

First Aid the Law and Your Responsibilities

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Michael's Angels

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First Aid at Work The employers responsibilities

Employers have a legal duty to make arrangements to ensure their employees receive immediate attention if they are injured or taken ill at work. Irrespective as to whether the injury or illness was caused by the work they were doing, it is vital that all employees receive immediate attention and an ambulance is called if necessary. Immediate and appropriate first aid can save lives and prevent minor injuries becoming major ones.

An employer has a duty of care to provide, or ensure that there are provided adequate and appropriate facilities and equipment to cater for his employees if they are injured or become ill at work.

An employer shall provide, or ensure that there is provided an adequate and appropriate number of suitably trained people to administer first-aid to his employees if they are injured or become ill at work.

In small businesses, at the very minimum, a person needs to be appointed to be responsible for First Aid provision within the company; for providing and stocking the First Aid kit and for basic first aid provision in the workplace. Suitable training should be organised for anyone responsible for First Aid. There should be a sufficient number of trained personnel to be available to cover First Aid during all working hours on all sites.

A first-aid room must be easily accessible to stretchers and to any other equipment needed to convey patients to and from the room and be appropriately sign-posted to comply with regulation 4 of the Health and Safety (Safety Signs and Signals) Regulations 1996.

Needs assessment

An employer should make an assessment of first-aid needs appropriate to the circumstances (hazards and risks) of each workplace.

“The aim of first aid is to reduce the effects of injury or illness suffered at work, whether caused by the work itself or not. First-aid provision must be ‘adequate and appropriate in the circumstances’. This means that sufficient first-aid equipment, facilities and personnel should be available at all times, taking account of alternative working patterns, to:

give immediate assistance to casualties with both common injuries or illnesses and those likely to arise from specific hazards at work;

summon an ambulance or other professional help.”

“Where an employer provides first-aiders in the workplace, they should ensure they have undertaken suitable training, have an appropriate first-aid qualification and remain competent to perform their role. Typically, first aiders will hold a valid certificate of competence in either first aid at work (FAW) or emergency first aid at work (EFAW). EFAW training enables a first aider to give emergency first aid to someone who is injured or becomes ill while at work. FAW training includes EFAW and also equips the first aider to apply first aid to a range of specific injuries and illnesses.

In their June bulletin the HSE announced that blended learning is an accepted means by which workplace first aid training can be delivered. This new guidance from the HSE means that the FAW course can now be completed with one-day pre-learning at a time and place to suit you, and 2 days practical training. Therefore, only 2 days instead of 3 away from work. The EFAW can also be completed with 2 hours pre-learning, meaning that it is now possible to complete the regulated practical training on a 4-hour practical course (with 2 hours pre-learning). This will obviously have major cost and convenience benefits to all businesses. First Aid for Life is fully regulated through Training Qualifications UK to provide this regulated blended learning.

In assessing their needs, employers should consider:

the nature of the work and workplace hazards and risks;

the nature of the workforce;

the organisation’s history of accidents;

the size of the organisation;

the needs of travelling, remote and lone workers;

work patterns;

the distribution of the workforce;

the remoteness of the site from emergency medical services;

employees working on shared or multi-occupied sites;

annual leave and other absences of first-aiders and appointed persons;

first-aid provision for non-employees. “

Where the work involves higher level hazards such as chemicals or dangerous machinery, or special hazards such as hydrofluoric acid or confined spaces, first aid requirements will be greater.

Employers may then need to:

- provide sufficient numbers of qualified first-aiders so that someone is always available to give first aid immediately following an incident;

- provide additional training for first-aiders to deal with injuries resulting from special hazards;

- consider additional first-aid equipment;

- provide one or more first-aid rooms;

- inform the local emergency services, in writing, of the site where hazardous substances or processes are in use.

Nature of the workforce

“The particular needs of young workers, trainees, pregnant workers and employees with disabilities or particular health problems, where known (e.g. asthma, diabetes, peanut allergy, epilepsy or a history of heart disease), should be addressed (noting other relevant legislation accordingly). It is essential that adequate provision is made to cover all times people are at work. Employers therefore need to ensure there is cover for annual leave or holiday and other planned absences of first-aiders or appointed persons. Employers should also consider what cover is needed for unplanned and exceptional absences such as sick leave or special leave due to bereavement.”

First-aid provision for non-employees

These Regulations do not require employers to provide first aid for anyone other than their own employees. However, many organisations, such as schools, places of entertainment, fairgrounds and shops, provide a service for others and it is strongly recommended that employers include non-employees in their assessment of first-aid needs and make provision for them. This may require first aiders to receive additional training above the legal minimum requirement so that they are able to act competently, for example additional training in paediatric first aid if operating in a school. First Aid for Life offers EFAW and FAW training, including paediatrics if required, specifically tailored to your working environment.

Records

RIDDOR 33

“All employers, self-employed people and people in control of work premises have duties under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR). They must report certain work-related injuries, cases of ill health and dangerous occurrences. HSE will pass details to the relevant enforcing authority. RIDDOR applies to all work activities but not all incidents are reportable.”

It is also advised that people have an accident report book in which they record all incidents, this must be stored in line with the Data Protection Act

First Aid equipment should be suitably marked and easily accessible and made available in all places where working conditions require it. The location of the equipment should be clearly displayed and communicated to all staff.

Additional training needs

When arranging FAW or EFAW or other equivalent training, employers should let the training organisation know of any particular hazards at their workplace so training can be tailored to meet those needs.

HSE strongly recommends that first-aiders undertake annual refresher training during any three-year FAW/EFAW certification period.

Employers should also encourage first-aiders to regularly review their course manual and any other instructional materials and allocate them time to do this. It will further help to maintain their first-aid skills.

Regulation 4

Duty of employer to inform his employees of the arrangements made in connection with first-aid

An employer shall inform his employees of the arrangements that have been made in connection with the provision of first-aid, including the location of equipment, facilities and personnel. Information for employees

Regulation 5

Duty of self-employed person to provide first-aid equipment

There is a legal requirement for a self-employed person to provide, or ensure provision of, adequate and appropriate equipment to administer first-aid to himself while he is at work

