

Report for: Staff and Remuneration Committee, 27 June 2022

Title: Health, Safety and Wellbeing Policy review

Report

authorised by : Susie Faulkner, Director of Customers, Transformation and Resources

Lead Officer: Alexis Correa, Health and Safety Manager, 020 4849 2928, alexis.correa@haringey.gov.uk

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.

The Policy review includes changes on the health, safety and wellbeing governance structure. It also accommodates the late insourcing of Homes for Harinegy.

2. Cabinet Member Introduction

Not applicable.

3. Recommendations

The Staffing and Remuneration Committee is asked to:

1. To approve the draft Corporate Health, Safety and Wellbeing Statement Policy, attached at Appendix A.
2. To authorise the Chief Executive Officer, in consultation with the Chair of the Committee, with the Corporate Health, Safety and Wellbeing Board and with the Corporate Leadership Team, to make such amendments to the policy as considered to be minor. These amendments are to be reported at the next Committee meeting.

4. Reasons for decision

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

There are several areas revised or added to the Policy that are intended to raise standards of safety across the Council:

- Simplification of managers responsibilities.
- Reporting to Council Leadership Team significant health, safety and wellbeing matters, in line with current governance arrangements.

- Stating that the Corporate H&S Manager supports Director of Customer, Transformation and Resources on Corporate Health, Safety and Wellbeing Board.
- Clarification of building safety responsibilities.
- Acknowledgment of insourcing of HFH to the Council. Its insourcing will have affect on all services that interact with housing-related services but also processes and procedures will be revised to ensure they include the required organisational and governance changes, which will be progressively implemented. Further revision of this Policy may be required once the transitional period concludes and the organisational changes are implemented.
- Changes in Governance and membership of the Corporate Health, Safety and Wellbeing Board, to ensure senior management accountability.

5. Alternative options considered

Do Nothing:

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.

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.

6. Background information

The policy has been subject to internal consultation through the Council's health and safety structures. This includes engagement with the relevant Trades Unions.

The draft policy was endorsed by the Corporate Health, Safety and Wellbeing Board on 16/05/2022, and the Corporate Leadership Team on 10/03/2022.

7. Council's Statutory Duties

The Council, as an employer, has a common-law duty of care to their employees. In addition, under the Health and Safety at Work Act 1974 (HASAWA) every employer has a duty to ensure that, so far as is reasonably practicable, the health, safety and welfare of employees are protected. They

must also conduct a risk assessment to identify the measures necessary to comply with the Act and other regulations.

The matters to which this duty extends include:

- plant and systems of work;
- use, handling, storage and transportation of articles and substances;
- provision of information, instruction, training and supervision necessary for the health and safety of employees;
- maintenance of the place of work, including access and exit, in a safe condition;
- mental health (including workplace stress); and
- provision and maintenance of a safe working environment with adequate facilities.

All employers with five or more employees must have a written health and safety policy, which must be brought to the notice of all employees. The Council's Health, Safety and Wellbeing Policy meets this requirement.

HASAWA provides for the appointment of safety representatives (where there is a recognised trade union) or representatives of employee safety (where there is no recognised union). Also, where reps request it, the Act provides for the setting up of a safety committee.

There is a further duty on the employer to ensure that the health and safety of persons other than employees who use the premises are protected.

8. Contribution to strategic outcomes

The review and approval of the Corporate Health and Safety Policy supports the Wat the Council Works 'We will be an able, positive workforce with the skills needed to deliver for Haringey'.

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

Finance

This report for the Staff and Remuneration Committee approves the recommendations as set out in Section 3 of this report. This has no financial implications for the Council.

Strategic Procurement Procurement

Strategic Procurement note the contents of the report and that the report does not require a procurement decision.

Legal - Anthony Igbiniyesu Senior Lawyer Social Care and Contracts

The proposed Corporate Health, Safety and Wellbeing Statement Policy which is a revision of the current policy enables the Council to meet its obligations as an employer under section 2 (3) of the Health and Safety at Work etc Act 1974. The Council should be prepared as often as may be appropriate to revise its

general policy. This to ensure that its policy is fit for purposes with respect to the health and safety at work of its employees and the arrangements for the time being in force for carrying out that policy. They also enable the Council to meet its obligations as an employer under Regulation 5 of the Management of Health and Safety at Work Regulations 1999 to make such arrangements as are appropriate for the effective planning, organisation, control, monitoring and review of the measures identified by the Council in consequence of risk assessments as those it needs to take to comply with health and safety legislation.

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 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.

10. Use of Appendices

The following appendices are included as part of this report:

- Appendix A Corporate Health, Safety and Wellbeing Policy

11. Local Government (Access to Information) Act 1985

Not applicable

Health and Safety At Work Act 1974 (Available at : <https://www.legislation.gov.uk/ukpga/1974/37>)

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