

14 May 1993

CVCP

Note to Vice-Chancellors  
and Principals

29 Tavistock Square London WC1H 9EZ  
Tel 071-387 9231 Fax 071-388 8649

N/93/111

**HEALTH AND SAFETY RESPONSIBILITIES OF SUPERVISORS TOWARDS POSTGRADUATE  
AND UNDERGRADUATE STUDENTS**

1. The CVCP Health and Safety Working Group has produced a Note of Guidance which replaces the 1989 CVCP guidance on responsibilities of supervisors (N/89/166). Safety professionals, a number of academics and the AUT have been consulted in the course of drafting the note.
2. The Note of Guidance is **attached as Annex 1**.

S P ROUSE  
Assistant Secretary

S1/13/2  
R\Sue\HS\N93111

Enc

## HEALTH AND SAFETY RESPONSIBILITIES OF SUPERVISORS TOWARDS POSTGRADUATE AND UNDERGRADUATE STUDENTS

1. In 1989, the CVCP issued a note of guidance (N/89/166) on responsibilities of supervisors following an accident in a laboratory. The need for new guidance has arisen from experience gained by universities and changes in legislation. This guidance relates to task supervision for health and safety and is not directly concerned with academic supervision.

### The guidance

2. Universities have a legal duty to provide 'such supervision as is necessary' to ensure the health and safety of both postgraduate and undergraduate students. When dealing with postgraduate students, it is important to understand that this duty cannot be discharged by relying solely upon a student's status or competence. The duty to supervise is delegated to the Head of Department and thence to the member of staff directly responsible for the student (the supervisor). It will never be enough to rely upon the assumption that 'postgraduates ought to know what they are doing'. Responsible staff must be able to demonstrate that they have exercised an effective supervisory role. This role will be exercised within a context of departmental procedures, systems of work and monitoring arrangements. Initial training of new postgraduate students should be devoted to explaining work systems and how they are operated.
3. The following court decision based upon the nature of 'immediate supervision' in the building industry may offer some guidance:

*Immediate supervision: In Moloney v A Cameron Ltd (1961) 1 All ER 934 (1961) 1 WLR 1087, C A Holroyd Pearce LJ, construing regulation 6, said " ... though there must be supervision, the proper extent of that supervision must be a question of degree related to the structure being built, the difficulties and danger involved. There must be some person - not the workman himself - who is 'immediately' responsible. The word 'immediate' is, I think, devoted to this relationship rather than intended to indicate that every act must be strictly supervised. In some cases the supervision may have to be constant and related to every act that is done - when, for instance, great danger and difficulty are involved. In other cases, where there is no risk and the men are competent, the supervision may be less intensive." This passage was approved by the Court of Appeal (construing what is now regulation 41(2)(i) of the Construction (General Provisions) Regulations 1961 in Owen v Evans and Owen (Builders) Ltd (1962) 3 All ER 128 (1962) 1 WLR 933.*

### Student projects

4. These could involve work subject to specific national Regulations (eg COSHH Regulations) or not (eg field trips).
5. Where student projects are concerned, effective or adequate supervision does not necessary (or even usually) mean constant attendance. Also, where attendance is necessary, this can be carried out by the supervisor or his authorised nominee. This authorised nominee can be a suitably qualified member of academic or technical staff. There are indeed no hard and fast rules on what does constitute adequate supervision in a variety of circumstances, but there are fundamental elements upon which supervisors must satisfy themselves. It is the responsibility of the supervisor to ensure that:

{ ...

- a) The project is properly assessed:
  - i) for compliance with existing departmental procedures;
  - ii) for general risks to health and safety under the Management of Health & Safety at Work Regulations, or other regulations such as the COSHH Regulations and the Manual Handling Regulations. These regulations require a written risk assessment unless the risks are not significant;
  - iii) for compliance with any university local rules (eg relating to radiation, micro-organisms or genetic modification).
- b) Any precautions which are necessary are agreed between the supervisor and student. In all but the most elementary circumstance they should be committed to writing protocol.
- c) Regular checks are carried out by the supervisor to see that the student is actually following the agreed procedures.
- d) It has been made clear to students that:
  - i) alterations in method must be documented and discussed rather than casually introduced without the supervisor's knowledge;
  - ii) the students also have legal responsibilities not to endanger themselves and others by their actions.

#### **Risk assessment and levels of supervision**

- 6. A simple scheme for assessing the appropriate level of supervision to be adopted on individual projects, based on one which has been effectively introduced in a university, is given below. This illustrates supervision considerations only: a full risk assessment would address matters such as the precautions to be adopted.
- 7. Areas of work are classified into risk categories for task supervision:
  - A = Those where work may **not** be started without **direct** supervision.
  - B = Those where work may not be started without the task supervisor's advice and approval.
  - C = Those with risks (other than categories A & B) where extra care must be observed, but where it is considered that workers are adequately trained and competent in the procedures involved.
  - D = Those where the risks are insignificant and carry no special supervision considerations.
- 8. For all but the lowest category of work, supervisors are required to complete a risk assessment form or validate one prepared by the research worker before work commences. This form should be clearly marked A, B, C or D. Supervisors should then

/ ...

ensure that the research worker concerned has read and understood the contents of the form and works to its requirements.

9. The use of a form does not remove the ultimate responsibility for safety from the university. It is a means by which the duties can be delegated.
10. Once the assessment has been made, supervisors must then decide on the controls necessary to protect the worker and indeed anyone else who might be affected by the work activity. The controls may be one or a mixture of administrative, engineering and personal protective measures, but should fit within existing departmental procedures and monitoring arrangements – there should not, for instance be different supervisors applying different standards to the same type of work.
11. There will be a number of situations, particularly for undergraduate work, where the projects are not individual projects and the risk assessment can be generic rather than individual. In such circumstances, evaluation of the safety of individual undergraduate experiments should be made when experiments are devised and appropriate instruction for students provided with the experimental methodology.
12. Universities are reminded that risk assessment alone does not fulfil all of the health and safety duties laid on supervisors. Information, instruction and training are seen as vital components as is the need to provide a safe system of work. It should also be remembered that as a project develops, the nature of the work and the experimental techniques may change. Any matter not included in the initial assessment should not be started without being assessed in the same way. As the experience and skills of the worker grows, this may also lead to a change in categorisation of the work.
13. Another area which continues to cause concern is that of 'out of hours' working. Each case must be assessed on its merits and where a safe system of work can be established, authorised out-of-hours work permitted.
14. Where necessary, formal arrangements must take place within the department such that a temporary, alternate supervisor is provided during absence of the regular supervisor.
15. Where those being supervised show a complete disregard for matters of safety, universities are advised to use their disciplinary procedures to ensure that the safety of the person concerned, and anyone else who might be adversely affected, is maintained.

#### **Summary of action required**

16. Universities should introduce into their formal assessment schemes an element which incorporates supervision requirements.
17. The elements of a possible categorisation of supervision controls which could emerge in the risk assessment process, are illustrated in this note. Universities may choose to adopt such a categorisation or develop their own. Those with existing schemes are asked to review them against the guidance now provided.
18. Once an assessment has been carried out, the necessary controls should be implemented.
19. Supervision arrangements in each department should be reviewed and systems to cover absences of a supervisor exceeding one week introduced.
20. **Monitoring of the scheme both at departmental level and by the central safety organisation of the university should be introduced.**