

## **CABINET – 19TH JANUARY 2012**

### **Report of the Head of Strategic Support Lead Member: Councillor Stephen Hampson**

#### **Part A**

#### **ITEM 13      HEALTH & SAFETY POLICY**

##### Purpose of Report

For Cabinet to approve an updated corporate Health & Safety Policy Statement and Policy.

##### Recommendations

1. That Cabinet approves the Health & Safety Policy Statement attached as Appendix 1 for signature by the Chief Executive.
2. That Cabinet approves the Health & Safety Policy attached as Appendix 2.

##### Reasons

1 & 2. To ensure that Member level approval is obtained for the Council's corporate Health & Safety policies.

##### Policy Justification and Previous Decisions

The Council has a Corporate Health & Safety Committee consisting of senior officers and Trade Union representatives, which regularly reviews and updates the corporate Health & Safety policy to ensure compliance with legislation and best practice. Although this is an officer led process, there is an increasing expectation that for local authorities elected Members should be aware of this process, and should give approval for the overall corporate Health & Safety policy.

##### Implementation Timetable including Future Decisions and Scrutiny

If approved, the updated documents will come into effect as soon as is practicable.

##### Report Implications

The following implications have been identified for this report.

##### *Financial Implications*

None.

##### *Risk Management*

The risks associated with the decision Cabinet is asked to make and proposed actions to mitigate those risks are set out in the table overleaf.

Risk Identified	Likelihood	Impact	Risk Management Actions Planned
Lack of understanding of responsibilities as set out within the policy	Possible	Moderate	Communication via One Charnwood and other means (staff induction training etc)

Key Decision: No

Background Papers: None

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## **Part B**

### Background

1. The Corporate Health & Safety Committee meets regularly, and is made up of senior officers and Trade Union representatives.
2. The Committee has recently considered an updated corporate Health & Safety Policy and Policy Statement (attached as Appendices A and B). The Health and Safety At Work Act requires a policy to have three components:
  - the "statement of intent", or policy statement, which summarises commitment from the highest level,
  - an "organisation" section which explains the roles and responsibilities for delivering a safe workplace, and
  - "arrangements", which are the practical means (training, procedures, manuals and forms) used by service areas to implement the policy.

It is the first two components that are presented here. The arrangements consist of many live documents held throughout the Council, ranging from broad, corporate procedures to specific, local systems of work for equipment used only by a few staff.

3. In the event of a major incident, recent prosecutions and the revised corporate manslaughter legislation have emphasised that although this is an officer led process, there is an increasing expectation that for local authorities elected Members should be aware of this process, and should give approval for the overall corporate Health & Safety policy.
4. The updated documents are therefore being presented for consideration and approval by Cabinet.

### Appendices

- Appendix 1: Health & Safety Policy Statement  
Appendix 2: Health & Safety Policy

# Charnwood Borough Council

## Health and Safety Policy Statement

Charnwood Borough Council places the greatest importance on the health, safety and welfare of its employees, contractors, partners, and all others who may be affected by its undertakings, including the general public. Our objective is a positive health and safety culture which involves everyone in providing the healthiest and safest working conditions possible.

We are fully committed to our responsibilities including so far as reasonably practicable:

- safely maintained plant, equipment and systems of work;
- competent staff, the provision of information and training;
- assessment of all significant risks and arrangements to control hazards;
- coordination and cooperation between service areas, and between the council and our partners, contractors and service users;
- procedures for emergencies and safe access and egress to all places of work under our control;
- consultation and communication with staff, partners, contractors and users of our services;
- monitoring health and safety performance by inspections, audits and benchmarking to ensure compliance and continually improve our performance;

Key roles will be assigned to support the management of health and safety to include professional advice; risk assessments and welfare procedures; liaison with enforcing authorities and to stay up to date with the law and best practice. Sufficient resources will be provided within the Council's established structures.

Each individual must exercise responsibility at a level equal to any of their other functions to ensure the policy is put into practice. We all have a role to play and as a condition of employment, all staff must remember that a health & safety breach may be a disciplinary offence.

We expect all suppliers and contractors to meet as a minimum the standards laid out in our health and safety policy.

This policy will be reviewed annually or if required by any significant changes to our activities and approved by the Corporate Health and Safety Committee.

*Signed*

*Chief Executive*

Date

# Organisation and responsibilities

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## Contents:

- Duties of all staff
- Note on delegation, duty, responsibility and competence
- Duties/roles of specific persons and/or teams
- Corporate Health & Safety Committee ToR
- Management of policies and procedures
- Resources for Health and safety

**All staff:** Every employee of Charnwood Borough Council must exercise responsibility at a level equal to any of their other functions to ensure this policy is put into practice and must at all times:

- take reasonable care for themselves and others;
- co-operate with procedures and use equipment put in place for theirs and others' safety and follow training and instructions;
- not interfere with or misuse anything provided for safety and
- report shortcomings in safety arrangements and immediately report serious danger.
- Report accidents and incidents as soon as possible and immediately in the case of serious accidents.
- As a condition of employment, all staff must remember that a health & safety breach may be a disciplinary offence.

Staff are encouraged to become involved in health and safety via local team meetings, trade union membership, and volunteering for specialist roles where needed (eg: first aiders, fire wardens).

Staff at all levels are required to communicate and share relevant health and safety information with each other and with management.

**Delegation, duty, responsibility and competence:** Under UK Health and Safety law *everyone* in a workplace has at least a basic responsibility for health and safety, but in practice statutory duties fall according to how much *control* someone has, in terms of authority, resources, personnel, and their role. Senior staff may delegate the *task* of complying with health and safety law but not the *responsibility*. They must take necessary steps to reassure themselves that activities or places they control comply with the law and that those to whom they delegate tasks and any advisors are competent.

**Members of the Cabinet and other elected members** shall ensure that suitable resources are made available and take necessary strategic direction to discharge the Council's health and safety responsibilities and monitor, via reports, the overall performance of the Council's health and safety management systems.

**The Chief Executive** has overall and final responsibility for health and safety. The CEx chairs the Corporate Health and safety Committee and will report to SMT and elected members on health and safety matters.

**Strategic Directors/Senior Management Team** are responsible for the management of risks at a corporate level. Directors should ensure that health and safety is managed in accordance to the corporate policy.

The CEx and the directors are responsible for the management of risks at a corporate level. They should satisfy themselves that a *management system* for health and safety exists within each directorate that is aligned to the corporate health and safety policy and any subordinate policies or procedures that affect the entire council.

SMT and the Health and Safety Officer are responsible for ensuring appropriate consultation with staff on health and safety matters takes place.

Strategic Directors should be involved in investigation of major accidents or incidents of corporate significance.

**Service Heads:** responsible for managing the risks created by their service area's activities. Specifically to include:

- Be familiar with health and safety law, best practice and council policies relevant to their area and management level.
- Ensure adequate resources are available to manage risks.
- Ensure their business areas operate according to the council's corporate policies and procedures for health and safety.
- Ensure managers conduct appropriate risk assessments and that these are communicated to all relevant parties, monitored and updated.
- Produce local policies and procedures for risks specific to their business areas.
- Participate in investigations of actually or potentially serious accidents and incidents.

**Managers, Supervisors and Team Leaders:** responsible for ensuring health and safety of the people, activities, sites plant and materials under their control or others who may be affected. Specifically to include:

- Be familiar with health and safety law, best practice and council policies relevant to their area and management level.
- Produce risk assessments for their activities, ensure controls are implemented and communicate them to relevant persons.
- Ensure contractors or service providers provide suitable and sufficient risk assessments and method statements before commencing work.
- Provide suitable personal protective equipment or other safety measures identified in assessments.
- Investigate all accidents and incidents in their area of responsibility and record findings.
- Monitor health and safety performance within their area of responsibility.
- Identify training needs.
- Maintenance to meet safety and statutory requirements
- Ensure staff under their control cooperate with measures provided for their health and safety.
- Consult with staff on health and safety matters at operational level.
- Maintain records of health and safety activities.
- Ensure all new starters receive relevant health and safety information on commencement of their posts.

- Ensure all staff receive relevant health and safety information, instruction and training during any specified probationary period.

**Trade Unions:** Health and Safety Representatives are appointed by recognised trade unions to represent their members on health and safety issues. The Council encourages these appointments and full support will be given to them in carrying out their functions, including:

- Carrying out health and safety inspections.
- Investigating hazards, dangerous occurrences and accidents.
- Investigating complaints from staff relating to health and safety.
- Keeping themselves informed of health and safety legal requirements, the Council's Health and Safety Policy and the arrangements for implementing it.
- Encouraging cooperation between management and staff in promoting and developing essential measures to ensure the health and safety of all staff and in checking the effectiveness of those measures.
- Bringing to the attention of management any unsafe or unhealthy working conditions or practices.

### **Strategic Support Service**

**Health and Safety Officer** is the principal source of professional advice and guidance to the Council on law and practical measures to ensure the effective management of health and safety. Specific tasks to include:

- Support directors, service heads and managers to meet their health and safety responsibilities.
- Advise on occupational health and safety to include new legislation or changes in light of fresh knowledge.
- Draft corporate policies and procedures for approval by the Corporate H&S Committee, provide advice on same for individual service areas.
- Organise the Corporate Health and Safety Committee and prepare reports on health and safety performance.
- Liaise with enforcement agencies on the council's behalf.
- Investigate serious accidents and maintain records of all accidents and incidents.
- Conduct or arrange specialist risk assessments in cooperation with the relevant business area.
- Maintain statutory records in respect of health and safety compliance or identify where and how service areas need to do so.

In addition the Health and safety Officer supports the Emergency response Coordinator in emergency planning for the Council.

**Strategic Support** are also responsible for training of staff including induction and arrangement and delivery of further or specialist training where a corporate need has been identified in conjunction with the health and safety officer.

NOTE where a training need is identified as a result of assessing a specific service activity then that service is responsible for funding that training.

**Human Resource service** is provided by Leicestershire County Council via a service level agreement. The HR services provided that relate to the Health and Safety of employees include:

- Supporting managers to manage and deal with attendance and ill health issues, medical referrals, suspensions, return to work matters, reasonable adjustments and occupational health referrals as requested
- Supporting managers to support and manage employees with disabilities including exploring reasonable adjustments and other avenues of support
- Supporting managers to identify any employees (including but not limited to young, disabled or pregnant employees) who may benefit from or require a referral to H&S for a work place risk assessment
- Support managers to manage a flexible workforce including part time, home and flexible workers
- Providing advice to managers to enable them to maintain a competent and suitably qualified and experienced team through recruitment and selection, induction, day to day management and formal processes such as attendance and capability management.

**Governance and Scrutiny Research Officer** will manage response to any Freedom Of Information requests regarding health and safety

**Legal Services** will provide legal advice to ensure the Council complies with health and safety or allied legislation.

**Insurance Officer** will arrange appropriate insurance cover to include public and employer's liability in respect of the council's sites and activities, also to advise on any special insurance cover for non-standard or one-off activities. The Insurance Officer will also liaise with our insurers and act as case officer in respect of claims against the council for personal injury, property damage or other losses in respect of alleged breaches of statutory or common law duties. The insurance officer will circulate any feedback from our insurers in respect of health and safety performance and management.

### **Finance and Property Service**

**Property Services including premises Officer(s) and Asset Management** have general responsibility for the physical structure, maintenance, welfare facilities and upkeep of all buildings owned or operated by the Council. Specific responsibilities include:

- Management of asbestos
- Legionella assessment, monitoring and control
- Fire prevention
- Provision and maintenance of welfare facilities
- Compliance of sites with the requirements of the Equalities Act where appropriate.
- Project management of building works including compliance with the *Construction (design and management)* regulations.
- Manage health and safety in respect of tenants of business units within scope of agreed leases.

Where sites are operated by other services that service will agree any division of responsibilities with Property/Asset Management

**Procurement** will ensure all goods and services purchased by the Council meet with appropriate safety standards; comply with the Council's policies and procedures and do not create an undue risk for staff or others.

## **Other service areas**

Where not identified here, officers or service areas shall have health and safety roles and responsibilities as described in the sections covering service heads and managers and as identified by assessments of the risks within their particular service area.

## **Other competent persons**

**First Aiders** are recruited and trained corporately at Southfields and by the relevant service area for other sites or activities throughout the borough.

- Will act within the scope of their training to preserve life and prevent injuries or ill health worsening .
- Treat minor injuries that require no further medical attention.
- Report any serious incidents.

**Fire wardens** are recruited and managed by property services at Southfields and by the relevant service area for other sites. They will act within the scope of their training and instructions to assist in the evacuation of their designated area in event of fire or other emergency. They will support the Premises and Service managers in maintaining fire safety by reporting any hazards, defective fire safety measures or problems with means of escape.

**Partners, contractors, suppliers and agencies** will be expected where appropriate to abide by the standards laid out in the Council's Health and Safety Policy.

**The Corporate Health and Safety Committee** shall consist of the Chief Executive (chair), Strategic Directors, Head of Strategic Services, TU Safety representatives and be advised by the Health and Safety Officer. Other officers may attend according to agenda items. Meetings will be every six months. Its role is:

- To provide visible leadership and develop a positive health and safety culture within the Council.
- To provide a forum for consultation with staff on health and safety matters at corporate level by including representatives of recognised trade unions.
- To receive information on changes in health and safety law and best practice and debate their implications for the council.
- To delegate the production and approve implementation of corporate health and safety policies and procedures.
- To receive and examine information on health and safety performance of the Council and to instruct that any remedial action identified be taken by appropriate officers.

## **Frequency of meetings:**

The committee will meet twice a year. Where possible meetings will be held each: January and July to consider performance data from the previous six months.

## Agendas:

### Standing agenda items:

- The Health and Safety Policy (to be reviewed annually and when any significant changes require)
- Monitoring data (reports and annual summary)
- H&S officer's report (forthcoming legislation, HSE priorities, corporate H&S issues within the council)

### Review of effectiveness:

The Terms Of Reference shall be reviewed periodically as part of the Health and Safety Policy.

### **Policies and procedures:**

- All health and safety policies, assessments and procedures must:
- Have an 'owner' (preferably a role not a named individual)
- State who they apply to
- Be kept in an accessible place
- Be communicated by the 'owner' and a record of this kept
- Be monitored and reviewed at least annually by their 'owner' (or at time periods specified in the document)

**Corporate Policies** which apply to all Council staff, activities or sites are 'owned' by the Corporate Health and Safety Committee. Production will be delegated to appropriate officer(s), normally the Health and Safety Officer plus others as appropriate. They will be kept in the Health and Safety section of the intranet.

**Service Area policies/procedures** will be 'owned' by the Service Head. They may delegate the task of producing, maintaining, communicating, monitoring and reviewing to appropriate competent officers.

### **Resources for Health and Safety**

1. The Council will ensure adequate resources are made available to ensure the implementation of its health and safety policy.
2. There is no central 'health and safety budget'. It is expected that the cost of controlling a risk will be met from the budget of the service area that manages the activity, site or people exposed to that risk. This should be taken into account when preparing budgets.

When service areas conduct risk assessments and identify control measures these may take the form of:

- a. Personal protective equipment
- b. Information or training
- c. Communications
- d. Staffing levels or supervision
- e. Other technological or procedural means.

The Corporate Health and Safety Committee/SMT may require that a specific control measure is implemented for certain risks wherever they occur but reserves the right to expect service areas to bear the cost.

3. Exceptions:
  - a. First aid training for any CBC employees that require it is financed from the corporate training budget. First aid supplies for the Southfields campus are purchased and held by the Health and Safety Officer.
  - b. Induction training for health and safety is delivered by the health and safety officer and paid for by the corporate training budget.
  - c. Where it is within their competence, health and safety training may be produced and delivered in house by the health and safety officer or **Strategic Support**.
4. Procurement of health and safety supplies of services: managers should endeavour to use common solutions and/or share costs where practical. The Health And Safety Officer should be consulted to assist in avoiding duplication of effort/expense.