

# SOMERSET MUSIC

## THIRD TIER HEALTH AND SAFETY CODE OF PRACTICE FOR SOMERSET INSTRUMENT TUTORS

### A Terms used in this document

- ii. **Noise** - >Any audible sound=1
- iii. **Daily Personal Noise Exposure (DPNE)** - >The level of daily personal noise exposure of an employee in the workplace - taking no account of the effect of any personal ear protector=.
- iii. **Exposed** - means exposed at work, and this shall be interpreted as follows:
  - \$ First Action Level (FAL) - means a DPNE of 85dB (Average);
  - \$ Second Action Level (SAL) - means a DPNE of 90dB(A);
  - \$ Peak Action Level (PAL) - means a level of peak sound pressure of 200 paschals [140dB(A)];
- iv. **'At work'** - means whenever you are employed to deliver services by Somerset Music on behalf of Somerset County Council;
- v. **Music** - for the purpose of this policy, Music, is the controlled use and production of sound to achieve an artistic outcome;
- vi. **Competence** implies appropriate knowledge, experience, training, communicating ability and, in some case, qualification to do a give task.

The following examples will give an indication of the relationship between noise levels and the time taken to reach FAL and SAL.

Noise Level dB(A)	Time to FAL (mins)	Time to SAL (mins)
80	1517.9	48000
85	480.00	1517.9
90	151.8	480.00
100	15.2	48.00
Noise Level dB(A)	Time to FAL (secs)	Time to SAL (secs)
110	91.1	288.00
125	2.9	9.1

### B. The Relationship of this Document to the Somerset Education Services Second Tier Policy

This is a code of practice written under the second tier policy produced by Somerset Education Services. Somerset Music recognises the relationship between this document and the second tier policy. The Code of Practice will be updated by changes to the second tier policy.

The implementation of this code of practice will be achieved through informing, instructing, training, communicating, consulting with and monitoring instrument tutors.

## C. **Background**

The following section attempts to provide you with the reasons for the current position in terms of the proposed methods for enabling Somerset Music to enable tutors to take appropriate and agreed action to protect their hearing. Somerset Music requested the County Health and Safety Unit (CHSU) to arrange investigations into the level of exposure to noise of the instrument tutors. This was achieved by using the Senior Scientist -Acoustics from Somerset Scientific Services (SSS).

- i. **1994:-** Following an investigation of the noise environment of different teaching areas in **June 1994** it was concluded that resident music teaching staff were unlikely to be at risk from noise, but the situation regarding peripatetic staff needed further investigation<sup>2</sup>.
- ii. **March/July 1996:-** Subsequent investigations during this period considered Woodwind, Brass and Percussion tutoring activities. Staff exposure patterns were assessed both from personal timetable information provided by Somerset Music and from discussions with selected tutors.
- iii. **28/1/97:-** The report based on the findings from ii above concluded that percussion tutors are at high risk of hearing damage from regular exposure to prolonged periods of drum noise, and are likely to exceed both **SAL** and **PAL**. Brass tutor levels of noise exposure are likely, when contact time totals 150 mins per day to exceed **FAL**. However, risks of reaching **SAL** are expected in instances of either prolonged teaching, or time spent with high grade (eg Grade 6 and above) pupils. Woodwind tutors would not normally be expected to teach or exceed **FAL** during typical teaching. However, any orchestra work might place them at higher risk of exposure that would be difficult to predict.
- iv. **Spring 1997:-** As a result of the above findings the CHSU purchased audiometry equipment for the testing of the hearing levels of Somerset Music staff. A senior member of the CHSU was trained in the proper use of this equipment, and a programme of testing began on site in October 1997, and in the bunker at County Hall from April 1998, continuing to date.
- v. **19/8/98:-** Following an individual noise exposure assessment of both tuition and orchestral work, SSS recommended that the use of both passive and electronic mutes for trumpet and trombone should be undertaken. It was considered appropriate at this time to make available to those Somerset Music Tutors deemed to be at greatest risk a variety of ear protection to trial.
- vi. **Autumn 1998:-** A working party was established to pursue the recommendations made by the 555 Reports and to take further appropriate action
- vii. **June 1999:-** The working party organised field testing of Yamaha silent Brass and a variety of standard ear protectors. The feedback from these trials indicated that silent Brass was not an appropriate form of noise reduction in the majority of applications, and that standard ear protectors would not serve the specific requirements of Music Instrument teachers (eg reduced ability to identify timbre, and loss of certain frequencies making musical judgement impossible to make).

- viii. A caravan for use in the audiometry assessment of instrument tutors and other music staff was ordered together with a sound proof booth. An audiometry technician will be trained and will continue the assessment programme as indicated later in this document.
- ix An appointment was made for the audiometry technician in **September 1999**. Training was arranged and successfully completed in the same month. A programme of familiarisation by the newly appointed technician was undertaken during the next two months.
- x The caravan was delivered and taken into service and equipped in **January 2000**.
- xi The second round of audiometry tests was begun in **March 2000**. The caravan operated from two different sites - one in Taunton and one in Frome.
- xii Moulded ear plugs for those tutors at greatest risk were ordered in **March 2000**. These were delivered in **April 2000** (cost about ,80 per pair) and trialed over the next month. A questionnaire was returned by each of the moulded ear plug users.
- xiii The programme to test the remainder of the Instrument Tutors was underway in **March 2000** and has continued until **May 2000**.
- xiv The Audiometry Technician is currently undergoing heart surgery and will not be active again until September 2000.
- xv The audiometry programme consists of not only baseline testing on appointment but also retesting of all VITs as per the Code of Practice.
- xvi It is envisaged that school based music teachers will be brought online in the Autumn term of 2000.
- xvii Additional sound level readings are being taken of orchestral environments to determine the levels of sound exposure to certain sections of the orchestra.

This working party will pursue this work further in the coming year and will update information and action for Somerset Music as indicated.

#### D. Legal Background

There are legal reasons why actions in the past have been taken and why it will be necessary to continue to take appropriate action to enable instrument tutors to carry on their work with as little risk as is reasonably practicable to their general health and safety. The following section outlines the duties in H&S Law placed upon both the employer and the employees.

## 1. Duties of the Employer

**The Health and Safety at Work etc Act 1974** places duties on the employer to safeguard the Health and Safety of employees as far as is reasonably practical. This extends to the provision of:

- \$ safe plant and safe systems of work
- \$ necessary information, instruction, training and supervision
- \$ a safe place of work
- \$ a safe working environment.

**The Noise at Work Regulations - 1989** place further duties on the employer in relation to noise in the workplace in terms of carrying out noise assessments by competent persons, identifying employees at risk, keeping records of such assessments, reducing the risk of damage to the hearing of employees and reducing exposure to noise of employees where the SAL or above has been attained. The Regulations also place duties on the employer to make available, at their request, suitable and efficient personal ear protectors where noise levels above FAL are reached. Where the SAL is reached employers will provide employees with suitable personal ear protection which, when properly worn, can reasonably be expected to keep the risk of damage to the employees hearing below that arising from exposure to SAL or PAL.

## 2. Duties of Employees

**The Health and Safety at Work etc Act 1974** places duties on employees in that they must:

- \$ take reasonable care of their own health and safety and that of others who may be affected by their acts or omissions,
- \$ co-operate with the employer so far as is necessary to enable him to comply with his statutory duties.

**The Noise at Work Regulations - 1989** places duties on employees:

- \$ on being exposed to noise at or above the FAL they must use noise control equipment other than hearing protection which may be provided by the employer and they must report any defects of that equipment to him/her
- \$ every employee shall, as far as is practicable, fully and properly use personal ear protectors when they are provided by the employer
- \$ they also have a duty to report to the employer any defects in their personal ear protectors
- \$ if exposed to the SAL or PAL they must, in addition, wear the hearing protection supplied by the employer

§ in the guidance notes accompanying these regulations it is the employee's duty to wear ear protection provided at, or above SAL or PAL. Between FAL and SAL the use of ear protectors is advisable but not a statutory requirement. Employees also have a duty to take care of ear protectors and ensure they are properly maintained.

#### E. Somerset Music Position

The Somerset Music position is complicated by the nature of the work that we undertake. Traditional musical instruments are designed to optimise noise output level with effort and it is expected that pupils will need to acquire the skills necessary to develop high levels of controlled sound. Reduction of the noise exposure levels of tutors can be achieved either by limiting exposure time, reducing source level or by providing personal protection. It is, however, appreciated that both tutors and pupils playing instruments will not consider their efforts as noise and, as such, may gain pleasure from high sound levels.

However, and whilst accepting the above, Somerset Music must achieve a balanced view as a responsible employer on behalf of the LEA. Although our knowledge base is incomplete at this stage, and does not include detailed information regarding ensemble work both as conductor and performer, nevertheless, we owe a duty of care to all employees which we will exercise on the basis of our current knowledge which will be updated as and when further information becomes available.

The LEA, as the employer, has commissioned a series of baseline hearing assessments in order to establish the level of any existing hearing loss in Music Tutors with a view to **monitoring any possible further deterioration**.

It is recognised that not all damage to hearing observed in music tutors is the result of activities undertaken when at work.

For those tutors deemed to be at greater risk from hearing damage, an ongoing hearing assessment programme will be put into place. In addition, **all new employees will be required to undergo baseline assessment** as a condition of employment.

As a result of the field testing it has become apparent that the ear protection that has been trialled is inappropriate for music tutors due to the specific nature of their work.

To this end we have drawn up the following code of practice.

This will identify three employee groups, and specify the level of protection indicated for members of each group:

1. **Those whose exposure falls below FAL.**
2. **Those whose exposure is between FAL and SAL.**
3. **Those whose exposure is significantly at, or above SAL.**

It will enable the employer and the employee to take reasonable steps to minimise hearing damage to the employee without adverse impact on the musical element of the service.

It may involve tutors, or members of the operational team in carrying out simple noise measurements in the place of work which should enable tutors in certain groups to make the decision when to wear ear protection.

It will define requirements to be met by tutors in certain groups.

#### F. **The Code of Practice**

On behalf of the LEA and in conjunction with the CHSU:

1. Somerset Music will inform all tutors as to which group they believe they fall into and will establish a monitoring regime as follows:
  - \$ BAL - at least once every 3 years
  - \$ FAL - at least once every 2 years
  - \$ SAL - every year.
2. Somerset Music will continue to monitor levels of noise in the workplace as part of the ongoing programme of lesson observation.
3. Somerset Music will continue to monitor, and make available a range of standard ear protection devices for optional use by members of group 2.
4. Somerset Music will provide moulded ear plugs for members of group 3, which must be worn when at work in order to comply with regulation 10(2) of the Noise at Work Regulations 1989, and will provide standard ear protection for the interim period until the moulded plugs are available.
5. Somerset Music will make available for short term loan to tutors basic sound level metres to enable them to take decision as to whether ear protection may be appropriate.
6. Somerset Music will continue to research and update this policy as appropriate.
7. This policy statement will be circulated to all existing and new Somerset Music Tutors. It will be updated as appropriate and instrument tutors will be informed of these updates.

#### Bibliography

1. Noise at work - Noise assessment, information and control. HS(G)56.
2. Report on - Staff noise exposure resulting from ambient classroom noise in different teaching establishments. Internal SSS Report - June 1994.