



Freedom of Information Request Reference No:

I note you seek access to the following information:

1. Legal grounds for the Occupational Accident Prevention Policy and/or system for Police Officers. Please specify the name(s) of law(s), decree(s) or regulation(s).
2. Which departments are responsible for managing the system
3. History of related policies, new system establishment or law(s)/regulation(s) (An example of Korea is provided below).
 - 1) 2008: Establishment of 'Psychological Counselling Centre for public officials'
 - 2) Sep. 2008: Enactment of the 'Act on Public Officials Occupational Accident Compensation'.
4. A detailed description of policies, system or law(s)/regulation(s).
 - e.g.1) Psychological Counselling Centre for public officials
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 - 2) Act on Public Officials Occupational Accident Compensation'
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5. Total budget

DECISION

I have today decided to disclose the located information to you in full.

Please find attached information pursuant to your request above.

I would like to thank you for your interest in the MPS.

Information Rights Unit

Occupational Accident Prevention Policy for Police Officers

Governance and budget

The Mayor of London is responsible for the governance of the Metropolitan Police through the Mayor's Office for Policing and Crime (MOPAC).

The work of MOPAC is scrutinised by the Police and Crime Committee (also known as a police and crime panel) of the London Assembly. These structures were created by the Police Reform and Social Responsibility Act 2011 and replaced the Metropolitan Police Authority appointed board created in 2000 by Greater London Authority Act 1999.

Total MPS budget for 2018/19 is £3.24 Billion. There is no specific budget allocated to H&S.

Statutory duties

The **Health and Safety at Work etc Act 1974** (or HASAWA) is the primary piece of legislation covering occupational health and safety in Great Britain.

All employees are entitled to work in environments where risks to their health and safety are properly controlled. Under health and safety law, the primary responsibility for this is down to employers.

It is an **employer's duty** to protect the health, safety and welfare of their employees and other people who might be affected by their business. Employers must do whatever is reasonably practicable to achieve this.

This means making sure that employees and others are protected from anything that may cause harm, effectively controlling any risks to injury or health that could arise in the workplace.

Employers have duties under health and safety law to assess risks in the workplace. Risk assessments should be carried out that address all risks that might cause harm in your workplace.

Employers must provide information about the risks in the workplace, how employees are protected, and instruct and train employees on how to deal with the risks.

Employers must consult employees on health and safety issues. Consultation must be either direct or through a safety representative that is either elected by the workforce or appointed by a trade union.

Employees have a duty to take care of their own health and safety and that of others who may be affected by your actions at work. Employees must co-operate with employers and co-workers to help everyone meet their legal requirements.

HASAWA did not apply to the police officers until 1997. The **Police (Health and Safety) Act 1997** established Chief Constables as the employer of police officers for the purposes of the HASAWA. This gave police officers the protection of health and safety law while they were at work. At the time, the Police Authority remained the employer of civilian police staff, although MPS police staff are now employees of the Commissioner (the Chief Constable for the MPS).

In 2005, Clause 158 of the **Serious Organised Crime and Police Act** amended Section 51A of HASAWA; concerning application of Part 1 of the Act to police. It changed the position of chief constables as an 'employer' and established the 'relevant officer' as a 'corporation sole'.

In essence this means that Chief Constables/Commissioners would not be held personally liable for any breaches of the 1974 Act within their force, except in cases where the breach is proved to be as a result of the individual Chief Officer's:

- Personal consent to the commission of the offence.
- Personal conniving in its commission.
- Personal neglect.

Provided none of these actions are evident, liability will be the responsibility of the "Office of Chief Constable or Commissioner". (Home Office 2005).

All police 'employees' whether employed by the 'Office of Chief Constable or a Police Authority have duties under Section 7 (a) and (b) of HASAWA.

Enforcement

The **Health and Safety Executive (HSE)** is responsible for enforcing the Act (and a number of other Acts and **Statutory Instruments** relevant to the working environment) as it applies to policing.

Statutory instruments are pieces of secondary legislation made under specific Acts of Parliament. These cover a wide range of subjects, including:

- Police (Health and Safety) Act 1997 (as outlined above);
- Management of Health and Safety at Work Regulations 1999;
- Workplace (Health, Safety and Welfare) Regulations 1992;
- Health and Safety (First Aid) Regulations 1981;
- Manual Handling Operations Regulations 1992;
- Personal Protective Equipment at Work Regulations 1992;
- Provision and User of Workplace Equipment Regulations 1998;
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 1995;
- Control of Substances Hazardous to Health Regulations 2002;
- Control of Noise at Work Regulations 2005;
- The Working Time Regulations 1998.

Note: this list is not meant to be exhaustive. The dates given are either the original enactment date, or are the most recent revision.

Applying Health and Safety legislation to Police Service activities.

The HSE recognised the complex nature of the activities undertaken by the police, in particular the fact that, very often, the 'workplace' and operating conditions are not within our control.

In 2009, following liaison between the HSE, senior police officers and other key stakeholders including those representing officers on the streets, it was agreed that fundamental principles needed to be summarised in a public statement that reflected a common understanding of how health and safety should apply to police services.

Accordingly, the document 'Striking the balance between operational and health and safety duties in the Police Service' was published, and this clarified how the HSE would apply health and safety law to the operational activities of the Police Service. It would assist senior police officers in balancing risks in their wider duties to fight crime and protect the public, while meeting their health and safety at work obligations.

Supporting guidance provides clear advice on how effective policing should be delivered without compromising health and safety, and includes realistic examples to show how consideration of sensible health and safety in an emergency works in practice.

'Striking the balance...' has recently been updated, and was re-published in Autumn 2018.

Health and Safety within the Metropolitan Police Service (MPS)

The Management of Health and Safety at Work Regulations (1999) are significant in that they outline key duties of the employer, especially:

- Carrying out assessments of risks to the health and safety of its workforce, and to act upon those risks so identified so as to reduce them;
- Appointing competent persons to oversee workplace health and safety;
- Providing employees with information and training on occupational health and safety; and
- Operating a written health and safety policy.

The **Safety & Health Risk Management Team** (SHRMT) is a small team of safety professionals and support staff that provides comprehensive and professional H&S advice to operational policing by means of:

- 24 hour on-call cover;
- Support to fast-time and dynamic operations and events;
- Management of on-line accident reporting system;
- Co-ordination and delivery of H&S specific training; and

- Auditing of H&S management systems and activities.

The MPS **Health and Safety Policy** is signed by the Commissioner, and outlines the health and safety duties, responsibilities and arrangements across the entire MPS hierarchy (ie Management Board, Business Group, Local police units).

The MPS has a health and safety management system (HSMS) based on HSE guidelines, and governance of the HSMS is by means of the **MPS Health, Safety and Wellbeing Board**, which meets quarterly.

This Board is chaired by a member of MPS Management Board and the agenda is driven by the MPS Health and Safety Risk Register. Membership is at chief officer level (for the various Business Groups, eg Frontline Policing, Met Operations, Specialist Operations, Professionalism, etc) as well as appropriate subject matter experts.

Another key agenda item is a review of accident and injury data, which includes trend analysis. Organisational learning as a result of accident investigations, etc is fed back into the risk assessment process and forms the basis of the reviews of safe systems of work, standard operating procedures, training syllabuses (particularly Officer Safety Training), etc.

This Board is supported by (six monthly) business group and quarterly local Health, Safety and Wellbeing meetings.

- Supported by myriad of thematic Committees and Boards:
- Officer Safety Board;
- Clothing & Appearance Board;
- Firearms sub-group;
- Driving;
- Public Order, etc.