

Improvement Notice

COPY

Name States Employment Board

Address Cyril Le Marquand House, St Helier

Department of the States* Department of Health and Social Services

Inspector's
Full Name.

I,

of the Employment and Social Security Department, Health and Safety Inspectorate, being an Inspector appointed under Article 12 of the Law and empowered to issue this Notice, hereby give you notice that I am of the opinion that at

Location of
places or
Place of Activity.

Aviemoire, Haut de La Garenne, La Rue de La Pouclee et des Quartres Chemin, St Martin and other premises which are operated under the Special Needs Service

You, as an employer/ a self-employed person/ a person wholly or partly in control of the premises/ other*,

are contravening/ have contravened in circumstances that make it likely that the contravention will continue or be repeated*, the following statutory provisions:

Article 3(3) of the Health and Safety at Work (Jersey) Law, 1989

The reasons for my said opinion are:

You have not implemented a written policy addressing the risks to employees from violent or aggressive incidents

and I hereby require you to remedy the said contraventions or, as the case may be, the matters occasioning them by 21st November 2006 (and I direct that the measures specified in the Schedule which forms part of this Notice shall be taken to remedy the said contravention or matters)*.

Signature

Date 21.08.06 Time 11.14am

An Improvement Notice is also being served on

Of

related to the matters contained in this Notice.

FAILURE TO COMPLY WITH THIS NOTICE IS AN OFFENCE AS PROVIDED BY ARTICLE 21 OF THE LAW.

Health and Safety at Work (Jersey) Law 1989

Articles 13, 15, 16, 17

Notes

1. Failure to comply with an Improvement Notice is an offence as provided by Article 21 of the Law and renders the offender liable to an unlimited fine and a further fine not exceeding £100 per day if the offence is continued.
2. An Inspector has power to withdraw a Notice or to extend the period specified in the Notice, before the end of the period specified in it. You should apply to the Inspector who has issued the Notice if you wish this to be considered but you must do so before the end of the period given in it. Such an application is not an appeal against this Notice.
3. The issue of this Notice does not relieve you of any legal liability for failing to comply with any statutory or customary law duty resting on you.
4. Your attention is drawn to the provision for appeal against this Notice to an Appeal Tribunal. The Notice of Appeal should be sent to:

The Secretary of the Health and Safety Appeal Tribunal, c/o Greffier of the States, States Greffe, Morie House, Halkett Place, St. Helier, Jersey JE1 1DD.

The appeal must be commenced by sending in writing to the Secretary of the Health and Safety Appeal Tribunal a notice containing the following particulars:

- a. the name of the appellant and his address for the service of documents;
- b. the date of the Notice, or Notices, appealed against and the address of the premises or place concerned;
- c. the name and address, as shown on this Notice, of the respondent;
- d. particulars of the requirements or directions appealed against; and
- e. the grounds of the appeal.

A form which may be used for the appeal is available from the Inspector.

Time limit for appeal

A notice of appeal must be sent to the Secretary of the Health and Safety Appeal Tribunal within 21 days from the date of service on the appellant of the Notice, or Notices, appealed against, or within such further period as the Tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the notice of appeal to be presented within the period of 21 days. If posted the appeal should be sent by recorded delivery.

The entering of an appeal suspends the Improvement Notice until the appeal has been determined, but does not automatically alter the date given in this Notice by which the matters contained in it must be remedied.

An application for suspension of the Notice must be in writing and must set out:

- a. the case number of the appeal, if known, or particulars sufficient to identify it; and
- b. the grounds on which the application is made (it may accompany the appeal).

The rules for the hearing of an appeal are given in the Health and Safety at Work (Improvement and Prohibition Notices Appeals) (Jersey) Regulations, 1989.

SCHEDULE

- a) A written policy should be prepared which sets out the arrangements which are in place for addressing the control of aggression and violence to employees who work within the Special Needs Service.
- b) The policy should be brought to the attention of all employees who work within the Special Needs Service.

Improvement Notice

COPY

Name **States Employment Board**

Address **Cyril Le Marquand House, St Heller**

Department of the States* **Department of Health and Social Services**

Inspector's
Full Name.

I,

of the Employment and Social Security Department, Health and Safety Inspectorate, being an Inspector appointed under Article 12 of the Law and empowered to issue this Notice, hereby give you notice that I am of the opinion that at

Location of
Premises or
Place of Activity.

Aviemore, Haut de La Garenne, La Rue de La Pouclée et des Quartres Chemin, St Martin and other premises which are operated under the Special Needs Service

You, as an employer/ ~~a self-employed person/ a person wholly or partly in control of the premises/ other*~~,

are contravening/ ~~have contravened in circumstances that make it likely that the contravention will continue or be repeated*~~, the following statutory provisions:

Article 3(1) of the Health and Safety at Work (Jersey) Law, 1989

The reasons for my said opinion are:

In my opinion you have not carried out sufficient steps, so far as is reasonably practicable, to control the risks from violent or aggressive incidents to employees from clients.

and I hereby require you to remedy the said contraventions or, as the case may be, the matters occasioning them by **31st December 2006** (and I direct that the measures specified in the Schedule which forms part of this Notice shall be taken to remedy the said contravention or matters)*.

Signature

Date **27/09/06** Time **10.05 am**

~~An Improvement Notice is also being served on~~

~~Of~~

~~related to the matters contained in this Notice.~~

FAILURE TO COMPLY WITH THIS NOTICE IS AN OFFENCE AS PROVIDED BY ARTICLE 21 OF THE LAW.

Health and Safety at Work (Jersey) Law 1989

Articles 13, 15, 16, 17

Notes

1. Failure to comply with an Improvement Notice is an offence as provided by Article 21 of the Law and renders the offender liable to an unlimited fine and a further fine not exceeding £100 per day if the offence is continued.
2. An Inspector has power to withdraw a Notice or to extend the period specified in the Notice, before the end of the period specified in it. You should apply to the Inspector who has issued the Notice if you wish this to be considered but you must do so before the end of the period given in it. Such an application is not an appeal against this Notice.
3. The issue of this Notice does not relieve you of any legal liability for failing to comply with any statutory or customary law duty resting on you.
4. Your attention is drawn to the provision for appeal against this Notice to an Appeal Tribunal. The Notice of Appeal should be sent to:

The Secretary of the Health and Safety Appeal Tribunal, c/o Greffier of the States, States Greffe, Morier House, Halkett Place, St. Helier, Jersey JE1 1DD.

The appeal must be commenced by sending in writing to the Secretary of the Health and Safety Appeal Tribunal a notice containing the following particulars:

- a. the name of the appellant and his address for the service of documents;
- b. the date of the Notice, or Notices, appealed against and the address of the premises or place concerned;
- c. the name and address, as shown on this Notice, of the respondent;
- d. particulars of the requirements or directions appealed against; and
- e. the grounds of the appeal.

A form which may be used for the appeal is available from the Inspector.

Time limit for appeal

A notice of appeal must be sent to the Secretary of the Health and Safety Appeal Tribunal within 21 days from the date of service on the appellant of the Notice, or Notices, appealed against, or within such further period as the Tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the notice of appeal to be presented within the period of 21 days. If posted the appeal should be sent by recorded delivery.

The entering of an appeal suspends the Improvement Notice until the appeal has been determined, but does not automatically alter the date given in this Notice by which the matters contained in it must be remedied.

An application for suspension of the Notice must be in writing and must set out:

- a. the case number of the appeal, if known, or particulars sufficient to identify it; and
- b. the grounds on which the application is made (it may accompany the appeal).

The rules for the hearing of an appeal are given in the Health and Safety at Work (Improvement and Prohibition Notices Appeals) (Jersey) Regulations, 1989.

SCHEDULE

In order to comply with this notice you should:

a) Identify the manner in which the risks to employees from violent or aggressive incidents from clients are controlled, having regard to the principles of prevention by assessing and controlling risks to the lowest level that is reasonably practicable.

Guidance on the approach that would be considered appropriate is contained in the Health and Safety Executive publication "Violence and Aggression to staff in health services Guidance on assessment and management"

or

b) You should take any other equally effective measures

Improvement Notice

COPY

Name States Employment Board

Address Cyril Le Marquand House, St Helier

Department of the States* Department of Health and Social Services

Inspector's
Full Name.

I,

of the Employment and Social Security Department, Health and Safety Inspectorate, being an Inspector appointed under Article 12 of the Law and empowered to issue this Notice, hereby give you notice that I am of the opinion that at

Location of
Premises or
Place of Activity.

Aviemore, Haut de La Garenne, La Rue de La Pouclée et des Quartres Chemin, St Martin

You, as an employer/ ~~a self-employed person/ a person wholly or partly in control of the premises/ other*~~,

~~are contravening/ have contravened in circumstances that make it likely that the contravention will continue or be repeated*~~, the following statutory provisions:

Article 3(1) of the Health and Safety at Work (Jersey) Law, 1989

The reasons for my said opinion are:

In my opinion you have not made effective arrangements, so far as is reasonably practicable, for the suitable training of employees at Aviemore from being exposed to the specific risk of violence.

and I hereby require you to remedy the said contraventions or, as the case may be, the matters occasioning them by 31st December 2006 (and I direct that the measures specified in the Schedule which forms part of this Notice shall be taken to remedy the said contravention or matters)*.

Signature

Date 27/09/06 Time 10.06am

~~An Improvement Notice is also being served on~~

~~of~~

~~related to the matters contained in this Notice.~~

FAILURE TO COMPLY WITH THIS NOTICE IS AN OFFENCE AS PROVIDED BY ARTICLE 21 OF THE LAW.

Health and Safety at Work (Jersey) Law 1989

Articles 13, 15, 16, 17

Notes

1. Failure to comply with an Improvement Notice is an offence as provided by Article 21 of the Law and renders the offender liable to an unlimited fine and a further fine not exceeding £100 per day if the offence is continued.
2. An Inspector has power to withdraw a Notice or to extend the period specified in the Notice, before the end of the period specified in it. You should apply to the Inspector who has issued the Notice if you wish this to be considered but you must do so before the end of the period given in it. Such an application is not an appeal against this Notice.
3. The issue of this Notice does not relieve you of any legal liability for failing to comply with any statutory or customary law duty resting on you.
4. Your attention is drawn to the provision for appeal against this Notice to an Appeal Tribunal. The Notice of Appeal should be sent to:

The Secretary of the Health and Safety Appeal Tribunal, c/o Greffier of the States, States Greffe, Morier House, Halkett Place, St. Helier, Jersey JE1 1DD.

The appeal must be commenced by sending in writing to the Secretary of the Health and Safety Appeal Tribunal a notice containing the following particulars:

- a. the name of the appellant and his address for the service of documents;
- b. the date of the Notice, or Notices, appealed against and the address of the premises or place concerned;
- c. the name and address, as shown on this Notice, of the respondent;
- d. particulars of the requirements or directions appealed against; and
- e. the grounds of the appeal.

A form which may be used for the appeal is available from the Inspector.

Time limit for appeal

A notice of appeal must be sent to the Secretary of the Health and Safety Appeal Tribunal within 21 days from the date of service on the appellant of the Notice, or Notices, appealed against, or within such further period as the Tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the notice of appeal to be presented within the period of 21 days. If posted the appeal should be sent by recorded delivery.

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- a. the case number of the appeal, if known, or particulars sufficient to identify it; and
- b. the grounds on which the application is made (it may accompany the appeal).

The rules for the hearing of an appeal are given in the Health and Safety at Work (Improvement and Prohibition Notices Appeals) (Jersey) Regulations, 1989.

Health and Safety Inspectorate
Employment and Social Security Department
PO Box 55, Phillip Le Feuvre House, La Motte Street, St. Helier, Jersey JE4 8PE
Tel. No. 01534 – 280473 Fax No. 01534 - 873791

SCHEDULE

In order to comply with this notice you should:

Produce a plan which

- a) describes the current position regarding the provision of appropriate training to employees who are exposed to the specific risk of violence,
- b) specify the type of training needed by staff to enable them to minimise the risks when confronted with potentially violent individuals/situations,
- c) identifies those members of staff who require further training,
- d) prioritises and specifies the time scales required for the delivery of this training,
- e) describe the frequency and type of refresher training which will be subsequently needed,
- f) describes the arrangements for recording the training proposed for and delivered to individuals, and
- g) describes the arrangements for senior management to monitor progress and confirm completion of the necessary work.

or

You should take any other equally effective measures

Improvement Notice

Name States Employment Board
Address c/o Chief Minister's Department, PO Box 140, Cyril Le Marquand House, St Helier JE4 8QT

States Department* Health and Social Services Department

Inspector's
Full Name.

I,

of the Social Security Department, Health and Safety Inspectorate, being an Inspector appointed under Article 12 of the Law and empowered to issue this Notice, hereby give you notice that I am of the opinion that at

Location of
Premises or
Place of Activity.

all premises under the control of HSSD including the General Hospital

You, as an employer/ ~~a self-employed person/ a person wholly or partly in control of the premises/ other*~~,

are contravening/ ~~have contravened~~ in circumstances that make it likely that the contravention will continue or be repeated*, the following statutory provisions:

**Article 3(1) of the Health and Safety at Work (Jersey) Law, 1989
Article 5(1) of the Health and Safety at Work (Jersey) Law, 1989
Article 6(2) of the Health and Safety at Work (Jersey) Law, 1989**

The reasons for my said opinion are:

The failure to ensure the risk of exposure to legionella bacteria is being adequately controlled, and checked, as far as reasonably practicable, therefore employees, service users and other members of the public may be at risk

and I hereby require you to remedy the said contraventions or, as the case may be, the matters occasioning them by **26th September 2014** (and I direct that the measures specified in the Schedule which forms part of this Notice shall be taken to remedy the said contravention or matters)*.

Signature

Date 17/08/14 Time 16:30.

~~An Improvement Notice is also being served on
of
related to the matters contained in this Notice.~~

FAILURE TO COMPLY WITH THIS NOTICE IS AN OFFENCE AS PROVIDED BY ARTICLE 21 OF THE LAW.

*Delete as appropriate

See notes overleaf.

Health and Safety at Work (Jersey) Law 1989

Articles 13, 15, 16, 17

Notes

1. Failure to comply with an Improvement Notice is an offence as provided by Article 21 of the Law and renders the offender liable to an unlimited fine and a further fine if the offence is continued.
2. An Inspector has power to withdraw a Notice or to extend the period specified in the Notice, before the end of the period specified in it. You should apply to the Inspector who has issued the Notice if you wish this to be considered but you must do so before the end of the period given in it. Such an application is not an appeal against this Notice.
3. The issue of this Notice does not relieve you of any legal liability for failing to comply with any statutory or customary law duty resting on you.
4. Your attention is drawn to the provision for appeal against this Notice to an Appeal Tribunal. The Notice of Appeal should be sent to:

The Secretary of the Health and Safety Appeal Tribunal, c/o 1st Floor, Trinity House, Bath Street, St Helier, JE2 4ST

The appeal must be commenced by sending in writing to the Secretary of the Health and Safety Appeal Tribunal a notice containing the following particulars:

- a. the name of the appellant and his address for the service of documents;
- b. the date of the Notice, or Notices, appealed against and the address of the premises or place concerned;
- c. the name and address, as shown on this Notice, of the respondent;
- d. particulars of the requirements or directions appealed against; and
- e. the grounds of the appeal.

A form which may be used for the appeal is available from the Inspector.

Time limit for appeal

A notice of appeal must be sent to the Secretary of the Health and Safety Appeal Tribunal within 21 days from the date of service on the appellant of the Notice, or Notices, appealed against, or within such further period as the Tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the notice of appeal to be presented within the period of 21 days. If posted, the appeal should be sent by recorded delivery.

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An application for suspension of the Notice must be in writing and must set out:

- a. the case number of the appeal, if known, or particulars sufficient to identify it; and
- b. the grounds on which the application is made (it may accompany the appeal).

The rules for the hearing of an appeal are given in the Health and Safety at Work (Improvement and Prohibition Notices Appeals) (Jersey) Regulations, 1989.

Health and Safety Inspectorate
Social Security Department
PO Box 55, Philip Le Feuvre House, La Motte Street, St. Helier, Jersey JE4 8PE
Tel. No. 01534 - 447300
Fax No. 01534 - 873791

SCHEDULE

With reference to the

- UK's HSE document 'Legionnaires' disease – The control of legionella bacteria in water systems: Approved Code of Practice and guidance on regulations' (ACoP L8) and
- the UK's Department of Health 'Water systems - Health Technical Memorandum 04-01: The control of Legionella, hygiene, "safe" hot water, cold water and drinking water systems, Part B: Operational Management, as necessary,

You should:

- ensure appropriate measures are in place to control the risk of exposure to legionella bacteria
- demonstrate that those measures are adequately controlling the risk of exposure

Or

Equivalent measures should be put in place to ensure that the legal requirements placed on you under Articles 3(1), 5(1) and 6(2) of the Health and Safety at Work (Jersey) Law 1989 are met in respect of controlling the risk of exposure to legionella bacteria, so far as is reasonably practicable, at all the premises that HSSD have responsibility for or are wholly in control of.

17/08/14

Improvement Notice

Name **States Employment Board**
Address **c/o Chief Minister's Department, PO Box 140, Cyril Le Marquand House, St Helier JE4 8QT**

States Department* Health and Social Services Department

Inspector's
Full Name.

I,

of the Social Security Department, Health and Safety Inspectorate, being an Inspector appointed under Article 12 of the Law and empowered to issue this Notice, hereby give you notice that I am of the opinion that at

Location of
Premises or
Place of Activity.

all premises under the control of HSSD including the General Hospital

You, as an employer/ ~~a self-employed person/ a person~~ wholly or partly in control of the premises/ ~~other*~~,

are contravening/ ~~have contravened~~ in circumstances that make it likely that the contravention will continue or be repeated*, the following statutory provisions:

Article 3(1) of the Health and Safety at Work (Jersey) Law, 1989
Article 5(1) of the Health and Safety at Work (Jersey) Law, 1989
Article 6(2) of the Health and Safety at Work (Jersey) Law, 1989

The reasons for my said opinion are:

The failure to ensure the risk of exposure to legionella bacteria is being adequately monitored and controlled, as far as reasonably practicable, therefore employees, service users and other members of the public may be at risk

and I hereby require you to remedy the said contraventions or, as the case may be, the matters occasioning them by **26th September 2014** (and I direct that the measures specified in the Schedule which forms part of this Notice shall be taken to remedy the said contravention or matters)*.

Signature \

Date *17/09/14* Time *16:30*

~~An Improvement Notice is also being served on
of
related to the matters contained in this Notice.~~

FAILURE TO COMPLY WITH THIS NOTICE IS AN OFFENCE AS PROVIDED BY ARTICLE 21 OF THE LAW.

Health and Safety at Work (Jersey) Law 1989

Articles 13, 15, 16, 17

Notes

1. Failure to comply with an Improvement Notice is an offence as provided by Article 21 of the Law and renders the offender liable to an unlimited fine and a further fine if the offence is continued.
2. An Inspector has power to withdraw a Notice or to extend the period specified in the Notice, before the end of the period specified in it. You should apply to the Inspector who has issued the Notice if you wish this to be considered but you must do so before the end of the period given in it. Such an application is not an appeal against this Notice.
3. The issue of this Notice does not relieve you of any legal liability for failing to comply with any statutory or customary law duty resting on you.
4. Your attention is drawn to the provision for appeal against this Notice to an Appeal Tribunal. The Notice of Appeal should be sent to:

The Secretary of the Health and Safety Appeal Tribunal, c/o 1st Floor, Trinity House, Bath Street, St. Helier, JE2 4ST

The appeal must be commenced by sending in writing to the Secretary of the Health and Safety Appeal Tribunal a notice containing the following particulars:

- a. the name of the appellant and his address for the service of documents;
- b. the date of the Notice, or Notices, appealed against and the address of the premises or place concerned;
- c. the name and address, as shown on this Notice, of the respondent;
- d. particulars of the requirements or directions appealed against; and
- e. the grounds of the appeal.

A form which may be used for the appeal is available from the Inspector.

Time limit for appeal

A notice of appeal must be sent to the Secretary of the Health and Safety Appeal Tribunal within 21 days from the date of service on the appellant of the Notice, or Notices, appealed against, or within such further period as the Tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the notice of appeal to be presented within the period of 21 days. If posted, the appeal should be sent by recorded delivery.

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An application for suspension of the Notice must be in writing and must set out:

- a. the case number of the appeal, if known, or particulars sufficient to identify it; and
- b. the grounds on which the application is made (it may accompany the appeal).

The rules for the hearing of an appeal are given in the Health and Safety at Work (Improvement and Prohibition Notices Appeals) (Jersey) Regulations, 1989.

Health and Safety Inspectorate
Social Security Department
PO Box 55, Philip Le Feuvre House, La Motte Street, St. Helier, Jersey JE4 8PE
Tel. No. 01534 - 447300
Fax No. 01534 - 873791

SCHEDULE

With reference to the

- UK's HSE document 'Legionnaires' disease – The control of legionella bacteria in water systems: Approved Code of Practice and guidance on regulations' (ACoP L8) and
- the UK's Department of Health 'Water systems - Health Technical Memorandum 04-01: The control of Legionella, hygiene, "safe" hot water, cold water and drinking water systems, Part B: Operational Management, as necessary,

you should:

- Identify and assess the sources of risk of legionella bacteria, including the means of preventing exposure, or if not reasonably practicable, control the risk of exposure to legionella. This should include an up-to-date schematic diagram of the system
- With reference to the risk assessment (above), detail how you intend to implement, manage and monitor the precautions for preventing or controlling the risk.
- Detail the arrangements for keeping records of the precautions, including suitable records of examinations, tests and repairs of control measures
- Confirm the appointment of competent person(s), who will ensure that all operational procedures are carried out in a timely and effective manner
- Detail the arrangements for regular review and revision of the precautions

Or

Equivalent measures should be put in place to ensure that the legal requirements placed on you under Articles 3(1), 5(1) and 6(2) of the Health and Safety at Work (Jersey) Law 1989 are met in respect of managing the risk of exposure to legionella bacteria, so far as is reasonably practicable, at all the premises that HSSD have responsibility for or are wholly in control of.

17/06/14

Improvement Notice

Name **States Employment Board**

Address **Cyril Le Marquand House, St Helier, JE4 8QT**

Trading as* **Department of Health and Social Security**

Inspector's
Full Name.

I,

of the Social Security Department, Health and Safety Inspectorate, being an Inspector appointed under Article 12 of the Law and empowered to issue this Notice, hereby give you notice that I am of the opinion that at

Location of
Premises or
Place of Activity.

Greenfields Centre, La Grande Route de St Martin, St Saviour, JE2 7GS

You, as an employer/ ~~a self-employed person/ a person wholly or partly in control of the premises/ other*~~,

are contravening/ ~~have contravened in circumstances that make it likely that the contravention will continue or be repeated*~~, the following statutory provisions:

Health and Safety at Work (Jersey) Law, 1989: Article 3(1)

The reasons for my said opinion are:

you have failed to ensure, so far as is reasonably practicable, that adequate arrangements are in place to identify and manage the preventative and protective measures required to control the risk of violence and aggression demonstrated by service users to employees

and I hereby require you to remedy the said contraventions or, as the case may be, the matters occasioning them by **31 January 2018**

(and I direct that the measures specified in the Schedule which forms part of this Notice shall be taken to remedy the said contravention or matters)*.

Signature

Date 24/11/17 Time 13.15.

An Improvement Notice is also being served on
of
related to the matters contained in this Notice.

FAILURE TO COMPLY WITH THIS NOTICE IS AN OFFENCE AS PROVIDED BY ARTICLE 21 OF THE LAW.

Health and Safety at Work (Jersey) Law 1989

Articles 13, 15, 16, 17

Notes

1. Failure to comply with an Improvement Notice is an offence as provided by Article 21 of the Law and renders the offender liable to an unlimited fine and a further fine if the offence is continued.
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3. The issue of this Notice does not relieve you of any legal liability for failing to comply with any statutory or customary law duty resting on you.
4. Your attention is drawn to the provision for appeal against this Notice to an Appeal Tribunal. The Notice of Appeal should be sent to:

Registrar of Appeals and Tribunals, Health and Safety Appeal Tribunal, The Tribunal Service, 1st Floor, International House, 41 The Parade, St Helier JE2 3QQ

The appeal must be commenced by sending in writing to the Registrar of Appeals and Tribunals, Health and Safety Appeal Tribunal, a notice containing the following particulars:

- a. name of the appellant and the address for the service of documents;
- b. date of the Notice, or Notices, appealed against and the address of the premises or place concerned;
- c. name and address, as shown on this Notice, of the respondent;
- d. particulars of the requirements or directions appealed against; and
- e. the grounds of the appeal.

A Notice of Appeal form which may be used for the appeal is available from the Inspector.

Time limit for appeal

A Notice of Appeal must be sent to the Registrar of Appeals and Tribunals, Health and Safety Appeal Tribunal, within 21 days from the date of service on the appellant of the Notice, or Notices, appealed against, or within such further period as the Tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the notice of appeal to be presented within the period of 21 days. If posted, the appeal should be sent by recorded delivery.

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- a. the case number of the appeal, if known, or particulars sufficient to identify it; and
- b. the grounds on which the application is made (it may accompany the appeal).

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Health and Safety at Work (Jersey) Law 1989

REFERENCE IN/TF/VA/11/17

SCHEDULE

In order to comply with this Notice you must

Prepare a policy which sets out:-

- a) the framework for identifying, assessing, controlling and managing the risks of violence and aggression in Greenfields centre**
- b) the specific arrangements for the provision of training (including refresher training) needed by all staff working at Greenfields centre to enable them to minimise the risks when confronted with potentially violent and/or aggressive behaviours demonstrated by service users. This should include the specific types of training required, and under what circumstances these would be considered appropriate to use**
- c) the arrangements for recording the provision of training delivered to staff**
- d) the arrangements for senior management to monitor and review administration of the policy**

or

Take equally effective steps to remedy the said contravention

Improvement Notice

Name **States Employment Board**

Address **Cyril Le Marquand House, St Helier, JE4 8QT**

Trading as* **Department of Health and Social Services**

Inspector's
Full Name.

I,

of the Social Security Department, Health and Safety Inspectorate, being an Inspector appointed under Article 12 of the Law and empowered to issue this Notice, hereby give you notice that I am of the opinion that at

Location of
Premises or
Place of Activity.

Orchard House, La Route de la Hougue Bie, St Saviour, JE2 7UW

You, as an employer/ ~~a self-employed person/ a person wholly or partly in control of the premises/ other*~~,

~~are contravening/ have contravened in circumstances that make it likely that the contravention will continue or be repeated*~~, the following statutory provisions:

Health and Safety at Work (Jersey) Law, 1989: Article 3(1)

The reasons for my said opinion are:

Employees required to work at Orchard House have not received adequate training in relation to the management of conflict, aggression and violence demonstrated by service users

and I hereby require you to remedy the said contraventions or, as the case may be, the matters occasioning them by **27 April 2018**

(and I direct that the measures specified in the Schedule which forms part of this Notice shall be taken to remedy the said contravention or matters)*.

Signature

Date **28/03/18** Time **10.10**

~~An Improvement Notice is also being served on
of
related to the matters contained in this Notice.~~

FAILURE TO COMPLY WITH THIS NOTICE IS AN OFFENCE AS PROVIDED BY ARTICLE 21 OF THE LAW.

Health and Safety at Work (Jersey) Law 1989

Articles 13, 15, 16, 17

Notes

1. Failure to comply with an Improvement Notice is an offence as provided by Article 21 of the Law and renders the offender liable to an unlimited fine and a further fine if the offence is continued.
2. An Inspector has power to withdraw a Notice or to extend the period specified in the Notice, before the end of the period specified in it. You should apply to the Inspector who has issued the Notice if you wish this to be considered but you must do so before the end of the period given in it. Such an application is not an appeal against this Notice.
3. The issue of this Notice does not relieve you of any legal liability for failing to comply with any statutory or customary law duty resting on you.
4. Your attention is drawn to the provision for appeal against this Notice to an Appeal Tribunal. The Notice of Appeal should be sent to:

Registrar of Appeals and Tribunals, Health and Safety Appeal Tribunal, The Tribunal Service, 1st Floor, International House, 41 The Parade, St Helier JE2 3QQ

The appeal must be commenced by sending in writing to the Registrar of Appeals and Tribunals, Health and Safety Appeal Tribunal, a notice containing the following particulars:

- a. name of the appellant and the address for the service of documents;
- b. date of the Notice, or Notices, appealed against and the address of the premises or place concerned;
- c. name and address, as shown on this Notice, of the respondent;
- d. particulars of the requirements or directions appealed against; and
- e. the grounds of the appeal.

A Notice of Appeal form which may be used for the appeal is available from the Inspector.

Time limit for appeal

A Notice of Appeal must be sent to the Registrar of Appeals and Tribunals, Health and Safety Appeal Tribunal, within 21 days from the date of service on the appellant of the Notice, or Notices, appealed against, or within such further period as the Tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the notice of appeal to be presented within the period of 21 days. If posted, the appeal should be sent by recorded delivery.

The entering of an appeal suspends the Improvement Notice until the appeal has been determined, but does not automatically alter the date given in this Notice by which the matters contained in it must be remedied.

An application for suspension of the Notice must be in writing and must set out:

- a. the case number of the appeal, if known, or particulars sufficient to identify it; and
- b. the grounds on which the application is made (it may accompany the appeal).

The rules for the hearing of an appeal are given in the Health and Safety at Work (Improvement and Prohibition Notices Appeals) (Jersey) Regulations, 1989.

Health and Safety at Work Inspectorate
Social Security Department
PO Box 55, Philip Le Feuvre House, La Motte Street, St. Helier, Jersey JE4 8PE
Tel. No. 01534 - 447300

Health and Safety at Work (Jersey) Law 1989

REFERENCE IN/TF/VA/03/18/01

SCHEDULE

In order to comply with this Notice you must

1. Prepare a mandatory training programme for all staff required to work at Orchard House in accordance with section 8 of the HSSD policy *'The Prevention and Management of Violence and Aggression at Work'* dated March 2017, document Registration HSS-PP-CG-0106-04

This training programme should be based on a training needs analysis and clearly identify:-

- a) the specific type and level of training needed by all staff to enable them to minimise the risks when confronted with potentially violent and/or aggressive behaviours demonstrated by service users, for example conflict management, de-escalation and disengagement and physical skills training
- b) the frequency of refresher training required for each of the different techniques should be clearly defined

and

2. ensure all staff working at Orchard House have received the appropriate level of training

or

Take equally effective steps to remedy the said contravention

Improvement Notice

Name **States Employment Board**

Address **Cyril Le Marquand House, St Helier, JE4 8QT**

Trading as* **Department of Health and Social Services**

Inspector's
Full Name.

I,

of the Social Security Department, Health and Safety Inspectorate, being an Inspector appointed under Article 12 of the Law and empowered to issue this Notice, hereby give you notice that I am of the opinion that at

Location of
Premises or
Place of Activity.

Orchard House, La Route de la Hougue Bie, St Saviour, JE2 7UW

You, as an employer/ ~~a self-employed person/ a person wholly or partly in control of the premises/ other*~~,

are contravening/ ~~have contravened in circumstances that make it likely that the contravention will continue or be repeated*~~, the following statutory provisions:

Health and Safety at Work (Jersey) Law, 1989: Article 3(1)

The reasons for my said opinion are:

The current 'staff-to-staff' emergency alarm system is not fit for purpose, being poorly designed, unreliable and requiring employees to carry 3 separate portable devices. Evidence in the form of Datix reports and witness statements from employees identifies that there have been multiple reports of a failure of the emergency alarm system to operate satisfactorily when activated over the past 3 years. This exposes employees to the risk of personal injury during incidences when they may be assaulted or are faced with a threatening situation by a service user, and are unable to summon timely assistance

and I hereby require you to remedy the said contraventions or, as the case may be, the matters occasioning them by **20 July 2018**

(and I direct that the measures specified in the Schedule which forms part of this Notice shall be taken to remedy the said contravention or matters)*.

Signature

Date **25/04/18** Time **15:05**

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of
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Health and Safety at Work (Jersey) Law 1989

Articles 13, 15, 16, 17

Notes

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3. The issue of this Notice does not relieve you of any legal liability for failing to comply with any statutory or customary law duty resting on you.
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- d. particulars of the requirements or directions appealed against; and
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Time limit for appeal

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Health and Safety at Work Inspectorate
Social Security Department
PO Box 55, Philip Le Feuvre House, La Motte Street, St. Helier, Jersey JE4 8PE
Tel. No. 01534 - 447300

SCHEDULE

In order to comply with this Notice you must

1. a) Carry out, and record, an assessment to determine the appropriate specification for an effective 'staff-to-staff' emergency alarm system, taking into account the wide range of mental health needs of service users at Orchard House, and

b) draw up a time bound action plan to ensure an appropriate system is installed at Orchard House

or

2. Take equally effective steps to remedy the said contravention

Best practice guidance on the principles for the design and requirements of a 'staff-to-staff' emergency alarm system within Adult acute mental health units is contained within the UK Department of Health Building Note 03-01: *Adult acute mental health units*

Improvement Notice

Name **States Employment Board**

Address **Cyril Le Marquand House, St Heller, JE4 8QT**

Trading as* **Department of Health and Social Services**

Inspector's
Full Name.

I,

of the Social Security Department, Health and Safety Inspectorate, being an Inspector appointed under Article 12 of the Law and empowered to issue this Notice, hereby give you notice that I am of the opinion that at

Location of
Premises or
Place of Activity.

Orchard House, La Route de la Hougue Bie, St Saviour, JE2 7UW

You, as an employer/ ~~a self-employed person/ a person wholly or partly in control of the premises/ other*~~,

are contravening/ ~~have contravened in circumstances that make it likely that the contravention will continue or be repeated*~~, the following statutory provisions:

Health and Safety at Work (Jersey) Law, 1989: Article 3(1)

Health and Safety at Work (Jersey) Law 1989: Article 5 (1)

The reasons for my said opinion are:

The failure to ensure that the ward environment is, so far as is reasonably practicable, safe for patients, staff and visitors, taking into account its function as an acute in-patient mental health unit. Evidence to support this view includes, but is not limited to, the presence of internal glazing which, when damaged by a patient, broke into large shards which were used as weapons; the failure to replace protective padding to a concrete pillar in the ICU suite for over a month; damage to kitchen units in the main lounge exposing sharp edges, and the failure to replace a glazed door pane in bedroom 2 of the ICU suite, which had been broken by a patient, for several weeks

and I hereby require you to remedy the said contraventions or, as the case may be, the matters occasioning them by **20 July 2018**

(and I direct that the measures specified in the Schedule which forms part of this Notice shall be taken to remedy the said contravention or matters)*.

Signature

Date **25/4/18** Time **15.15**

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Health and Safety at Work (Jersey) Law 1989

Articles 13, 15, 16, 17

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- b. the grounds on which the application is made (it may accompany the appeal).

The rules for the hearing of an appeal are given in the Health and Safety at Work (Improvement and Prohibition Notices Appeals) (Jersey) Regulations, 1989.

SCHEDULE

In order to comply with this Notice you must

1. a) Prepare a written risk assessment of the physical environment of Orchard House, which considers and recognises the impact of the environment on the safety of service users and staff, taking into account the wide range of mental health needs of service users at Orchard House and delivery of positive therapeutic outcomes.

Whilst not exhaustive this should consider issues such as

- Building fabric and materials to ensure they are suitably robust and appropriate for a mental healthcare setting
- Fixtures and fixings which are anti-ligature
- Decor, lighting and textures conducive to creating a positive therapeutic environment for a mental healthcare setting
- A resilient and robust engineering support system to ensure safety-critical defects or damage are remedied so as to minimise the risk of harm to service users, staff and visitors

and

- b) Draw up a time bound action plan which sets out prioritised actions required to minimise the risk of injury to service users, staff and visitors

or

2. Take equally effective steps to remedy the said contravention

Best practice guidance on the principles for the design of a Adult acute mental health units is contained within the UK Department of Health Building Note 03-01: *Adult acute mental health units*