

Records Management

Retention Scheduling

4. Health and Safety Records

**Standards for the management of
Government records**

Retention Scheduling
4 Health and Safety Records

Public Record Office

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Retention Scheduling - Health and Safety Records

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Public Record Office
Kew, Richmond, Surrey, TW9 4DU

<http://www.pro.gov.uk/>

Introduction

The following guidance is aimed at both Departmental Record Officers and Health and Safety Managers in government departments and agencies. It reflects the current (1998) state of the law. The PRO will endeavour to update the guidance in the light of new legislation but responsibility for checking on more recent enactments rests with the reader.

Because health and safety records may be kept in different parts of an organisation, communication across the organisation and between the Departmental Record Officer and Health and Safety Manager is essential to ensure consistency in record keeping and disposal.

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1 Background

- 1.1 The legislation underpinning health and safety in the United Kingdom is the Health and Safety at Work Act 1974. Implementation of the requirements of that statute is covered by various regulations, of which the principal ones are:
 - Safety Representatives and Safety Committees Regulations 1977
 - Electricity at Work Regulations 1989
 - Noise at Work Regulations 1989
 - Management of Health and Safety at Work Regulations 1992
 - Workplace (Health, Safety and Welfare) Regulations 1992
 - Manual Handling Operations Regulations 1992
 - Health and Safety (Display Screen Equipment) Regulations 1992
 - Provision and Use of Work Equipment Regulations 1992
 - Control of Substances Hazardous to Health Regulations 1994
 - Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995
- 1.2 The Social Security Act 1975 is also relevant to health and safety record keeping. Section 88(b) is the enabling provision under which relevant regulations are issued, such as the Social Security (Claims and Payments) Regulations 1979 and the Social Security (Industrial Injuries)(Prescribed Diseases) Regulations 1985.
- 1.3 Other relevant legislation includes:
 - Factories Act 1961
 - Employers' Liability (Compulsory Insurance) Act 1969
 - Fire Precautions Act 1971

2 Records

- 2.1 General
 - 2.1.1 Records relating to health and safety matters may be held by different parts of the organisation. For example, reports of accidents or incidents affecting individuals should be kept on personal files (*see* PRO guidance *Retention Scheduling: 2. Personal Files*); finance departments will have records of the purchase of plant and equipment; facilities management departments will have maintenance records; and security departments will maintain records relating to emergency evacuations.

2.1.2 Health and safety records are either required to fulfil a statutory obligation or may be needed as a prerequisite to carrying out certain activities. Failure to hold valid documents may attract the penalties of prosecution, improvement or prohibition notices. For example, records of training on the use of dangerous machinery must be kept. Failure to provide documentary evidence of such training may attract the issue of an improvement notice. Similarly the failure to maintain a register of dangerous substances under the Control of Substances Hazardous to Health (COSHH) regulations may lead to a prohibition on using such substances. Inability to provide appropriate and accurate documentation in the event of civil litigation may lead to heavy compensation payments.

2.1.3 There are certain statutory requirements to keep particular information, for example, safety monitoring data under the Management of Health and Safety at Work Regulations 1992, and recording accidents under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995. Increasingly there has been a move to permit employers to design their own forms for use, as long as they contain certain data (such as accident reports). This relaxation has increased opportunities for the use of computers in the collation, storage and retrieval of records.

2.2 Statutory Forms and Records

2.2.1 Some statutory requirements specify the maintenance of certain inspection records or the provision of certain notification forms. Inspection records include those relating to the maintenance of ventilation systems, to control substances hazardous to health in the workplace, fire safety checks, and inspection of machinery and equipment.

2.2.2 Statutory notification forms include those required to advise enforcing authorities about certain operations or circumstances - for example, notifications of accidents, diseases and dangerous occurrences - and would include certificates issued by enforcing authorities, such as fire certificates or licences for the storage of certain substances.

2.3 Procedural Records

Procedural records may be specified by regulations but these relate more to the management of health and safety than to reporting requirements. These records include an organisation's health and safety policy statement and risk assessments. Other records might include safety procedures, manuals and copies of instructions or information supplied to employees.

2.4 Pre-employment and Employment Records

These include copies of pre-employment questionnaires and medicals relating to health and safety. Pre-employment screening has become of greater importance in ensuring that appropriate consideration is made of individual factors which may affect whether someone can carry out a specific task without risk to their health and safety. This consideration is required under the Management of Health and Safety at Work Regulations 1992.

Employment records can contain details of health and safety training provided, information supplied or even personal protective equipment issued to particular employees.

2.5 Medical Records

These include records required to be maintained in relation to medical surveillance provided, for example, under the Management of Health and Safety at Work Regulations, Control of Substances Hazardous to Health Regulations or those regulations relating to lead and asbestos at work. These records may also contain details of audit carried out in connection with noise at work or information relating to the records of eye and eyesight tests carried out under the Health and Safety (Display Screen Equipment) Regulations.

3 Recommendations

3.1 General

Reasons for keeping health and safety records include:

- the records are documents required by legislation
- the operation/process may be used again and records are needed to ensure safety
- they may be evidence in case of litigation or prosecution
- to demonstrate the company's history of safety management
- to identify long-term trends
- to plan maintenance
- to identify training needs

Only a small number of categories of records, including medical surveillance, accident and waste disposal records, have to be kept for a specified time. The most significant are listed in section 4. In some cases, for example the Noise at Work Regulations 1989, assessment records should be kept until a further assessment of the hazard is made.

3.2 Litigation

With the exception of the legal requirements summarised in section 4, the primary reason for keeping health and safety records is to ensure that the employer is well placed to protect the safety of the staff and public, but beyond this a powerful reason is the management of an employer's exposure to litigation. Under the Limitation Act 1980, personal injury actions must be commenced within three years of the injury occurring. This gives a clearly defined time to keep records associated with an injury. However, for some complaints, such as asbestos and noise damage, the employee may not realise he or she has contracted it until several years after exposure. In such cases the Act allows the claim to be brought within three years of the date that the employee had knowledge of the disease or injury. This, therefore, extends the time some records may have to be kept and it is recommended that relevant records be kept for 40 years for such incidents. Evidence that may be needed to fight such a claim include:

- relevant risk assessments - these are formal surveys of the workplace (under the Management of Health and Safety at Work Regulations 1992) to assess any risks to health and safety to which staff and others are exposed; reviews and updates should be included
- safe operating procedures and safe systems of work
- effectiveness of controls such as the monitoring of noise and light levels
- maintenance of controls and other machinery
- medical surveillance, including pre-employment medicals and audiometry, and biological monitoring
- training
- safety inspections, including checks to confirm that safe operating procedures are being used and personal protective equipment is being worn
- records of who else worked on the process and who their supervisors were
- personal protective equipment specification, training, storage and maintenance arrangements
- information on other employees who have suffered disease or injury as a result of the process
- knowledge of when the disease or injury was established

3.3 Long-term administrative information

At some time it may be necessary to demonstrate that there is a history of effective safety management, for example as part of a defence against litigation or criminal prosecution, or just to show a Health and Safety Executive inspector. There is a case for keeping records after they have been updated or re-assessed just to provide information on long-term trends. Exposure records could be of value for epidemiological investigations into the effect of a substance. A comparison of old and new noise assessments might reveal an increase in noise emission from a machine, suggesting a need for maintenance or repair.

Training records need to be kept, reviewed and used to identify the need for refresher courses. They should normally be filed with personnel records.

4 Schedule of Legislation with Retention Stipulation

- 4.1 The following table gives details of those records where there is a statutory requirement to keep records for a specified period. Every attempt has been made to include all such health and safety records but readers are advised to check relevant legislation and consult with Health and Safety Managers before disposing of other similar records.
- 4.2 The Public Record Office does not generally require health and safety records for permanent preservation. Selected departmental policy or working files will provide adequate evidence about major incidents or events.

Act or Regulation	Record	Disposal
Control of Substances Hazardous to Health Regulations 1997		
Reg 7 (10) - special provision relating to biological agents	List of employees exposed to group 3 and 4 biological agents (see the Regulations)	10 years after last exposure
Schedule 9 - special provision relating to biological agents	Where exposure may lead to a disease many years later	40 years after last exposure
Reg 9 - maintenance, examination and test of control measures	Examination and testing of control equipment and repairs carried out as a result	5 years
Reg 10 - monitoring exposure at the workplace	Exposure to hazardous substance at the workplace: a) general exposure b) personal exposure of identifiable employee	5 years 40 years
Reg 11 - health surveillance of employees who are, or are liable to be, exposed to a substance hazardous to health	Health surveillance, including medical reports	40 years from date of last entry
Factories Act General Register Order 1973	General Register (Form F31, recording details relating to the factory, such as name and address of occupier, nature of work, fire certificate, etc)	2 years after date of last entry
Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995	Reportable injuries, diseases and dangerous occurrences	3 years
Social Security (Claims and Payments) Regulations 1979	Accident book (form BI 510)	3 years from date of last entry

The Ionising Radiations Regulations 1985	a) health records b) examination of respiratory protective equipment	50 years from date of last entry 2 years
The Ionising Radiations (Outside Workers) Regulations 1993	Radiation passbook	5 years after finish of use
Control of Lead at Work Regulations 1980	Maintenance of control measures	5 years from date at which entry was made
Reg 8(4) - maintenance, examination and test of control measures	Air monitoring	5 years
Reg 9(5) - monitoring exposure	Medical surveillance	40 years from date at which entry was made
Reg 10(3) - health surveillance of employees exposed, or liable to be exposed, to lead	Health surveillance (including medical reports)	40 years after last record
Control of Asbestos at Work Regulations 1987	a) health surveillance b) exposure	40 years from date of last entry 40 years from date of last entry
Work in Compressed Air Regulations 1996	Consignment note	3 years
Special Waste Regulations 1996	Consignment note (controlled waste)	2 years
Environment Protection (Duty of Care) Regulations 1991		

5 Other Publications and Further Information

5.1 In the same series as this leaflet the Public Record Office (PRO) has also published guidance on retention scheduling for accounting records, personal files and buildings records. More such leaflets are planned for 1999.

5.2 The PRO is currently working on a series of records management standards which aim to promote good practice in the management of public records throughout all stages of their life cycle. The first three standards, published in January 1998, are:

- RMS 1.1 File Creation
- RMS 2.1 Tracking Records
- RMS 5.1 Disposal Scheduling

Other standards are being planned for 1998 and 1999.

5.3 In the area of electronic records a major publication, The Management and Appraisal of Electronic Records, was issued in March 1998 and more on the same subject will follow.

5.4 Further information on these and other aspects of the management of public records can be obtained from:

Records Management Department
Public Record Office
Ruskin Avenue
Kew
Surrey
TW9 4DU

tel: 0181 876 3444

fax: 0181 392 5283

e-mail: records-management@pro.gov.uk