

Report to: **Overview and Scrutiny**
Date: **24th August 2017**
Title: **Annual review of Health and Safety Policy**
Portfolio Area: **Strategy and Commissioning**
Wards Affected: **All**
Relevant Scrutiny Committee: Overview and Scrutiny

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken:
(*e.g. referral on of recommendation or implementation of substantive decision*)

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Recommendations:

1.To recommend to Full Council to adopt the revised policy and that it is signed by the Head of Paid Service and the Leader of the Council

1. Executive summary

- 1.1 The Council is required to prepare a written health and safety policy statement by the Health and Safety at Work Act 1974. The policy should be agreed and signed off by the Head of Paid Service and the Leader of the Council.
- 1.2 The Joint South Hams District Council and West Devon Borough Council Health and Safety policy documents the Council's position regarding its intentions, organisation and arrangements for ensuring the health, safety and welfare at work of their employees, and the health and safety of any other person working in, visiting the Councils, or who may be affected by their activities
- 1.3 The policy is required to be reviewed annually and where appropriate, revised to reflect any significant change within the Organisation. The updated policy is attached in Appendix A.

- 1.4 The only significant change in the policy is in 4.7 and Appendix B (Section 2)(of the Policy) the substitution of the Harbour Master for the Community of Practice Lead for Assets, in respect of responsibilities relating to health and safety and marine safety at Salcombe harbour and the lower ferry.
- 1.5 The wording in 5.1.1 has also been amended to provide greater clarity.
- 1.6 The attached Appendix B provides an update on progress against a programme of work related to achieving compliance with health and safety requirements. There has been significant progress over the last 18 months to ensure that the Council is compliant with its legal obligations and aspires to promote good practice in the organisation.

2. Background

- 2.1 The Council is required to have a written health and safety policy under the Health and Safety at Work Act 1974. The Policy is an important document to set the responsibility for the health and safety of staff in the Council's employment and those persons effected by its activities. The Policy covers the entire range of Council Services.
- 2.2 The Policy is supplemented by a number of Safety Codes dealing with specific issues relevant to particular Service Groups and/or activities, e.g., Work at Height, Working Alone, Incident Reporting, etc. These Codes will have the same status as the Policy
- 2.3 The Policy adopts a sensible approach to managing risk which reflects best practice and is based on integrated management principles enabling the Council to achieve a correct balance in managing health and safety as part of an overall risk management
- 2.4 The Policy should be reviewed annually and revised to include any significant changes
- 2.5 The Council carried out a GAP analysis of its health and safety provision in January 2016 and identified a number of areas that required improvement to ensure compliance with its obligations under the Health and Safety at Work Act 1975
- 2.6 The Council established a work programme to carry out a number of actions across all Council areas. This included the updating of risk assessments, method statements , policies , guidance material and training.
- 2.7 This approach has been successful with a significant amount of progress being achieved to ensure compliance with health and safety requirements. The focus of the programme is now on audit

and improving best practice and to improve the health and safety culture of the organisation and enable continuous improvement.

- 2.8 The status of health and safety compliance is regularly communicated to the senior leadership team and is reviewed quarterly as part of the corporate risk register.
- 2.9 The Council is also implementing a health and wellbeing strategy with the intention of supporting staff health and wellbeing through areas such as health, personal growth, values and work. This will involve for example wider access to e-learning, effective staff engagement and access to counselling services.

3. Outcomes/outputs

- 3.1 The Council is required to have a Health and Safety Policy agreed by senior management and members, signed off by the Head of Paid Service and the Leader of the Council
- 3.2 The work carried out over the past 18 months is summarised in Appendix B – the health and safety work programme. The work is supervised by the Internal Health and Safety Community of Practice (CoP) , a group of officers from across the Council who are responsible for the delivery of health and safety control measures.
- 3.3 The future work programme will be informed by the internal health and safety audit and an aspiration to demonstrate continual improvement and good practice.

4. Options available and consideration of risk

- 4.1 There is a statutory requirement to agree and implement the Councils Health and Safety Policy. Failure to do so would risk prosecution by the Health and Safety Executive and put employee's health and safety at unacceptable risk.

5. Proposed Way Forward

- 5.1 The Council should agree the revised Health and Safety Policy and continue to review it on an annual basis and/or when significant changes occur.
- 5.2 The Internal Health and Safety CoP should provide a basis for integrating health and safety into its management structure and achieve continuous improvement in health and safety standards.

6. Implications

Implications	Relevant to	Details and proposed measures to address
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	proposals Y/N	
Legal/Governance	Y	Health and Safety at Work etc Act 1974 The Policy conforms to the 2013 HSE guidance in order to ensure that the Council is legally compliant. Accordingly, the Policy needs to be formally adopted by the Council.
Financial	Y	Achieving legal compliance requires the Council's officers to actively engage in carrying out health and safety responsibilities intrinsic to their job role. The cost will be officer time which is accounted for within existing budgets. Achieving best practice will require an ongoing commitment to continuously improve the health and safety management system which will add to the cost of officer time.
Risk		The potential cost of not achieving legal compliance includes: i HSE enforcement costs ii legal and court cost iii compensation costs iv loss of credibility.
Comprehensive Impact Assessment Implications		
Equality and Diversity		The Policy applies to all members of staff and has considerations of the effect of Council activities on non-employees. Effective management of health and safety should ensure that equality and human rights are not infringed.
Safeguarding		Indirect impact derived from suitable and sufficient risk assessment of activities associated with vulnerable groups
Community Safety, Crime and Disorder		No direct impact
Health, Safety and Wellbeing		As above, indirect impact on wellbeing derived from suitable and sufficient assessment of risk of work activities, e.g., lone working
Other implications		None

Supporting Information

Appendices:

A - South Hams District and West Devon Borough Council's Health and Safety Statement and Policy

B - Health and Safety work programme

Background Papers:

[under provisions of the Local Government Act 1972]

None

Process checklist	Completed
Portfolio Holder briefed	Yes/No
SLT Rep briefed	Yes/No
Relevant Exec Director sign off (draft)	Yes/No
Data protection issues considered	Yes/No
If exempt information, public (part 1) report also drafted. (Cabinet/Scrutiny)	N/A