

**Report for:** Corporate Committee, 03/12/2018

**Title:** Health and Safety Policy review, Strategy and Annual Report

**Report**

**authorised by :** Richard Grice, Director of Customers Transformation and Resources

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**Ward(s) affected:** N/A

**Report for Key/**

**Non Key Decision:** Non key decision

**1. Describe the issue under consideration**

The current Corporate Health, Safety and Wellbeing Policy is in need of review to reflect the latest changes in the Council's structure and to ensure it remains fit for purpose. As part of this review, the policy establishes the framework to implement a Corporate Health and Safety Strategy.

This strategy defines and co-ordinates the Council's approach to the management of health and safety. It sets the aim and objectives for managing health and safety in the council for the next 4 years. This includes how the council will set out to realise the strategy as well as how health and safety performance will be measured.

**2. Cabinet Member Introduction**

Not required for the Corporate Committee

**3. Recommendations**

3.1 That the Committee approves the draft Corporate Health and Safety Strategy 2018- 2022 , attached at Appendix A .

3.2 That the Chief Executive is authorised in consultation with the Chair of the Committee, with the Corporate Health, Safety and Wellbeing Board and with the Corporate Board to make such amendments to the Strategy as s/he considers minor, such amendments to be reported to the meeting of the Committee next following such amendments being made.

3.3 That the Committee approves the draft Corporate Health, Safety and Wellbeing Statement Policy, attached at Appendix B.

3.4 That the Chief Executive is authorised in consultation with the Chair of the Committee, with the Corporate Health, Safety and Wellbeing Board and with the Corporate Board to make such amendments to the Policy as s/he considers

minor, such amendments to be reported to the meeting of the Committee next following such amendments being made.

3.5 That the Committee notes the Health Safety Annual Report for 2017-2018 , attached at Appendix C .

#### **4. Reasons for decision**

4.1 The Corporate Health and Safety and Wellbeing Policy was reviewed to ensure it remains fit for purpose, reflecting the latest changes in Council structure.

4.2 There are four significant additions to the Policy that are intended to raise standards of safety across the Council:

- Employees are explicitly given the right to refuse carrying out an activity that put them in imminent danger of serious personal injury.
- The Corporate Health and Safety Team members have the authority to stop activities to which this policy applies, that are placing people at imminent danger of serious personal injury.
- The Corporate Health and Safety Team members, as part of their duties, have the right of access to Council workplaces, although unannounced visits will only be carried out when there is a business need or a health and safety concern.
- The creation of the Corporate Health and Safety Strategy.

4.3 The Corporate Health and Safety Strategy 2018 – 2022 defines and coordinates the Council's approach to the management of health and safety. The standards contained in the strategy meet statutory responsibilities and good management practices that should serve to stimulate improvements in service delivery as well as health and safety performance. The six aims of the strategy are:

1. Maintain and develop the Health and Safety Management System to improve control of risks and ensure continuous improvement in health and safety standards and performance.
2. Support service areas and managers to comply with health and safety legislation and to target health and safety improvements in higher risk areas.
3. Reduce accidents, injuries and ill-health at work.
4. Provide the framework for setting and reviewing occupational health and safety performance.
5. To undertake a range of activities to improve the health and safety culture of the Council.
6. Encourage an increase in workforce competence to facilitate the promotion of sensible and proportionate risk management and to reinforce worker involvement and consultation in all health and safety matters.

4.4 The Committee is asked to note that under its terms of reference, it is being asked to approve Appendices A and B solely in relation to people who are not Council employees who use Council premises as a place of work, such as agency workers, consultants and the employees of contractors, or who are otherwise affected by the Council's activities, such as service users. At its meeting held on 17<sup>th</sup> December 2018 the Staffing and Remuneration Committee will be asked to approve Appendices A and B in relation to the Council's employees.

## **5. Alternative options considered**

### Do Nothing:

5.1 Doing nothing would leave the Council with an out-of-date policy. The review of the Council's Health and Safety Management System, including the Corporate Health, Safety and Wellbeing Policy as its cornerstone, is part of the statutory requirement to comply with the Management of Health and Safety at Work Regulations 1999. These regulations require employers to make and give effect to such arrangements as are appropriate for the effective planning, organisation, control, monitoring and review of the measures identified by the employer in consequence of risk assessments as those it needs to take to comply with health and safety legislation. The Corporate Health, Safety and Wellbeing Policy sets out such arrangements.

5.2 Having an out of date policy may result in not meeting the required standard, which leaves the Council potentially liable in the case of a H&S breach resulting in an incident or accident.

5.3 The 2018-2022 Corporate Health and Safety Strategy sets out the aims that drive it to ensure the Council follows a path of continual improvement, identifying the key performance indicators that will be used to measure its success. The Strategy is part of the Council's Health and Safety Management System laid out by the Corporate Health, Safety and Wellbeing Policy. Therefore it supports its implementation and shares its possible consequences if not implemented.

## **6. Background information**

6.1 Drafts of Appendices A and B were presented to the Corporate Health, Safety and Wellbeing Board on 10/07/2018 and the Corporate Board on 31/07/2018. Both of these forums agreed to recommend their approval. Since then the drafts have had minor drafting amendments made to them.

6.2 The strategy will be reviewed on an annual basis or sooner following significant change to ensure it remains fit for purpose. The policy will be reviewed annually. It may be necessary for minor amendments to be made to the strategy and/or the policy as a consequence of these reviews. Recommendations 3.2 and 3.4 of this report provide a mechanism for making

minor amendments to respectively the strategy and the policy, without these amendments having to be brought back to the Committee for further consideration.

## **7. Contribution to strategic outcomes**

The review and approval of the Corporate Health , Safety and Wellbeing Policy supports the Council objective to create a clean and safe borough, '*a place which is a clean, well maintained and where everyone feels safe and is proud to live and work*'.

## **8. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)**

### **Finance**

There are no direct financial implications arising from this report. Adopting the revised 2018-2022 Corporate Health and Safety Strategy and implementing the Corporate Health, Safety and Wellbeing Policy will be contained within existing agreed budgets.

### **Procurement**

Strategic Procurement notes the contents of this report; however, there are no procurement implications to be considered.

### **Assistant Director of Corporate Governance**

Section 3 of the Health and Safety at Work etc Act 1974 imposes a duty on every employer to conduct its undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in its employment who may be affected by the conduct of its undertaking are not exposed to risks to their health and safety. This duty is owed by the Council to a variety of people who are not its employees such as service users.

Section 4 of the Health and Safety at Work etc Act 1974 imposes a duty on persons having control of premises in connection with the carrying on by him of a trade, business or other undertaking ( whether for profit or not) , owed to non-employees who use those premises made available to them as a place of work, to take reasonable measures to ensure, so far as is reasonably practicable, that the premises are safe and without risks to health. A variety of people who are not Council employees use Council employees as a place of work e.g. agency workers, consultants and the employees of contractors. The section 4 duty is owed by the Council to them. Adoption by the Committee of the proposed strategy and policy will help the Council comply with this duty.

The Committee's terms of reference state that one of its functions under Schedule 1 of the Local Authorities (Functions and Responsibilities ) (England) Regulations 2000 ( as amended) is "Paragraph C- Health and Safety at work; all functions discharged otherwise than in the Council's capacity as employer".

These Regulations say at Schedule 1 Paragraph C:-

“Functions under any of ‘the relevant statutory provisions ‘ within the meaning of Part 1 ( health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc Act 1974, to the extent that those functions are discharged otherwise than in the authority’s capacity as an employer”.

Section 53 of the 1974 Act, which is the interpretation section for Part 1 of the Act, defines “ the relevant statutory provisions” as including “ the provisions of this Part”. Part 1 of the Act includes sections 3 and 4 of the Act.

Accordingly one of the Committee’s functions under its terms of reference is to ensure that the Council’s duties under sections 3 and 4 of the Act are complied with.

## **Equality**

The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advance equality of opportunity between people who share those protected characteristics and people who do not
- Foster good relations between people who share those characteristics and people who do not.

The three parts of the duty applies to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.

The decision is to adopt the Corporate Health and Safety Strategy for 2018-22 and a revised Corporate Health, Safety and Wellbeing Policy. Those most affected are Haringey Council staff. Staff with protected characteristics may be disproportionately at risk of ill-health and/or injury from poorly managed health and safety. There is therefore a need to ensure appropriate management of health and safety in order to ensure that members of staff with protected characteristics do not experience discrimination or victimisation in the workplace. Prevention of ill-health and injury to its staff therefore supports the Council to meet its Public Sector Equality Duty.

## **9. Use of Appendices**

The following appendices are included as part of this report:

- Appendix A Corporate Health and Safety Strategy 2018-2022
- Appendix B Corporate Health, Safety and Wellbeing Policy
- Appendix C 2017/ 2018 H&S Annual Report

**10. Local Government (Access to Information) Act 1985**

Not applicable