



**Ark**<sup>®</sup>  
People  
Housing  
Care

## Extra Duty of Care

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### Version Control

Date	Owner	Version	Reason for Change
March 2021	Brian Gunn	v4	Review and format change
Jan 2024	Brain Gunn	v5	Cyclical review

### Summary of Changes

Section	Change
Whole procedure 2021	Change to new format
Whole procedure 2024	Review and update



# Extra Duty of Care

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## 1.0 Introduction

An extra duty of care is owed to employees whose health, safety or welfare, for whatever reason, cannot be controlled by current workplace control measures that are in place for Ark staff.

Ark employees who are identified as not being able to comply with existing workplace control measures, are owed an extra duty of care, e.g. an employee with a hearing difficulty may not be able to hear a fire alarm sounding.

The extra duty of care may be temporary or permanent depending on the circumstances e.g. pregnancy is temporary, while mobility difficulty may be temporary or permanent.

An extra duty of care involves the employer implementing additional or altered workplace control measures to meet the health and safety needs, so far as is reasonably practicable, of employees who are owed this extra duty. Some of these requirements may be generic to a group and some may be specific to a particular employee.

## 2.0 Extra Duty of Care Assessment

Following a discussion between an Ark manager and an employee, it has been decided that the employee requires an extra duty of care to work safely.

Extra Duty of Care The Risk Assessment template (Appendix 1) should be used to develop safe working procedures for the employee.

The Ark manager and employee should discuss and note down in the assessment what employees can / cannot do while at work, identify the risks, hazards and what control measures are required to keep the employee safe.

The assessment must note agreed timescales for review e.g. every month / three month / annually depending on the temporary or permanent reason for the assessment.

The review timescales may shorten / extend / or remove the assessment if no longer required after discussion with the employee at the agreed review times.

Medical information may be supplied by the employee at any stage or Ark may ask for evidence of health circumstances from a medical professional.

Other employees in the same service or team should be advised of new workplace control measures where appropriate and the level of personal information passed to the team agreed with the employee, particularly where they will have a role to play in team working, e.g. team hoisting.

Ark H&S manager can provide support with extra duty of care assessments.

Ark may have to involve Organisational Development if the employee cannot work safely in their current role if identified in the assessment, this may involve redeployment, other duties or further investigation in to the employees fitness to work with Ark.

A copy of the Extra Duty of Care Risk Assessment form should be signed by the employee and manager and given to:

- the employee concerned.
- the Organisational Development department – for the individual's personal file.

The Extra Duty of Care Assessment is a confidential document and should not be shared with other employees in the workplace.

Other employees in the same workplace or team should be advised of any new control measures where appropriate and that the level of person all information passed to the team agreed with the employee, particularly where they have a role to play in team working e.g. hoisting.

### 3.0 Fire Safety and Evacuation

Managers should refer to Ark's HS05a Fire Safety Procedure and review the current fire risk assessment and evacuation plan if the employee's ability to tackle a fire / raise an alarm / evacuate or help others to evacuate is affected by their extra duty of care.

All hazards and workplace controls measures required must to be noted in the extra duty of care assessment, assistance from Ark's H&S Manager and Organisational Development may be required if a high risk of injury is identified.

Staff may not be able to work on certain shifts if the identified risks are high and cannot be managed using workplace control measures.

## 4.0 Physical Health or Mental Health Extra Duty of Care

### 4.1 Hazards / Risks / Workplace Control Measures

The same hazards exist for an employee who requires an extra duty of care, however the risk is likely to be higher and will vary depending on the persons current health circumstances.

The reasons for the level of risk being higher vary and include:

- lack of mobility;
- ability to evacuate in an emergency (fire) ;
- unable to carry out moving & handling tasks;

- personal use of medication; and
- not understanding the hazards associated with the work task.

Appendix 2 of this procedure has examples of an extra duty of care risk assessment and possible workplace control measures that may be applied.

The list is not exhaustive and each employee may require a slight variation or addition to this list.

When preparing the extra duty of care risk assessment, Ark managers may use these examples in Appendix 2 as a basis for the risk assessment using or adapting the example as required for the health circumstance identified.

## 5.0 Employee Pregnancy

### 5.1 Definition

A new or expectant mother is defined as "a woman who is pregnant, has given birth within the previous six months or is breastfeeding". The term 'given birth' is further defined as "having delivered a live child, or after 24 weeks of pregnancy, a stillborn child".

A nursing mother is an employee who is breastfeeding their child(ren) and is planning to return or is at work.

### 5.2 Hazards / Risks / Workplace Control Measures

There are hazards and higher risk work related tasks where pregnancy or breastfeeding requires additional workplace control measures to ensure the health, safety and welfare of the mother, unborn child(ren) or breastfed child(ren). See Appendix 3 for more information.

### 5.3 Telling Ark you are pregnant

Any employee who is, or thinks they may be pregnant should advise their Ark manager as soon as possible for the extra duty of care process to commence. It should be noted that for OD employment procedures, a GP or midwife's certificate is required.

If a pregnant employee has other health conditions that may affect their pregnancy and employment they should consult their GP or midwife for advice /medical confirmation.

Ark will ensure that an extra duty of care assessment is carried out for pregnant women who are our employees or who are carrying out work on behalf of Ark.

Please refer to Ark's Maternity Policy and Procedure HR11.

## 5.4 Pregnancy Extra Duty of Care Assessment

Extra duty of care assessments should be updated throughout the pregnancy as required, and at least every trimester.

If a risk is identified which cannot be eliminated or reduced to an acceptable level, then consideration, following consultation with OD and the Health and Safety Manager, should be given to the following:

- adjusting the employee's working hours and/or conditions temporarily;
- if this is not reasonable, or would not avoid the risk, then offering appropriate and suitable alternative work if any is available, which will be on terms and conditions no less favourable than the employee's normal terms and conditions; and
- if no such work is available, suspension from work on full pay for as long as needed to protect the pregnant employee or the child.

## 6.0 Breast Feeding

### 6.1 Definition

A nursing mother is an employee who is breastfeeding their child(ren) and is planning to return or is at work.

### 6.2 Breast feeding while at work

When an employee returns to work and they are continuing to breastfeed then suitable arrangements should be made for the nursing mother to express milk and keep this refrigerated.

If workplace arrangements are created, the baby may be brought to the mother's workplace to be fed, where this does not create a risk to the baby or cause any upset to supported people or their family (if they are also residing in the home). Where this is not possible the mother should be encouraged to express milk at another workplace location.

Breastfeeding at work should be discussed with GP if a new mother is considering breastfeeding at work or expressing milk at work.

Ark Managers, Organisational Development and the Health and Safety Manager should be consulted on GP recommendations for breastfeeding and expressing milk at work.

It is preferable to have a separate fridge to store expressed milk if there is a risk that it may be confused and/or contaminated with or by other items in a workplace fridge.

Alternatively, arrangements may be made to transport the expressed milk to a suitable location where it can be stored safely.

## 7.0 Welfare Arrangements

Pregnant employees and nursing mothers should have a clean / hygienic area to rest if tired and they may also need more welfare breaks, this should be accommodated and noted in the extra duty of care assessment.

Pregnant women and nursing mothers should have unlimited access to drinking water to avoid dehydration.

## 8.0 Pregnant Worker / Nursing Mother Checklist

Ark managers can use a checklist to help them with management of pregnant staff or nursing mothers. See Appendix 4

## 9.0 Young People

### 9.1 Definition

A young person is 16 to 18 years of age inclusive, and are employed by Ark.

### 9.2 Managing Young People in Ark Workplaces

People in this category require an extra duty of care assessment to be carried out before they commence employment with Ark.

Young people require an extra duty of care due to their inexperience / understanding of hazards and risks in the workplace and how they are controlled.

Close monitoring and regular supervision of young people in the workplace is required and Managers should make decisions on where young people are at a higher risk of injury or harm in the assessment and avoid these areas of high risk work.

## 10.0 Other Groups

### 10.1 Definition

Other groups refer to staff who may need an extra duty of care assessment to help them work safely. This may be a temporary or a long term arrangement.

## 10.2 Managing Other Groups

Other Groups could be defined as staff having;

- Hearing problems;
- Visual problems;
- Learning difficulty; and
- Dyslexia.

This list not exhaustive and there may be other reasons why an employee may need an extra duty of care assessment put in place.

The assessment is the same procedure as any other health issue and assistance should be sought from Organisational Development / Health and Safety Manager / Outside Agencies if required to manage the workplace risks.

## 11.0 Implementation and Review

### 11.1 Implementation

The Chief Executive is responsible for ensuring that this procedure and the policy that support it, are followed by all Employees and Board Members.

### 11.2 Review

The Chief Executive will ensure that this procedure is reviewed at least every three years, and that any amendments required are submitted to the Board of Management for approval.



Appendix 1

Ark Extra Duty of Care Risk Assessment

<b>Employee's name</b>		<b>Job Title</b>	
<b>Workplace</b>			
<b>Reason for EDOC Assessment</b>			
<b>Assessment Date</b>		<b>Review Dates</b>	

<b>Work Task</b>	<b>Hazards</b>	<b>Risks</b>	<b>Workplace Control Measures</b>

Assessment carried out by:

<b>Assessor's Signature</b>		<b>Employee's Signature</b>	
<b>Name (Print)</b>		<b>Name (Print)</b>	
<b>Job Title</b>		<b>Job Title</b>	
<b>Date</b>		<b>Date</b>	

## Appendix 2

### Extra Duty of Care Risk Assessment - Examples

<b>Employee's name</b>		<b>Job Title</b>	
<b>Workplace</b>			
<b>Reason for EDOC Assessment</b>	Put reason in here and impact on work e.g. return to work after operation, medical condition, broken limb, work experience, pregnant etc		
<b>Review Date</b>	Review date depends on reason, e.g. physical or mental health / more frequent assessment		

<b>Work Task</b>	<b>Hazards</b>	<b>Risks</b>	<b>Workplace Precautions</b>
1. Assisting supported people with wheelchairs e.g. pushing	Weight of service users and of wheelchair.	A moving and handling injury. Extra strain.	Should not be undertaken if employee has muscular / skeletal identified injury.
2. Moving and Handling	Some supported people require manual support to aid them in everyday situations	A moving and handling injury. Extra strain.	Should not be undertaken if employee has muscular / skeletal identified injury.
3. Working at heights i.e. changing light bulbs	Use of step ladder	Falling	Should not be undertaken if employee has muscular / skeletal identified injury/ seizure activity./ Vertigo (fear of heights).
4. Working long shifts	Tiredness	Extra tiredness	Be aware of tiredness and remember that energy needed to drive home. Keep to agreed shift time and pattern. Overnight stay to be considered.

<b>Work Task</b>	<b>Hazards</b>	<b>Risks</b>	<b>Workplace Precautions</b>
5. Sleep overs	Depends on individual and tasks likely to be undertaken if awoken	Extra tiredness	Possibility that these may not be possible for a limited time during the pregnancy. Consult with H&S Manager and HR if unsure. Discuss SU morning medication risk if employee is ill or tired.
6. Meetings	One position for long period of time	Strain on shoulder	Use chair with arms. Take cushion to rest arm on. Move frequently – advise leader of meeting that you need frequent breaks – suggest stand up move about for few minutes every 30-40 minutes initially.
7. Use of DSE	Bad ergonomic position Monitor/screen frequency	Eye Strain Muscle Strain Headaches	Set up workstation as per HS09 Guidance. Only use for short periods of time if required. Change mouse position if required. Ensure monitor is working properly and any changes reported to Ark IT Support. Stop using if seizure indicators become apparent. Complete DSE assessment.
8. Driving to meetings	Long journeys Position whilst driving	Tiredness, Sore muscles	Keep driving to a minimum, avoid long journeys. Share driving where possible. Stay overnight if required. Switch off mobile phone while driving.
9. Using stairs(internal /external)	Over use of muscles	Tired, muscle cramps/weakness	Use stairs infrequently. Office on ground floor. Inspect stairs regularly for loose carpet and tread.
10. Room environment	Too cold/hot	Muscle seize	Normal heating / ventilation is adequate.(windows open). Fresh air breaks. Thermostats on radiators working.

<b>Work Task</b>	<b>Hazards</b>	<b>Risks</b>	<b>Workplace Precautions</b>
11. Standing for long periods	Over use of thigh muscles	Muscles seize/fall over	Don't stand for too long without moving. Sit down for regular breaks .
12. General – epilepsy seizure	May have a seizure	Depend on type but could involve injury if in contact with furniture etc	Medication. Employees own awareness of condition. Procedure for colleagues to follow. Employee to advise manager of any changes.
13. General – diabetes	Not enough food/sugar etc	May have hypo/hyper	Medication. Employee own awareness of condition and need to take medication. Procedure for colleagues to follow. Employee to advise manager of any changes.
14. Hours of work	Long hours, short lunch break	Medical condition can lead to over tiredness	Have regular breaks from work and have an appropriate lunch break to allow a period of rest time. Review hours of work with Ark manager and implement appropriate changes to the work pattern – either temporary or permanent basis.
15. Working in Adverse weather	Slips, trips and falls Cold temperatures	Skeletal injury Strains and sprains	Consult HS03 Generic Risk Assessment for advice. Listen to local media and police advice. Wearing of PPE if required. Avoid lone working.
16. Fire safety	Emergency exiting from building	Unfamiliar with building Unsure about actions to take	To be shown exits and advised of evacuation plan at induction. Someone to be delegated to accompany if alarm sounds – may be whoever they are working with at the time.

<b>Work Task</b>	<b>Hazards</b>	<b>Risks</b>	<b>Workplace Precautions</b>
17. Food safety	Not applicable in offices During support must be aware of food hygiene/safety using kitchen equipment	n/a in offices  Poor food hygiene. Use of unfamiliar kitchen equipment	n/a in offices.  To be supervised at all times.
18. Use of general office equipment	Shredder Franking machine Laminator	Trapping injury Burns	To be supervised at all times while using this equipment.
19. Work tasks in general	Inexperience	Various	Supervision by experienced staff. Induction to highlight workplace hazards. Read relevant policy guidance.

**Assessment carried out by:**

<b>Assessor's Signature</b>		<b>Employee's Signature</b>	
<b>Name</b>		<b>Name</b>	
<b>Job Title</b>		<b>Job Title</b>	
<b>Date</b>		<b>Date</b>	

## Appendix 3 Pregnancy Hazards / Risks / Control Measures

Hazard	Risks	Control Measures
Challenging behaviour by supported person	High risk of being hit in the stomach.	Moving the pregnant employee to working with a non or less challenging service user/s for the duration of their pregnancy.
Involuntary movements.	Where there is a high risk of being hit in the stomach.	Moving the pregnant employee to working with other people for the duration of their pregnancy.
Moving and Handling	Moving and handling of service user/s or inanimate objects. No known risk to employees breastfeeding.	Move to work tasks without manual handling.
Working at nights.	No known risk, except where a GP has advised that there is a specific risk to that person.	None required, or move to day working in a specific case.
Working with chemicals e.g. bleach.	No additional risk during pregnancy/breastfeeding.	Usual workplace precautions.
Animal faeces	Transferable Illnesses	No cleaning of animal litter trays.
Aquarium cleaning	Illness	No cleaning of aquariums
Infectious diseases e.g. Rubella	Depends on disease.	Follow guidance from Control of Infection P&P HS10
Biological agents e.g. urine, vomit	Depends on agent	Follow guidance from Control of Infection P&P HS10
Bad posture whilst using DSE (Display Screen Equipment).	Particularly during later stages of pregnancy, though may be experienced earlier.	Make sure chair etc is suitable, consider coccyx cushion , complete DSE assessment.
Bad posture	Particularly during later stages of pregnancy, though may be experienced earlier.	Employee to be assisted in maintaining good posture.

After a Caesarean section	Similar risk as from any major operation	More than likely the employee will not return to work until the risk has been eliminated or reduced (on maternity leave?).
Using ladders/stepladders.	Fall / Injury .	Do not use ladders/step ladders.
Use of microwaves	Very low or minimal risk from leaking microwaves.	If microwave is very old and/or looks damaged it should not be used.
Passive smoking.	Possible link of heavy exposure to passive smoking to smaller babies.	Remove pregnant support worker from supporting people that smoke. Should be no risk from other employees' smoking due to Ark smoke free policy conditions.
Carbon monoxide, CO.	CO poisoning from faulty gas appliances or flues.	Ensure gas appliances and flues are tested annually, CO2 detectors are tested weekly.
Visiting construction sites.	Not being able to move quickly away from heavy mechanical equipment, noise, dust etc	Employee to be advised to take extra care and when appropriate to avoid sites where this could be a higher risk
Continual standing.	Tiredness, fatigue.	Alter work patterns as required.

## Appendix 4 PREGNANT WOMEN OR NURSING MOTHERS CHECKLIST

<b>Employee's name</b>		<b>Job Title</b>	
<b>Place of Work</b>		<b>Date</b>	

Check factor	Yes - No - N/A	Specify further action to be taken	date action taken
Has the expectant mother informed Ark in writing			
Has a EDOC Assessment form been completed			
Second trimester review of EDOC Assessment			
Third trimester review of EDOC Assessment			
Has the employee been advised of the arrangements developed as a result of the EDOC Assessment			
Has H&S advice been sought, if necessary			
Has the OD Team's advice been sought, if necessary			
Are arrangements in place to allow time off, if required, for ante-natal appointments ?			
Have arrangements been made with respect to breast feeding, if required?			

<b>Manager's signature</b>		<b>Job Title</b>	
<b>Name</b>		<b>Date</b>	