

Committee Name and Date of Committee Meeting

Cabinet – 19 September 2022

Report Title

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

Paul Woodcock, Strategic Director of Regeneration and Environment

Report Author(s)

Sam Barstow, Interim Assistant Director, Community Safety and StreetScene
Claire Hanson, Emergency Resilience and Safety Manager

Ward(s) Affected

Borough-Wide

Report Summary

The Council is committed to protecting the Health and Safety of employees and those affected by our 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 2.5) 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 summarises how the key objectives detailed within the Policy will be met and monitored.

Recommendations

1. That Cabinet approve the revised Health and Safety Policy (attached as Appendix 1).

List of Appendices Included

Appendix 1 Health and Safety Policy 2022
Appendix 2 Equality Impact Assessment
Appendix 3 Carbon Impact Assessment

Background Papers

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

[Legal duties – Managing health and safety at work - HSE](#)

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

Consideration by any other Council Committee, Scrutiny or Advisory Panel

N/A

Council Approval Required

No

Exempt from the Press and Public

No

Health and Safety Policy (version 2.5)

1. Background

1.1 Legislative Requirements

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

1.2 Legislation states that the Policy should set out the Councils' 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. Ownership and aims and should be signed by the most senior officer 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 2.5), attached as 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 framework for continual improvement of health and safety across the Council.

1.5 The current published version of the Health and Safety Policy is dated 2018, meaning a full review was scheduled in 2020. Given the commitments to the response to Covid 19 Pandemic, this wasn't achievable. A review and consultation exercise concluded in 2022; the attached version (2.5) is presented to Cabinet for formal endorsement and adoption as the Council's stated 2022 Health and Safety Policy.

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 changes made

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

- Throughout (Sections 2 and 3) – greater reflection of embedding a positive culture and effective leadership.
- Section 3 – additional comments in the opening paragraph to emphasise good health and safety (H&S) management is characterised through good leadership and the consequences of failing to effectively manage H&S.
- Section 3 (Organisation - Responsibilities) - reviewed to ensure details are up to date and duplicate roles removed.
- Section 4 – all statements reviewed to ensure they are compliant with regulatory or legal requirements, noting that where appropriate a supplementary, more detailed and supporting guidance note is available.
- Section 4.10 (f) Driving at Work – amended to include reference to any breach of this may result in action being taken under Council disciplinary procedures.
- Section 4.12 Electrical Safety – now makes reference to equipment or appliances used outside Council premises.
- Section 4.17 Hand Arm Vibration has been expanded to summarise the main points as included in the separate guidance note.
- Section 4.19 – now includes reference to hybrid working, including the availability and use of building risk assessments and a link to the Council hybrid working intranet pages.
- Section 4.20 new infectious disease paragraph added.
- Section 4.21 (Ladders) – increased cross referencing to “working at height” section, also additional information added regarding expectations in terms of ladder inspection.
- Section 4.37 - New Sharps section added.

- Section 4.40 (smoking), additional cross reference included to the Council HR Smoking at Work Policy and the definition of smoking contained within it.
- Section 4.41 Terrorism – references added to actions in relation to potential changes in UK threat levels, and the responsibility for personal possessions in the event of lockdown of premises, or evacuation from premises.
- Section 4.46 (waste management) – delineation between all manager responsibility for disposal of waste and that of waste management services.
- Section 4.51 – included reference to a young person typically being under 18.

2.3 Disseminating the Policy

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 made aware of the Policy and its intentions:

- 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, to 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.

2.4 Delivering the objectives within the Health and Safety Policy

2.4.1 To successfully deliver the key objectives as set out in the Health and Safety Policy the following will apply:

2.4.2 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.

2.4.3 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.

- 2.4.4 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 has been created to offer 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 a minimum of five risk assessment workshops across the year (delegate numbers permitting), as well as advice and guidance through the Health and Safety Team.
- 2.4.5 In order to measure levels of compliance with the requirement to have risk assessments in place, a key objective in the Health and Safety Team’s 2022/23 action plan is to undertake an audit of risk assessments in place across service areas, to confirm that they are not outdated and are relevant to the area of work.
- 2.4.6 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 training system, by a key word search of “H&S”, this is 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.
- 2.4.7 In addition, the Health and Safety Team deliver a “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 (see Section 2.4.9).
- 2.4.8 Control and oversight, specifically in relation to Health and Safety risks of Contractors is specifically referenced within the Policy as a key objective. A further guidance note is available to support services to discharge this effectively, as well as a dedicated training module. The Health and Safety team, working with key Council services undertake joint inspection visits to observe practice and make recommendations. This will continue through 2022/23 and beyond and will be subject to an enhanced campaign of work in the latter part of 2022/23.
- 2.4.9 Employee engagement is important to ensure the effective delivery of the Policy and its objectives. This will be achieved through successful dissemination as outlined at Section 2.3, alongside opportunities for H&S concerns or issues to be highlighted through the governance structure in

place surrounding Health and Safety as outlined at Section 3.14 of Appendix 1.

2.4.10 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 Corporate Services, Finance and Community Safety) and the Resilience, Health, Safety and Welfare Governance Group (chaired by the Assistant Director for Community Safety and StreetScene). The Health and Safety Team are currently developing quarterly dashboards with Directorate and Service specific performance scorecards which will underpin the corporate level information currently produced.

2.4.11 Overall, the Policy and associated requirements should be embedded across the Council and part of everyday business processes; the delivery summarised above is not a series of one-off interventions rather sustained and systematic across all Directorates.

2.5 **Review and Revision**

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 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 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 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 the Council's Resilience, Health, Safety and Wellbeing Governance Group (Commenced November 2021)

- All key services as defined by the Council's Resilience, Health, Safety and Wellbeing Governance Group Terms of Reference (Namely, Community Safety, ICT, Facilities Management, HR, Corporate Insurance and Corporate Risk Management) (commenced November 2021).
- Community Safety and Regulatory Services (as a sample user group) (January 2022).
- Through an interactive session delivered at the Wider Leadership Team (February 2022).
- Trade Unions through Branch Secretaries (commenced December 2021).
- The Council's Health, Welfare and Safety Panel, chaired by Cllr Alam and attended by both Trade Unions, Councillors and officers alike (presented in April and endorsed for progression through the democratic process for formal approval by Cabinet).

4.2 Additionally and concurrently the Council's Health and Safety Policy approach is currently subject to an internal audit, a draft report has been presented that shows substantial compliance in the areas considered as part of the audit with no recommendations for improvement.

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 following the 10 day call in period.

5.2 Activity as described at Section 2.3 will be undertaken immediately thereafter.

5.3 A systematic quarterly statistic and performance dashboard will be presented to both 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 StreetScene). 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 through the Council's pre-procurement activity when Services have a need to procure 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. It is vital that such a Policy exists to ensure legislative compliance with all relevant health and safety legislation.

8. Human Resources Advice and Implications

- 8.1 A Policy adhering to the latest Health and Safety legislative requirements is an essential aid for managers to use to mitigate risk and ensure employees are working in a safe environment.

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. The assessment identifies some strengths in the Policy in terms of recognising particular groups however, further work has been identified as a result of the exercise including a review of risk assessment guidance as it relates to protected characteristics, alongside the reporting process.

11. Implications for CO2 Emissions and Climate Change

- 11.1 A carbon Impact Assessment has been undertaken, attached at appendix 3. No impacts were identified connected to the Health and Safety Policy 2022.

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 and is a key theme of the Health and Safety action plan for 2022/23.

13. Risks and Mitigation

- 13.1 Risks primarily relate to capacity to monitor and oversee the intended Policy objectives. The service has recently undergone a restructure exercise to uplift capacity, one post remains unfilled, interviews are planned to take place in September 2022.

14. Accountable Officers

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

Emma Ellis, Interim Head of Service, Community Safety and Regulatory Services.

Approvals obtained on behalf of Statutory Officers: -

| | Named Officer | Date |
|--|----------------------|-------------|
| Chief Executive | Sharon Kemp | 05/09/22 |
| Strategic Director of Finance & Customer Services (S.151 Officer) | Judith Badger | 26/08/22 |
| Assistant Director, Legal Services (Monitoring Officer) | Phillip Horsfield | 26/08/22 |

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