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Health, Safety, Liability, Insurance.

H&S Prospective Host Questions



- What does the visitor want to do and when?
- What is their experience with this type of work?
- What types of samples will they bring on to site?
- How much time (staff and equipment) will they need?
- How much training will they need?
- What happens if it all goes wrong?

What are the risks/benefits to my lab and equipment?

H&S Prospective Visitor Questions



- What type of access is available (DIY or full service) and when?
- What level of support will there be to help with the work / subsequent data analysis?
- What is required to get started?
 - Mandatory training?
 - Sample requirements or restrictions?
 - Sample safety sheets and risk assessments?
- What happens if it all goes wrong?

What are the costs/benefits in working with this group?

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Considered as two separate sections

- Risk Assessment, Ethics, and Training
 - Sample Submission and Work Activity Form and Checklist
- Liability and Insurance
 - Principles of operation

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Risk Assessment, Ethics, and Training

H&S Checklist – Objective



To allow both host and visitor to rapidly identify and agree the:

- Type of access required
- Risks associated with the work
- Control measures to be put in place
- Training required (practical and statutory)
- Formal H&S approval processes required
- Sample and product handling procedures
- Any other issues (e.g. ethical approval)

H&S Checklist – Current Status



Version 5 of the Sample Submission and Work Activity Checklist and Form now available

Summary Checklist

- Single page, light touch reminder

Full Form

- Detailed analysis of all aspects to capture conclusions and any required actions

H&S Full Form



Covers:

- The proposed activity
- Equipment specific details
 - Identification of equipment hazards
 - Equipment control and training measures (including statutory training)
 - Data storage and computer/software access
 - Facility access and security

H&S Full Form (2)

- Sample and product details
 - Identification of sample and product hazards
 - Identification of exposure potential
 - Identification of sample and product control measures
 - Sample delivery
 - Sample and product storage, return and waste disposal
- Other aspects
 - Ethical considerations
 - Reassurance that the work meets normal ethical, legal and professional frameworks, obligations and standards
 - Flag any areas that require ethical and/or legal approval or which could be sensitive

H&S Checklist - Future

- Not mandatory to use the form
..... as long as the key areas are covered!
- Will evolve with time
- Potential to set up cross validation of statutory training where demand allows
- Health & Safety Contacts agreed to continue as a group, chaired by Denis Fowler, Director of Health Safety and Security at University of York.

H&S Checklist - Thanks



- David Nelson and Denis Fowler at York
- All of the H&S contacts and their colleagues at the N8 Universities
- The groups that road tested various versions
 - Melanie Taylor and the four groups at Manchester
 - Genomics group and the Nano Investigation Centre at Liverpool
 - Centre for Hyperpolarisation in Magnetic Resonance at York

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Insurance and Liability

Insurance and Liability

Various options considered:

- Detailed assessment of potential risks for each instrument and/or collaboration
- General Heads of Terms
- General principles to be incorporated into the legal agreements

Insurance and Liability - Principles



- Common law applies
- Generally – risk lies with the Host
- Negligence – host will seek to recover repair and business interruption costs
- Equipment removed from site – responsibility for material damage, loss and theft with the borrower

Insurance and Liability – Principles (2)



- All have Employer's Liability and Public Liability insurance of a minimum of £10m each
- Host decides on maintenance and repair insurance cover
 - No obligation to repair if equipment fails at any stage
 - Visitor cannot claim for any losses if equipment is unavailable
- Host decides on material damage and business interruption insurance cover
 - Host is responsible for any excess arising from a claim where there is no negligence by the visitor
- Damage due to negligence claimed from visitor
 - Visitor is responsible for any excess on their own policy arising from a negligence claim

Insurance and Liability – Some Advice



Host

- Ensure you have appropriate, signed records of training (use the Sample Submission and Work Activity checklist!)
- Check you know who pays the excess in the event of a non-negligent claim

Visitor

- Ensure you receive appropriate training
- Check you know who pays for any excess in the event of a negligence claim
- Have a Plan B should the host's equipment no longer be operable when you need it (especially for grant applications)

Insurance and Liability – Thanks



- Jacky Glanville at York
- All the other Insurance experts and colleagues in the N8 Universities

Contacts



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