

Dear Colleague

FIRST AID – STATUTORY REQUIREMENTS

Summary

1. The Scottish Terms and Conditions Committee recognises the benefits of adopting a consistent approach throughout NHSScotland to those statutory requirements designed to ensure that workplaces have appropriate first aid provisions in place. A Working Group was therefore set up to consider this matter in partnership and they have now produced the report attached as an Annex to this CEL.

Action

2. NHS Boards, Special Health Boards and NHS National Services Scotland (Common Services Agency) are asked to review the arrangements they have in place for providing first aid cover for staff and ensure they are in line with the guidance contained within the attached report.

3. Employers will wish to note that this CEL regularises the allowance available to staff who are designated first aiders, under the criteria set out in the guidance, at £345 per annum, effective from 1 April 2008.

4. Employers are asked to make their own arrangements for obtaining additional copies of this Chief Executive Letter (CEL) which can be viewed at:

www.sehd.scot.nhs.uk

Yours sincerely

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CEL 43 (2008)

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Addresses

For action

Chairs, NHS Boards and Special Health Boards and NHS National Services Scotland (Common Services Agency)
Chief Executives, NHS Boards and Special Health Boards and NHS National Services Scotland (Common Services Agency)
Directors of Human Resources, NHS Boards and Special Health Boards and NHS National Services Scotland (Common Services Agency)

For information

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**REPORT OF THE
SCOTTISH TERMS AND CONDITIONS
COMMITTEE TECHNICAL WORKING
GROUP ON:**

FIRST AID – STATUTORY REQUIREMENTS

1. Introduction

There is specific legislation in place in the U.K. to ensure that workplaces have made provision for first aid at work. People at work can suffer injuries related to the activities they undertake, or can fall ill at work. It does not matter in this context, however, whether the injury or illness is caused by the work that they do. First aid at work covers the arrangements that need to be made to ensure that people receive immediate attention in the event of injury or illness at work. First aid is designed to cover the initial management of any injury or illness. It does not include giving tablets or medicines to treat illness. The legislation does not prevent staff who are specially trained to take action beyond the initial management stage from doing so.

2. Legislation and Requirements

The Health and Safety (First Aid) Regulations 1981 set out the essential aspects of first aid that employers have to address. The Regulations are served under the Health and Safety at Work Act 1974.

The principal Regulation is Regulation 3(1):

'An employer shall provide or ensure that there are provided such equipment and facilities as are adequate and appropriate in the circumstances for enabling first aid to be rendered to his employees if they are injured or become ill at work.'

The Regulations are supported by an 'Approved Code of Practice and Guidance' produced by the Health & Safety Commission (1997).

The Regulations essentially require an employer to provide adequate and appropriate equipment, facilities and personnel to enable first aid to be administered. This requires the organisation to undertake an assessment of first aid needs.

The minimum provision for first aid at any workplace is;

- a suitably stocked first aid box.
- an '*appointed person*' to take charge when first aid is required.

Only small workplaces would need to consider minimum first aid provision. Most workplaces will have to consider more detailed arrangements.

The Regulations make provision for 2 classes of person who can be directly involved in first aid at work.

1) Appointed person

An appointed person is someone who will;

- Take charge when someone is injured or falls ill at work including calling an ambulance if required.
- Look after the first aid equipment e.g. first aid box.

Appointed persons should not attempt to give first aid for which they have not been trained. An appointed person should be available at all times people are at work and so more than one may need to be appointed.

NHS Boards should consider this role as part of management or supervisory responsibilities. NHS Boards may also wish to consider the linking of such a role to other 'safety' related roles such as that of a Fire Warden or Marshall for an area. This may mean that the same individual undertakes both an 'appointed person' and a fire safety related role.

2) First Aider

A first aider is someone who has undergone a training course in administering first aid at work and holds a current first aid at work certificate. The first aid course must be approved by the Health and Safety Executive. A first aider can also undertake the duties of an appointed person. Currently, refresher training is required every 3 years although the HSE are considering changing this to an annual refresher.

3. **Guidance on 'first aid needs' assessment**

The Approved Code of Practice gives the following guidance on 'assessment of need' related to first aid provision;

'How much first aid provision an employer has to make depends on the circumstances in each workplace. Each employer needs to assess what facilities and personnel are appropriate.'

NHS Boards may wish to consider that where they have access to health and safety and/or occupational health advice, they may wish to delegate the responsibility for carrying out the assessment and advising on first aid provision to that service.

Within the Approved Code of Practice (Regulation 3, section 7), medical staff and registered nursing staff are permitted to administer first aid.

The Approved Code of Practice states that the following staff are qualified to administer first aid:

- qualified medical doctors registered with the General Medical Council; and
- nurses whose names are registered in Part 1,2,10 or 11 of the Single Professional Register maintained by the UKCC for Nursing, Midwifery and Health Visiting.*

Note – Parts 1 and 2 of the Register relate to General Nursing, Part 10 relates to Midwives and Part 11 relates to Health Visitors.

*The Approved Code of Practice has not been updated to take account of the UKCC being replaced by the NMC. (Nursing and Midwifery Council). The Approved Code of Practice indicates that the nurses who would be permitted to administer first aid are those who are qualified in General Nursing, Midwifery and Health Visiting. Consequently, only those nurses and midwives would be deemed 'qualified' in line with the Approved Code of Practice for First Aid at Work. Account will therefore have to taken of this when evaluating first aid needs.

*Currently the above Approved Code of Practice excludes staff in Mental Health and Learning Disabilities.

In terms of evaluating the number and type of first aid provision of each workplace, the following should be considered;

- workplace hazards and risks
- size of the organisation
- accident history
- nature and distribution of the workforce
- the remoteness from emergency services
- the needs of travelling, remoteness and lone workers
- employees working on shared or multi-occupied sites
- annual leave of first aiders/appointed persons

Whilst the Regulations do not give specific personnel numbers, the guidance does give suggested numbers. (see Appendix 1)

Consequently, the Regulations will allow the use of Medical and certain Nursing staff to administer first aid, and therefore the availability of such staff can be taken into account in evaluating first aid needs.

All areas will be expected to assess first aid requirements. This may take into account a range of factors, including the proximity of clinical areas with clinical staff who may be able to provide first aid cover. This will be subject to locally agreed protocols.

4. First Aid Allowance

A first aid allowance will be made available to staff who are designated first aiders eligible under the criteria above.

The recommended allowance will be £345 per annum, to be paid in equal monthly instalments, and to be uplifted annually in accordance with the annual pay uplift. The recommended allowance is based on the current Local Authority rate for first aiders.

5. Risk Assessment

Each employer will require to undertake a localised risk assessment of first aid needs dependant on the factors detailed in section 3. It is likely that this will require to be undertaken on a site by site basis to take account of different risk factors in different parts of the organisation.

Appendix 2 provides some useful information from the HSE on considering first aid requirements.

6. Recommendations

All NHS Boards should include in their work programme a process for a first aid needs assessment and of the appointment of designated first aiders, in accordance with the guidance in the Approved Code of Practice. Any documentation should be approved by Boards Health & Safety Committees or equivalent. The needs assessment should consider equipment, facilities and personnel to enable first aid to be provided to employees should they become ill at work.

The key factors in the assessment will be as follows:

- Assessment of risk associated with buildings, activities and number of staff (see Appendix 1 and 2)
- The minimum provision is a suitably stocked first aid box. Guidance on contents is available in HSE publications; it is likely that clinical areas would have basic first aid items such as bandages, dressings and disposable gloves.
- Consideration of the numbers of first aiders that may be required. Only in low risk activities/building e.g. offices with less than 50 staff will an 'Appointed Person' be deemed to suffice.
- Consideration of nursing and medical staff who can administer first aid under the Regulations.
- Consideration of those staff not on both parts of the register who would be eligible for a first aid allowance.

7. Implementation Date

The recommended implementation date will be 1st April 2008 for staff already identified as first aiders on that date: or from the date of their appointment as a first aider, if this is later.

8. References

- First Aid at Work: Approved Code of Practice and Guidance – Health & Safety Commission 1997.
- First Aid at Work: Your questions answered – Health & Safety Executive 2006.
- Health & Safety Executive website: www.hse.gov.uk.

Appendix 1 - HSE Guidance on Category Of Risk and suggested numbers of first aid personnel.

Category of risk	Numbers employed at any location	Suggested number of first-aid personnel
Lower risk e.g. shops, offices, libraries. Fewer than 50. At least one appointed person	Fewer than 50	At least one appointed person
~	50 – 100	At least one first aider
~	More than 100	One additional first aider for every 100 employed
Medium risk e.g. light engineering and assembly work, food processing, warehousing. Fewer than 20. At least one appointed person	Fewer than 20	At least one appointed person
~	20-100	At least one first-aider for every 50 employed (or part thereof)
~	More than 100	One additional first aider for every 100 employed
Higher risk e.g. construction, slaughterhouses, chemical manufacture, extensive work with dangerous machinery or sharp instruments. Fewer than five. At least one appointed person	Fewer than 5	At least one appointed person
~	5-50	At least one first aider
~	More than 50	One additional first aider for every 50 employed.

Appendix 2 – Points to consider when assessing first aid needs (HSE)

Aspects to Consider	Impact on first-aid provision
1. You are required by law to make an assessment if significant risks in your workplace. What are the risks of injury and ill health identified in this risk assessment?	If the risks are significant you may need to employ first aiders (see Q6 and Q7).
2. Are there any specific risks, e.g. working with: <ul style="list-style-type: none"> • hazardous substances; • dangerous tools; • dangerous machinery; • dangerous loads or animals? 	You will need to consider: <ul style="list-style-type: none"> • specific training for first aiders; • extra first-aid equipment; • precise siting of first aid equipment
3. Are there parts of your establishment where different levels of risk can be identified (eg. In a University with research laboratories)?	You will probably need to make different levels of provision in different parts of the establishment.
4. What is your record of accidents and causes of ill health? What type are they and where did they happen?	You may need to: <ul style="list-style-type: none"> • locate your provision in certain areas; • review the contents of the first-aid box (see Q4).
5. How many people are employed on site?	You may need to employ first-aiders (see Q6 and Q7)
6. Are there inexperienced workers on site, or employees with disabilities or special health problems?	You will need to consider: <ul style="list-style-type: none"> • special equipment • local siting of equipment
7. Are the premises spread out, e.g. are there several buildings on the site or multi-floor buildings?	You need to consider provision in each building or on several floors.
8. Is there shiftwork or out-of-hours working?	Remember that there needs to be first-aid provision at all times people are at work.
9. Is your workplace remote from emergency medical services?	You will need to: <ul style="list-style-type: none"> • inform local medical services of your location; • consider special arrangements with the emergency services.

<p>10. Do you have employees who travel a lot or work alone?</p>	<p>You will need to: consider issuing personal first-aid kits and training staff in their use; consider issuing personal communicators to employees.</p>
<p>11. Do any of your employees work at sites occupied by other employers?</p>	<p>You will need to make arrangements with the other site occupiers</p>
<p>12. Do you have any work experience trainees?</p>	<p>Your first-aid provision must cover them.</p>