees. In particular:

- The provision of safe plant and systems of work
- The safe use, handling, storage and transport of articles and substances
- The provision of any required information, instruction, training and supervision
- A safe place of work including access and egress
- A safe working environment with adequate welfare facilities

In addition, under the **Construction (Design and Management) Regulations 2015** it is stipulated that during the construction phase, health & safety performance must be monitored.

A **Health & Safety Audit** is normally carried out by an external auditor nominated by a suitably authorized person within your company or by someone from within your organization who is suitably competent.

Use the **Health & Safety Audit** included with **Health & Safety Xpert®** together with regular **Site Inspections** to monitor site health and safety and implement the principals of your **Company Health and Safety Policy**. It is important to file these records so that they could be consulted by an inspector if necessary.

## SITE INSPECTION

The **Health & Safety at Work Act 1974** describes the general duties that employers have towards their employees and to members of the public.

- The health and safety of people at work
- Protection of other people affected by work activities
- The control of risks to health and safety from articles & substances at work
- The control of some atmospheric emissions

The employers' main **duties** are to ensure, **so far as reasonably practicable**, the health and safety and welfare at work of all their employees. In particular:

- The provision of safe plant and systems of work
- The safe use, handling, storage and transport of articles and substances
- The provision of any required information, instruction, training and supervision
- A safe place of work including access and egress
- A safe working environment with adequate welfare facilities

In addition, under the **Construction (Design and Management) Regulations 2015** it is stipulated that during the construction phase health & safety performance must be monitored.

Use the **Site Inspection** included with **Health & Safety Xpert®** to carry out regular inspections of your sites. Regular inspections are a good way to maintain high standards of site health and safety and ensure your **Company Health and Safety Policy** is being implemented on a daily basis. The **Site Inspection** document gives guidance as to the particular areas that should be regularly checked while walking around a site. Sites should be inspected daily (preferably at a different time each day) to ensure that standards are consistent. The results of the inspections and any appropriate correction action taken should be recorded and filed.

Similarly more detailed random **Health & Safety Audits** help monitor the ongoing site health and safety situation. It is important to file these records so that they could be consulted by an inspector if necessary.

The **Work at Height Regulations 2005** requires that work equipment for working at height must also comply with the applicable schedules of the regulations. This includes provision of correctly positioned guard rails, toe boards or other fall protection. The **Site Inspection** printout includes a section covering work at height. **If your equipment for work at height is found to be inadequate, you can be fined.**

## PERMIT TO WORK ELECTRICALS

The purpose of **Electricity at Work Regulations 1989** is to ensure precautions are taken against the risk of death or personal injury from electricity at work.

Having identified risks in a **Risk Assessment**, systems must be designed to be of such construction as to prevent danger. The **assessment** must be done by a competent person and will normally be formalized into a specific **Permit to Work**, applicable to a particular task.

**Method Statements** need only be completed when there are unforeseen, unplanned or specialist activities on site which are not covered by relevant risk assessments. **Method Statements** are task and site-specific and can only be completed by a trained, experienced and competent person.

Where technical knowledge or experience is necessary to prevent danger, all persons must possess such knowledge or experience or be under appropriate supervision.

Duties are imposed on employers, self-employed and the employees. The particular duties on employees are intended to emphasize the level of responsibility which employees in the electrical trades and professions are expected to take on as part of their job.

Use the **Permit to Work Electricals** included with **Health & Safety Xpert®** to help you control hazardous work and authorise specific persons to undertake particular tasks in a designated area. The **Permit to Work** is designed to help you define the safety precautions to be taken depending on the nature of the work being performed and the hazards involved. You should use it to record the methods to be used and precautions to be taken which should be agreed to by all parties concerned beforehand and clearly stated on the **Permit to Work**. The **Permit to Work** must be signed off by all parties before any work commences. **Permits to Work** are only valid for specific short periods of time and therefore help you to monitor the ongoing use of suitable safe systems of work.

It is important to file these records so that they could be consulted by an inspector if necessary.

## PERMIT TO WORK EXCAVATIONS

Under the **Confined Spaces Regulation 1997**, a **Risk Assessment** is an essential part of complying with these regulations and must be done (under the **Management of Health & Safety at Work Regulations 1999**) to determine a safe system of work for any excavation work.

The **Risk Assessment** should start with the measures both in design and procedures that can be adopted to enable any work to be carried out outside the excavation, where possible. The **assessment** must be done by a competent person and will normally be formalized into a specific **Permit to Work** (sometimes called a **Permit to Dig**), applicable to a particular task.

**Method Statements** need only be completed when there are unforeseen, unplanned or specialist activities on site which are not covered by relevant risk assessments. **Method Statements** are task and site-specific and can only be completed by a trained, experienced and competent person.

### Notes:

Confined space means any space, including a chamber, tank, vat, silo, pit, trench, pipe, sewer, flue, well or similar place by its virtue of its enclosed nature, where there arises a reasonably foreseeable specified risk. Specified risk means a risk to any person at work of:

- Serious injury arising from fire or explosion
- Loss of consciousness arising from an increase in body temperature
- Loss of consciousness or asphyxiation arising from gas, fume, vapor or lack of oxygen
- Drowning arising from an increase in the level of liquid
- Asphyxiation arising from a free flowing solid or because of entrapment by it

Use the **Permit to Work** included with **Health & Safety Xpert®** to help you control hazardous work and authorise specific persons to undertake particular tasks in a designated area. The **Permit to Work** is designed to help you define the safety precautions to be taken depending on the nature of the work being performed and the hazards involved. You should use it to record the methods to be used and precautions to be taken which should be agreed to by all parties concerned beforehand and clearly stated on the **Permit to Work**. The **Permit to Work** must be signed off by all parties before any work commences. **Permits to Work** are only valid for specific short periods of time and therefore help you to monitor the ongoing use of suitable safe systems of work.

It is important to file these records so that they could be consulted by an inspector if necessary.



## PERMIT TO WORK ASBESTOS

The **Control of Asbestos at Work Regulations 2012\*** require employers or the self-employed to prevent exposure at work to asbestos or, where this is not reasonably practicable, to ensure that exposure is kept as low as possible – and in any event below the control limit for asbestos. This regulation requires employers, or those in control of premises to:-

- Find out if there are any asbestos containing materials (ACM) in the premises, how much there is and its condition
- Produce and maintain records of the location of the ACM
- Ensure a competent person **assesses the risks** from ACMs
- Prepare a plan to show how the risks will be managed
- Carry out all work in accordance with **The Asbestos Essentials Task Guidance Sheets** downloadable from <http://www.hse.gov.uk>

For any work involving asbestos, including maintenance work that may disturb it, a **written plan of work (method statement)** must be drawn up before work starts following the **Risk Assessment**. This is then normally be formalized into a site specific **Permit to Work for Works on or near Asbestos**, applicable to a particular task.

Employers must make sure their employees follow the plan of work as far as is reasonably practicable to do so. Where unacceptable risks to health and safety are discovered whilst work is in progress, any work affecting asbestos must be stopped except for that necessary to render suitable control and prevent further spread. The plan of work should identify procedures to adopt in the light of such emergencies.

A license from the HSE is required to carry out works unless:-

- Exposure is sporadic and of low intensity (i.e. not exceeding 0.6 fibres per cm<sup>3</sup> over 10 minute period) **and**
- It is clear from the risk assessment that exposure will not exceed the control limit **and**
- The work involves:-
  - Short, non-continuous activities (e.g. 1 person not exceeding 1 hour per week or total time spent by all workers not exceeding 2 hours per week)
  - Removal of materials where fibres are firmly linked in a matrix (e.g. cement, decorative coatings, paints, bitumen, plastic, resin, vinyl tiles, electric cables, roofing felt, gaskets, washers, ropes and seals)
  - Encapsulation, sealing, air monitoring and sample collecting

Use the **Permit to Work Asbestos** included with **Health & Safety Xpert®** to help you control hazardous work and authorise specific persons to undertake particular tasks in a designated area. The **Permit to Work** is designed to help you define the safety precautions to be taken depending on the nature of the work being performed and the hazards involved. You should use it to record the methods to be used and precautions to be taken which should be agreed to by all parties concerned beforehand and clearly stated on the **Permit to Work**. The **Permit to Work** must be signed off by all parties before any work commences. **Permits to Work** are only valid for specific short periods of time and therefore help you to monitor the ongoing use of suitable safe systems of work. It is important to file these records so that they could be consulted by an inspector if necessary.

\* The Control of Asbestos Regulations 2012 came into force on 6 April 2012, updating previous asbestos regulations to take account of the European Commission's view that the UK had not fully implemented the EU Directive on exposure to asbestos (Directive 2009/148/EC). In practice the changes are fairly limited. They mean that some types of non-licensed work with asbestos now have additional requirements, i.e. notification of work, medical surveillance and record keeping. All other requirements remain unchanged.

Any Company undertaking refurbishment or demolition work must ensure that operatives and supervisors have received asbestos awareness training.

## PERMIT TO WORK CONFINED SPACES

Under the **Confined Spaces Regulation 1997** a **Risk Assessment** is an essential part of complying with these regulations and must be done (under the **Management of Health & Safety at Work Regulations 1999**) to determine a safe system of work.

The **Risk Assessment** should start with the measures both in design and procedures that can be adopted to enable any work to be carried out outside the confined space, where possible. The **assessment** must be done by a competent person and will normally be formalized into a specific **Permit to Work**, applicable to a particular task.

**Method Statements** need only be completed when there are unforeseen, unplanned or specialist activities on site which are not covered by relevant risk assessments. **Method Statements** are task and site-specific and can only be completed by a trained, experienced and competent person.

### Notes:

Confined space means any space, including a chamber, tank, vat, silo, pit, trench, pipe, sewer, flue, well or similar place by its virtue of its enclosed nature, where there arises a reasonably foreseeable specified risk. Specified risk means a risk to any person at work of:

- Serious injury arising from fire or explosion
- Loss of consciousness arising from an increase in body temperature
- Loss of consciousness or asphyxiation arising from gas, fume, vapor or lack of oxygen
- Drowning arising from an increase in the level of liquid
- Asphyxiation arising from a free flowing solid or because of entrapment by it

Use the **Permit to Work Confined Spaces** included with **Health & Safety Xpert®** to help you control hazardous work and authorise specific persons to undertake particular tasks in a designated area. The **Permit to Work** is designed to help you define the safety precautions to be taken depending on the nature of the work being performed and the hazards involved. You should use it to record the methods to be used and precautions to be taken which should be agreed to by all parties concerned beforehand and clearly stated on the **Permit to Work**. The **Permit to Work** must be signed off by all parties before any work commences. **Permits to Work** are only valid for specific short periods of time and therefore help you to monitor the ongoing use of suitable safe systems of work.

It is important to file these records so that they could be consulted by an inspector if necessary.

## PERMIT TO WORK AT HEIGHTS

Under the **Work at Height Regulations 2005**, a **Risk Assessment** is an essential part of complying with these regulations and must be done (under the **Management of Health & Safety at Work Regulations 1999**) to determine a safe system of work.

**Method Statements** need only be completed when there are unforeseen, unplanned or specialist activities on site which are not covered by relevant risk assessments. **Method Statements** are task and site-specific and can only be completed by a trained, experienced and competent person.

The regulations require arrangements to be in place for:

- Eliminating or minimizing risks from working at height
- Safe systems of work for organizing and performing work at height
- Safe systems for selecting suitable work equipment at height
- Safe systems for protecting people from the consequences of work at height

The **assessment** must be done by a competent person and will normally be formalized into a specific **Permit to Work**, applicable to a particular task.

All people involved in work at height activity including planning, organizing and supervising must be competent for such work, or if being trained, under competent supervision.

The work equipment specified in the **Method Statement** and associated **Permit to Work** must also comply with the applicable schedules of the regulations including provision of correctly positioned guard rails, toe boards or other fall protection. **If your equipment for work at height is found to be inadequate, you can be fined.**

Use the **Permit to Work at Heights** included with **Health & Safety Xpert®** to help you control hazardous work and authorise specific persons to undertake particular tasks in a designated area. The **Permit to Work** is designed to help you define the safety precautions to be taken depending on the nature of the work being performed and the hazards involved. You should use it to record the methods to be used and precautions to be taken which should be agreed to by all parties concerned beforehand and clearly stated on the **Permit to Work**. The **Permit to Work** must be signed off by all parties before any work commences. **Permits to Work** are only valid for specific short periods of time and therefore help you to monitor the ongoing use of suitable safe systems of work.

It is important to file these records so that they could be consulted by an inspector if necessary.

## HOT WORKS PERMIT

Under The **Construction (Design and Management) Regulations 2015 (Part 4)** the main duty holders are principal contractors, contractors and persons who control the way in which construction work is carried out. This involves taking steps to control fire and emergencies including the following measures:-

- Prevent risk from fire, explosion, flooding and asphyxiation;
- Provide emergency routes and exits;
- Make arrangements for dealing with emergencies, including procedures for evacuating the site;
- Where necessary, provide fire-fighting equipment, fire detectors and alarm systems.

Use the **Hot Works Permit (Permit to Work)** included with **Health & Safety Xpert®** to help you control hazardous work and authorise only specific persons to undertake particular tasks in a designated area. The **Permit to Work** is designed to help you define the safety precautions to be taken depending on the nature of the work being performed and the hazards involved. You should use it to record the methods to be used and precautions to be taken which should be agreed to by all parties concerned beforehand and clearly stated on the **Permit to Work**. The **Permit to Work** must be signed off by all parties before any work commences. **Permits to Work** are only valid for specific short periods of time and therefore help you to monitor the ongoing use of suitable safe systems of work.

It is important to file these records so that they could be consulted by an inspector if necessary.

## PERMIT REGISTER

Please refer to the specific sections for each type of **Permit to Work** for information about what regulations require you to use them.

Use the **Permit to Work Register** included with **Health & Safety Xpert®** as part of your **Permit to Work** system to help you control hazardous work and authorise only specific persons to undertake particular tasks in a designated area. The **Permit to Work** is designed to help you define the safety precautions to be taken depending on the nature of the work being performed and the hazards involved. You should use it to record the methods to be used and precautions to be taken which should be agreed to by all parties concerned beforehand and clearly stated on the **Permit to Work**. The **Permit to Work** must be signed off by all parties before any work commences. **Permits to Work** are only valid for specific short periods of time and therefore help you to monitor the ongoing use of suitable safe systems of work.

Use the **Permit Register** to record all **Permits to Work** that are issued for a contract, indicating the works for which the Permit was requested and the period of validity.

## EXCAVATION PRE-WORKS INSPECTION

Under the **Construction (Design and Management) Regulations 2015**, it is stipulated that excavations must be safe. It requires the employer to:

- Ensure that excavations do not accidentally collapse
- Prevent, so far as is reasonably practicable, a person from being buried or trapped by a fall of material
- Support, so far as is reasonably practicable, the sides, roof or adjacent area to prevent a collapse
- Provide **suitable and sufficient equipment** to support the excavation
- Work on supports for an excavation only under **competent supervision**
- Stop any person vehicle or equipment being near to an excavation where it is likely to cause collapse
- Prevent any risk so far as is reasonably practicable, of injury from underground cables or services
- Prevent persons, vehicle or plant, equipment or any accumulation of material falling into the excavation

Use the **Excavation Pre-Works Inspection** included with **Health & Safety Xpert®** to record inspections of excavations before work commences inside them and any remedial action required. Excavations must be inspected before works commence and also daily (using the Report of Inspection Scaffold/Excavation) during excavation works.

It is important to file these records so that they could be consulted by an inspector if necessary.

## EXCAVATION INSPECTION RECORD

Under the **Construction (Design and Management) Regulations 2015**, it is stipulated that excavations must be safe. It requires the employer to:

- Ensure that excavations do not accidentally collapse
- Prevent, so far as is reasonably practicable, a person from being buried or trapped by a fall of material
- Support, so far as is reasonably practicable, the sides, roof or adjacent area to prevent a collapse
- Provide **suitable and sufficient equipment** to support the excavation
- Work on supports for an excavation only under **competent supervision**
- Stop any person vehicle or equipment being near to an excavation where it is likely to cause collapse
- Prevent any risk so far as is reasonably practicable, of injury from underground cables or services
- Prevent persons, vehicle or plant, equipment or any accumulation of material falling into the excavation

Use the **Excavation Inspection Record** included with **Health & Safety Xpert®** to record inspections of excavations and any remedial action required. Excavations must be inspected before works commence and also daily during excavation works. Additional inspections are required after any event that may have affected the stability of an excavation or after any accidental fall of rock, earth or other material. Work should not commence/continue in an excavation until any remedial action required has been carried out and re-inspected.

It is important to file these records so that they could be consulted by an inspector if necessary.  
Use the excavation Inspection register for this purpose

## SCAFFOLDING INSPECTION RECORD

The **Work at Height Regulations 2005** requires regular inspection of scaffolding equipment at suitable intervals which is **recorded** and retained until the next inspection is due.

In addition, the **Provision and Use of Work Equipment Regulations 1998** stipulates that where work equipment is exposed to conditions causing deterioration which is liable to result in dangerous situations it must be **inspected** at suitable intervals by a competent person. **Records** of inspections must be kept with sufficient information to properly identify the equipment, its normal location, dates, faults found, action taken, to whom faults were reported, who carried out the inspection.

Compliance is based on the following 3 criteria:

- It is in an efficient state
- It is in efficient working order
- It is in good repair

Use the **Scaffolding Inspection Record** included with **Health & Safety Xpert®** to check and record the condition of all scaffolding on site and any action taken. A suitably trained, qualified and competent person should carry out at least weekly inspections of all scaffolds. Scaffolds must also be inspected before first use. Scaffolds must also be re-inspected following high winds, adverse weather conditions, substantial addition, dismantling or alteration and after any other event that may have affected strength of stability. The scaffold must not be used until remedial action required has been carried out and re-inspected (using the **Report of Inspection Scaffold/Excavation**). It is important to file these records so that they could be consulted by an inspector if necessary. Use the **Scaffolding Inspection Register** for this purpose

## SCAFFOLDING HANDOVER CERTIFICATE

The **Health & Safety at Work Act 1974** requires anyone erecting or installing an article for use at work to ensure, so far as is reasonably practicable, that it is erected or installed in such a way that it will be safe and without health risk to the user.

The **Scaffolding Handover Certificate** included with **Health & Safety Xpert®** should be completed and signed by the **competent scaffolding contractor** carrying out the work to signify that the structure has been erected to comply with the **Work at Height Regulations 2005**, current BS/EN Standards and, if applicable, any special design requirements.

It is important to file these records so that they could be consulted by an inspector if necessary.

## REPORT OF INSPECTION SCAFFOLD/EXCAVATION

Under the **Construction (Design and Management) Regulations 2015**, it is stipulated that excavations must be safe and a suitably trained, qualified and competent person should carry out regular inspections which is recorded and retained. Similarly the **Work at Height Regulations 2005** requires regular inspection of scaffolding equipment at suitable intervals which is recorded and retained until the next inspection is due.

Where scaffolds and excavations are exposed to conditions causing deterioration which is liable to result in dangerous situations it must be inspected at suitable intervals by a competent person. The scaffold or excavation must not be used until remedial action required has been carried out and re-inspected using the **Report of Inspection Scaffold/Excavation**.

It is important to file these records so that they could be consulted by an inspector if necessary. Use the **Report of Inspection Scaffold/Excavation** included with **Health & Safety Xpert®** for this purpose.

## HARNESS INSPECTION RECORD

The **Work at Height Regulations 2005** requires regular inspection of equipment at suitable intervals which is **recorded** and retained until the next inspection is due.

In addition, the **Provision and Use of Work Equipment Regulations 1998** stipulates that where work equipment is exposed to conditions causing deterioration which is liable to result in dangerous situations it must be **inspected** at suitable intervals by a competent person. **Records** of inspections must be kept with sufficient information to properly identify the equipment, its normal location, dates, faults found, action taken, to whom faults were reported, who carried out the inspection.

Compliance is based on the following 3 criteria:

- It is in an efficient state
- It is in efficient working order
- It is in good repair

Use the **Harness Inspection Record** included with **Health & Safety Xpert®** to inspect and record the results of your inspections. It is important to file these records so that they could be consulted by an inspector if necessary.

## LIFTING EQUIPMENT INSPECTION RECORD

Under the **Health & Safety at Work Act 1974**, it states that one of an employer's main **duties** is to ensure **so far as reasonably practicable**, the health and safety at work of all their employees. This includes the **provision of safe plant** and systems of work.

The **Lifting Operations & Lifting Equipment Regulations 1998** aims to reduce the risks to people's health and safety from lifting equipment provided for use at work (such as cranes on hire on a construction site, hoist or forklift truck). The regulations require that lifting equipment is:

- Strong and stable enough for the particular use and marked to indicate safe working loads
- Positioned and installed to minimize risks
- Used safely
- Subject to on-going examination and where appropriate, **inspected by competent people**

In addition, the **Provision and Use of Work Equipment Regulations 1998** stipulates that where work equipment is exposed to conditions causing deterioration which is liable to result in dangerous situations it must be **inspected** at suitable intervals by a competent person. **Records** of inspections must be kept with sufficient information to properly identify the equipment, its normal location, dates, faults found, action taken, to whom faults were reported, who carried out the inspection.

Compliance is based on the following 3 criteria:

- It is in an efficient state
- It is in efficient working order
- It is in good repair

Use the **Lifting Equipment Inspection Record** included with **Health & Safety Xpert®** to inspect and record the outcomes of your inspections. It is important to file these records so that they could be consulted by an inspector if necessary.

## HEALTH & SAFETY XPERT TERMS & CONDITIONS

The supply of Health & Safety Xpert is subject to and on these Terms and Conditions (**Terms**), and any of our other terms and conditions in relation to Health & Safety Xpert as agreed between you and House Builder XL Limited (**HBXL, us, our, we**). In these Terms **You** means you, our customer (being an individual, company, partnership or other incorporated or unincorporated person or organisation) and **your** and **yourself** shall be interpreted accordingly.

By clicking 'Accept' and pressing 'Next' during installation and registration of Health & Safety Xpert, you confirm that you have read, understood, accept and agree to these Terms and (if you are an individual) that you are at least 18 years old. If you do not accept these Terms or (being an individual) you are not at least 18 years old, you must not use Health & Safety Xpert.

The intended user of this software is an owner or employee of a small to medium sized building company. Our software solutions are designed for use by owners and employees of such firms as an ancillary tool for their main focus of construction work. Our software provides these users with the software solution which allows them to carry out their work. By using this software, you confirm that you fall into this category of user. Any other users or companies (such as, but not limited to health and safety consultants) are not authorised to use this software under the standard licence, and must contact HBXL to receive the necessary licence. If in doubt, please contact us at sales@hbxl.co.uk.

**YOUR ATTENTION IS ESPECIALLY DRAWN TO CLAUSES 3.1.5, 6.5 AND 6.8. ALL DOCUMENTS PROVIDED ON HEALTH & SAFETY XPert ARE PRECEDENT DOCUMENTS ONLY. YOU MUST TAILOR ALL SUCH PRECEDENT DOCUMENTS TO EACH PARTICULAR BUILDING OR CONSTRUCTION PROJECT. HBXL GIVES NO WARRANTIES, PROMISES OR ASSURANCES THAT USE OF PRECEDENT DOCUMENTS WILL ENSURE THAT YOUR PROJECT IS COMPLIANT WITH HEALTH & SAFETY LAWS OR REGULATIONS.**

### 1. DEFINITIONS & INTERPETATION

1.1. In these Terms the following definitions and rules of interpretation shall apply:

**Business Day:** a day other than a Saturday, Sunday or public holiday in England when banks in London are open for business.

**Claims:** all liabilities, claims, actions and proceedings, losses, damages, expenses and costs (including any direct, indirect or consequential losses, loss of profit, loss of reputation and all interest, penalties and all other legal and other professional costs and expenses).

**Documentation:** any documents or information in relation to Health & Safety Xpert made available to you by or on behalf of us (including precedent health and safety documents which are offered as part of Health & Safety Xpert).

**Health & Safety Xpert:** our software application (including all versions and releases and any and all updates, patches, fixes, improvements and/or enhancements thereof) which provides the Documentation, and which is supplied to you under the name 'Health & Safety Xpert' in accordance with these Terms.

**Indemnify:** indemnify and keep fully and effectively indemnified.

**Intellectual Property Rights:** patents, rights to inventions, copyright and related rights, trade marks and service marks, business names and domain names, rights in get-up and trade dress, goodwill and the right to sue for passing off or unfair competition, rights in designs, database rights, rights in computer software, rights to use, and protect the confidentiality of, confidential information (including know-how and trade secrets) and all other intellectual property rights, in each case whether registered or unregistered and including all applications and rights to apply for and be granted, renewals or extensions of, and rights to claim priority from, such rights and all similar or equivalent rights or forms of protection which subsist or will subsist now or in the future in any part of the world, including the right to sue for and recover damages for past infringements.

**Subscription Terms & Conditions:** our Subscription Terms & Conditions as may be varied from time to time.

**Support & Update Terms:** our Support & Update Terms as may be varied from time to time.

**Your Default:** any act or omission by you or failure by you to perform any relevant obligation under these Terms.

1.2. Where you have purchased a subscription to Health & Safety Xpert pursuant to our Subscription Terms & Conditions:

1.2.1. the rules of interpretation in those Subscription Terms & Conditions shall apply in these Terms; and



- 1.2.2. in the event of any ambiguity or inconsistency between these Terms and such Subscription Terms & Conditions, such Subscription Terms & Conditions shall prevail, but in the event of any ambiguity or inconsistency between these Terms and any of our other terms and conditions in relation to supply of Health & Safety Xpert, the provisions of these Terms shall prevail.
- 1.3. Where any statement is qualified by the expression **so far as you are aware**, that statement shall be deemed to include an additional statement that it has been made after due and careful enquiry.
- 1.4. References to **clauses** are to clauses of these Terms.
- 1.5. Unless the context indicates otherwise, where **you** comprises two or more persons, the liability of such persons under these Terms shall be joint and several and **you** shall refer to each and all of them.
- 1.6. any words following the terms **including, include, in particular, for example** or any similar expression shall be construed as illustrative and shall not limit the sense of the words, description, definition, phrase or term preceding those terms.
- 1.7. Any obligation on a party not to do a thing shall include an obligation to not allow that thing to be done.

## 2. LICENCE

- 2.1. We hereby grant you a non-exclusive, non-transferable, royalty-free, revocable licence without the right to grant sub-licences to:
- 2.1.1. install Health & Safety Xpert on one laptop or desktop computer in accordance with our written instructions (if any) given from time to time;
- 2.1.2. use Health & Safety Xpert with or without our other software applications in accordance with these Terms to produce health and safety documentation for and in relation to residential new-build buildings, extensions renovation works or loft conversions to existing buildings for yourself or for your actual and prospective customers during the ordinary course of your business.
- 2.2. You shall not, during the course of your use of Health & Safety Xpert:
- 2.2.1. access, store, distribute or transmit any viruses or any material that is unlawful, harmful, threatening, defamatory, obscene, infringing, harassing or racially or ethnically offensive; facilitates illegal activity; depicts sexually explicit images; promotes unlawful violence; is discriminatory based on race, gender, colour, religious belief, sexual orientation, disability; or in a manner that is otherwise illegal or causes damage or injury to any person or property;
- 2.2.2. without our prior written consent, use Health & Safety Xpert (whether with or without our other software applications) in any manner inconsistent with the licence we grant to you under clause 2.1;
- 2.2.3. attempt to copy, modify, duplicate, create derivative works from, frame, mirror, republish, download, display, transmit, or distribute all or any portion of Health & Safety Xpert;
- 2.2.4. attempt to de-compile, reverse compile, disassemble, reverse engineer or otherwise reduce to human-perceivable form all or any part of Health & Safety Xpert;
- 2.2.5. without entering into a separate written agreement with us, use Health & Safety Xpert as the basis to establish or carry on a health and safety precedent document service as a separate commercial activity and where such activity is more than an ancillary part of the services which you primarily provide to your customers;
- 2.2.6. attempt to build a product or service which competes with Health & Safety Xpert;
- 2.2.7. use Health & Safety Xpert to provide services to any third party, except that (if you are a builder) you may use Health & Safety Xpert as a part of your provision of ancillary services to your customers where the main focus of your primary services is the construction or renovation of residential properties, and if (i) you do not provide such ancillary services to the mass market to persons other than your customers to whom you are providing your primary services, and/or (ii) the services which you offer to your customers do not (whether directly or indirectly) compete with the services provided by Health & Safety Xpert. For the avoidance of doubt, you may not (without HBXL's prior written consent) use Health & Safety Xpert to provide services where the primary offering of such services is the provision of health and safety consulting or advice;
- 2.2.8. license, sell, rent, lease, transfer, assign, distribute, display, disclose, or otherwise commercially exploit, or otherwise make Health & Safety Xpert available to any third party;

2.2.9. attempt to obtain, or assist third parties in obtaining, access to Health & Safety Xpert;

- 2.3. You shall use best endeavours to prevent any unauthorised access to, or use of, Health & Safety Xpert and promptly inform us if you become aware of any such unauthorised access or use.
- 2.4. We reserve the right without notice to you to suspend your access to Health & Safety Xpert and/or any of our other software applications if you commit any of breach these Terms.

### **3. YOUR OTHER OBLIGATIONS**

3.1. You shall:

- 3.1.1. ensure the latest version of Health & Safety Xpert made available by us is installed on your desktop or laptop computer (as the case may be);
- 3.1.2. promptly install any and all new versions, releases, patches, fixes, enhancements or modifications of Health & Safety Xpert made notified to you by us and comply with all our reasonable instructions in relation to the same;
- 3.1.3. ensure Health & Safety Xpert is only used by professionals working within in the building industry;
- 3.1.4. provide all information, follow all instructions and do all things required for precedent documents to be generated by Health & Safety Xpert;
- 3.1.5. review all Documentation and outputs of Health & Safety Xpert using your professional skill and judgment and the features of Health & Safety Xpert to ensure all such Documentation and outputs meet your requirements and your customers' requirements as a professional user; and
- 3.1.6. promptly enter into an agreement with us incorporating our Support & Update Terms or, if you have already entered into such an agreement, continue performing your obligations under that agreement; or
- 3.1.7. if you have purchased a subscription to Health & Safety Xpert from us, continue performing your obligations under your agreement with us incorporating our Subscription Terms & Conditions.
- 3.2. If our performance of any of our obligations under these Terms is prevented or delayed by Your Default, then without prejudice to our other rights and remedies:
- 3.2.1. we shall be entitled to rely on Your Default to relieve us from performance of our obligations under these Terms to the extent the Your Default prevents or delays us from performing such of our obligations;
- 3.2.2. we shall not be liable for any costs, charges, expenses, or losses sustained or incurred by you arising directly or indirectly from our failure or delay to perform any of such of our obligations, as set out in this clause; and
- 3.2.3. you shall reimburse us on written demand for any costs, charges, expenses or losses sustained or incurred by us arising directly or indirectly from Your Default.

### **4. INTELLECTUAL PROPERTY RIGHTS**

- 4.1. You acknowledge and agree that we own all Intellectual Property Rights subsisting in Health & Safety Xpert and the Documentation.
- 4.2. Save for the licence granted to you in these Terms, you acknowledge and agree that you have no other rights in and to Health & Safety Xpert.
- 4.3. We warrant to you we have all rights in relation to Health & Safety Xpert which are necessary to grant all rights we purport to grant to you under and in accordance with these Terms.
- 4.4. You shall promptly inform us if you become aware of any actual or alleged infringement of our Intellectual Property Rights subsisting in Health & Safety Xpert and/or the Documentation or reasonably suspect a third party is or may be infringing such Intellectual Property Rights, and, at our cost and expense, provide us with all co-operation and assistance reasonably requested by us in relation to such infringement.

### **5. INDEMNITIES**

- 5.1. You shall Indemnify us against all Claims arising out of or in connection with any claim made against us for actual or alleged infringement of a third party's Intellectual Property Rights arising out of or in connection with your use of Health & Safety Xpert;
- 5.2. Subject to clause 6.8, we shall Indemnify you against all Claims arising out of or in connection with any breach of our warranty given in clause 4.3.

- 5.3. As the indemnity in clause 5.2 is an indemnity for breach of contract, nothing in these Terms restricts or excludes your general obligation at law as the indemnified party to take reasonable steps to mitigate any losses you claim under such indemnity.

## 6. LIMITATIONS AND EXCLUSIONS OF LIABILITY

- 6.1. Nothing in these Terms excludes or limits our liability for:
- 6.1.1. death or personal injury caused by our negligence;
  - 6.1.2. fraud or fraudulent misrepresentation; or
  - 6.1.3. any other liability which cannot be excluded or restricted at law.
- 6.2. In this clause 6, unless expressly stated otherwise, a reference to **our liability** or similar wording means our liability whether in tort (including for negligence or breach of statutory duty), contract, misrepresentation, restitution or otherwise.
- 6.3. Health & Safety Xpert is a software product in a range of software products available from us and whilst we make every reasonable effort to ensure that our software products are compatible and will interface with each other, we give no assurance, warranty, representation or guarantee in this respect.
- 6.4. Subject to clause 6.1 and notwithstanding anything else contained in these Terms, we shall not be liable to you for any loss or damage whatsoever and howsoever arising suffered or incurred by you arising from or in connection with your breach of clauses 3.1.1, 3.1.2 or clauses 3.1.6 or 3.1.7 (as the case may be) of these Terms.
- 6.5. Given the nature of Health & Safety Xpert, you assume sole responsibility for all results obtained from the use of Health & Safety Xpert and for all conclusions drawn from such use. Subject to clause 6.1, we shall not be liable to you for any loss or damage whatsoever and howsoever arising suffered or incurred by you arising from or in connection with any Documentation or outputs of Health & Safety Xpert or by errors or omissions in any documents, information or instructions provided by you in connection with Health & Safety Xpert unless such errors or omissions are caused by our breach of these Terms. **You expressly acknowledge and agree that (on the basis that Health & Safety Xpert provides only suggested precedent documentation which must be tailored to each individual project) you are responsible for ensuring compliance with (or for ensuring that your customer is compliant with) all health and safety laws and regulations in respect any building or construction projects.**
- 6.6. All warranties, representations, conditions and all other terms of any kind whatsoever implied by statute or common law are, to the fullest extent permitted by applicable law, excluded from these Terms and Health & Safety Xpert is provided to you on an “as is” basis.
- 6.7. Subject to clause 6.1 and notwithstanding anything else contained in these Terms, we shall not be liable to you whether in tort (including for negligence or breach of statutory duty), contract, misrepresentation, restitution or otherwise for any of the following (whether direct, indirect or consequential): loss of profits, loss of business, loss of agreements or contracts; loss of revenue; loss of anticipated savings; loss of or damage to goodwill and/or similar losses; loss of or damage to data or information; pure economic loss; or for any other indirect or consequential loss, costs, damages, charges or expenses howsoever arising.
- 6.8. Subject to clause 6.1 and clauses 6.2 to 6.7 (inclusive) our total aggregate liability to you in contract, tort (including negligence or breach of statutory duty), misrepresentation, restitution or otherwise arising for all other loss or damage suffered or incurred by you arising out of or in connection with these Terms, including under the indemnity given by us in clause 5.2, shall be limited to an amount equal to:
- 6.8.1. the total subscription fees paid for the relevant user subscriptions for Health & Safety Xpert during the 12 months immediately preceding the date on which the claim arose (if you have purchased a subscription to Health & Safety Xpert from us); or
  - 6.8.2. the total cost of the Health & Safety Xpert software purchase (if you have purchased Health & Safety Xpert outright from us).

## 7. REGISTRATION

- 7.1. You shall register Health & Safety Xpert online with [www.hbxi.co.uk](http://www.hbxi.co.uk) as indicated on loading Health & Safety Xpert on your desktop computer or laptop.
- 7.2. We shall be under no obligation under these Terms or any of our other terms and conditions in relation to supply of Health & Safety Xpert to provide support to you unless and until Health & Safety Xpert has been properly registered in accordance with clause 7.1 and a valid support subscription is in place.

## 8. SUPPORT CONTACT DETAILS

- 8.1. Support shall be provided in accordance with the terms of the relevant support subscription and our Support Policy (see <https://hbxi.co.uk/support-service-policy/>):

House Builder XL Limited

Future Space, North Gate (UWE), Filton Road, Stoke Gifford, Bristol, BS34 8RB

[support@hbxl.co.uk](mailto:support@hbxl.co.uk)

0117 916 7899

(available between the hours of 9am and 5.00 pm Monday to Friday, excluding bank and other public holidays)

8.2. These details may be updated from time to time, see our website [www.hbxl.co.uk](http://www.hbxl.co.uk) for further information.

## 9. TERM AND TERMINATION

9.1. These Terms shall commence on the date you click 'Accept' and press 'Next' during installation and registration of Health & Safety Xpert in accordance with these Terms and shall continue in full force and effect until terminated in accordance with this clause.

9.2. We may terminate these Terms with immediate effect by giving notice to you if you:

9.2.1. commit a material breach of any other term of these Terms which breach is irremediable or (if such breach is remediable) fail to remedy that breach within a period of 30 days after being notified in writing to do so;

9.2.2. suspend, or threaten to suspend, payment of its debts or is unable to pay your debts as they fall due or admits inability to pay your debts or you (being a company or limited liability partnership) are deemed unable to pay your debts within the meaning of section 123 of the Insolvency Act 1986 or you (being an individual) are deemed either unable to pay your debts or as having no reasonable prospect of so doing, in either case, within the meaning of section 268 of the Insolvency Act 1986 or you (being a partnership) have any partner to whom any of the foregoing apply;

9.2.3. commence negotiations with all or any class of your creditors with a view to rescheduling any of your debts, or make a proposal for or enters into any compromise or arrangement with your creditors other than for the sole purpose of a scheme for a solvent amalgamation of you with one or more other companies or the solvent reconstruction of you;

9.2.4. a petition is filed, a notice is given, a resolution is passed, or an order is made, for or in connection with the winding up of you (being a company) other than for the sole purpose of a scheme for a solvent amalgamation of you with one or more other companies or the solvent reconstruction of you;

9.2.5. an application is made to court, or an order is made, for the appointment of an administrator, or if a notice of intention to appoint an administrator is given or if an administrator is appointed, over you (being a company);

9.2.6. the holder of a qualifying floating charge over the assets of you (being a company) has become entitled to appoint or has appointed an administrative receiver;

9.2.7. you (being an individual) are the subject of a bankruptcy petition or order;

9.2.8. you apply to court for, or obtain, a moratorium under Part A1 of the Insolvency Act 1986

9.2.9. any event occurs, or proceeding is taken, with respect to the other party in any jurisdiction to which it is subject that has an effect equivalent or similar to any of the events mentioned in clause 9.2.2 to 9.2.9 (inclusive);

9.2.10. your financial position deteriorates so far as to reasonably justify our opinion that your ability to give effect to these Terms is in jeopardy; or

9.2.11. you suspend or cease, or threaten to suspend or cease, carrying on all or a substantial part of your business.

9.3. On termination of these Terms:

9.3.1. any rights, remedies, obligations or liabilities of the parties that have accrued up to the date of termination, including the right to claim damages in respect of any breach of the agreement which existed at or before the date of termination shall not be affected or prejudiced;

9.3.2. all licences granted to you shall automatically terminate;

9.3.3. you shall make no further use of the Documentation; and

9.3.4. if you have purchased a subscription to Health & Safety Xpert and none of our other software products pursuant to our Subscription Terms & Conditions, that contract between you and us shall terminate with immediate effect; or, if pursuant to such a contract you have purchased a subscription to Health & Safety Xpert with one or more of our other software products, then with effect from the termination date of these Terms we shall be relieved of performing our obligations under that contract in respect of Health & Safety Xpert, but otherwise that contract shall continue in full force and effect until terminated in accordance with its terms.

## 10. GENERAL

- 10.1. **Force majeure:** We will have no liability to you under these Terms if we are prevented from or delayed in performing our obligations under these Terms, or from carrying on our business, by acts, events, omissions or accidents beyond our reasonable control, including strikes or other industrial disputes (whether involving our workforce or any third party), failure of a utility service or telecommunications network, act of God, war, riot, civil commotion, malicious damage, compliance with any law or governmental order, rule, regulation or direction, accident, breakdown of plant or machinery, fire, flood, storm or default of suppliers and/or sub-contractors, provided that we notify you of such an event and its expected duration.
- 10.2. **Notices.** Any notice given by a party under or in connection with these Terms shall be in writing and shall be: sent by e-mail to the e-mail address you supply to us (in the case of notice given to us) or to support@hbxl.co.uk (in the case of notice given by you); or sent by first-class post or other pre-paid next day delivery service to our registered office address (in the case of notice given by you) or your registered office address or principal address (as the case may be). Any notice given pursuant to the foregoing in this clause shall be deemed to have been received and shall take effect: if sent by e-mail, 24 hours after the time of sending shown on a print-out obtained by the sender; or, if sent by first-class post or other pre-paid next day delivery service, at 9.00am on the second Business Day after posting. This clause does not apply to the service of any proceedings or other documents in any legal action or, where applicable, any arbitration or other method of dispute resolution.
- 10.3. **Variation:** We may vary these Terms at any time by giving prior notice to you to that effect (**Variation Notice**). You shall be deemed to have accepted these Terms as so varied if you do not notify us to the contrary within 5 Business Days of the date you receive such Variation Notice. If you do so notify us to the contrary within such 5 Business Day period then these Terms shall automatically terminate with effect from the date we receive such notice from you.
- 10.4. **Waiver:** No failure or delay by a party to exercise any right or remedy provided under these Terms or by law shall constitute a waiver of that or any other right or remedy, nor shall it prevent or restrict the further exercise of that or any other right or remedy. No single or partial exercise of such right or remedy shall prevent or restrict the further exercise of that or any other right or remedy.
- 10.5. **Rights and remedies:** Except as expressly provided in these Terms, the rights and remedies provided under these Terms are in addition to, and not exclusive of, any rights or remedies provided by law.
- 10.6. **Severance:** If any provision (or part of a provision) of these Terms is found by any court or administrative body of competent jurisdiction to be invalid, unenforceable or illegal, the other provisions shall remain in force. If any invalid, unenforceable or illegal provision would be valid, enforceable or legal if some part of it were deleted, the provision shall apply with whatever modification is necessary to give effect to the commercial intention of the parties.
- 10.7. **Entire agreement:** These Terms and: if you have purchased a subscription to Health & Safety Xpert, our Subscription Terms & Conditions; or, if you have purchased Health & Safety Xpert outright, our Support & Update Terms & Conditions, constitute the entire agreement between the parties and supersede any previous promise, undertaking, statement, assurance, warranty, representation, arrangement, understanding or agreement between them relating to the subject matter they cover.
- 10.8. **Non-reliance:** Each of the parties acknowledges and agrees that in entering into these Terms it does not rely on any undertaking, promise, assurance, statement, representation, warranty or understanding (whether in writing or not) of any person (whether party to these Terms or not) relating to the subject matter of these Terms, other than as expressly set out in these Terms.
- 10.9. **Assignment:** You shall not, without our prior written consent, assign, transfer, charge, sub-contract or deal in any other manner with all or any of its rights or obligations under these Terms. We may at any time assign, transfer, charge, sub-contract or deal in any other manner with all or any of its rights or obligations under these Terms.
- 10.10. **No partnership or agency:** Nothing in these Terms is intended to or shall operate to create a partnership between the parties, or authorise either party to act as agent for the other, and neither party shall have the authority to act in the name or on behalf of or otherwise to bind the other in any way (including, but not limited to, the making of any representation or warranty, the assumption of any obligation or liability and the exercise of any right or power).
- 10.11. **Third party rights:** These Terms does not confer any rights on any person or party (other than the parties to these Terms and, where applicable, their successors and permitted assigns) pursuant to the Contracts (Rights of Third Parties) Act 1999.
- 10.12. **Governing law:** These Terms and any dispute or claim arising out of or in connection with it or its subject matter or formation (including non-contractual disputes or claims) shall be governed by and construed in accordance with the law of England and Wales.
- 10.13. **Jurisdiction:** Each party irrevocably agrees that the courts of England and Wales shall have exclusive jurisdiction to settle any dispute or claim arising out of or in connection with these Terms or its subject matter or formation (including non-contractual disputes or claims).