

CABINET

Date of meeting: 24 March 2009

Report of: Head of HR and Organisational Development

Title: Health and Safety Policy

1.0 Purpose of Report

- 1.1 To consider a Health and Safety Policy for Cheshire East and to agree the accountability arrangements.

2.0 Decision Required

- 2.1 To agree the Health and Safety policy attached as Appendix 1.

3.0 Financial Implications for Transition Costs

- 3.1 There are no transitional costs.

4.0 Financial Implications 2009/10 and beyond

- 4.1 The policy statement will not of itself incur costs.

5.0 Legal Implications

- 5.1 There is a requirement in section 2 of the Health & Safety at Work Act 1974 to have a health and safety policy.

6.0 Risk Assessment

- 6.1 A sound health and safety policy is all about the management of risk.

7.0 Background and Options

- 7.1 The attached policy provides a framework for the new Council. It is split into five sections:

- A general statement, including an introduction, information on application, consultation etc;
- Organisation, identifying the responsibilities of Members, managers, employees, etc;
- Arrangements, such as accident reporting, training, etc;
- Specific issues, for example manual handling, Legionella, working at height, etc; and

- Monitoring and Auditing the policy, identifying how and when this will be done.
- 7.2 The policy refers to a number of supporting policies which are in the process of being developed and finalised. In the short term these will be based on existing policies in the four authorities. These will be subject to review at a later stage and if appropriate will be amended and brought forward for approval at a later stage.
- 8.0 Trade Union Consultation**
- 8.1 The trade unions have been consulted on the draft policy and support the approach which is proposed.
- 9.0 Overview of Day One, Year One and Term One Issues**
- 9.1 As indicated above further work is required to complement this policy and to ensure that a strong health and safety ethos based on risk assessment is embedded within the Council. Development of this work will continue through Year One.
- 10.0 Reasons for Recommendation**
- 10.1 To ensure that the Council has a robust approach to Health and Safety in place from Day One and is compliance with Health and Safety Legislation.

For further information:

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Background Documents:

Documents are available for inspection at: Westfields, Sandbach

GENERAL HEALTH AND SAFETY POLICY



1.0 Statement

The Council recognises that providing good Health & Safety management is fundamental to the delivery of its services to the people of Cheshire East.

Our aim is to create an environment where everyone can work safely and healthily and where all those affected by our work remain safe. The Council accepts its responsibility to do all that is reasonably practicable to ensure the health, safety and welfare at work of its employees.

We will achieve this by:-

- *Identifying the risks in our activities and taking the necessary steps to manage those risks*
- *Compliance with current Health & Safety legislation, guidance and best practice*
- *Ensuring through training and assessment that everyone has the necessary competence to do their job safely*
- *Communicating and engaging with employees to ensure that everyone understands how to keep themselves and others safe and healthy*
- *Competent persons are available to provide Health & Safety assistance and technical advice*
- *A commitment to continuous improvement in our Health & Safety performance by monitoring results and forward planning*
- *A commitment to consult with employees on all work related health & safety issues.*

The Council expects all staff to go about their work with the proper concern for the safety of themselves and others. It also expects the same support and cooperation from contractors, partners, visitors and persons using its facilities.

Erika Wenzel
Chief Executive

1.1 Application

This is the written health & safety policy of Cheshire East Council as required by section 2 of the Health & Safety at Work Act 1974.

This policy applies to all employees, Council Members, contractors, visitors, clients, service users, pupils and partner organisations insofar as the Council has control over their activities. Where agency workers and those on work experience or training schemes are engaged in the workplace, they will be treated as employees for the purposes of health and safety and the same level of care and protection afforded to them as other employees.

1.2 Commitment

The Council is committed to providing and maintaining a safe and healthy place of work with adequate welfare arrangements. The Council will also ensure that all staff receives sufficient training and support in order for them to carry out their work with minimum risks to their health and safety and that of others associated with work activities.

1.3 Health and Safety Management

The provisions contained within this policy will ensure that health and safety is an integral part of the corporate risk management process, and the HSE health and safety management system contained within HS (G) 65 will be followed.

This policy outlines the Council's strategic health and safety management system. Directorates and Corporate Services may produce their own standards and procedures to demonstrate how health and safety will be managed including everyday operational issues. Where necessary, individual Services may produce their own procedures to support the application of the corporate policy if there are specific risks which are not covered in the Directorate or Corporate Service procedures.

In addition to the Health and Safety Policy, specific policies will be introduced e.g. the Smoke-free policy which must be adopted by Directorates and Corporate Services.

1.4 Consultation and Communication

Consultation and communication with trade unions and employee representatives will be maintained and the important role of Trade Union Health and Safety Representatives is recognised and supported.

1.5 Joint Working

The Council will work together with partner organisations and other key stakeholders to ensure that health and safety is taken into account where joint

working takes place. The Council will also ensure there is proper liaison with external organisations such as enforcement and inspection bodies. Where contractors are used to carry out functions on behalf of the Council, they will be appropriately selected, vetted where necessary and subsequently monitored to ensure their work is in accordance with the Council's policy on health and safety.

1.6 Policy Approval

All policies relating to matters of health, safety and welfare will be presented to the appropriate joint consultation body for approval. Such policies will then apply to all Directorates and Corporate Services.

1.7 Review

The Health and Safety Policy will be reviewed on an annual basis.

2.0 Organisation

This section of the Health and Safety Policy sets out the roles and responsibilities of key stakeholders within the Council. It also outlines the Council's expectations of those who are not employees e.g. partner organisations, contractors, service users, visitors and members of the public, where these people have contact with the Council.

The health and safety functions of the persons involved can be generally categorised as ***Policy makers, Planners, Implementers, Assisters and Employees.***

Policy Makers

Policy makers are those who devise and are responsible for approving and monitoring policy on health, safety and welfare at a strategic level. They preserve, develop, promote and maintain the Council's health & safety management system. *Policy makers* also make sure that health & safety matters are taken into account when organisational decisions are made.

The *Policy makers* are: -

2.1 Council Members

It is the responsibility of Council Members to approve and monitor the Council's Health and Safety policy and subsequent corporate policies.

The portfolio holder for Resources is the Council Member with specific responsibility for strategic health and safety matters and will also be briefed by

the *Head of HR and Organisational Development* on operational matters of particular importance e.g. serious accidents.

The portfolio holder for Resources will ensure that Council Members receive an annual health and safety report.

Portfolio holders who have specific responsibility for Directorate and Corporate Services will also be responsible for monitoring relevant health and safety procedures.

Members of the full Council must ensure that sufficient priority is given to the allocation of resources for the provision of health, safety and welfare. Members must ensure that health & safety is an integral part of the procurement process and the Council makes legitimate and relevant health & safety requirements a significant factor in its procurement decisions.

2.2 Chief Executive

The Chief Executive has overall responsibility for the implementation of this policy. The Chief Executive will ensure that there is a suitable system in place for managing health and safety and relevant Members receive recommendations concerning sufficient resources being made available in terms of staffing and finance. It is the responsibility of the Chief Executive to promote a positive health and safety culture within the organisation where health and safety is integrated into all aspects of work and employees are encouraged and supported when dealing with health and safety matters. The Chief Executive will also ensure that the Management Team receive an annual health and safety report which reviews the main health and safety issues and sets priorities for the forthcoming year.

2.3 Directors

Directors and Service Heads in corporate areas are responsible for ensuring that day-to-day health and safety matters are dealt with in their Directorate. This includes the following:

- Ensuring that there is compliance with the Health and Safety Policy and individual service policies if necessary
- Establishing and maintaining the Directorate Health and Safety Committees
- Integrating health and safety into Directorate Service Plans
- Liaison and consultation with Trade Unions on health and safety matters
- Implementation of Directorate policies
- Ensuring that staff are informed about Corporate and Directorate policies & understand their responsibilities for Health & Safety
- Ensuring that a health & safety key contact is identified within their Directorate or Corporate Service

The *Head of HR and Organisational Development* is the named Director with specific responsibility for health and safety and as such has the following responsibilities in addition to those as a Director listed above:

- Liaison with the Health and Safety Executive and other enforcing bodies
- Liaison with the portfolio holder for Resources regarding health and safety matters
- Presenting policies and reports to the Cabinet and joint consultation body.
- Liaison with the Health and Safety Manager on corporate health & safety issues
- Ensuring that each Directorate / Corporate Service has access to sufficient health and safety advice
- Managing the implementation of policies
- Consultation with the Trade Unions

Planners –

are those who develop detailed local plans to achieve corporate health & safety objectives. They contribute to the Council's health & safety management system by concerning themselves with management arrangements for the identification, elimination and control of hazards and risks within their area of responsibility. *Planners* in this sense are; -

2.4 Heads of Service

Heads of service are responsible for health and safety matters under their control including:

- Ensuring that there is sufficient health and safety training for their staff and maintenance of training records
- Liaison with the Directorate Health and Safety Committee and chairing the group if required
- Ensuring that risk assessments are carried out and reviewed as necessary
- Monitoring health and safety systems and procedures and setting targets to
- Improve health & safety performance as part of the business planning process.
- Liaise with the health & safety liaison person within that department

It should also be noted that “*planners*” could also include Head Teachers, Designers and Health & Safety groups and Committees
Schools such as Voluntary Aided Church Schools, Foundation schools and Academy Trusts are not owned and managed by the Council. However it is recommended that such schools adopt this or similar policy in respect of their responsibilities under the regulations.

Implementers-

Are those within the organisation who make sure that the workplace precautions and safe systems of work are developed in order to control hazards and risks within their area of responsibility.

Implementors include **Line managers, Supervisors, Premises managers, Teachers, and Contract supervising officers**

Assisters- are persons that have the authority, independence and competence to advise Directors, Management and employees (or their representatives). They will be the following-

2.6 Health and Safety Manager

The Health and Safety Manager is responsible for the following:

- Liaison with the Head of HR & Organisation Development on health and safety issues
- Devising health and safety policies and procedures for consideration by Council Members
- Providing health and safety advice to Council Members, the Chief Executive, Directors, senior managers and other employees
- Monitoring the Health and Safety Policy
- Ensuring that training needs are identified

2.7 Health and Safety Advisers

Health and Safety Advisers have the following responsibilities:

- Providing health and safety advice to Directors, senior managers and other employees on all matters relating to health safety and welfare
- Advising on and monitoring Departmental health and safety procedures for consideration at Health and Safety committees and other consultation meetings

Assisters may also be technical or specialist employees who have achieved a certain level of health & safety competency within their specialized field

2.7 Employees

Irrespective of their position within the structure all employees have the following responsibilities:

- To take reasonable care for the health and safety of themselves and other people
- To co-operate with the employer regarding matters of health and safety
- To report any matters which could put themselves or others at serious risk to their line manager
- To bring to the attention of their line manager, any defects in property, equipment (or) machinery (or) conditions or working practices which could give rise to harm

- Not to interfere with or misuse any equipment provided for health, safety or welfare
- To report accidents / incidents / near misses

2.8 Agency workers

For the purposes of the Council Health and Safety Policy, agency workers shall be regarded as employees of the Council.

Therefore all references to 'employees' in this policy shall include agency workers.

2.9 Trainees

Under the Health and Safety (Training for Employment) Regulations 1990, trainees, work experience students and others on similar training programmes with the Council shall be deemed to be 'employees' of the Council.

2.10 Trade Union Health and Safety Representatives

Safety Representatives have the same responsibilities as other employees. However, in addition to these responsibilities they also have rights under the Safety Representatives and Safety Committees Regulations 1977 and under agreed arrangements with the Council including:

- Carrying out health and safety inspections
- Undertaking investigations into accidents and near misses
- Receiving information from the employer regarding matters of health and safety
- Being involved in the consultation process on health and safety policies and procedures
- Being allowed reasonable time away from work as necessary to be able to undertake these functions
- Meet and consult with members and others on issues relating to health and safety

2.11 Responsible Persons (in charge of buildings)

Each building shall have a 'Responsible Person' (and a deputy) who is tasked with managing and co-ordinating health and safety issues for the building including

- Control of asbestos
- Management of Legionella
- Fire risk assessment and procedures
- Control of contractors
- Emergency and contingency planning
- Undertake building specific risk assessments and communicate details of risks and hazards as appropriate

Such 'responsible persons' will liaise with Property Management Services (or equivalent) to make sure that maintenance and repairs are undertaken at the required intervals.

The 'responsible person' will also ensure that records are kept and employees informed of the control measures necessary to minimise the risks to health and safety of the building users.

3.0 Arrangements Summary

It should be noted that what follows here is a summary of the arrangements necessary for health & safety management. More detailed Corporate Arrangements and Guidance notes are included in the full Policy. These more detailed arrangements are split into three parts, the Corporate arrangements, Departmental arrangements and Site-specific arrangements.

3.1 Risk Assessment

The health and safety policy of the Council is based on an effective health and safety management system, which aims to minimise risks to employees and others. Where significant risks are present, they will be subject to a formal risk assessment, which will determine the control measures to be used.

Risk assessments can be generic for a particular activity or individual to cover a specific situation. Where significant risks are identified, the results of the risk assessments will be recorded in either a risk assessment format, code of practice, policy document or guidance note.

3.2 Access to Competent Health and Safety Advice

In accordance with the Management of Health and Safety at Work Regulations 1999, the Council has a number of health and safety practitioners who are able to offer advice on all aspects of health and safety including advice on the completion of risk assessments.

Their roles and responsibilities are outlined in paragraphs 2.5 and 2.6 of this policy.

3.3 Training and Information

Health and safety training and information will be provided to employees in the following ways:

- During induction training
- By attendance at formal training courses covering general health and safety
- By attendance at training courses covering job specific topics e.g. manual handling
- By publications such as policy documents, manuals, leaflets, and pocket cards

- By use of intranet health and safety pages

Health and safety training needs will be identified by managers in Departments and services during staff appraisals / supervision sessions and managers must ensure that appropriate training is delivered.

3.4 Consultations and Communication

The Council is committed to the principle of consultation and communication with employees on all matters of health, safety and welfare.

Arrangements for health and safety committees have yet to be finalised.

3.5 Accident reporting

The Council has an accident /incident reporting and recording procedure which applies to all Departments.

Accident/Incident report forms are completed by managers and forwarded to the Health and Safety Team where accidents are reportable to the HSE under the RIDDOR Regulations they will be reported by the Health and Safety Manager.

Accident/Incident report forms are confidential and as such will not be forwarded to any third parties except the injured person, the Trade Union Safety Representative (or Branch Officer), as required by the SRSC Regulations, and the Health and Safety Executive if required.

3.6 Occupational Health

The Council is committed to the prevention of occupational ill health and will take steps to ensure that all incidences of reported occupational ill-health are recorded. The Council will strive to ensure an improvement in these figures each year in the interests of employees' good health.

3.7 Contractors

All contractors will be required to act in accordance with the Council Health and Safety Policy and the policies and procedures of the Department for whom they are working.

Contractors are expected to carry out their own risk assessments to ensure the health and safety of Cheshire East Council employees and third parties who may be affected by the contractor's activities.

Where possible, the health and safety policies and procedures of partner organisations will be similar to those of the Council.

Cheshire East Council will be working together with other agencies (e.g. CHAS - The Contractor's Health and Safety Assessment Scheme) to improve

the standards of health and safety performance of its contractors and all contractors will be expected to cooperate with the Councils vetting scheme when it is developed.

3.8 Partner Organisations

The Council will ensure as far as possible, that the health and safety policies and procedures of partner organisations are harmonised with those of the Council to reduce the risk of conflicting standards.

4.0 Specific issues

4.1 Manual handling

All jobs which include a degree of manual handling tasks will be assessed to determine the degree of risk and control measures put in place to reduce the risk.

These control measure will include reducing the need to carry out manual handling tasks; the use of mechanical aids to assist with moving and handling; maintenance of safe working environments and staff training.

4.2 Driving at Work policy

For many employees, driving at work is one of the most dangerous tasks they will undertake; therefore the Council recognises the need to reduce the risk of accidents to drivers.

The Council's Work-related Road Safety Policy provides information on the hazards associated with driving, and lists the control measures to be taken to reduce the risk.

4.3 Drugs and alcohol

Abuse of drugs and alcohol can have a detrimental effect on the health of the user, and can also increase the risk of accidents. Therefore the County Council has a drug and alcohol policy, which applies to all employees.

4.4 Lone working

Many employees work alone, sometimes in situations where confrontation may occur, or situations where accidents may happen and the employee will need to obtain first aid. It is therefore the responsibility of the manager to assess the risks to the employee and take measures to reduce them.

Examples of situations, which may present a significant risk, include working with machinery (e.g. chain saws), working at height, driving, visiting members of the public or clients at home, and working on the highway.

Each Department will therefore have its own policy on how these particular risks will be reduced.

4.5 Stress at work

The Council is committed to reducing the risk of work-related stress and has a policy and guidance on this topic.

The policy outlines the main causes of stress at work as detailed in the HSE Stress Management Standards and means by which stress at work can be prevented:

- Good recruitment and selection procedures
- Stress risk assessments
- Training courses for managers and staff
- Staff appraisal / supervision sessions
- Return to work interviews
- Staff surveys

4.6 Smoking at work

The Council has a smoke-free policy, which highlights the following points:

- Employees are not permitted to take specific 'smoking breaks'
- Smoking is not permitted in doorways or near open windows
- Council vehicles are smoke-free
- The Council will support employees who wish to give up smoking

4.7 Violence and conflict

The Council will take all necessary measures to minimise the risk of violence and abuse (including verbal abuse) to employees including consideration of prosecution of the perpetrators of such acts of violence.

Training will be offered to all employees in violence and conflict and some Departments will also offer this training for relevant employees.

4.8 Asbestos

Cheshire East Council undertakes the management of asbestos in accordance with the Regulations. Reports are held on each site and it is the responsibility of the 'responsible person' to pass the information to contractors when they visit the site

4.9 Legionella

The risk of contracting Legionnaires Disease is by the inhalation of infected water aerosols. The risk of contracting Legionnaires Disease is reduced by the responsible person at each establishment ensuring that the water systems are managed in accordance with the HSE Approved Code of Practice L8 – The Control of Legionella bacteria in water systems.

The Council has a separate policy for the management of Legionella, which is being developed in conjunction with the facilities management group.

4.10 Display Screen Equipment

All 'users' of display screen equipment (DSE) will be required to undertake an on line assessment of their workstation. Any defects, which are identified during this assessment, must be remedied by the employees' manager.

It is recognised that continual screen use can result in discomfort to computer users' vision therefore users and their managers should take the appropriate measures to ensure that breaks away from the computer monitor are built into the users' working day. It is recommended that all users of Display Screen Equipment (computers) take their eyes off the screen and undertake other work for at least 2 minutes every 20 minutes.

DSE users are entitled, on request, to an eye test and in the event of that examination identifying the need for corrective appliances (spectacles) for the purpose of DSE work, the reasonable cost of these will be met by the Council.

4.11 Fire

The responsible person for each building will ensure that a fire risk assessment is undertaken. The fire risk assessment will consider the following points:

- Presence of flammables; solids, liquids and gases
- Sources of ignition (including the risk of arson)
- Fire spread and smoke travel within a building
- Fire alarms / notification to building users of the presence of fire and/or smoke
- Evacuation procedures for all occupants
- Fire fighting
 - Selection of staff
 - Training
 - Equipment
 - Maintenance
- Control measures to reduce the risk of fire
- Availability of the Fire and Rescue Service
- Review of fire risk assessment periodically

Fire risk assessments will also be reviewed when any of the factors which were considered during the risk assessment have changed.

4.12 Work at Height

Falls from height account for the largest number of fatalities each year in the UK therefore if possible, work at height should be avoided.

However, this is not always possible so an assessment of the risk should be undertaken prior to such tasks being carried out.

'At height' means work at any height where there is a risk of injury if the employee falls. (60% of falls causing injury occur less than 2m from the ground). An assessment of the risk will include the following

- Type of work to be undertaken
- Equipment to be used
- Duration of the work
- Weather conditions (if outside)
- Ground conditions
- Stability of the ladder, platform, scaffold etc and means of securing
- Collective fall prevention measures (guardrails etc)
- Collective fall arrest and fall protection

Particular consideration should be given to:

- Falls through fragile surfaces including roofs and skylights
- Risks from falling objects
- Prevention of access to roofs by unauthorised persons e.g. service users, children, trespassers etc

All employees who work at height must be competent to do so.

Many tasks involving work at height are short duration; however this is not an excuse for ignoring safety considerations.

5.0 Monitoring and Auditing of the Health and Safety Policy

The Council recognises the importance of regular monitoring of the health and safety policy and annual auditing. The policy is therefore monitored by the following means:

- Health and Safety Committees
- Site surveys
- Risk Management meetings
- Sickness absence data
- Annual staff survey
- Accident / incident data
- Annual health and safety reports
- Consultation meetings with the Trade Unions and their Safety Representatives

The Council will ensure that such monitoring is sufficient to ensure policies and procedures are effective and meet the requirements of HS (G) 65 'Effective Health and Safety Management'

5.1 Review of the policy

This policy will be reviewed as a result of:

- Changes in safe working practices
- Up-dated knowledge of hazards
- Changes in Council structures
- Accidents or occupational ill-health issues
- Enforcing authority action

Notwithstanding the above, the policy will be reviewed at least annually.