

PERSONNEL COMMITTEE

Corporate Health and Safety Arrangements and Members' Responsibilities 3 February 2015

Report of Chief Officer (Health & Housing)

PURPOSE OF REPORT

To brief members on their responsibilities for health and safety and to outline the council's current arrangements.

This report is public.

RECOMMENDATIONS

(1) That this report be noted.

1.0 Introduction

- 1.1 This report follows a request that the Committee be informed of Members' role and responsibility for health and safety.
- 1.2 The training currently being delivered to our managers and supervisors (an Institution of Occupational Safety & Health award) defines three broad areas of health and safety responsibility: legal, moral and financial. The Health & Safety Executive, the regulator, will primarily be concerned with legal compliance. Our elected members, management and staff will however be equally concerned with moral and financial provisions in the balance of getting health, safety and welfare provision and performance right.
- 1.3 The Health and Safety at Work etc., Act 1974 and regulations made under it provide the legal framework for the council's responsibilities. There are general legal duties and specific requirements, the latter being the focus of various sets of regulations dealing with control of chemicals, provision and use of equipment, working at heights, accident reporting, etc.
- 1.4 It is inevitable that despite all care and attention in the workplace accidents can and will happen. The legal minimum standard in practice is that the council must do everything "reasonably practicable" to protect the health, safety and welfare of employees, customers and other people who come into contact with or are affected by our activities. This means doing what it is technically possible to do ('practicable') within the limits of what is justifiably affordable across the sector and feasible to implement without preventing the council from being able to deliver necessary services ('reasonable').

2.0 Responsibilities of elected members for health and safety

- 2.1 The statement of this council's elected members' responsibility for health and safety can be found in the terms of reference of Personnel Committee in the Constitution Part 3 paragraph 6.2: "Be responsible for Health and Safety policy".
- 2.2 Legal responsibilities to comply with health and safety legal requirements fall to the council as a body and, where they may also fall to individuals, primarily to the Chief Executive and the relevant Management Team member according to who may be legally defined as the council's 'controlling mind' for individual cases of operational health and safety. Some responsibilities for compliance with health & safety legal requirements are delegated to managers and supervisors. Separately, individual employees are under a legal duty to cooperate with and follow the council's health and safety requirements in their working practices and adhere to safety controls. The Health & Safety Executive (HSE) is the regulator for health and safety compliance by the local government sector, in the same way (and not to be confused with) the council's own Environmental Health role as health and safety regulator for local businesses.
- 2.3 Guidance on health and safety matters for elected members can be found in this document: *'Think about health and safety – What elected members of local authorities need to know'* (Institution of Occupational Safety & Health, 2009) which forms Appendix 1. It is proposed that, following the meeting, a briefing note will be prepared for elected members on health and safety reflecting key local considerations informed by this document.
- 2.4 Members will wish to be informed and assured about standards of health and safety compliance, i.e. is the council doing everything it can reasonably be expected to do to comply with the law and look after its people. Members will also be interested in the moral and financial dimensions of safeguarding health, safety and welfare standards. Officers will verbally brief the meeting about current research into how other councils are measuring performance and the information they are presenting to elected members.

3.0 Current health and safety arrangements

- 3.1 The council's management and control structure for health and safety has the Chief Executive supported by the Chief Officer (Health & Housing) as Management Team member leading corporately on health and safety. Through Environmental Health, the Corporate Safety Officer – who is the council's legally required 'competent person' – is responsible for providing support in terms of policy, guidance and advice, council-wide coordination. Given the wide range of safety-concerned work activities operated at and from White Lund Depot, the post of Safety Manager has been created to provide effective local control and coordination, reporting to the Chief Officer (Environment).
- 3.2 An illustrative list of the council's current health and safety arrangements is provided in Appendix 2.
- 3.3 A revision of the council's Safety Policy is currently being finalised for consultation and approval. This will clearly define roles and responsibilities reflecting the wide-ranging changes we have seen in the council's

management, staffing and assignment of duties. It will also pave the way for work to strengthen our health and safety management and assurance.

3.4 Following their return to work after an extended period of illness, the council's Safety Officer is reviewing the draft corporate Health & Safety Strategy to reflect the revision of HSE guidance note HS(G)65 on management of health and safety at work, with the aim of strengthening health and safety management in practice; competency; performance; and culture. Already the council has some work in hand:

- Rolling out IOSH Managing Safely training with excellent results, feedback and post-course activity by attending staff (which have included union safety officials)
- Strengthening property and facilities management arrangements, including the establishment of a compliance officer post and system within Property Group – leading to good progress on some of the 'big four' property-related issues: fire safety, asbestos, legionella, and contractor control
- Developing mechanisms for monitoring, testing, reporting and auditing safety compliance

4.0 Engaging with employees on health and safety

4.1 Matters of health and safety within the council are routinely considered operationally within services and corporately by Management Team. Information and consultation with staff takes place both within services on single-service matters, and through the Joint Consultative Committee on Health and Safety featuring union health and safety representatives and the chair of personnel Committee.

4.2 White Lund Depot has its own dedicated works safety committee. Health and safety matters are also regularly raised to the works council and in the service managers meetings which feature Health & Safety in every meeting.

4.3 Staff consultation and engagement is supported by Unison and Unite having formally appointed and trained health and safety representatives within our workforce. GMB union member employees rely more on external regional support on matters of health and safety.

5.0 Conclusion

5.1 This report is presented as a briefing and to facilitate members' consideration of the information they wish to receive in future on matters of health and safety.

CONCLUSION OF IMPACT ASSESSMENT

(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

This report directly concerns and supports health and safety. No other implications.

LEGAL IMPLICATIONS

The Council's health and safety legal responsibilities are identified in this report but there are

no new legal implications arising from reference to them.

FINANCIAL IMPLICATIONS

Whilst the council's health and safety legal responsibilities are addressed in this information no new financial implications have been identified.

OTHER RESOURCE IMPLICATIONS

Human Resources:

There are no HR matters directly relating to this report.

Information Services:

No implications have been identified.

Property:

Whilst the council's health and safety legal responsibilities are addressed in this information no new Property implications have been identified.

Open Spaces:

Whilst the council's health and safety legal responsibilities are addressed in this information no new open spaces implications have been identified.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

MONITORING OFFICER'S COMMENTS

In the absence of the Monitoring Officer the Deputy Monitoring Officer has been consulted and has no observations to make on this report.

BACKGROUND PAPERS

1. Health & safety at Work etc. Act 1974.
2. Health & Safety Executive guidance note HS(G)65 'Managing for health and safety'.

Contact Officer: Nick Howard,
Environmental Health Manager
Telephone: 01524 582734
E-mail: nhoward@lancaster.gov.uk
Ref: PC24