



Ministry
of Justice

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MoJ Corporate Fire, Health and Safety

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MoJ Corporate Occupational Health and Safety Policy	
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Section One – Introduction:

1.1 Aim and Scope:

1.2 This Occupational Health and Safety (OHS) Policy has been produced to enable the Ministry of Justice (MoJ) (referred to herein as ‘the Ministry’) to comply with its legal duties and responsibilities under the Health and Safety at Work etc. Act 1974 and all other subordinate and applicable health and safety legislation.

1.3 The [OHS 5.2.F1 - Statement of Intent](#), signed by the Chief Financial Officer, relates to all Business Areas covered by the Ministry. This policy describes the required approach to effective planning, organisation, control, monitoring, review, and auditing of OHS Systems and arrangements.

- **Note:** This OHS Policy is supported by the MoJ OHS Management System (OHSMS), aligned to ISO 45001 OHSMS standard; assisting with ensuring compliance to the requirements of the Health and Safety at Work etc. Act 1974 and all other applicable subordinate legislation.

1.4 The Corporate OHS Policy provides an overarching framework for managing OHS across the Ministry, with the Permanent Secretary devolving responsibility, whilst retaining corporate oversight and accountability.

1.5 The MoJ's various Business Areas, MoJ Headquarters' (HQ) Directorates, associated Arm's Length Bodies (ALBs) and Agencies, are legally responsible for managing their statutory obligations and must establish and document their own OHS arrangements. The framework herein outlines what is expected from each Business Area, and the relationship between the Business Area and the Corporate Centre, but leaves them free to establish their own arrangements, appropriate to their structures and risk profile. Those arrangements will include allocation of responsibilities, accountabilities, governance and local policies, procedures, guidance, etc.

- **Note:** Where reference is made to the MoJ and/or its various 'Business Areas', this refers to: MoJ HQ Directorates; Associated ALBs (see ALB Governance and Non- Departmental Public Bodies list on the intranet); and its Agencies – HM Prison and Probation Service (HMPPS), HM Courts and Tribunals Service (HMCTS), Legal Aid Agency (LAA), Office of the Public Guardian (OPG) and Criminal Injuries Compensation Authority CICA).

1.6 The MoJ Corporate OHS Policy is divided into the following four distinct parts:

1. **Introduction:** Outlines the aims and scope of the policy
2. **Statement of Intent:** Provides the high-level policy and general direction for the management and governance of health and safety across the MoJ
3. **Organising:** Sets out a general overarching framework for organising the management of OHS across MoJ, defining responsibilities and accountabilities
4. **Corporate Oversight Arrangements for Securing OHS:** Contains the detailed arrangements at the corporate level for oversight of OHS management across MoJ and provides a model for oversight for individual Areas of the MoJ to follow.

1.7 Where appropriate, particularly for processes or risks which may be common to all Business Areas, Corporate Health and Safety guidance and information will be issued by the MoJ Corporate Fire, Health and Safety Team (MoJ CFHST). The published Corporate OHS Management System documents will support this policy and its arrangements (available on the MoJ Corporate Health and Safety intranet).

1.8 Managers at all levels, including Directors, must make themselves familiar with the Corporate OHS Policy, relevant guidance, and information (see 4.8.0), in

conjunction with the arrangements for their specific area of the business. They must ensure that their staff are aware of this OHS Policy and the sections applicable to employees and non-employees, including visitors, and those they use to deliver services. The MoJ recognises the value of consulting with and involving employees, and their representatives, on health and safety matters and undertake active consultation and engagement with both union and non-union safety representatives.

- 1.9 This OHS Policy will be reviewed and revised on an annual basis and, additionally, when it is felt to be no longer valid, or if significant changes have occurred, e.g. MoJ's organisation or its operating environment, and as changes to over-arching legislation occurs.

Section Two – Statement of intent:

2.1 MoJ Corporate Occupational Health and Safety Policy - Statement of Intent:

2.2 The Ministry of Justice (MoJ) is committed to fulfilling all legal requirements outlined within the Health and Safety at Work etc. Act 1974 and all other subordinate and applicable legislation.

2.3 MoJ is committed to providing safe and healthy working conditions for the prevention of work-related injuries or occupational ill health; including the elimination of hazards to reduce Occupational Health and Safety (OHS) risks.

2.4 MoJ is committed to engaging with our diverse stakeholder groups, including consultation and participation with our employees, and/or their representatives on OHS matters; and will provide a framework for setting and monitoring performance against OHS goals and objectives.

2.5 MoJ is committed to ensuring continuous improvement and standardising reporting across all the MoJ's various Business Areas, in respect to the OHS Management System (OHSMS) set out in its future strategy, aligned to ISO45001 OHSMS Standard requirements.

2.6 MoJ as the employer is committed to ensuring, so far as is reasonably practicable, the health, safety, and welfare of all our employees and of others who may be affected by our acts or omissions, including:

- The provision and maintenance of plant and systems of work that are safe and without risk to health.
- Arrangements for ensuring safety and absence of risks to health in connection with the use, handling, storage and transport of articles and substances.
- The provision and access of such information, instruction, training, and supervision as is necessary to ensure the health and safety at work of our employees and of any others that could be affected.
- Maintaining any workplace under MoJ control in a safe condition without risks to health, as well as the provision and maintenance of safe means of access and egress.
- Ensuring provision and maintenance of safe working environments for our employees (and others), without risks to health including adequate facilities and arrangements for their welfare.

2.7 Employees are required to:

- Take reasonable care of their own health and safety, and that of others who may be affected by their acts or omissions at work.
- Cooperate with MoJ on health and safety matters in order to enable MoJ to meet our statutory duties.
- Not interfere with, misuse or wilfully damage anything provided in the interests of health and safety.

Name: James McEwen

Sign:



Chief Financial Officer for the Ministry of Justice Dated: May 2021

Section Three – Organisation:

3.0 Organising for Occupational Health and Safety (Overarching Framework):

This part of the policy provides the guiding principles for the management of OHS across the MoJ and its Business Areas (see Figure 1, Guiding principles, and Figure 2, Governance structure). It defines responsibilities and accountabilities for people who are: Duty Holders; providers of shared services; and other staff, including line managers. Each Business Area of the MoJ must align its structures and responsibilities to this framework.

3.1.0 Division of Responsibility – Operating Model:

- 3.1.1 While the Permanent Secretary has overall accountability and responsibility, the geographical and functional diversity of the MoJ's work means that the responsibility for implementing OHS organisation and arrangements is devolved to Accounting Officers, as the most senior Duty Holders within each Business Area.

3.2.0 Legal Responsibilities of 'Duty Holders' and how they are defined

- 3.2.1 The term 'Duty Holder' is a legal, generic term for any person, or organisation, with responsibilities and obligations under health and safety law. Duty Holders may include employers, employees, self-employed people, and contractors. Where responsibilities are spread, there may be more than one Duty Holder for health and safety issues. The relative contribution to be made by each Duty Holder in complying with their legal duties will be determined by the nature and the degree of responsibility in their role. For clarity, the responsibilities of each Duty Holder should be articulated in local Business Area documentation in a statement of arrangements and/or in associated contracts or Memoranda of Understanding (MoUs), or their equivalent. It should be noted that the MoJ OHS 8.2.2 – Fire Safety Policy (which is a sub-policy of this policy), refers to the 'Responsible Person' as the Duty Holder for fire safety; this role carries the equivalent status in law, as defined in the Regulatory Reform (Fire Safety) Order 2005 (see 4.6.3).
- 3.2.2 Within each Business Area there may be line managers (at all levels) with Duty Holder responsibilities, but a single Duty Holder (Senior Manager, see 3.6.0) must be designated to have primary responsibility for ensuring that the local OHS Policy is aligned to, and fulfils, the overarching MoJ Corporate OHS Policy requirements. The primary Duty Holder within each of MoJ's Business Areas, MoJ HQ Directorates, ALBs and Agencies, must have sufficient authority (including budgetary authority) to ensure that risks under their control and across their organisation, are managed sensibly, responsibly and proportionately, based on an assessment of risk. This requirement is applicable to Duty Holders who, to any extent, have control of a premises, so far as the duty relates to matters within their control and budgetary constraints (e.g. landlords, Managing Agents, Facilities Management Service Providers). Any risks requiring funds beyond their budgetary constraints, should be brought to the attention of senior budget holders for a swift, risk-weighted solution. All Duty Holders should receive sufficient, appropriate training to ensure that they are suitably competent to discharge their health and safety responsibilities.
- 3.2.3 The responsibility to identify Duty Holders is a requirement for the arrangements of each MoJ Business Area. The primary Duty Holder may devolve day-to-day responsibility for controlling all significant identified risk to appropriate line managers (see 3.7.0). Each of such line managers should have sufficient authority, competence and knowledge of the work area or activity, to ensure that operational guidance and procedures are carried out in a controlled, timely and effective manner. How this is achieved rests with local organisation and arrangements within

the Business Area. The following paragraphs describe the hierarchy of Duty Holders with responsibilities across MoJ and how they can fulfil the OHS Policy requirements.

3.3.0 The Permanent Secretary (Duty Holder – Corporate Oversight):

3.3.1 The Permanent Secretary is responsible (to the Secretary of State) as the Principal Accounting Officer for ensuring that the Ministry, MoJ HQ Directorates, Associated ALBs and Agencies where appropriate, has in place adequate mechanisms to discharge all its responsibilities on OHS matters. The Permanent Secretary is supported and advised in this by senior managers at MoJ Executive Committee (ExCo) and the senior managers of MoJ HQ Directorates, Associated ALBs and Agencies.

3.3.2 As highlighted in Section One, each Business Area will have its own documented arrangements for discharging its OHS responsibilities within its OHS governance structure. Each Business Area is also expected to provide their Accounting Officer with an OHS Position Statement for compliance assurance in conjunction with their respective local Health and Safety Committee reporting structures.

- **Note:** A more detailed description of corporate oversight and arrangements can be found in section 4.0.

3.3.3 The Permanent Secretary is responsible for:

- (a) Approving the overall OHS Policy and the periodic review of health and safety performance.
- (b) Demonstrating active and strong leadership in creating a positive OHS culture, leading by example and creating an environment where all can actively participate and take ownership of their role to play in meeting appropriate health and safety standards.
- (c) Ensuring that OHS governance is considered at Executive Management Committee level and subsidiary senior management team meetings periodically and as required.

3.4.0 Executive Committee (ExCo) – (Collective Duty Holder Responsibility):

3.4.1 Directors General (MoJ HQ), and Agency Chief Executive Officers (CEOs) who make up the Executive Committee (ExCo), are legally responsible for managing the risks within their own Business Areas and for collectively discharging ExCo's statutory health and safety obligations. They have both corporate and business responsibility and are accountable to the Permanent Secretary for the implementation of their local OHS Policy and/or arrangements (aligned to the overarching MoJ Corporate OHS and Policy framework) in the Business Areas under their control.

3.4.2 ExCo has collective as well as individual responsibility for providing health and safety leadership across the MoJ. Members must ensure that its decisions reflect the MoJ's OHS intentions (as detailed in the OHS Policy Statement) and recognise ExCo's role in engaging the active participation of senior managers and employees in improving health and safety performance. The OHS Management System must therefore be designed to enable ExCo to account for OHS throughout the MoJ.

3.4.3 Members will keep the ExCo informed of and alert to relevant OHS risk management issues through the MoJ Corporate Fire, Health and Safety Committee and/or ExCo Fire, Health and Safety Champion, by:

- Ensuring that management systems provide for effective monitoring and reporting of MoJ OHS performance.

- Reviewing reports on OHS performance, at least once a year and more frequently if necessary.
- Ensuring that the OHS implications of all ExCo decisions are addressed.
- Ensuring that effective overarching integrated OHS risk management systems are in place.
- Support the ongoing development of up-to-date, standardised reporting and information systems across the MoJ.

3.4.4 Members shall ensure the following within their Business Areas of responsibility:

- (a) Local policy and/or arrangements (where appropriate) and local OHS delivery plans are risk based and produced with clearly defined objectives and performance targets, set against expected behaviours and outcomes.
- (b) That any failure to comply with the requirements of corporate and local OHS policy and/or arrangements is dealt with robustly.
- (c) Effective consultation and communication systems are in place to spread information on OHS.
- (d) OHS is integrated into corporate governance processes reflecting the MoJ's values, beliefs, and performance standards (applicable to their own Business Area) and bring them to the attention of their workforce.
- (e) That risks are managed sensibly, responsibly, and proportionately in accordance with risk assessments.
- (f) A 'competent person' or 'competent persons' are in place to advise on health and safety matters (as defined in section 3.8.0. 3.9.0 and 3.11.0).
- (g) That incidents of non-compliance and serious accidents should be immediately reported to the local Health and Safety point of contact.
- (h) Allocate specific duties and responsibilities for OHS matters to Directors, to co-ordinate and oversee the effective implementation of the OHS management system within their Business Areas.
- (i) Review the training and awareness standards of their senior teams and oversee (e.g. through Performance Reviews) the effective management of OHS.

3.5.0 ExCo Fire, Health and Safety Champion (Duty Holder):

3.5.1 The Permanent Secretary will designate a member of ExCo as the ExCo Fire, Health and Safety Champion: responsible for:

- (a) Ensuring that arrangements are in place to secure compliance with statutory provisions and the MoJ's Permanent Secretary's Statement of Intent.
- (b) Co-ordinating the activities of the MoJ with respect to OHS including monitoring.
- (c) Enforcing the MoJ Corporate OHS Policy to ensure that performance targets set by the OHS management system and plans are met within the relevant time frames.
- (d) The approval of regular, in year, OHS/Fire Safety (FS) Governance Position Statements for compliance assurance to the Permanent Secretary prepared by the Head of MoJ Corporate Fire, Health and Safety.
- (e) Providing leadership and promoting debate/awareness of OHS issues and risks in ExCo discussions.
- (f) Chairing the MoJ Corporate Fire, Health and Safety Committee.

3.5.2 In this role, the ExCo Fire, Health and Safety Champion will be supported by the:

- (a) Executive Management Committee members.
- (b) MoJ Corporate Fire, Health and Safety Team (MoJ CFHST).
- (c) Chairs of the main Business-based Fire, Health and Safety Committees.

3.6.0 Accounting Officers (Duty Holders) responsible for delivering OHS within their Business Areas – MoJ HQ Directorates, Associated ALBs and Agencies:

- 3.6.1 Accounting Officers, as Duty Holders (includes those that are not members of ExCo), have ultimate and legal responsibility for the OHS Policy, organisation, arrangements, and its implementation within their Business Area, and for discharging their statutory obligations. They shall ensure they have in place a Statement of Intent and local OHS Policy and/or arrangements, signed by themselves or a designated senior manager (Duty Holder). These should reflect the principles specified in the MoJ Corporate OHS Policy and Statement of Intent.
- 3.6.2 Accounting Officers within each Business Area are responsible for ensuring that the organisation and arrangements for carrying out their local policy and/or local arrangements are implemented and documented. They must ensure that the Statement of Intent and the arrangements for implementing their OHS Policy are brought to the notice of all staff under their jurisdiction, comply fully with the relevant legislation, and are revised as appropriate.
- 3.6.3 Accounting Officers within each Business Area are responsible for providing regular OHS Position Statements for compliance assurance to the MoJ CFHST, via MoJ Internal Audit and Assurance, in line with MoJ Standards (through a single commission) for corporate oversight across the MoJ and incorporation into the regular, in year, Governance Position Statements, issued to the Permanent Secretary.
- **Note:** Accounting Officers (as the Principal Duty Holders) within each of the Estates Cluster Departments (ECD) are individually responsible for ensuring the discharge of its legal obligations under the Health and Safety at Work etc. Act 1974 and relevant statutory instruments. They are responsible and accountable to the Permanent Secretary within their Department for managing the risks within their own Business and for collectively discharging their Board's statutory health and safety obligations. The Estate's Directorate will provide assurance for the ECD physical estate through each of the Principal Duty Holders' required assurance routes. This information will be gathered by the MoJ CFHST for the regular Position Statements for compliance assurance purposes.
 - **Note:** The line of Accountability will remain the principle route for Assurance to the Permanent Secretary. Those Accounting Officers (Duty Holders) who report to the direct line of Accountability, are required to discharge their duties to the fullest extent, and report any need for resources, where deficient, to their Accountable Person for immediate mitigation.

3.7.0 Line Managers – All Management Grades (Duty Holders):

- 3.7.1 In line with 3.6.0 above, Managers at all levels (including Directors) have a general responsibility for ensuring safe systems of work for activities within their control. It is their duty to ensure that the OHS Policy and arrangements for their Business Area are implemented through working practices and training.
- 3.7.2 Within this context, Managers will:
- (a) Ensure compliance with the corporate policy and and/or local arrangements on OHS issues
 - (b) Create a positive OHS culture, leading by example and promoting an environment where people can actively participate in, and take ownership of, appropriate OHS standards for the benefit of all.
 - (c) Ensure that risks under their Area of Responsibility are dealt with sensibly, responsibly, and proportionately in accordance with risk assessment, and to involve employees, local relevant Trade Union Safety Representatives, and other Staff Representatives Bodies in the risk assessment process.

- (d) Report and investigate through established procedures all accidents, incidents, dangerous occurrences, assaults and near misses, occurring within their Area of Responsibility. Also, bringing this to the attention of local relevant Trade Union Safety Representatives/Staff Representative Bodies and take proportionate measures in accordance with risk assessment as are necessary to prevent recurrence.
- (e) Ensure that OHS training is organised in line with the corporate OHS policy and, where required, bespoke training to align with local arrangements within their Area of Control, so their staff are adequately trained to an appropriate level of competence to control OHS risks within their Areas. (This must include adequate induction for all employees / contractors)
- (f) Escalate any OHS issues that they are unable to resolve locally, or that may affect any other Area outside their control.
- (g) Ensure that periodic OHS inspections (proportionate to the risk) are carried out for workplaces within their Area of Responsibility and invite Trade Unions/Staff Representative Bodies to attend.
- (h) Ensure (where applicable) that all plant, equipment, substances, and materials are safe and suitable for their intended use and are adequately maintained and controlled.
- (i) Ensure that they have adequate arrangements in place to safeguard the health, safety and well-being of employees and others at all times.

This will include:

- Ensuring that first aiders for their Area of Responsibility have been nominated and trained.
- Ensuring all members of staff, visitors and contractors have received information on emergency procedures.
- Drawing the attention of staff to the MoJ Corporate [OHS 5.2 – Occupational Health and Safety Policy](#) and [OHS 8.2.2 - Fire Safety Policy](#) and/or local policy, arrangements, and risk assessments relevant to their work.
- Identifying staff whose personal circumstances or duties involve significant OHS risks and arranging for the required risk assessments.

3.7.3 In addition, Managers have a duty to co-operate and communicate with their relevant Business-based Senior Health and Safety Advisors and/or MoJ CFHST, as is necessary, to ensure OHS compliance.

3.7.4 OHS risk assessment is a line management function. Where local management have appointed trained local OHS Risk Assessors, local OHS Co-ordinators or equivalent, to undertake this function on their behalf, Managers must ensure those staff have sufficient time and resources to carry out their tasks.

- **Note:** While Management may delegate responsibilities for OHS tasks, they cannot delegate legal accountability for OHS management.

3.7.5 The responsibility to ensure that any actions from risk assessment, investigations and local general workplace inspections are addressed remains with the line manager. This includes informing staff of the appropriate control measures being implemented and, where necessary, escalating issues to the relevant Duty Holder.

3.8.0 Head of MoJ Corporate Fire, Health and Safety (Head of Professions):

3.8.1 The Head of MoJ Corporate Fire, Health and Safety (CFHS) is the MoJ's overarching Head of Professions, and is a 'Competent Person' as required by the Health & Safety at Work etc. Act 1974 (HASAWA) and Regulatory Reform (Fire Safety) Order 2005 (RRFSO). They are responsible for:

- Acting as Head of Profession for both Occupational Health and Safety and Fire Safety for the MoJ.

- Developing/updating and coordinating the MoJ's joint Corporate OHS and FS future strategy and plans in line with ISO 45001
- Providing year-in overarching annual OHS/FS Governance Position Statement to the Permanent Secretary on the corporate oversight via the Board Fire, Health and Safety Champion and professional support to the delivery of OHS.
- Writing and updating the MoJ Corporate OHS and FS Policy for agreement by the Permanent Secretary and ExCo.
- Acting as the Covid-19 Strategy Team coordinator and advisor.
- Overseeing the facilitation of those committees that are key to OHS and FS Governance.
- Ensuring the OHS and FS Management Systems for the MoJ develops with the needs of the business.
- Providing competent advice on OHS and FS matters to ExCo.
- Providing positive OHS and FS leadership.
- Consultation and facilitating consultation with employee representatives and stakeholders on corporate level issues.

3.9.0 Head of MoJ Corporate Health and Safety (Head of Profession):

3.9.1 The Head of MoJ Corporate, Health and Safety (CHS) is the Department's Head of Profession for Health and Safety: the 'Competent Person' as defined in, and in accordance with, Regulation 7 of the Management of Health and Safety at Work Regulations 1999. They are responsible for:

- Acting as Head of Profession for Occupational Health and Safety for the MoJ and Estates Cluster Departments.
- Providing in-year overarching annual OHS Governance Position Statements to the MoJ Head of CFHS on corporate oversight via the Board Fire, Health and Safety Champion and professional support for the delivery of OHS.
- Writing and updating the MoJ Corporate OHS Policy for agreement by the Permanent Secretary and ExCo.
- Assisting the MoJ Head of CFHS in developing/updating and coordinating the MoJ's corporate OHS and FS strategy and plan.
- Assisting the MoJ Head of CFHS in overseeing the facilitation of those committees that are key to OHS and FS Governance.

And in doing so:

- Providing competent advice on OHS matters to ExCo.
- Providing positive OHS leadership.
- Consultation with employee representatives and stakeholders on corporate level issues.

3.10.0 MoJ Corporate Fire, Health and Safety Team (Competent Persons)

3.10.1 The Head of MoJ CFHS and CHS are supported in this role by the MoJ Corporate Fire, Health and Safety Team who will:

- (a) Provide strategic overarching input on OHS at corporate level.
- (b) Monitor and review the MoJ's OHS and FS Management performance at corporate level, via interim and developing reporting and assurance systems and targeted Level 2 Audits.
- (c) Provide competent technical advice and information where Business Areas lack the capability, on all matters relating to health and safety.

- **Note:** Business Areas should have local Senior Health and Safety Advisors (competent persons) who should provide this service in the first instance.

- (d) Develop corporate policies and guidance on cross-cutting issues, risks, and safe working practices as appropriate throughout the MoJ, to enable compliance with statute, codes of practice and corporate practices.
- (e) Establish and maintain liaison with enforcement agencies such as Health and Safety Executive (HSE), Crown Premises Fire Safety Inspectorate (CPFSI), and/or other relevant Fire Services.
- (f) Liaise with the Department Trade Unions/Staff Representative Bodies as required on corporate/cross-cutting issues.
- (g) Liaise with Senior Health and Safety Advisors (competent persons), MoJ HQ Directorates and Associated ALBs and Agencies (via MoJ HQ) as required on corporate cross-cutting generic issues (e.g. asbestos management).
- (h) Advise the MoJ on the requirements and application of resources to achieve the policy OHS goals and objectives.
- (i) Liaise with business areas to provide central advice / guidance as required by this policy.
- (j) Provide a coordinating function in respect of OHS across the MoJ, including its Agencies and ALBs; in facilitating the quarterly MoJ Corporate Fire, Health and Safety Committee meeting (see section 4).

3.11.0 Employee Responsibilities:

3.11.1 Employees must recognise that they have an important part to play in the success of this Policy, and will:

- (a) Take all reasonable care for the health and safety of themselves and others who may be affected by their acts or omissions.
- (b) Co-operate with management to enable the MoJ to fulfil its statutory duties by complying with relevant legal requirements, Corporate and local Business Area OHS procedures, guidance, and practices.
- (c) Use all safety equipment and devices provided for their protection, and not intentionally or recklessly interfere with or misuse them.
- (d) Immediately report any damage, loss, or malfunction of any item of safety equipment to their line manager.
- (e) Immediately report all accidents, assaults, hazardous conditions, dangerous occurrences or near misses/hits and any inadequacies in any safety procedures to their line manager or person in charge and co-operate with any subsequent investigation with the objective of learning lessons and preventing a recurrence.
- (f) Undertake any necessary training, as directed by their line manager or an appropriate Advisor, to enable them to carry out their work without risk to health or safety.
- (g) Be familiar with procedures for emergency evacuation of the building where they work.
- (h) Immediately involve their Line Manager or Supervisor (where significant risk is present) if they consider that they are undertaking, or are expected to undertake, something for which they are not adequately trained, qualified, or equipped.

3.11.2 Employees at all levels of the MoJ are reminded that their failure to comply with this policy, either by their actions or inaction, may make them liable for action under the MoJ's disciplinary policy.

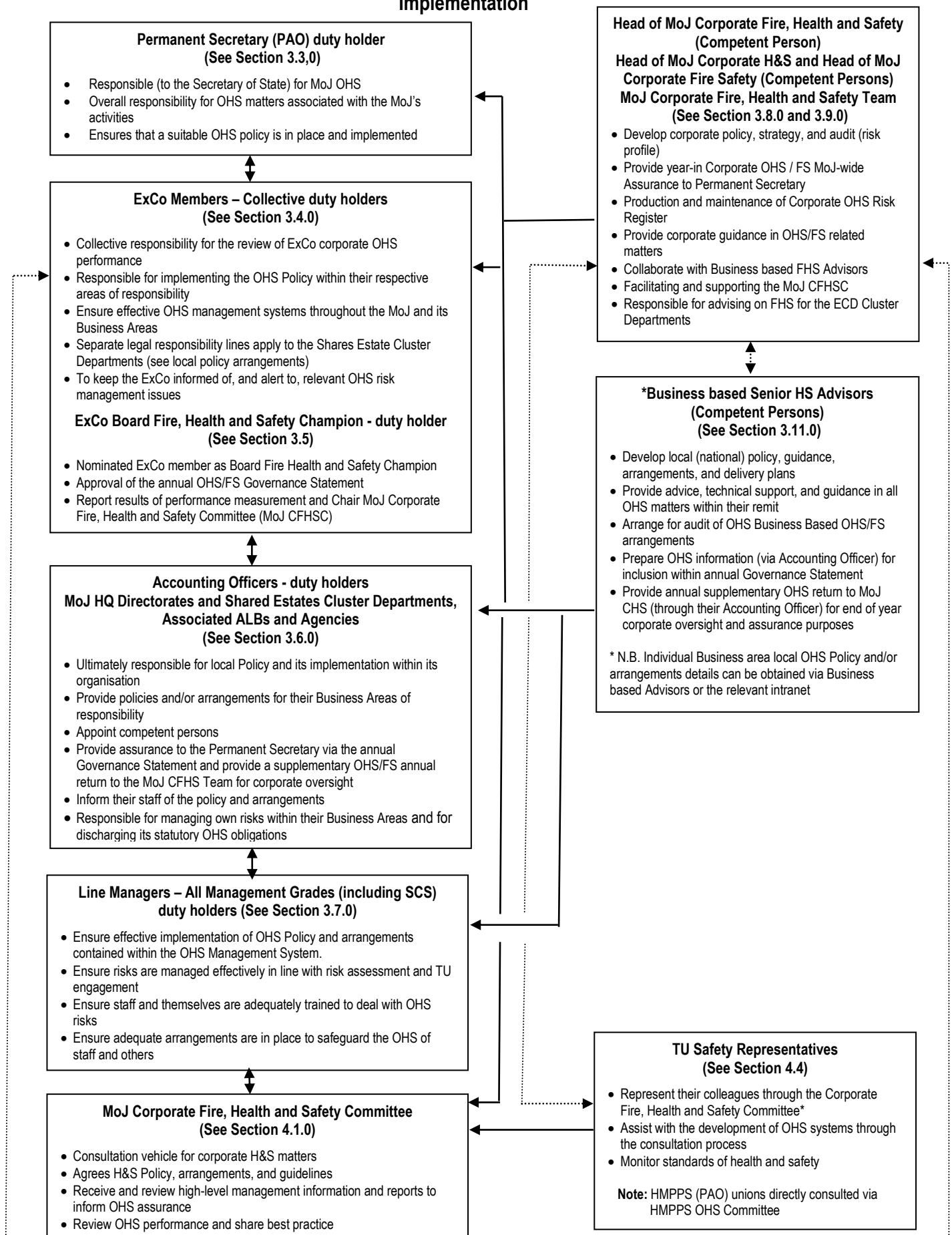
3.12.0 Business Based Senior/Head Health and Safety Advisors (Competent Persons):

3.12.1 Each Business Area, MoJ HQ Directorates, Associated ALBs and Agencies, must have in place (or have access to) a 'competent person,' as defined in, and in

accordance with, Regulation 7 of the Management of Health and Safety at Work Regulations 1999.

- 3.12.2 The Business based Senior Health and Safety Advisor is the competent person responsible for the provision of specialist OHS advice and support to their Business Area. They will provide their Business Area Accounting Officer with OHS assurance for the in-year Governance Position Statements to the Permanent Secretary. In addition, they shall prepare H&S information for any supplementary Position Statements (through their Accounting Officer) to MoJ CFHST in line with MoJ Standards for corporate oversight by the MoJ Corporate Fire Health and Safety Committee for in-year assurances purposes.
- 3.12.3 Each Business based Senior Health and Safety Advisor will maintain appropriate liaison and consultation with relevant Trade Unions within their Business Area and liaise with, as appropriate, other fire, health, and safety practitioners across the Ministry.
- 3.12.4 ALBs should have in place nominated Fire, Health and Safety Coordinators to support Management who have day-to-day responsibilities for OHS. They may also seek OHS advice from the MoJ CFHST. Fire, Health and Safety Coordinators must be competent, proportionate to their level of responsibility and their local organisational risk profile.
- 3.12.5 Where action is being considered by an enforcement authority across the MoJ or Estates Cluster Departments, by way of an enforcement notice and/or crown censure, the MoJ CFHST must be notified.

Figure 1. MoJ Organisation Guiding Principles and OHS Governance for Policy Implementation



Section Four – Corporate Arrangements:

4.0 MoJ Corporate Oversight Arrangements for Securing OHS:

4.1.0 Supporting Structure (MoJ Corporate Fire, Health and Safety Committee)

4.1.1 The MoJ has an overarching corporate oversight responsibility for OHS assurance and compliance. Primary operational responsibility for managing OHS legal compliance rests with Accounting Officers within each Business Area, as senior Duty Holders. MoJ has established the Corporate Fire, Health and Safety Committee (CFHSC) as the vehicle for exercising corporate oversight, including overarching assurance of compliance with the Corporate Health and Safety Policy, and performance reporting. This enables the MoJ CFHST to provide regular high-level, in-year assurance from across the Ministry to the Permanent Secretary via the Board Fire, Health and Safety Champion. The MoJ Corporate Fire, Health and Safety Committee (CFHSC) meets quarterly; its role and function are to report, and review OHS (including Fire Safety) performance and agree any corporate level action.

4.1.2 The Committee is chaired by the Board Fire, Health and Safety Champion (ExCo member). The membership of the committee is composed of: the main Business based OHS committee chairs at Director level; recognised Trade Union Safety Representatives; Head of Corporate Fire Health & Safety, supported by the Head of MoJ Corporate Health & Safety and Head of MoJ Corporate Fire Safety; and other Business based Senior Health and Safety Advisors from across the MoJ (see figure 2). Assurance of ALB performance will be reviewed by the MoJ HQ Fire, Health and Safety Committee and any issues escalated to the CFHSC (as appropriate) by the MoJ HQ Fire, Health and Safety Committee chair on behalf of the sponsoring business groups within MoJ HQ. For the purpose of this section, MoJ HQ is treated as a distinct Business Area along with Agencies and has its own arrangements.

- **Note:** Local Fire, Health and Safety Committee arrangements will apply for Shared Estates Cluster Departments.

4.1.3 The constitution, objectives, and terms of reference of this committee will be published and made available to all employees. In summary, the MoJ CFHSC will:

- (a) Review corporate OHS/FS policies and procedures for ExCo approval and monitor the implementation through the OHS strategy and plan.
- (b) Receive and review high level management information and reports, including regular, in-year Position Statements for compliance assurance purposes.
- (c) Monitor the development and implementation of specific local safety policies and local action plans that inform the MoJ OHS strategy and plan and encourage regular review of such procedures and guidance by Business Areas, with the provision of assurance to enable corporate oversight.
- (d) Receive reports from Senior Management representatives and Trade Union Representatives about OHS/FS issues, which have not been resolved at local level and/or have Directorate, Group or MoJ wide implications.

4.2.0 MoJ Corporate Overarching OHS Strategy and Delivery Plan (Appendix 2):

4.2.1 The MoJ Corporate Health and Safety Policy will be delivered through the implementation of a strategic OHS Plan, aligned to ISO 45001:2018, incorporating BS 9997. This plan will set out the direction for OHS management in the MoJ and be promulgated through Business based local delivery plans. The Permanent Secretary expects Accounting Officers to establish/maintain local OHS plans within their respective Business Areas, which will inform the strategy and delivery plan, and should be aligned within wider business plans.

4.3.0 MoJ Corporate Health and Safety Risk Register:

- 4.3.1 As part of the Risk Management Strategy Framework, ExCo expects Accounting Officers and risk owners within MoJ HQ Directorates (including ECD where appropriate), Associated ALBs and Agencies, to arrange for production of Health and Safety Risk Registers, applying a proportionate risk-based approach to managing significant OHS risks throughout their business. Significant OHS residual risks should also be fed into normal business risk registers to inform business planning.
- 4.3.2 Accounting Officers and risk owners (such as CEOs, Directors, Senior Managers of MoJ HQ Directorates, Associated ALBs and Agencies) are expected to provide the MoJ CFHST with:
- (a) Returns for their Health and Safety Risk Register (on a regular basis – usually quarterly), to be added to the individual Risk Register dashboards, to give a quarterly, overall MoJ Top 5 residual risks.
 - (b) Assurance that OHS/FS risks for Areas under their control are being proportionately risk managed.
- 4.3.3 Provision of the above information will enable MoJ CFHST to review corporate policy, monitor performance, and provide a fresh risk overview to the MoJ CFHSC. This information will also feed into corporate assurance oversight.

4.4.0 Employee Consultation (Trade Union Safety Representatives):

- 4.4.1 In accordance with the Safety Representatives and Safety Committee Regulations 1977 the MoJ recognises the key role played by recognised Trade Unions/Staff Representative Bodies and actively encourages and supports them in this role by a process of full consultation, and by providing them with proportionate resources.
- 4.4.2 The MoJ will allow Trade Unions/Staff Representative Bodies representatives to factor in sufficient time, with pay, for them to carry out their functions effectively, and to receive appropriate levels of health and safety training. Safety Representatives are required to give the MoJ/Business Area reasonable notice of their intention to carry out inspections, to provide written reports following inspections and to follow MoJ procedures when health and safety issues arise.
- 4.4.3 Consultation with Trade Unions/Staff Representative Bodies [in all matters laid out in 3.4.4 (c)] must be conducted as an open and honest exercise, with the aim of ensuring the fullest input from all interested parties. It must take place at the earliest possible opportunity to be effective.
- 4.4.4 The functions of Safety Representatives allow them to:
- Make representations to managers about health and safety in respect of employees' interests.
 - Draw managers' attention to health and safety deficiencies.
 - Carry out inspections of the workplace with management (where possible, these should be conducted jointly).
 - Assist in investigation of accidents, assaults, occupational ill health, and dangerous occurrences to identify immediate and underlying causes and to make recommendations for preventing recurrence.
 - Attend health and safety committee/forum and associated working parties.
 - Assist managers in the production of risk assessments.
 - Assist managers in the policy formulation, development, implementation, monitoring, auditing, and reviewing health and safety performance.

- Be involved in the planning and organisation of health and safety, particularly in the introduction of any changes to workplaces, working practices or new technology that may affect health and safety.
- To provide representation to inspectors of the Health and Safety Executive and of any other enforcing authority.
 - **Note:** Where employees are not represented under the Safety Representatives and Safety Committees Regulations 1977, additional application of the Health and Safety (Consultation with Employees) Regulations 1996 will be made.

4.5.0 Management and Control of Contractors, Agency Staff and Consultant Partners:

4.5.1 Each Business Area that is responsible for the appointment and use of contractors etc., shall ensure that arrangements are in place to appoint a Duty Holder, such as a Contract Manager. They should oversee the effective management of contractors who provide services in premises occupied by or on behalf of MoJ. Where Business Areas rely on a shared service, the shared service function shall liaise with the relevant Business Area, who must satisfy themselves that such services have been carried out fully and correctly. Roles and responsibilities may differ according to the contract requirements, however, as a guiding principle, the MoJ expect Duty Holders to ensure that:

- (a) Account is taken of all relevant Health and Safety legislation during the planning stages of all maintenance and works.
- (b) They inform the relevant Business Areas receiving estate related services (including Business based Senior Health and Safety Advisors) of any OHS concerns arising from contracted work.
- (c) On-site responsibilities and arrangements are in place to ensure the safety of employees and other persons who may be affected by the work being carried out.
- (d) Contractors are made aware of and comply with Corporate and local OHS Policy and arrangements applicable to respective premises and associated MoJ documents.
- (e) A person is designated to take responsibility as the Project Sponsor (as applicable) for the Contract and must ensure that the Contractor is aware of their statutory obligations.
- (f) The Contractor produces on request their Company Health and Safety policies and arrangements.
- (g) The Contractor has undertaken relevant risk assessments in connection with all aspects of the work to be undertaken and is provided with details of any relevant documented hazards if they are not themselves responsible for the building.
- (h) Contractors provide safe systems of work documentation and obtain permits to work, relevant to the Contract.
- (i) Method Statements are required before work commences on MoJ sites and that persons in the Contractors' employment, employees of the MoJ, or others who have access on or within the premises, are not adversely affected by the Contractors' undertakings.
- (j) All contractors and other third parties delivering services have health and safety standards fully consistent with MoJ policies.

4.5.2 The health and safety arrangements for contractors must be documented in more detail in local OHS policies and/or arrangements. Effective co-operation, communication and appropriate levels of competence and management control are crucial. All contractors, agency staff and consultant partners will be required to:

- (a) Comply with the MoJ's OHS policies as well as local policies (in the Business Areas within which they are operating) and practices, and procedures as applicable to their operations.
- (b) Comply with the health, safety and hygiene conditions specified in the contract and/or documentation and with all statutory requirements.
- (c) Employ persons competent to carry out their duties without risk to the health and safety of themselves and others.

4.5.3 Contractors, agency staff and consultants must treat the MoJ policies, procedures, guidance, and arrangements as the absolute baseline standards to adhere to. They are expected to follow appropriate industry guidance best practices at all times, aligning their own procedures to those, as sanctioned by the MoJ in its policies, wherever they are operating on behalf of the MoJ.

4.6.0 Fire Safety and Emergency Procedures

4.6.1 Under the direction of the Head of MoJ Corporate Fire, Health & Safety, the Head of MoJ Corporate Fire Safety will oversee the compliance to the Statutory Instrument which is the Regulatory Reform (Fire Safety) Order 2005. They are responsible for:

- Being the recognised 'Competent Person' as defined in, and in accordance with, Regulation 7 of the Management of Health and Safety at Work Regulations 1999.
- Acting as Head of Profession for Fire Safety for the MoJ and Estates Cluster Departments, overseeing corporate and operational fire safety.
- With the Head of MoJ Corporate Health and Safety, provide input to overarching in-year OHS/FS Governance Statements to the Permanent Secretary on corporate oversight, via the Board Fire, Health and Safety Champion and professional support to the delivery of OHS.
- Writing and updating the MoJ Corporate [OHS 8.2.2 - Fire Safety Policy](#) for agreement by the Permanent Secretary and ExCo.
- Having input to the development and coordination of the MoJ's corporate Health & Safety and Fire Safety strategy and plan.
- Providing competent advice on Fire Safety matters to ExCo.
- Providing positive Fire Safety leadership.
- Consultation with employee representatives and stakeholders on corporate level issues.
- Supporting the Head of MoJ Corporate Fire, Health and Safety chairing the Senior Fire, Safety and Health Practitioner's Forum, and fostering the sharing of good practice.

4.6.2 The MoJ Corporate [OHS 8.2.2 - Fire Safety Policy](#) is a sub-policy of the MoJ Corporate Health and Safety Policy (provided under separate documentation) and is constructed to comply with the Regulatory Reform (Fire Safety) Order 2005. It must be read in conjunction with this policy. Compliance with the arrangements of the MoJ Corporate Fire Safety Policy will satisfy compliance on fire safety management as set out in the arrangements within the MoJ Corporate Health and Safety Policy.

4.6.3 The Responsible Person (as detailed in the MoJ Corporate [OHS 8.2.2 - Fire Safety Policy](#)) within all Business Areas is responsible for the development and implementation of adequate local arrangements for the prevention of fire, the ongoing maintenance of means of escape and of firefighting equipment, the writing and delivery of evacuation procedures. The Responsible Person has similar duties to the Duty Holder, as referred to in health and safety law, and in many cases the term can refer to the same person.

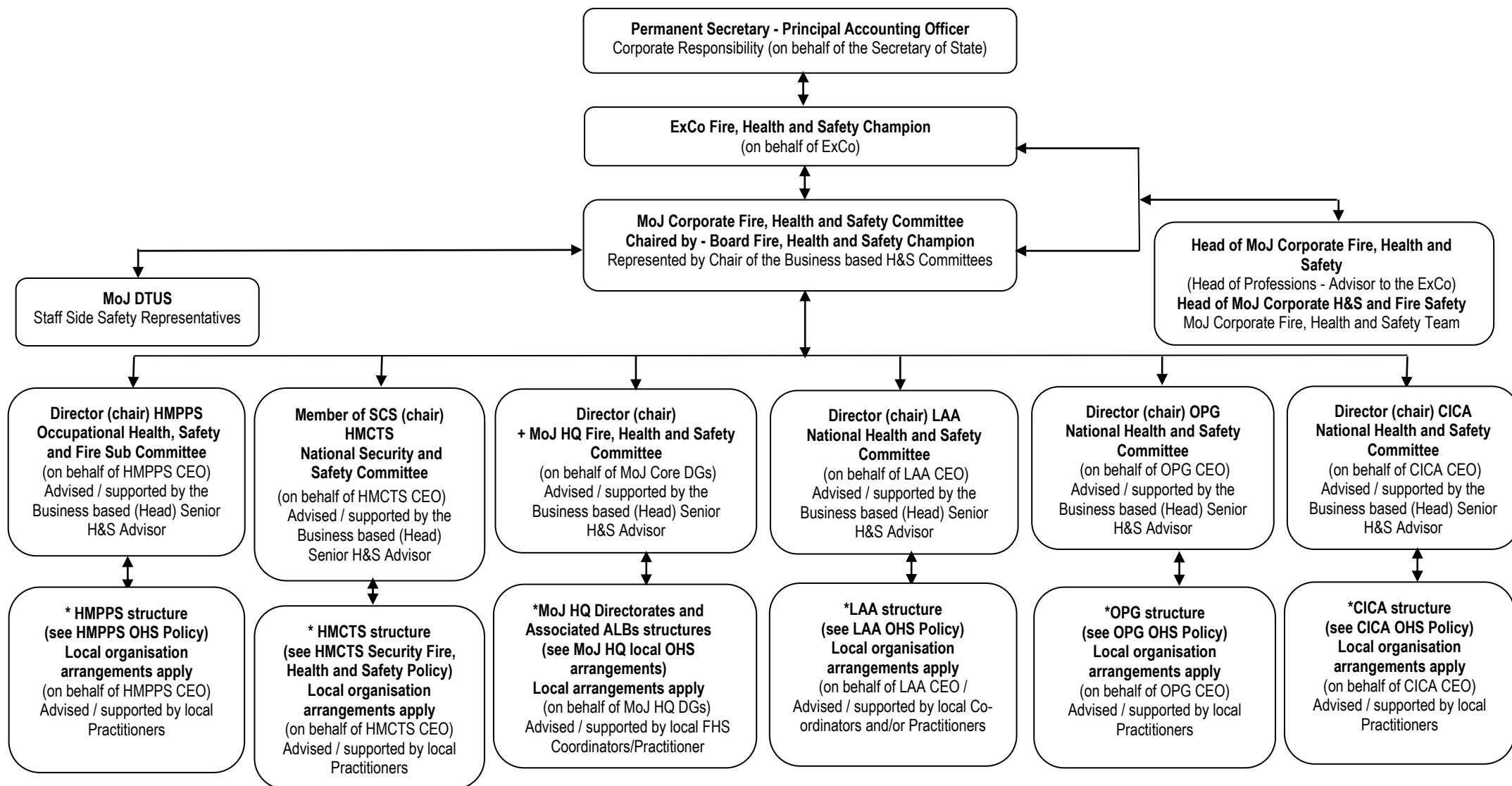
4.7.0 First Aid Arrangements:

- 4.7.1 Business based Duty Holders will make an assessment of first aid requirements in the Areas under their control utilising [OHS 8.2.1.F1 - First Aid Provision Assessment Form](#) and appoint a sufficient number of trained staff to cope with all reasonably foreseeable risks.
- 4.7.2 Duty Holders will ensure that nominated staff receive first aid training and refresher courses as required. All staff should be made aware of the arrangements for first aid in the Areas where they are employed.

4.8.0 Corporate Health and Safety Guidance and Information Documents:

- 4.8.1 Whilst Business Areas will develop local guidance to support local arrangements, MoJ CFHST will develop specific, overarching guidance and information in the form of an OHS Management System aligned to ISO45001 OHS Management System Standard. This includes those for Fire Safety; made available on the MoJ CFHS Intranet pages on the following link <https://intranet.justice.gov.uk/guidance/fire-health-safety/>. This will set out specific guiding principles with respect to corporate requirements and expectations.

Figure 2. MoJ Corporate OHS (including Fire Safety) Committee and Governance Structure



* Information on local Health and Safety policy and arrangements can be obtained from each Business based Senior Health and Safety Advisor
+ For MoJ Estates Cluster Departments Local Fire, Health and Safety Committee and Governance structures apply

Appendix 1

(Note: the new My Learning Portal will include the mandated elements as it is brought online in 2021.)

Table 1 – Fire Safety and Health & Safety Training Matrix – Mandated Requirements

Note: Read across from 'Level' to identify mandated training. Some courses may have to be identified and specific for Manager and Director levels.

Level	Mandated Training ((A) = Annual)					
All Staff	H&S Awareness (A)	Fire Safety Awareness (A)	DSE/Cardinus		Stress & Wellbeing	
Managers	H&S for Managers (A)	Fire Safety Awareness (A)	DSE/Cardinus	Risk Assessment	Stress & Wellbeing	
Line Managers	H&S for Managers (A)	Fire Safety Awareness (A)	DSE/Cardinus	Risk Assessment	Stress & Wellbeing Accident & Incident Reporting	
Directors	H&S for Managers (A)	Fire Safety Awareness (A)	DSE/Cardinus	Risk Assessment	Stress & Wellbeing Accident & Incident: learning from investigations and OHS monitoring reports	Responsible Persons Corporate Manslaughter Legal duties of senior managers and corporations

Table 2 – Fire Safety and Health & Safety Specialist Training Matrix – Advised Role Learning (Additional to Table 1)

Note: Read across from 'Role' to identify required training. Training may be specific and sourced to suit each Business Area.

Role	Required Training for Roles			
Fire Warden		Fire Warden + Refresher		
Incident Control Officer (ICO)	Responsible Person	Fire Warden + Refresher	ICO Course	
RPs/DHs & Tech Advisors/Managers	Responsible Person			Role related qualifications, training & CPD as required

Appendix 2

OHS and FS Delivery Plan 2021 - 2022

For the reporting year 2021 to 2022 the MoJ OHS and FS Delivery plan will follow the Plan-Do-Check-Act in HSG65. This will follow the ISO 45001/BS 9997 aligned Future MoJ OHS Strategy. Quarterly progress will be reported at each MoJ Corporate Statutory Compliance Steering Group meeting. Use the table headings below as a model for progress reports.

Activities	Delivery Objective	Success Measure	Quarters
Plan			
ISO 45001 alignment, incorporating BS9997	Alignment of OHS to ISO 45001 strategy-based Clauses	ISO 45001 Clause numbers identified on each independent document.	1 – 4
	Alignment of FS to 7 pillars of BS 9997 (ISO 45001)	As above.	1 – 4
	Quarterly reporting to MoJSCSG	Updates on alignment at each quarterly meeting. 100% alignment by end of reporting year 2021-22.	1 – 4
	Dashboard OHS & FS assurance reporting	Completed quarterly commission of dashboards for MoJ CFHSC	1 – 4
	Input into 2021 MoJ IAA OHS Audit	Actively engage in IAA Audit requests as necessary	1 & 2
	Consultation with TU at all stages	Minuted discussion with TU Side	1 - 4
Activities	Delivery Objective	Success Measure	Quarters
Do			
Manage Risk	All activities Risk Assessed, and all in-year RAs reviewed	All RAs in date, in year.	1 - 4
Complete Risk Registers	Quantify risk-weighted residual higher risks	Quarterly reporting completed on commission.	1 - 4
Align OHS & FS policy and arrangements to MoJ Strategy	Robust arrangements in place supported by identified Duty Holders, Responsible and Competent Persons	Annually reviewed arrangements, aligned to Corporate H&S Policy, in place.	1 - 4
Implement OHS/FS plans locally	Ensure safe places of work and management of contractors.	Local arrangements aligned with this overarching strategy and plan.	1 - 4
Input to OHS/FS Scoping Project	Key stake holders identified	Close collaboration with scoping project. Updates minuted at local H&S Committee level. Updates fed into MoJSCSG.	1 - 3
Activities	Delivery Objective	Success Measure	Quarters
Check			
Local Audits and Inspections	Local inspections and local, internal audits recorded.	Minuted at local H&S Committee level. Actions with risk-weighted timelines close on time.	1 - 4
Internal Audit	Level 2 internal audits recorded.	Minuted at local H&S Committee level. Actions with risk-weighted timelines close on time. Serious issues fed into MoJ CFHSC.	1 - 4
Independent Audit	Level 3 audits to receive full cooperation.	Actions with risk-weighted timelines close on time. Serious issues fed into MoJ CFHSC.	As required, In-year

Accident & Incident Reporting	To have in place a fully integrated accident and incident reporting system	RIDDOR matters reported on time. All accidents/incidents investigated, and actions closed off. Review lessons learned at appropriate H&S Committee level.	1 - 4
Report Progress	Report all audit and inspection issues and lessons learned at appropriate H&S Committee level.	Implement best practise as a reflection of closed actions.	1 - 4
Activities	Delivery Objective	Success Measure	Quarters
Act			
Report and share best practice	Assurance reporting through MoJ OHS Governance committee structure	Submit requested data to dashboard data requests each quarter. Submit additional assurance data, upon request, for inclusion into the in-year FHS Position Statements.	As required, In-year
Review Policy and arrangements, in-year, as required.	Actively consult on Corporate Policy and review local Policy and Arrangements	Reduction of residual risks upon quarterly FHS Risk Registers.	As required, In-year