

Committee Name and Date of Committee Meeting

Cabinet – 16 December 2024

Report Title

Refreshing the Health and Safety Policy

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Strategic Director Approving Submission of the Report

Andrew Bramidge, Strategic Director of Regeneration and Environment

Report Author(s)

Claire Hanson, Emergency Resilience and Safety Manager
Claire.hanson@rotherham.gov.uk

Ward(s) Affected

Borough-Wide

Report Summary

The Council is committed to the protection of the health and safety of employees and those affected by its work. This report summarises the statutory requirement placed on the Council to ensure a Health and Safety Policy is in place that articulates the Council's approach to managing health and safety. The Policy is presented at Appendix 1 for consideration and recommended for approval (version 3.3) and is the result of extensive consultation across multiple stakeholder groups.

The report highlights the key changes made to the Policy previously approved by Cabinet as a result of review and consultation exercises, as well as summarising how the key objectives detailed within the Policy will be met and monitored.

Recommendations

That Cabinet endorse and approve the revised Health and Safety Policy as attached at Appendix 1.

List of Appendices Included

- Appendix 1 Health and Safety Policy 2024 (Draft v3.3)
- Appendix 2 Initial Equality Screening Assessment (Part A)
- Appendix 3 Equality Analysis Form (Part B)
- Appendix 4 Carbon Impact Assessment

Background Papers

[Prepare a health and safety Policy - HSE](#)

[Managing health and safety - HSE](#)

[Health and Safety at Work etc. Act 1974 \(legislation.gov.uk\)](#)

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

No

Refreshing the Health and Safety Policy

1. Background

1.1 Legislative Requirements

The Health and Safety at Work etc. Act 1974, section 2 (3) places a duty on the Council as an employer to ensure that a documented Health and Safety Policy is in place for managing health and safety across the organisation, and that this is shared with employees to ensure understanding and compliance with the expectations set out within it.

1.2 Legislation states that any Health and Safety Policy should set out the general approach and commitment to health and safety and demonstrate how health and safety will be managed across the organisation. The Health and Safety Executive, who regulate Health and Safety Practice, state in their guidance that as a minimum the Policy should address three clear areas:

- 1) *A statement of intent* – articulating a clear commitment from the organisation to protect the health and safety of its employees and those affected by its work activities. This should be signed by the most senior person in the organisation and reviewed regularly.
- 2) *Responsibilities and accountability for health and safety* - a clear expression of officers, positions and roles that have specific responsibilities for health and safety across the organisation, including reporting lines and any relevant delegations of this responsibility.
- 3) *Arrangements for health and safety* – aimed to provide details of the practical arrangements in place and how the Council will achieve its Policy aims.

1.3 The Council's Health and Safety Policy (version 3.3), attached at Appendix 1, is constructed in line with the above guidance and good practice recommendations made through statutory bodies such as the Health and Safety Executive (HSE).

1.4 There are clear benefits of a comprehensive and effective Health and Safety Policy, namely:

- Keeping staff and service users safe.
- Demonstrates a documented commitment to ensure compliance with relevant legal requirements.
- Offers clarity of expectations placed on different member and officer cohorts across the Council.
- Provides a framework for setting and reviewing Health and Safety objectives.
- Ensures all employees understand their obligations.
- Ensures all those in a managerial or supervisory role understand their obligations.

- Enables participation, consultation and communication with officers and stakeholders alike.
- Sets the scene for continual improvement of health and safety across the Council.

1.5 The current published version of the Health and Safety Policy is dated 2022, and as such was due for review in 2024. The attached Health and Safety Policy (version 3.3) is presented to Cabinet for formal endorsement and adoption as the Council's stated Health and Safety Policy, to be reviewed within 2 years.

2. Key Issues

2.1 The attached Health and Safety Policy has been reviewed by the Health and Safety Team, in conjunction and consultation with a number of stakeholders (further details regarding consultation processes are detailed at section 4).

2.2 Summary of key changes

2.2.1 A summary of the changes and amendments made as a result of this review and consultation are as follows:

- Relevant regulations added where this was omitted from the previous version.
- Stronger emphasis throughout the policy document to not only the production and development of risk assessment but the communication of key findings, control measures etc to all relevant stakeholders.
- References removed to Covid 19.
- Additional information included regarding the management of Asbestos, and asbestos containing materials - including the definition of who the duty holder is and what the requirements are for each building to meet the duty to manage asbestos.
- Additional information included regarding the use and control of contractors, specifically defining what information is required for ensuring that a suitable contractor, with the correct attributes for the task, is chosen prior to engagement.
- Additional information added to the section regarding working at height and ladder safety, including a clear definition of what is working at height, and what the correct equipment to use is, including reference to appropriate inspections before use and regular maintenance.
- To ensure the correct identification and therefore control of a hazardous substance, the addition that information should be obtained from the product label and corresponding safety data sheet, and what the possible types of processes are requiring assessment, including those where the activity itself produces the hazardous substance and to take into account who may be harmed and how.
- Stronger responsibilities in terms of permit to work and use of permit to work (not only contractors but for council employees where

applicable). Also, a clearer definition for when a permit to work is required.

- Where necessary added information in terms of ownership of tasks to support stronger statutory compliance.
- Annual updates to Cabinet on Performance.

2.2.2 Some of the changes described above are as a result of trends identified for areas of improvement that have been observed, with a view to providing more defined and succinct guidance for responsible persons to meet the required expectations for them managing employee, contractor and customer safety.

2.3 Disseminating the Policy

2.3.1 Once agreed, in line with statutory requirements, this Health and Safety Policy is to be communicated across the workforce. The following actions are proposed to achieve this, and to demonstrate how all employees are to be made aware of the Policy, its intentions, and expectations as a result.

- Continue to direct all new entrants to the organisation, through the induction process, to the Policy and sources of further information.
- Supported by corporate communications team, share the Policy and its intentions via established electronic communications channels, targeting all employees that are regular users and recipients of e-communications.
- Recognising not all Council employees receive electronic communication bulletins, produce a short guide to the Policy, its content and objectives to be shared with front line teams.
- Continue to promote existing training courses delivered through the Corporate Health and Safety Team, specifically “manager responsibilities” training where the Policy, its content and responsibilities are outlined.
- Sharing and promoting with Trade Unions.
- Health and Safety included as a module in the manager development programme delivered via the Organisational Development team.
- Increased attendance by the Health and Safety Team at Directorate management teams, to both deep dive into available statistical information and policy requirements.

2.4 Delivering the objectives within the Policy

2.4.1 To successfully deliver the key objectives as set out in the Health and Safety Policy, the following actions will be taken:

- Demonstrate trusted leadership and management through endorsement of the Health and Safety Policy, regular and routine health and safety related discussions at Directorate led management team meetings, including where appropriate trade union representatives therefore building an environment conducive to a positive Health and Safety culture and ensuring fit for purpose risk

assessments are in place, staff are trained and competent and ways of working are safe across Directorates.

- That risks to employees, contractors, customers, partners and others that could be affected by Council activities are suitably and sufficiently assessed and controlled as required by the Management of Health and Safety Regulations 1999. Section 4 of the Policy spotlights a non-exhaustive list of key risks, and broadly outlines the arrangements required to mitigate, control, monitor and review these risks by services. Where necessary a separate guidance note is in place, available on the Health and Safety pages of the intranet. These remain under a programme of review to ensure changes to requirements or organisational learning is captured.
- Service Areas are supported in the development and upkeep of risk assessments through the provision of guidance and blank templates – a dedicated space within the Health and Safety intranet pages is available that offers a “one stop shop” place for this guidance, as well as some completed examples, alongside a commitment from the Health and Safety team to deliver risk assessment workshops across the year (delegate numbers permitting), as well as advice and guidance through the Health and Safety Team.
- Managing a trained and skilled workforce that demonstrate key competencies required to support the effective delivery of the Health and Safety Policy. An annual programme of core training modules is produced and delivered by the Health and Safety Team with places bookable through the internal “go learn” system, these sessions are supported by toolbox talks or other local training that takes place within Service Areas to ensure employees are informed about any pertinent risks, how they are protected and how to deal with risks.
- Ongoing and continued delivery of the “Manager Responsibilities” training course outlining key legislative requirements, as well as highlighting the key components and expectations laid out in this Policy, and roles within this. The Team also collects attendance information which forms part of the quarterly statistical and performance dashboard produced.
- Ensuring a network is maintained for H&S concerns or issues to be highlighted through the governance structure in place surrounding Health and Safety as outlined within the policy document.
- Continual improvement and performance management will be primarily monitored through quarterly statistical and performance dashboards currently in place, these are regularly presented to the Health, Welfare and Safety panel (chaired by the Cabinet Member for Finance and Clean and Safe communities), and the Resilience, Health, Safety and Wellbeing Governance Group (chaired by the Assistant Director for Community Safety and StreetScene).
- Ongoing and continued development of Directorate and Service performance dashboards linked to the ongoing development of the accident and incident online reporting portal and associated power BI performance monitoring capabilities (currently being piloted).

2.4.2 Overall, the Policy and associated requirements should be embedded across the Council and be part of everyday business processes. The delivery summarised above is not a series of one-off interventions, rather sustained and systematic across all Directorates. Internal Audit will undertake a review of the key actions to communicate and embed the policy in twelve months' time.

2.5 **Review and Revision**

2.5.1 This Health and Safety Policy will be reviewed at intervals not exceeding two years to ensure the Council remains compliant with changes, both in technology and / or legislation. Any revision will be subject to consultation, including with officer groups, Trade Union representatives and Elected Members to review the adequacy and relevance.

3. **Options considered and recommended proposal**

3.1 The production of a Council wide Health and Safety Policy is a statutory requirement under the Health and Safety at Work etc. Act 1974, and the Management of Health and Safety Regulations 1999. As a result, no alternative options were considered.

3.2 The content of the Policy document is as a result of extensive engagement and consultation with stakeholder groups across the Council and good practice in place as highlighted through statutory bodies such as across the Royal Society for the Prevention of Accidents (RoSPA) and neighbouring authorities.

3.3 It is recommended that Cabinet adopt the Health and Safety Policy and notes the quarterly statistical and performance reports will be produced and oversight provided through the Health, Welfare and Safety Panel and the Corporate Resilience, Health, Safety and Welfare Governance Group.

4. **Consultation on proposal**

4.1 The attached Health and Safety Policy has been subject to the following consultation processes, and feedback incorporated:

- All Directorates through representatives of the Council's Resilience, Health, Safety and Wellbeing Governance Group.
- All key services as represented at the Council's Resilience, Health, Safety and Wellbeing Governance Group (namely, Community Safety, ICT, Facilities Management, HR, Corporate Insurance and Corporate Risk Management).
- The Council's Health, Welfare and Safety Panel, chaired by Cllr Alam and attended by both Trade Unions, Councillors and officers.
- Property and Facilities Management.

5. Timetable and Accountability for Implementing this Decision

- 5.1 Once agreed, the Health and Safety Policy will be published and communicated as described at section 2.3.
- 5.2 A systematic quarterly statistic and performance dashboard will continue to be presented to both SLT and the Health, Welfare and Safety Panel (chaired by Cabinet Lead, Cllr Alam) and the Resilience, Health, Safety and Welfare Governance group (Chaired by the Assistant Director of Community Safety and Street Scene). Any areas of concern or under performance will be identified and escalated by both forums.

6. Financial and Procurement Advice and Implications

- 6.1 The cost of producing this Health and Safety Policy, including the consultation exercise in respect of it, has been contained within the approved revenue budget for this Service. In addition, any costs associated with the implementation and communication of this Policy, including the delivery of risk assessment workshops, will be managed within this budget.
- 6.2 There are no direct procurement implications in relation to the adoption of the new Policy, however, to effectively embed the Policy, health and safety must be clearly considered by Services through the Council's pre-procurement activity when procuring goods, services or works.

7. Legal Advice and Implications

- 7.1 The legal implications are addressed in the main body of the report.
- 7.2 The production and implementation of a Health and Safety Policy is a statutory requirement under S2(3) Health and Safety at Work etc. Act 1974. It is vital that such a Policy exists to ensure legislative compliance with all relevant health and safety legislation. The Council is required to circulate the policy and provide appropriate information, instruction and training to its employees around the relevant policies and the obligations on the employer and employees.
- 7.3 The Health and Safety Policy contained at Appendix 1 contains an overview of the relevant health and safety legislation, with more detailed policies regarding specific risk areas are available on the Council's intranet.
- 7.4 The Health and Safety Policy also provides for its review every 2 years to ensure compliance with the legislation.

8. Human Resources Advice and Implications

- 8.1 The Health and Safety policy is an essential tool in ensuring all employees understand their responsibilities and are adequately supported to discharge their responsibilities in meeting statutory H&S legislation.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 Young persons are particularly referenced within the Health and Safety Policy in terms of health and safety risks that potentially surround young people; generally associated with lack of work experience which means managers should pay particular attention to this in risk assessments, supervision and training.
- 9.2 More broadly, the identification of “persons affected” by a particular work activity is a requirement of the risk assessment process, which is an integral component of this Policy. The risk assessment process expects services to identify any person affected, by what risk or hazard, and how this is to be controlled.

10. Equalities and Human Rights Advice and Implications

- 10.1 An equalities impact assessment has been undertaken, attached at Appendix 2 and 3. Equality, Diversity and Inclusion is inherent to the health and safety policy and referenced at section 4.14.

11. Implications for CO2 Emissions and Climate Change

- 11.1 A carbon impact assessment has been undertaken, attached at Appendix 4. Recommended changes to the Council’s Health and Safety Policy are unlikely to affect greenhouse gas emissions from the Council’s activity, or otherwise negatively affect actions to mitigate climate change in Rotherham.
- 11.2 Changes to the Council’s Health and Safety Policy may not affect climate change, but climate change will affect the Council’s management of health and safety at work. In its next review of the policy in two years’ time, the Council should consider how arrangements for health and safety can support employees’ and services’ adaptation to climate change impacts.

12. Implications for Partners

- 12.1 This is a Council driven Policy and statement articulating how the Council will manage Health and Safety arrangements within the organisation, as such there are implied impacts on partners, particularly contractors in the way they both manage their health and safety arrangements, and that when conducting business on behalf of the Council it is done to the appropriate standards. This is referenced within the Policy document, alongside a supporting guidance note.
- 12.2 A key objective of the Health and Safety Action plan for 24/25 is a review of contractor compliance documentation, and processes, including at tender stage, and throughout works being carried out. This is to include all contractors, not just those associated with projects subject to greater scrutiny i.e. CDM regulations.

13. Risks and Mitigation

- 13.1 Risks primarily relate to capacity and stability of the teams' structure to monitor and oversee the intended Policy objectives.
- 13.2 A number of underpinning administrative processes to be further matured, such as the administration of permit to work scheme, therefore enabling the objectives as laid out within the policy document to be achieved in a transparent and overt manner.
- 13.3 All Service areas are expected to have in place up to date, suitable and sufficient risk assessments, that highlight pertinent and significant risks to employees and others through the delivery of work activities. At present, there is no council wide oversight of this provision and therefore assurance that service areas have risk assessments and therefore control measures for relevant activities. An audit of this provision has commenced by the Health and Safety Team, but this requires additional investment of time and resource to complete, as well as engagement by service areas.

14. Accountable Officers

Sam Barstow, Assistant Director, Community Safety and Street Scene.

Approvals obtained on behalf of Statutory Officers: -

	Named Officer	Date
Chief Executive	Sharon Kemp OBE	02/12/24
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	22/11/24
Assistant Director of Legal Services (Monitoring Officer)	Phil Horsfield	13/11/24

Report Author: Claire Hanson, Emergency Resilience and Safety Manager claire.hanson@rotherham.gov.uk

This report is published on the Council's [website](#).