

Health and safety arrangements for spinout companies and other organisations hosted on University of Glasgow premises

1 Introduction

1.1 The University of Glasgow routinely hosts spinout companies and commercial organisations in facilities owned and/or managed by the University. This may include hosting visitors and individual staff members from commercial companies, providing workspaces for companies in existing research facilities and in some cases provision of dedicated space for the sole use of spinout companies. In many cases University staff and students will work alongside colleagues from other organisations in shared workspaces such as offices, workshops and laboratories.

1.2 Where the University hosts another organisation (or their employees), health and safety legislation places an absolute duty on each employer sharing the workplace to work together to ensure the safety of the workforce. This document is intended to help satisfy the requirements of the Management of Health and Safety at Work Regulations 1999 (MHSWR99) with specific reference to Regulation 11 which places duties on employers sharing a workplace as follows:

- The occupier of the premises (University of Glasgow) must provide the visiting or guest employer (i.e. the Company) with comprehensible information to enable them to be safe while on the premises.
- Employers should co-operate with one another on matters of health and safety to enable them to comply with their own obligations regarding health and safety at work.
- Organisations must take all reasonable steps to coordinate the measures in place to ensure compliance with legislative requirements while recognising that compliance with the law represents the minimum standard and we should aspire to go beyond the letter of the law with regards to health and safety management.
- Organisations sharing a workspace should inform each other of any risks to health and safety arising from the activities of either organisation.

It is worth noting that these obligations also apply to employers sharing a workplace with any self-employed person and to self-employed people sharing workplaces with other self-employed people.

1.3 This document is intended to help provide a framework covering working arrangements between the University of Glasgow Safety and Resilience Service and individuals with health and safety responsibilities working for other employers. It is not intended to form a legal contract, nor can it hope to cover every possible eventuality and is intended to fulfil the following objectives:

- To formalise the health and safety arrangements between the University of Glasgow (UofG) and spinout companies hosted on UofG premises. Including facilities provided for the sole use of the Company and those shared with university personnel.
- To ensure that joint safety arrangements are clearly communicated, understood and can be effectively managed by both organisations.
- To assist with the identification of hazards, control of risk and ensure areas of concern are clearly highlighted for both organisations

1.4 Where required specific local arrangements may be agreed between the University (or individual Management Unit) hosting the external organisation and the Company to address local health and safety requirements. Such local arrangements should be formally documented to ensure that the details are clearly recorded and agreed by each organisation.

2 Joint health and safety arrangements

- 2.1 The University health and safety policies and supporting documents describe the organisational structures and management arrangements which are in place to ensure the safety of all persons who may be directly (or indirectly) affected by work activities, plant and facilities owned and operated by the University.

The University Court of the University of Glasgow has overall legal responsibility for health and safety for activities undertaken by the University. The University has delegated specific management functions via the Chief Operating Officer and Heads of College to Heads of School and Heads of Service. Arrangements for further delegation of safety duties within these units are set out in the local health and safety documentation prepared by individual management units considering the facilities, activities and organisational structure of the management unit.

- 2.2 Where University of Glasgow and spinout companies share premises (or spinout companies are hosted on university premises) both organisations are legally required to cooperate and coordinate health and safety arrangements. The company and UofG will ensure that arrangements are in place and both are fully committed to the principles of joint working. This memorandum will set out guiding principles by which health and safety may be managed in jointly occupied premises.

- 2.3 Notwithstanding any practical arrangements set out in this agreement, legal responsibility for compliance with health and safety legislation lies with the employer and while employees of spinout companies may be considered associates of the University they should generally be treated as employees of the Company. If reliance is placed on measures and arrangements undertaken by a partner organisation, each organisation should verify that these arrangements are suitable and sufficient to meet their legal duties as an employer. Where this is the case it should be clearly understood and communicated which organisation is responsible for ensuring the arrangements are maintained on a practical level.

This means that the Company is responsible for developing its own health and safety policy and arrangements in accordance with the Health and Safety at Work Act 1974 and the Management of Health and Safety at Work Regulations 1999 and **cannot** rely only on the University safety policy and arrangements (or those of individual management units) to fulfil their legal obligations.

- 2.4 The University Health, Safety and Wellbeing Team and health and safety advisers / managers working for spinout companies will liaise as required to ensure effective joint arrangements. Relevant health and safety policies should be made available to both organisations (University of Glasgow documentations can be found using the links below):

<https://www.gla.ac.uk/health/>

<https://www.gla.ac.uk/seps/>

<https://www.gla.ac.uk/radiationprotection/>

Mutual cooperation is required between organisations to ensure that all statutory provisions are complied with. Where appropriate, key policy documents for joint review and/or agreement will be identified and common guidance documents developed and shared.

- 2.5 The University of Glasgow and the Company will ensure compliance with Sections 2(1), 2(2) and 3(1) of the Health and Safety at Work etc. Act 1974 by ensuring the provision of safe premises and working practices. Where companies are hosted on university premises the University of Glasgow will ensure the provision of safe premises (including a safe means of access and egress) and equipment (where supplied by the University). Both organisations will cooperate to ensure that safe working practices are adopted and that best practices are implemented. Reciprocal arrangements will apply to university staff working on Company premises.
- 2.6 When working in common areas that are under university management, Company employees should follow the University health and safety policies and procedures including any local rules and arrangements (e.g. PPE requirements) that may apply. Within areas that are wholly managed by the company their own policies and procedures may be used in relation to the immediate undertaking of work within the area. However, University procedures should be followed where they affect the building as a whole (e.g. fire safety procedures).
- 2.7 Company directors (or other appropriate staff as set out in the company arrangements) will be responsible for ensuring that safe working practices are established and followed locally and that all new staff, students

and visiting workers are given a basic safety induction on arrival before starting work. In some areas there will be a requirement for Company personnel to attend University safety / building inductions to ensure they are familiar with health and safety procedures and arrangements which apply to communal areas or the building.

- 2.8 The University and the Company will inform one another of relevant new policies, arrangements or guidance along with any alterations / additions / deletions to current health and safety documentation. This will generally take place through the University of Glasgow Safety and Resilience team or local safety coordinator where local procedures are specifically affected. To facilitate dissemination of this information the company should identify employees with direct responsibility for health and safety and provide contact details to the University Health, Safety and Wellbeing team and other local safety coordinators as appropriate.

- 2.9 Health and safety coordinators and advisers working for the company may participate in the relevant University health and safety committees / forums where this is deemed appropriate (and vice versa). It is worth noting that University Staff have access (via staff representatives) to School / College Safety Committees and to the University of Glasgow Institutional Health, Safety and Wellbeing Committee.

Note: It is a legal requirement under the Employers Liability (Compulsory Insurance) Act 1969 that all employers carry appropriate insurance for a minimum of £5,000,000 irrespective of the number of employees that they have (including part time employees). Spinout companies will not be covered by the University insurance policy and will be required to make their own arrangements.

Note: Although the principles outlined in this document seek to provide guidance on the normal approach to joint working arrangements, local arrangements often vary. These principles do not preclude alternative local arrangements being adopted provided these are clearly established, fully recorded and agreed by the relevant organisations. Most importantly, local arrangements must be effective in ensuring that health and safety standards are maintained.

3 Accident reporting and emergency procedures

- 3.1 As a general rule, incidents involving employees of partner organisations must be reported both to their employer **and** to the organisation in control of the site on which the incident occurs (if this is different). This may mean that incident reports need to be made via both the company reporting system and the University incident reporting system which can be accessed using the following link. It is not necessary for the reporting individual to have a GUID to do so and anyone should be able to report an incident.

<https://www.gla.ac.uk/seps/reportanincident/>

Serious incidents should be reported to both partner organisations immediately by telephone or e-mail. The respective safety teams will share information to allow for appropriate reporting and investigation of the incident.

- 3.2 Legal responsibility for reporting of employee accidents under RIDDOR remains with the employer irrespective of the location where the incident took place. Therefore, reportable incidents involving University staff or students will be reported by the University and those involving Company personnel by the Company. The University of Glasgow must be informed as soon as practicable of any RIDDOR reportable incidents that involve University staff or students which occur under control of the Company (and vice versa).

- 3.3 Local investigation of accidents should be undertaken by the relevant safety team (Company or University) in the first instance with the aim of the investigation being to identify cause(s) and control measures that may be required to prevent recurrence. Where an incident is deemed serious or involves personnel from both organisations a joint investigation should be undertaken.

RIDDOR investigations will normally be carried out jointly by the University in conjunction with the company. Investigation reports and associated action plans will be shared between organisations and may be discussed at the relevant health and safety committee meetings and other safety related meetings within each organisation.

4 Audits, inspections and visits

- 4.1 Staff employed within the University of Glasgow Safety and Resilience team and safety personnel working for the Company will liaise with one another when conducting formal audit or inspection visits under the overall management of the partner organisation where this involves inspection of the work areas or activities under the control of the partner organisation. Some exceptions to prior notification may arise when unannounced inspections are undertaken by the University of shared work areas or those under the control of the University.

Where significant health and safety issues are identified as the result of inspection of a workspace used by the company, the findings will be shared with the company along with recommendations for remedial actions where appropriate.

- 4.2 The University of Glasgow and the company will inform each other of any impending visits by enforcing authorities / agencies to shared premises. Where necessary joint attendance during visits by university and company representatives should be agreed in advance. Results of such visits will be communicated between partner organisations as soon as possible.

5 Review

- 5.1 This agreement will be reviewed on the request of either the University or a spinout company and in any event will normally be reviewed every three years.

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Appendix 1: Guiding joint-working principles for key topic areas

Number	Subject	Arrangements
1	Fire Safety	The general fire safety procedures of the University will apply to organisations hosted in University Buildings unless alternative local arrangements have been formally agreed (this may apply in University buildings where a spinout company is the sole occupant). This will include: • Ensuring that all staff understand emergency evacuation procedures including routes of egress and muster points. • Ensuring staff undertake to evacuate the building in the event of a fire alarm actuation. • Participation in planned fire evacuation drills (which may be unannounced). The University of Glasgow will provide and maintain fire alarm system panels and standard fire-fighting equipment although spin out companies may choose to supplement this with additional equipment if required. The Company will subsequently be responsible for maintaining any additional equipment they have provided. The University will provide initial fire safety training for fire wardens working for spinout companies through the Safety and Environmental Protection Service. However, companies will be responsible for providing ongoing fire safety refresher training courses for their staff and providing any specialist training that might be required.
2	Maintenance and testing of buildings and equipment	University maintenance procedures will apply to all properties, infrastructure and equipment owned and managed by the University of Glasgow. This will include inspection, testing and maintenance of passenger and goods lifts (including those provided for use by disabled people), fixed electrical systems and other fixed equipment e.g. ducted fume hoods and fixed pressure systems. Hosted organisations will be expected to help facilitate access to relevant systems as required for maintenance and inspection (this may include restricting the use of or removing equipment from service for short periods of time). Each organisation remains responsible for maintenance, testing and inspection of any portable or stationary equipment under its sole ownership. This may include PAT testing for electrical appliances, statutory testing of mobile and fixed equipment which is the sole property of the organisation and fully under its control.
3	Domestic / cleaning arrangements	The University will generally provide cleaning services in offices and communal areas unless alternative arrangements have been made in properties where a spinout company is the sole occupant. However, responsibility for ensure that cleaning staff are fully briefed on any special hazards and precautions relevant to their safety will fall to those in control of the workspace. This will include provision of suitable induction / familiarisation training and any specialist PPE / clothing which might be required (e.g. cleanroom clothing). Areas where cleaning staff should not enter either due to high-risk activities, equipment or materials or due to the sensitivity of the work being undertaken should be clearly identified by the company

		and appropriate signage placed at the point(s) of entry. Note that cleaning will often occur out of normal working hours meaning that cleaning staff may require to be given unsupervised access to areas where cleaning is to be undertaken.
4	Asbestos Management	Unless alternative local arrangements have been formally agreed in writing, commercial organisations hosted on university premises will be expected to abide by the asbestos management procedures set out in the University of Glasgow Policy on Asbestos Management. The University maintains a comprehensive Asbestos Register covering the entire Estate and the Estates Compliance Team should be notified of any damage to building fabric or proposed building works with the potential to expose any occupants to asbestos containing materials. Note that companies should not undertake construction, demolition or refurbishment works of university premises without consulting with the University Estates Team.
5	Management and safe disposal of waste	General waste arrangements will usually remain the responsibility of the University unless alternative arrangements have been agreed. Where a company generates specialist waste the responsibility for safe storage, treatment, collection and disposal will be the responsibility of the company generating the waste. Examples of specialist waste may include: • Biological / clinical waste • Hazardous chemicals • Radioactive substances • Sharps (including broken glass, needles, scalpels etc.) • Waste electrical and electronic equipment (WEEE) Alternative arrangements may be agreed at the local level where appropriate. This may include use of University waste streams, contractors and waste treatment facilities (e.g. autoclaves) where suitable facilities exist. It is worth noting that there may be a cost for some services. It is University of Glasgow Policy to avoid releasing hazardous substances into the drainage system for both environmental and safety reasons. Companies occupying University premises (including as a sole occupier) will be expected to comply with this requirement (please see the link below for more information): https://www.gla.ac.uk/media/Media_613772_smx.pdf
6	Laboratories and workshops	As a general principle, the organisation in overall control of the laboratory will define the local rules, standard operating procedures and PPE requirements to be applied in the laboratory unless alternative local arrangements have been formally agreed. All laboratory users both University and Company employees will be expected to follow the local rules. Where a laboratory is shared by both University and company staff and students, the University will be deemed to be in overall control of the facility unless otherwise specified. Note that shared spaces may be inspected from time to time by the University Safety and Environmental Protection Service and other staff with safety responsibilities. Relevant personnel from the company will be included in this process and findings shared as appropriate.

7	Ionising Radiation	Local site rules will apply as agreed with the University Radiation Protection Service (RPS) and the Company Radiation Protection Officer. These will usually be site specific rather than being applied by organisation. Arrangements for disposal of radioactive waste will remain the responsibility of the organisation that generated the waste unless formal alternative arrangements have been agreed.
8	Licensing and permissions	The responsibility for ensuring that an organisation has the correct licenses and permissions for all of their activities remains the sole responsibility of the organisation and it would be extremely rare that alternative arrangements would be in place. Examples of licenses and permissions include: • GM Permissions • SAPO Agents • Storage and use of controlled drugs • Storage and use of explosive materials • Use and discharge of radioactive substances It is therefore a legal requirement for companies to have their own licenses and permissions in place before carrying out any work. Companies <u>will not</u> usually be covered by existing University licences or permissions.
9	Provision of Occupational Health Services	Occupational health services (including maintenance of records, health surveillance and vaccinations) will be provided by the relevant employer. Companies requiring occupational health provision will therefore be required to make their own arrangements.
10	First Aid Arrangements	First aid arrangements will vary by location. However, emergency first aid provision will be provided by first aiders to anyone requiring it and details of how to contact local first aiders should be clearly displayed in the workplace. For organisations hosted on campus supplementary first aid support will be available via the University security team however companies should also make their own arrangements where required. Provision, inspection and maintenance of first aid equipment will be the responsibility of each organisation although companies hosted on University premises are likely to have access to some communal resources e.g. first aid kits, AEDs etc. depending on their location. Provision of specialist first aid equipment (e.g. antidotes / treatments for chemical exposure) will remain the responsibility of the organisation requiring it. Where company staff have been assigned a GUID they can also access the University SafeZone App which will allow them to easily request first aid using their smartphone.
11	Control of Substances Hazardous to Health (CoSHH)	Responsibility for the preparation of risk assessments and adopting of suitable control measures rests with the organisation or employer that has control over the work (or primary control in the case of joint working). In some areas companies may be expected to work in accordance with communal risk assessments for some facilities owned and operated by the University to which they are granted access e.g. use of liquid nitrogen decanting facilities, compressed gas cylinder pound.

		Responsibility for the maintenance of relevant equipment (e.g. fume hoods, microbiological safety cabinets) and statutory examinations will rest, in principle, with the owner of the equipment although alternative local arrangements may change this where appropriate.
12	Security and lone working arrangements	Local site security and access arrangements will apply including lone-working and out of hours access procedures which have been established at the local level and companies will be expected to adhere to these. Specific security arrangements relating to sensitive equipment and/or materials (e.g. high value items, toxic substances, high-risk biological agents) should be agreed between the University and the company where required. Where company staff have been assigned a GUID they can also access the University SafeZone App which will allow them to easily contact Security, sign on and off campus out of hours and raise the alarm in the event of an emergency.
13	Provision of health and safety training	The provision of training (including health and safety training) will be the responsibility of the relevant employer (or otherwise by local arrangement) meaning that for the most part companies will be required to make their own arrangements. Required training may include: • General skills training required for work activities • Health and safety training • Health and Safety induction to the workplace • First aid training • Other specialist training depending on the work undertaken In some cases, companies will be required to send staff on a building specific induction delivered by University staff. Arrangements for this will be agreed and delivered locally. Where training of this type is deemed compulsory companies should ensure their staff attend. The University does not take responsibility for training staff from other organisations in health and safety. However, at the discretion of the Head of Service a limited number of places may be from time to time available for companies on training courses run by the safety and Environmental Protection Service to supplement the training offered by the Company. Details of health and safety training courses offered can be found on the website: https://www.gla.ac.uk/seps/
14	Competent advice	Companies will be expected to appoint sufficient competent persons as are necessary to assist in the development and implementation of their health and safety arrangements. The University Safety and Resilience team are available to provide some limited support and will collaborate on joint health and safety arrangements, and further support may also be available locally. However, companies should make their own arrangements to ensure they are able to develop a suitable health and safety management system and safe working arrangements for their day-to-day activities.
15	Permits to work (e.g. hot work)	Procedures applied will be that of the organisation whose Estates Department are in overall control of the site / building. For the most part this will be the University of Glasgow unless alternative local arrangements have been agreed.
16	End of tenancy clearance and	At the end of tenancy companies should ensure that workplaces

	decontamination procedures	occupied by the Company (including their part of any shared spaces) are left in a clean, safe condition to allow University staff and contractors to safely work in the area. As a minimum standard the following should be undertaken: • All hazardous materials including biological materials, chemicals and radioactive substances (including research samples and products) should be disposed of via an appropriate route. • Compressed gas cylinders should be returned to the relevant supplier and pressure systems depressurised / isolated. Pressurised items should not be left in the workspace. • Workspaces including benches, floors, storage areas, cabinets and fixed equipment (e.g. fume hoods) should be decontaminated and cleaned. • Waste electrical equipment should be disposed of correctly in accordance with the WEEE regulations. Other non-electrical equipment should be removed and/or disposed of prior to leaving the facility. • A decontamination certificate (see the guidance note below for an example) should be completed and displayed at all points of entry to the laboratory. Further information on laboratory decant / exit requirements can be found on the SEPS website: https://www.gla.ac.uk/media/Media_653946_smxx.pdf Other local arrangements may apply in some areas although these should always be agreed in advance of the workspace being decommissioned.
17	Incident / Accident Reporting	As part of their health and safety management system, companies should have their own internal procedure for reporting and investigating incidents. Where incidents (including dangerous occurrences and serious near misses) occur on University premises (whether operated as a shared space or solely occupied by the company) the incident should also be reported using the online University accident reporting system which can be accessed via the following link: https://www.gla.ac.uk/seps/reportanincident/ For incidents occurring on University premises involving companies it would be normal practice for a joint incident investigation to be undertaken involving relevant staff from both organisations.
18	Review of Memorandum of Understanding	University of Glasgow and partner organisations will review the contents of this document at regular intervals with a maximum period of three years between reviews.