**Assessment of STFC Health & Safety (H&S) responsibilities for PPD operations / activities at ILL**

|  | **Activity/Scenario** | **Assessment of H&S responsibilities** | **Insurance responsibilities** | **Commentary** |
| --- | --- | --- | --- | --- |
| 1 | STFC staff **travelling to ILL** on Council business. | STFC has a duty of care towards its staff while travelling on council business.  This is made easier where such travel is booked through STFC approved travel management company so that safety standards are exercised, standard of air carriers, hire cars etc.  Where this is not the case, then line management, and staff travelling, carry the responsibility to ensure such means of travel are safe, see STFC [SHE Code 8: Travel on Council Business.](http://www.stfc.ac.uk/SHE/Codes/20822.aspx) | STFC staff insured on standard STFC insurance.  Bookings & Cover - Refer to Mike Evason (RAL Transport) | Does not cover private travel/holidays associated. |
| 2 | STFC staff **operating ILL equipment (cranes etc)** while working at ILL. | STFC staff has to obtain permits to handle ILL equipment and passing refreshments courses. | ILL or STFC ??? |  |
| 3 | STFC staff **driving to and from ILL** from local accommodation. | Where STFC hires the cars, in the first instance, it is clearly an STFC responsibility that it hires suitable cars for its staff. In the event of an incident, STFC may well be sued by the individual and the STFC would then sue the hire car company. | STFC’s when STFC hires the car.  NB STFC Motor Vehicle insurance does not extend to overseas hires. Individuals should ensure appropriate insurance cover is obtained prior to driving overseas. | While CEM is not explicit on need for an STFC Permit to Drive when staff are working overseas, this is easily implemented.  Would not cover instances where staff hire a car for non-work activities. |
| 4 | STFC staff undertaking work, attending meetings or conferences etc at ILL – **short term visits**. | STFC has a duty of care towards its staff while working on Council business at STFC or non-STFC sites in the UK or overseas.  STFC staff working at ILL would work to ILL H&S management system standards and systems. STFC management have a responsibility to ensure that such standards and systems *“afford equivalent protection of individual Health and Safety, and that, so far as reasonably practicable, staff are not placed at greater risk by working at non-STFC sites compared to work at an STFC site” –* [STFC H&S Policy](http://www.stfc.ac.uk/SHE/Resources/pdf/Health_and_Safety_Policy.pdf). | Insured on standard STFC insurance for all activities undertaken in connection with work on trip. Would not cover dangerous activities (e.g. short ski trip at weekend etc). | Likely to cover incidental private activities undertaken while working for example eating out and catching food poisoning or involved in a car crash. |
| 5 | STFC staff undertaking work on **Long Term Attachment (LTA) at ILL** under direction of others. | As 4. | STFC staff insured on standard STFC insurance while working at ILL.  STFC staff and their families are covered by STFC insurance for accidents and emergency, and by EHIC for standard medical care.  Department/individual to agree approach to any needs over and above ‘Accident & Emergency’.  UKLO pays Civil Liability insurance for STFC staff and students. | The EHIC card should cover medical costs; for accidents and medical emergencies, this is covered by STFC’s insurance, for routine medical treatment, this is covered by STFC. |
| 6 | STFC staff undertakimg work on LTA at ILL under the direction of others but **directing the work of others** in their own right. | As 2/3 but others, for example collaborators, working under direction of STFC staff and involved in an incident are likely to be able to say STFC was partly responsible especially if STFC LTA had deviated from ILL management systems. Exception might be where STFC staff followed ILL H&S management systems to the letter and were not negligent on their own part.  The ILL management system for a specific instrument works by assigning responsibility through the Instrument Responsible (this is an STFC staff member)  In the event of an incident litigation would be taken out against those seen as most likely to be sued successfully. For example: UK University staff might sue STFC in the UK rather than ILL. | STFC has Professional Indemnity, Product Liability and Public Liability insurance in place but unlikely that this would cover supervision of others. This is probably not essential when work is carried out in the context of work under the ILL framework.  ILL will have Public Liability cover. |  |
| 7 | **Accommodation** for STFC staff at ILL – private accommodation leased by STFC staff. | ILL can arrange accommodation through its “Welcome” office. Although ILL provides this service the accommodation ownership and management is outsourced, ILL is therefore not directly responsible for ensuring that the accommodation is fit for purpose nor liable in the event of an incident.  . | For LTAs who have taken out their own private leases UKLO ask for a copy of the insurance because many of these LTAs have the costs reimbursed to them. UKLO take evidence of all of their private costs which are reimbursed. | It is illegal in France to rent any property without insuring it, and as the tenant, STFC has a legal obligation to take out insurance. This only extends to buildings insurance, not to contents insurance. The provision of contents insurance has been an additional service provided to all LTAs and students. For students the cost is borne by Swindon. |
| 8 | **Accommodation for non-STFC staff** at ILL – private accommodation leased non-STFC staff. | **University staff** – are covered by their institutes. We advise them to take out accident and liability cover for their families, because commonly the Universities don’t provide this.  **Students** – are covered in the same way as STFC staff – STFC insurance documentation provided to Universities sending students | STFC covers student insurance therefore, de facto, this implies that STFC is responsible for the UK University students based at ILL.  Although STFC pays insurance on all properties which it leases, it will reclaim costs from Univ staff. |

Additional information

See also:

* <http://staff.stfc.ac.uk/people/CEM/Documents/STFC_CEM_16A.pdf> - Overseas STT
* <http://staff.stfc.ac.uk/people/CEM/Documents/STFC_CEM_16B.pdf> - Overseas LTA
* <http://staff.stfc.ac.uk/about/news/Pages/travelinsurance_042009.aspx> - Overseas Insurance (Apr 2009)
* <http://staff.stfc.ac.uk/about/gov/Pages/Insurance.aspx> - STFC Insurance

Students:

STFC will treat STFC-supported students on LTA as it does STFC staff on LTA.

Non-STFC-supported students on LTA are the responsibility of their University.

Students on STT are the responsibility of their University, along with ILL when appropriate.

In all cases, where reasonable, the STFC UKLO will try to assist UK-supported people at ILL, without assuming liability, except where the liability already lies with STFC.

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**Warning**

**This document is not definitive or legally binding, but is intended to capture our best understanding of some scenarios.**

SJH Aug 2012

MvdG Aug 2012