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Health and Safety Executive
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Dear Dr Woods,

Consultation on revised guidance incorporating a new training regime for first aiders in the workplace

We are writing to respond to the HSE's consultation on revised first aid guidance. Unite the Union is Britain's largest trade union, representing workers from all industrial sectors. The effective provision of first aid at work is of crucial importance to our members.

We have the following comments on this draft ACoP and Guidance which are divided into some general comments and specific comments given by reference to pages or sections of the draft ACoP. We have not commented on the training regime.

General comments

We would say first of all that we would prefer to see much more of the document to be given the status of ACoP – most of it is merely guidance which is not adequate in this important area.

Also, we note that the ACoP paragraphs are not numbered. We suggest that they are so that they are more easily located when they are referred to.

One area of concern that is often raised by our members – often in connection with the use of defibrillators - is the need for clarity on liability in the event of it being alleged that first aid treatment was lacking or led to additional injuries to the person receiving treatment.

Specific comments

Page 3

Assessment of need. ACoP

Consultation with employees is essential when carrying out the assessment and the ACoP should reflect this.

Para 5

Assessing first aid needs should be part of the risk assessment process and as such it should be made clear that the results **should** be recorded.

Para 7

The list for consideration should recognise early in the guidance that the diversity of the workforce is highly relevant to first aid provision. The opportunity needs to be taken to recognise in the guidance that a diverse workforce will impact on first aid provision, for example women may prefer a female first aider for a number of reasons including propriety or religious belief. This is also an issue that can be included in the checklist at Appendix 2.

"first aid provision for non-employees" should give examples of specific groups of non-employees such as agency workers who are becoming an increasingly significant feature of the workforce.

Para 11

We suggest that the first sentence should read

Where there is an accident in the workplace, employers must conduct an investigation. Safety representatives are also entitled to conduct their own investigation [give reference to “Brown Book”]

Para 13

When discussing the provision of a sufficient number of qualified first aiders, it would be useful to include the following *to reflect the nature of the workforce, for example gender, and working patterns, for example ensuring that all shifts are covered.*

Para 14

Add as a last sentence. *It is essential to consult employees and their representatives as part of this process to ensure that their views are taken into account when deciding on first aid provision.*

Para 16

This paragraph leaves it open to an employer not to provide a first aider at all which is not acceptable, particularly as we are all aware that the majority of the workforce work in SMEs who are also largely responsible for the most serious accidents and fatalities (for example in agriculture and construction). We would ask this to be reworded to ensure that employers are left in no doubt.

Para 17

As discussed above the diversity of the workforce should be recognised in the context of first aid provision. The particular needs of workers should include reference to:

Gender in general, age (young workers and older workers), workers with limited understanding of English, women of child-bearing age (not just pregnant workers) and specifically state that first aid provision should be extended not only to work experience trainees, but to contractors working on the premises and agency workers and to other visitors such as delivery drivers.

Para 18

Please add a final sentence. *Consulting employees and their safety representatives is essential to this process.*

Para 23

The penultimate sentence should read *All employees should agree the arrangements after consultation with their employees and their safety representatives and employees should be kept informed.* The final sentence should read *A written agreement ...misunderstandings, and a copy should be given to the employees' safety representatives.*

Para 29

The first sentence should have the following additional phrase *Employers should review their first aid needs from time to time in consultation with employees and their safety representatives for example as part of the business of the health and safety committee....*

Para 41

This paragraph on defibrillators is inadequate. This area is one of increasing concern to our members and must more substantive advice should be included – it is not sufficient merely to state that it is not the concern of the HSE.

After Para 43

ACoP – As this stands this is not sufficiently strong. We cannot envisage a situation where a suitable first aid room or rooms would not be necessary, and the wording “where the assessment of first-aid needs identifies this as necessary” should be deleted.

Para 47

Why introduce this if the ACoP states that a suitable aid room should be provided?

Para 48

The second sentence should end *after consultation with employees and their safety representatives*.

After Para 63

ACoP We cannot imagine a situation where a first aider would not be necessary.

Appendix 1

Roles of Key Personnel

Employer – There should be reference to the employer’s general duties under the Health and Safety at Work etc Act 1974

Appendix 2 – checklist

Employees

The examples should highlight the diversity of the workforce as discussed above under Para 17.

Working arrangements

Under “Do any of your employees work at sites occupied by other employers?” please include reference to professional drivers delivering to other employers’ premises.

Non-employees

Again, this should include reference to delivery drivers visiting your own site, contractors and visiting maintenance staff.

Appendix 4

Factors that may impact on your first aid provision should include a longer list to reflect the diversity of the workforce (as discussed above), agency workers, visiting delivery drivers, contractors etc.

Thank you for the opportunity to comment in this consultation exercise.

Yours sincerely,

TONY WOODLEY
Joint General Secretary