

Report to: **South Hams District Council Executive**

Date: **15 October 2015**

Title: **Health and Safety Management**

Portfolio Area: **Strategy and Commissioning**

Wards Affected: **All wards**

Relevant Scrutiny Committee: Overview & Scrutiny

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

Implementation of substantive decision – **17 December 2015**

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**Recommendations:**

**That the Executive RECOMMENDS to Council that:**

1. the Health and Safety Statement of Policy is accepted and signed by the Head of Paid Service and the Leader of the Council; and that
2. the Health and Safety Statement of Policy is reviewed and signed annually on the occasion of the Annual Council Meeting.

**1. Executive summary**

1.1 The Council has a legal duty under the Health and Safety at Work etc. Act 1974 to prepare a statement of policy on health and safety which is required to be communicated to employees and reviewed as often as appropriate.

1.2 The Health and Safety Statement of Policy at Appendix A conveys the Council's commitment to achieving legal compliance and to continuously improving its performance in occupational health and safety management.

1.3 The Policy sets out the Council's organisation and arrangements for ensuring the health, safety and welfare at work of its employees and others affected by the Council's undertaking.

1.4 The Policy will be 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.

1.5 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 system.

1.6 The Policy commits the Council to an on-going programme of training; inspection and audit; and, occupational health provision for its employees. These programmes will be designed to promote greater involvement and commitment from employees and the management team resulting in improved health and safety culture which in turn should improve employee morale, reduce absenteeism and lead to greater efficiency.

1.8 The Policy is the vehicle by which the Council's trading arm(s) will demonstrate operating standards for health and safety on a par with commercial competitors. This will enhance the Council's reputation and customer satisfaction, increase opportunities to gain new business, minimise risks of downtime through accidents, and potentially create cost savings from public liability insurance premiums.

## **2. Background**

2.1 In 2013 the Health and Safety Executive revised its guidance for managing health and safety to reflect a Plan Do Check Act format, effectively moving the requirement to evidence performance auditing forward to a requirement to demonstrate that a process auditing cycle is in place.

2.2 On T18 launch the Directors commissioned an initial status review and gap analysis of the Council's Health and Safety Management system in terms of:

- Minimum standard (legal compliance); and
- Best practice (continuous improvement).

2.3 To achieve the minimum standard under the Health and Safety at Work etc. Act 1974 (HASWA) and the Management of Health and Safety at Work Regulations 1999 (MHSW) we need to evidence

- A policy document which is signed by the Head of Paid Service and Leaders of both Councils, communicated to all staff, contractors and visitors, and available to interested parties – HASWA s.2(3)
- Suitable and sufficient documented assessment of risks to employees, contractors, customers, partners and any other people who could be affected by Council activities – MHSW Regulation 3

- Arrangements for effective control of preventive and protective measures that come from risk assessment –HASWA s.2(1) general duty
- Appointment of competent health and safety person – MHSW Regulation 7
- Provision of information and training and instruction and supervision for staff on protection from workplace risks – MHSW Regulations 10 and 13
- Consulting with employees (and with the Unions) about their risks at work and current preventive and protective measures – the H&S (Consultation with Employees) Regs 1996 and the Safety Representatives and Safety Committees Regs 1977

### **3. Outcomes/outputs**

3.1 Acceptance and signing of the Policy by the Head of Paid Service and the Leaders of the Councils is the first step towards legal compliance.

3.2 Since T18 launch, SLT has fully supported the Internal Health and Safety Service to actively engage in updating the Council's hazard identification programme and in reviewing the risk assessment schedule. A prioritised timetable of health and safety training and safety control implementation is in place which has initiated progress towards best practice.

### **4. Options available and consideration of risk**

4.1 Councils cannot rely on a responsible workforce and a low accident rate to justify not having a robust documented management system in place which evidences that they are committed to managing health and safety performance.

4.2 The move towards best practice will be achieved through successful implementation of the process audit system which will introduce additional key critical factors into the audit process including:

- Assessment of routine and non-routine activities
- Human behaviour, capabilities and failings
- Effect of aging plant and infrastructure
- Mechanism for responding to feedback and updating management system.

4.3 To reach a position of best practice will take a period of approximately 18 months to coincide with the introduction of ISO45001 (OHSAS18001 update) which is a health and safety industry standard aligned with ISO 9001 and ISO 14001 which are quality and environmental standards respectively.

4.4 ISO 45001 is an externally accredited standard which will recognise that the Council has considered health and safety issues which directly impact on the Council as well as how those issues impact on the wider society in surrounding communities.

4.5 The cost of external accreditation through the British Safety Council is currently (2015 price schedule) approximately £795.00 per day and includes:

- Stage 1 audit: 2 days when the Safety Management System is reviewed against the standard to identify any gaps and when management interviews are scheduled
- Stage 2 audit: 3 days to scrutinise the implementation process across all activities and workforce interviews are scheduled
- Year 1 Surveillance: 2 days to ensure that processes are embedded
- Year 2 Surveillance: 2 days to monitor on-going progress and ensure continued accreditation in future years.

Cost of initial accreditation: £3975.00

Cost surveillance in years 1 and 2 to ensure accreditation standard is maintained: £3180.00

TOTAL COST = £7155

The cost will be split 80% SHDC and 20% WDBC, which reflects the ratio of the number of manual and office staff employed by each Council.

## 5. Proposed Way Forward

5.1 A robust Health and Safety Statement of Policy is the first step in moving forward towards integrating health and safety into the Council's management system. The purpose of this report is to ask that the Hub Committee recommends to Council that the Policy is accepted and signed by the Head of Paid Service and the Leader of the Council and that it is reviewed and signed annually at the Annual Council Meeting.

## 6. Implications

<p><b>Legal/Governance</b></p>	<p><i>Health and Safety at Work etc Act 1974</i></p> <p><i>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.</i></p>
<p><b>Financial</b></p>	<p><i>Achieving legal compliance will require 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.</i></p>

	<p><i>Achieving best practice will require an on-going commitment to continuously improve the health and safety management system which will add moderately, to the cost of officer time.</i></p> <p><i>Cost of external accreditation is shown above at 2015 prices – potential cost in January 2017 could rise to £10,000</i></p>
<b>Risk</b>	<p><i>The potential cost of not achieving legal compliance includes:</i></p> <p><i>i HSE enforcement costs</i>  <i>ii legal and court cost</i>  <i>iii compensation costs</i>  <i>iv loss of credibility.</i></p>
<b>Equality and Diversity</b>	<p>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.</p>
<b>Safeguarding</b>	<p>Indirect impact derived from suitable and sufficient risk assessment of activities associated with vulnerable groups</p>
<b>Health, Safety and Wellbeing</b>	<p>As above, indirect impact on wellbeing derived from suitable and sufficient assessment of risk of work activities, e.g., lone working</p>
<b>Crime and disorder implications:</b>	<p>No direct impact</p>
<b>Background papers:</b>	<p><i>SLT Minutes of 14/07/15</i></p>
<b>Annexes attached:</b>	<p><i>Health and Safety Statement of Policy</i></p>