

MEETING:	CABINET
MEETING DATE:	11 September 2015
TITLE OF REPORT:	HEALTH AND SAFETY POLICY & STRATEGY
REPORT BY:	HEALTH & SAFETY ADVISOR

Classification

Open

Key Decision

This is not a key decision.

Wards Affected

None

Purpose

To approve the council's updated health and safety (H&S) policy and strategy. The policy is necessary because the Health & Safety At Work Etc. Act 1974 requires an organisation the size of the council to have a H&S policy. The strategy identifies how that organisation then implements the policy in terms of practical solutions.

Recommendation

THAT:

- (a) the updated H&S policy together with the strategy for its implementation be approved.

Alternative Options

1. There are no alternative options as, arising from Health and Safety Executive (HSE) directive and associated codes of practice, each organisation is required prepare an action plan and H&S policy for agreement with their respective senior management teams.

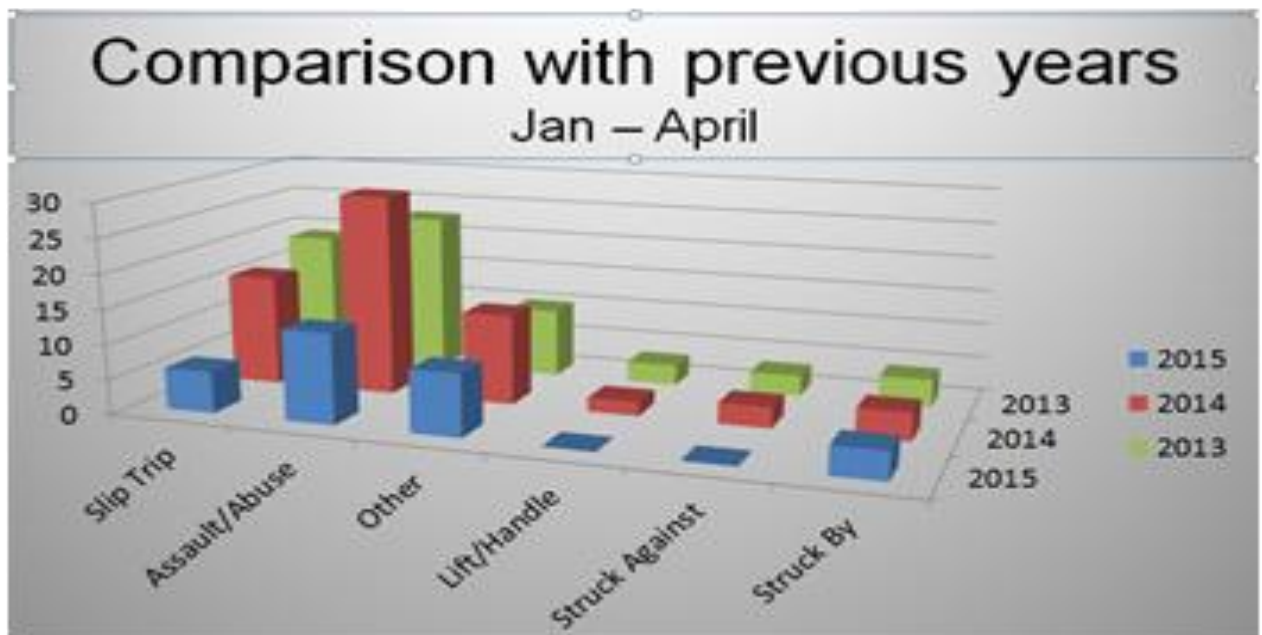
Reasons for Recommendations

2. It is necessary to develop a corporate strategy and H&S policy, which prioritises the organisation's objectives and those of directorates. This policy must be current and in line with the arrangements and procedures in place.
3. The H&S Policy and Strategy (Appendix A) of this report replaces:
 - H&S Policy Statement (Final 1.0 June 2012)
 - H&S Policy Statement (Version 4 April 2011)
 - Level 1 H&S Policy Statement – Responsibilities (Version 1 2008)

The main update is within Part 3 – H&S Management Arrangements. In particular, the new document reflects changes to the management arrangements in line with the current health and safety management and consultation structures.

Key Considerations

4. What outcomes are the Strategy/Policy designed to achieve and for whom?
To ensure the health, safety and well-being of all employees, partners and partner organisations, service users and members of the public coming into contact with any aspect of service delivery including access to Council property. It is important therefore, that the organisation understands:
 - a. What the law requires/expects; and
 - b. What its health, safety and well-being needs and priorities are in terms of ensuring the safe delivery and execution of its services.
5. The objectives are outlined in the council's H&S policy and strategy (Appendix A). It is important to note that the H&S policy and strategy are fluid documents and will need to be constantly monitored and reviewed to ensure they remain fit for purpose. This is carried out at the quarterly meetings of the Corporate Health and Safety Committee and in accordance with the HSE Guidance note HSG 65.
6. The objectives around 'Well-Being' are intended to promote a positive approach to such matters as stress management and good mental health and are an agenda item at the Corporate Health and Safety Committee Meeting.
7. The reduction in overall incidents and accidents so far this year is provided below (with a year on year comparison): Reduction by 50% in Reportable Injuries Diseases and Dangerous Occurrences (RIDDOR) between Jan – April 2015 compared with previous years:



Community Impact

8. This strategy provides a policy framework for future planning that:
- Reaffirms our long-term vision for improving the Health, Safety and Wellbeing of Staff, Partners and impact the organisation could have on local people and reducing the risk factors involved in the Councils Work Activities;
 - Is based on local evidence drawn from internal and external assessments and is informed by national policy considerations, HSE guidance and approved codes of practices;
 - Proposes our top priorities, which focusses on the issues that will make the biggest difference to outcomes and add greatest value to collective action; and
 - Provides a clear and transparent planning framework and prioritisation tool for informing the development and review of complementary and supporting strategies and for engaging with the community within the Herefordshire Council remit.

Equality and Human Rights

9. The H&S at Work Act and its associated regulations are set out in such a way that they not only cover standards of safety and quality of management but have built into them equality and human rights dimensions. The Equality Duty requires the HSE as a public body to publish information annually relating to HSE's policies and practices and the impact they have on people who share protected characteristics. There are no H&S regulations specific to disabled people only.

Financial Implications

10. Cost neutral as the infrastructures are already in place.

Legal Implications

11. Under the H&S at Work Act 1974, the council must prepare its own H&S policy and ensure that it brings it to the attention of all of its employees. The policy must be revised and updated as necessary to ensure that it complies with all legislation.
12. The Management of H&S at Work Regulations 1999 also puts a duty on the council to access and manage risks to its employees.
13. With the existence of legislation such as the Corporate Manslaughter and Homicide Act 2007, where the council can be prosecuted for manslaughter where it is shown that their negligence has led to a death(s), the court will consider any management systems and practices in place when determining whether there is any breach of a duty that it owed. It is therefore essential that all policies and related documentation are fully compliant with current legislation.

Risk Management

14. The H&S at Work Act requires employers to protect all workers from the risk of injury or harm at work whether they have a disability or not, so far as reasonably practicable. This means balancing the level of risk against the measures needed to control the real risk in terms of money, time or trouble. However, the council does not need to take action if it would be grossly disproportionate to the level of risk.
15. The corporate risk register includes a risk for the delivery of H&S:

Risk Description	Probability	Consequence	Risk Score	Existing Controls	Assurance on Controls	Probability	Consequence	Risk Score	Gaps	Actions required	Probability	Consequence	Risk Score
Health and Safety: IF: Herefordshire Council doesn't comply with Health and Safety legislation THEN there is an increased risk of: employees injured through work activity; council prosecuted by HSE for breaches of legislation; increased insurance claims and insurance premiums; member of public, contractor or employee killed at work, possible corporate manslaughter, loss of reputation and financial costs to the council; sickness rates increase because of lack of	4	4	16	<u>Strategy</u> – Strategy/project plan in place to achieve full compliance with H&S legislation, prioritised by high risk activities; H&S policy current and reviewed each year. <u>Cultural</u> – Sharepoint H&S tool box available via front page of intranet; H&S and Fire Safety part of existing mandatory training; some improvement has been made in last period with wider engagement from employees with H&S systems (although only when things have gone wrong!); employees	Corporate H&S Ctte Mtg chaired by Director ECC	3	4	12	<u>Strategy:</u> If the Council cannot confirm it has assessed the entire portfolio for which it is responsible, there is a risk that all asbestos, legionella and fire risks may not have been identified (which could impact the organisation's ability to appropriately manage the risks presented); fire, legionella and asbestos assessments not	<u>Strategy:</u> Ongoing work to determine gaps in provision of asbestos, legionella and fire risks; next annual review of H&S policy at end of June 2015 for sign off by management board. <u>Cultural:</u> Greater emphasis required by Directorates on regular Directorate sessions/H&S group, to allow feedback to staff and improved awareness and response to H&S concerns; included is senior management/top down delivery of H&S. <u>Systems:</u> Improved	2	3	6

<p>compliance with good health, safety and wellbeing practice; increased employer/employee litigation through inconsistent approach to managing health and safety in the workplace; unable to defend H&S claims or disputes; and, fire damage and financial and reputational costs to the council through fire at a council owned building.</p>			<p>consulted about H&S issues through 'house' meetings. <u>Systems</u> – Accident reporting/investigation and work based ill health in place; mandatory training; first aid/fire warden training in place; some systems updated (focused on high risk areas); employers liability insurance; Directorate H&S reps kept up to date with current risks and good practice control measures;</p>				<p>current. <u>Systems</u>: Project work not planned effectively to control H&S risks; absence of robust Directorate H&S monitoring; <u>Cultural</u>: Robust measures not implemented by managers for employees, including non-compliance with primary legislation and council policies.</p>	<p>promotion of existing H&S systems; ongoing delivery of arrangements (iaw strategy).</p>		
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Consultees

- 16. Members of the H&S Committee including trade unions and representatives of employee safety were consulted via emails, discussions and meeting over a period of 3 months. The policy was drafted in line with all the comments fed back via the trade unions, Directorate discussions, Legal (People and Regulatory), Governance Services and the Corporate Health and Safety Committee.

Appendices

APPENDIX A – Health and Safety Policy and Strategy

Background Papers

- None identified.