

**REPORT TO:** Cabinet

**Meeting Date:** 11 December 2012

**By:** Executive Director (Support Services)

**Subject:** Health and Safety Policy

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## **1 PURPOSE**

- 1.1 The purpose of this report is to seek approval from Cabinet for the revised and updated Health and Safety Policy.

## **2 RECOMMENDATIONS**

- 2.1 It is recommended that Cabinet approves the Health and Safety Policy, attached as Appendix 1.
- 2.2 It is also recommended that Cabinet notes the Policy/Management Arrangement approval processes contained within the policy document.

## **3 BACKGROUND**

- 3.1 The Council adopted the Health and Safety Policy in April 2008. The Policy has been revised and updated to provide greater clarity for those with key responsibilities and to enhance the governance of health and safety within the Council. The revised policy also streamlines the policy and management arrangement approval process, to enable the organisation to respond quickly to anticipated changes to UK Health & Safety Legislation.
- 3.2 The draft of the new policy has been the subject of consultation with the Council Management Team, staff and Trade Unions in the summer and autumn. Following the consultation period minor changes were made both documents these included:
- Re-define the policy and management arrangement procedures to allow the Joint Health and Safety Committee (JH&SC) to be the final approving committee for Health and Safety documents.
  - The constitution of the safety committee is being updated to take into account current Council structure; recognised trade unions

and Champion Elected Member for Safety attending the committee.

- 3.3 Following approval by the Cabinet a detailed implementation/rollout plan will be developed and the competency framework updated. The training associated with this policy is summarised in the table in Appendix 2.

#### **4 POLICY IMPLICATION**

- 4.1 This document “Health and Safety Policy” replaces the current Health and Safety Policy dated April 2008

#### **5 EQUALITIES IMPACT ASSESSMENT**

- 5.1 An EQIA has been undertaken and no negative impacts have been identified. Positive impacts have been identified to those in the protected characteristic groups relating to disability and age.

#### **6 RESOURCE IMPLICATIONS**

- 6.1 Financial – none.
- 6.2 Personnel – this policy will be communicated via ELNet and Health and Safety Implementation Officers, using existing resources. Appendix 2 outlines training and competency requirements.
- 6.3 Other – none.

#### **7 BACKGROUND PAPERS**

- 7.1 Appendix 1: Health and Safety Policy November 2012
- 7.1 Appendix 2: Training and Competency Requirements

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|----------------------|--|
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| <b>DESIGNATION</b>   | Corporate Health and Safety Officer /Corporate Health and Safety Advisor |
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| <b>DATE</b>          | 15 <sup>th</sup> November 2012   |

# Health and Safety Policy

## **1 EAST LOTHIAN COUNCIL HEALTH AND SAFETY POLICY STATEMENT OF INTENT**

It is the aim of East Lothian Council to conduct its operations and activities in such a manner that it does not put anyone at risk from those operations or activities, so far as is reasonably practicable.

The effective management of health and safety is an investment which helps the Council to better achieve its objectives.

The Council recognises that health and safety is important and as such will provide sufficient resources in terms of money, systems and time as is required to fulfil the above aim.

The Council's Management Team (CMT), made up of the Council's most senior officers, has the responsibility for providing leadership on health and safety matters by setting commitments within this policy and providing leadership to fulfil them.

### **Objectives.**

East Lothian Council will:

- Ensure that all work places are safe and without risk to employees' health, so far as reasonably practicable;
- Ensure all plant, work areas and systems of work are safe, used and maintained without risk to health so far as reasonably practicable;
- Comply with all relevant health and safety legislation;
- Ensure that any hazards affecting employees or any other persons affected by the Council's undertaking, are identified, eliminated or controlled proportionally as necessary;
- Actively promote better health, safety and welfare throughout the Council in conjunction with the recognised trade unions;
- Ensure that all employees are given information, instruction and training as necessary to protect their health, safety and welfare;
- Continually identify improvements in workplace safety, particularly where these may improve employees' health safety or welfare;
- Actively seek out any deficiencies in processes and eliminate them to improve the health, safety and wellbeing of all those affected by the Council's activities;
- Ensure that this and any approved documents supporting this policy are maintained and reviewed on a regular basis.

This policy will be reviewed on a regular basis to ensure that it remains relevant.

*The Executive Directors and I are committed to this policy and to the implementation and maintenance of the highest standards of health, safety and welfare across the Council. We expect every Council employee to embrace this commitment and to work together to achieve it.*

### **Signed**

Chief Executive:

Date:

|   |   |                                 |                           |
|---|---|---------------------------------|---------------------------|
| <b>Original date produced (Version 1)</b> | 27 March 2003                                 |                                 |                           |
| <b>File Name</b>                          | East Lothian Council Health and Safety Policy |                                 |                           |
| <b>Original Author(s)</b>                 | C Lawson                                      |                                 |                           |
| <b>Current Author(s)</b>                  | <b>Revision</b>                               | Health and Safety Professionals |                           |
| <b>Version</b>                            | <b>Date</b>                                   | <b>Author(s)</b>                | <b>Notes on Revisions</b> |
| 1   | March 2003                                    | C Lawson                        | Original Version          |
| 2   | April 2008                                    | C Lawson                        | General update            |
| 2.1                                       | September 2011                                | K Flockhart                     | New Chief Executive Sign  |
| 3.0                                       | May 2012                                      | H&S Professionals               | Revise and simplify.      |

## 2 ORGANISATIONAL RESPONSIBILITIES

This policy covers all health and safety matters within East Lothian Council. It is provided for all employees and those who interact with the Council.

### 2.1 Chief Executive

The Chief Executive has overall responsibility for the administration and implementation of the Council's Health and Safety Policy. In order for the Council to fulfil the commitments made within this policy the Chief Executive will delegate specific roles to the Executive Directors.

The Chief Executive will ensure that:

- sufficient resources in terms of money, systems and time will be made available to ensure no one is at risk from the Council's work so far as is reasonably practicable;
- Executive Directors are aware of their responsibilities and discharge their duties as outlined in this policy;
- arrangements are in place for consulting recognised trade unions on matters of safety;
- they take part in the management inspection programme, and
- along with the Council's Management Team, that this Policy is regularly reviewed.

### 2.2 Champion Elected Member for Safety (CEMS)

The Champion Elected Member will be confirmed following each local government election.

The Champion Elected Member for Safety will ensure that:

- any decisions taken by the Council at Cabinet and Council meetings fully consider the health and safety impact on employees and non-employees who may be affected by the work of the Council or the services that it provides;

- they are kept informed of the health and safety performance of the organisation;
- arrangements are in place for consulting recognised trade unions on matters of safety;
- they take part in the management inspection programme;
- they participate in the Council's Joint Health and Safety Committee.

## **2.3 Elected Members**

Elected Members have a general duty to take reasonable care of their own health & safety and anyone else who could be affected by their actions. Elected Members will also take account of the health & safety implications of their decisions.

## **2.4 Champion Executive Director for Safety (CEDS)**

The Champion Executive Director for Safety is directly responsible to the CMT for ensuring that they are kept informed on matters of Health and Safety.

The Champion Executive Director for Safety will ensure that an effective health and safety management system is in place which will:

- maximise the health, safety and well-being of everyone working for the Council;
- prevent so far as is reasonably practicable, employees and third parties from becoming injured or ill through the Council's activities;
- improve further the Council's reputation in the eyes of clients, the community and suppliers;
- avoid the consequential damaging effects on service budgets;
- encourage positive relationships with contractors which promote high standards of health and safety;
- minimise the risk of prosecution and consequent penalties;
- ensure arrangements are in place for consulting with recognised trade unions on matters of safety.

## **2.5 Executive Directors & Heads of Service**

Directors and Heads of Service have delegated responsibility from the Chief Executive to ensure their service areas comply with legislation and this policy.

Directors and Heads of Service will:

- ensure such resources in terms of time, effort and finance, are made available to ensure the safety of those affected by their Directorate's activities;
- ensure the Council's health and safety management arrangements are implemented and maintained throughout their service areas to assess risks

and to allow for effective planning, organisation, control, monitoring and review of these preventative and protective measures;

- assist in incident investigation if required;
- ensure that their managers have all assessments of risk<sup>1</sup> in place for their areas, equipment and activities and that the findings of these assessments are acted upon and made known to those affected;
- establish and maintain a committee for employees and management representatives to discuss and review the management of health & safety within the Directorate and take steps to address areas for improvement;
- make arrangements to ensure that copies of any prosecutions, prohibition / improvement notices are submitted to the Chief Executive within 24 hours of their receipt;
- ensure arrangements are in place for consulting with recognised trade unions on matters of safety;
- ensure their managers and supervisors receive such information, instruction and training as identified as being necessary to manage their remitted activities safely;
- report to the Chief Executive on annual basis on the status of the health and safety management of their Directorate;
- take part in the management inspection programme.

## 2.6 Managers / Supervisors

Managers/ Supervisors have a pivotal role in the management of health and safety and in the creation and maintenance of the overall safety culture of their teams.

Managers and Supervisors will:

- ensure that work areas, activities and equipment are safe and without risk to health;
- carry out, record, communicate, action findings, and review as necessary risk assessments in conjunction with relevant employees;
- ensure their employees receive such information, instruction and training as identified as being necessary for their safety;
- ensure their employees attend such training as identified to ensure their competency with regards safety;
- ensure that they implement this policy, associated guidance and any local safety policy in relation to their area of responsibility and these are communicated to relevant employees;
- quarantine any area where a serious incident has occurred to ensure alterations to the scene are prevented enabling an in-depth investigation by the enforcement authority or police;

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<sup>1</sup> Assessments of Risk, Include: General Risk Assessments, COSHH Assessments, Manual Handling Assessments, Workstation Assessments and any other such assessments of risk to employees health and wellbeing that are required by legislation

- ensure all health and safety incidents and dangerous occurrences are recorded using the appropriate system as soon as possible after the incident, regardless of whether an employee, client, volunteer, contractor's worker or visitor has been affected;
- in the event of an accident resulting in a fatality or major injury, advise the Executive Director / Head of Service / Directorate Health and Safety Implementation Officer immediately by telephone;
- upon notification of an incident, investigate the root causes of recorded incidents, seeking specialist assistance as required for the Council's health and safety team;
- ensure all their employees are made aware of this policy, its arrangements and procedures. This should include any relevant guidance documents concerning machinery, equipment or substances which they are required to use;
- consult the Directorate's Health & Safety Implementation Officer on specific issues when specialist advice is required;
- ensure that regular health and safety walk rounds / inspections are carried out and recorded on a regular basis;
- ensure health and safety is considered in their decision making process;
- ensure arrangements are in place for consulting with recognised trade unions on matters of safety;
- ensure all items of fixed and portable electrical equipment are available for regular testing and that their employees carry out a visual inspection of any item of electrical equipment prior to their use of it;
- ensure employees are made aware of any procedure in relation to emergencies e.g. fire or first aid;
- assist in the first aid provision of the establishment / business unit / group through the identification of employees to receive the required level of first aid training;
- assist in the fire safety of the establishment / business unit / group through the identification of employees to receive the required level of fire safety training;
- create action plans to deal with items requiring attention arising from audits, inspections and incident investigations.

## **2.7 Head of Establishment**

Each establishment will have a 'Head of Establishment' to co-ordinate Health and Safety, within that establishment. Where there is only one Department within an establishment then this should normally be the most senior person in that location.

The Head of Establishment will:

- Ensure that emergency evacuation procedures are developed for all users of the building and are made known to all users of the building;



- Assist in incident investigations as required, dependent on the level of incident;
- Ensure that the fire precaution requirements are developed and practised. This will include fire drills, alarms tests, equipment test recorded, etc;
- Ensure that health and safety procedures and practices are followed within the building;
- Ensure good communication between all users of the building;
- Ensure a repair reporting system is in operation and that repairs are completed;
- Establish a safety committee/forum/group for their building where there are multiple departments within the building;
- Ensure an identified person takes control of the building during an emergency;
- Arrangements are in place for consulting with recognised trade unions on matters of safety;
- Ensure that they cooperate with Property Maintenance in all inspection and testing regimes e.g. Portable Appliance testing and Legionella;
- Ensure they cooperate with the Property Projects team, the Services for Communities Directorate and the Council's Fire Safety Officer in the assessing of fire risk for their building and the provision of information, instruction and training to those within their establishment;
- Ensure all employees within their building are made aware of the first aid arrangements for their establishment.

## 2.8 Employees

All employees have a duty under the Health and Safety at Work etc. Act for the health, safety and welfare of themselves and of other persons (including members of the public) who may be affected by what they may do, or what they fail to do at work.

Employees will:

- Co-operate with the Council in its efforts to comply with the Health and Safety at Work etc. Act and related Regulations;
- Assist in incident investigations as required;
- Attend and make use of such training as identified by their manager through the risk assessment process;
- Ensure that they are familiar with any procedures provided in relation to emergencies i.e. first aid or fire arrangements;
- Take part in such health surveillance as identified by their manager through the risk assessment process;
- Inform their manager / supervisor of any work situation involving serious and immediate danger and/or any shortcoming in protection arrangements in place;
- Familiarise themselves with health and safety policies, risk assessments;

- Safe working procedures and arrangements as detailed in this and other Health and Safety Policies relevant to their work activities;
- Report any shortcomings in matters of safety; all accidents, near misses and cases of verbal or physical abuse using the Council's incident reporting procedures as soon as practicable after identification or incident occurring;
- Be made aware of their right to consult recognised trade unions to discuss matters of safety when required.

Note: where an employee believes they or another person's health or safety is in imminent danger, they must temporarily suspend the dangerous activity and report this to their line manager.

## 2.9 Corporate Health and Safety Team

The Corporate Health and Safety team consists of the Corporate Health and Safety Adviser (CHSA), Corporate Health and Safety Officer (CHSO) and the Corporate Fire Safety Officer. The Health and Safety Adviser needs to have the status and competence to advise management and employees or their representatives with authority and independence.

The Corporate Health & Safety Team will:

- Development, monitor and audit the health, safety and welfare arrangements throughout the Council with support from the Directorate (Departmental) Safety Implementation Officers;
- Provide competent health and safety assistance;
- Take part in incident investigations as required and dependent on the level of incident;
- Keep the Council's Management Team informed of developments in health and safety both internal and external to the organisation;
- Provide clear advice, recommend priorities and direction with regard to health and safety at a corporate level on all health and safety matters, including fire prevention and precautions through the production of health & safety policy, guidance and procedures and safe systems;
- Co-ordinate corporate-led health and safety training, and, where appropriate, arrange, prepare and deliver training courses in conjunction with departmental staff;
- Maintain liaison with other bodies regarding health and safety (Health and Safety Executive, Local Authority Inspectors);
- Advise on matters relating to fire prevention and fire precautions in collaboration with the Fire Authority;
- support arrangements for consulting with recognised trade unions on matters of safety;

## 2.10 Health and Safety Specialists

Other specialists in health and safety matters are also available covering:

- Asbestos
  - Covering the monitoring of property maintenance and other contractor work on the asbestos containing material within our properties. Managing asbestos database.
- Fire Safety
  - Covering fire safety training, internal fire inspections and audits, reviewing fire risk assessments.

Other specialist assistance may be obtained if required.

## 2.11 Directorate Health and Safety Implementation Officers

The Council will ensure through its recruitment and selection procedures that all Health and Safety professionals employed are suitably qualified and experienced to enable them to undertake their duties.

The Directorate Health and Safety Officers will:

- Advise on all matters concerning health and safety within their Directorate;
- Stop work activities where there is a serious breach of statutory duties or which presents an imminent risk of injury;
- Assist in the interpretation of Health and Safety Legislation, corporate policies relevant to their Directorate's activities and the setting of standards;
- Investigate accidents/incidents and dangerous occurrences, as appropriate;
- Act as exofficio member of the Directorate's Health & Safety Committees/ Joint Consultative Groups;
- Advise on safety aspects of specialised plant and equipment, substances, or processes being considered;
- Providing health and safety training;
- Support Directorate arrangements for consulting with recognised trade unions on matters of safety;
- Carry out a minimum of 12 Health and Safety inspection and 12 health and safety audits per year.

## 2.12 Directorate Safety Committee / Directorate Joint Consultative Groups.

Executive Directors are responsible for establishing Directorate Health & Safety Groups or Joint Consultative Committees, which incorporate a Health & Safety element. These committees will have approved terms of reference and will be involved in the planning of health and safety objectives. Safety committees at

any level are “owned” by management and employees and they are responsible for the running of the committees.

The remit of these committees will be to: -

- Assist in and monitor incident investigations as required, dependent on the level of incident as required;
- Provide a means of regular consultation between Directorate management representatives and employees, providing a forum for the discussion of Directorate health and safety matters;
- Consider reports on any health and safety matter which may be referred to the Committee by the Directorate management team or any of the Directorate’s employee representatives;
- Consider minutes/notes of meetings from Service or Section Safety Committees, where the issue or issues raised may have Directorate health and safety implications;
- Recommend the approval of Directorate Health and Safety Policies, Guidelines etc., for consideration by the appropriate Council Committee;
- Escalate or pass issues to the appropriate forum where appropriate;
- Ensure that arrangements are in place for consulting with recognised trade unions on matters of safety.

### **2.13 Joint Health and Safety Committee**

The role of the Joint Health and Safety Committee will be:-

- To assist in and monitor incident investigations as required, dependent on the level of incident as required;
- To provide a means of regular consultation between East Lothian Council and employees, providing a forum for the discussion of corporate health and safety matters;
- To consider reports on any health and safety matter which may be referred to the Committee by East Lothian Council or by any of the employee organisations;
- To consider minutes/notes of meeting from Directorate, Service or Section Safety Committees where issues raised may have corporate health and safety implications;
- To approve health and safety policies, guidelines etc;
- To ensure arrangements are in place for consulting with recognised trade unions on matters of safety.

## **3 HEALTH & SAFETY ARRANGEMENTS**

### **3.1 Health and Safety Management Arrangements**

In support of this policy the Council shall produce “Health and Safety Management Arrangements” which set the councils approach on key safety related subject areas as well as information on how specific hazards are

managed and what information, instruction, training and competency requirements are required.

A full list of these Management Arrangements will be maintained on the Health and Safety pages on ELNet (employee Intranet).

Where applicable the Health and Safety Management Arrangements will state the legislation it relates to.

A master copy of the Management Arrangements will be held by the Councils Health and Safety team with copies accessible for all employees on ELNet.

### **3.2 Monitoring H&S Performance**

East Lothian Council recognises the benefits of conducting active monitoring as a means to measure health & safety performance and to prevent accidents, incident or cases of ill health before they occur. This includes monitoring the achievement of health & safety improvement plans, and compliance with the standards set out in this and supporting Health and Safety Management Arrangements and guidance documents. This type of monitoring measures success and reinforces positive achievement by recognising good work, rather than penalising failure after an event.

Active monitoring methods used include:

- Inspection of premises, plant and equipment
- Environmental monitoring
- Health surveillance
- Observation of work behaviour by line managers
- Health & safety management audits

While active monitoring provides feedback before an accident incident or case of ill health, reactive monitoring is necessary to enable the organisation to learn from accidents/incidents, ill health cases or other deficiencies in health & safety performance.

The reactive arrangements are therefore triggered by an event and include identifying and reporting of:

- Injuries and cases of ill health, including monitoring of sickness absence
- Damage to property
- Near miss incidents
- Hazards
- Weaknesses in performance standards.

The Council will also make use of such internal and external benchmarking systems to review, improve and maintain safety management systems.

### **3.3 Key Performance Indicators**

The Council will identify a set of Key Performance Indicators (KPIs) to be collected by both managers and health and safety professionals.

These indicators will allow both active and reactive monitoring of the inputs and outputs of the Council's safety management systems.

### **3.4 Auditing**

All areas of the Council's teams will be audited by a Health and Safety professional once every three years. The Health and Safety professionals will prepare and use a standard set of audit questions in accordance with recognised external standards.

All external audits of the Council's health and safety systems will be recorded centrally along with their agreed action plans to deal with any items requiring attention. All action plans resulting from audits will be developed by managers and agreed with the appropriate health and safety officer.

### **3.5 Inspections**

The Council will ensure all areas of its business are inspected on a regular basis.

Health and Safety inspections will be carried out by managers at all levels within the organisation in association with employee and union representation.

Further inspections will be carried out by the Health and Safety professionals of the Council's work areas.

### **3.6 Communication about Health and Safety**

The Council will make use of the following methods for communicating health and safety information:

- E-newsletters,
- E-mails,
- Notice boards,
- Posters,
- Team meetings,
- Toolbox talks etc.

The Council will also use the following communication processes:

- All communications with external parties to the Council relating to health and safety (except that relating to Local Authority Enforcement) is coordinated and centralised;
- All reports to the Health and Safety Executive will be issued by Corporate Health and Safety Team;

Directorate specific health and safety information will be through the Directorate Health and Safety Implementation Officers.

## **3.7 Consultation with Employees**

### **3.7.1 Approval Procedures**

In order to ensure thorough consultation has taken place to approve both this Policy and the Approved Guidelines the process for approving these documents has been reviewed and where possible shortened to enable quickening of the approval process of these documents. Both approval processes are contained in the appendices (4&5).

### **3.7.2 Safety Representatives**

The Council accepts the duties placed upon it by the "Safety Representatives and Safety Committees Regulations, 1977" and the "Health and Safety (Consultation with Employees) Regulations 1996" (which relates to non-unionised organisations and their safety representatives).

The Council recognise the rights of trade unions or employee groups to appoint safety representatives (employee representatives of safety).

The Council will work with these representatives with the common aim of ensuring a safe workplace for all employees.

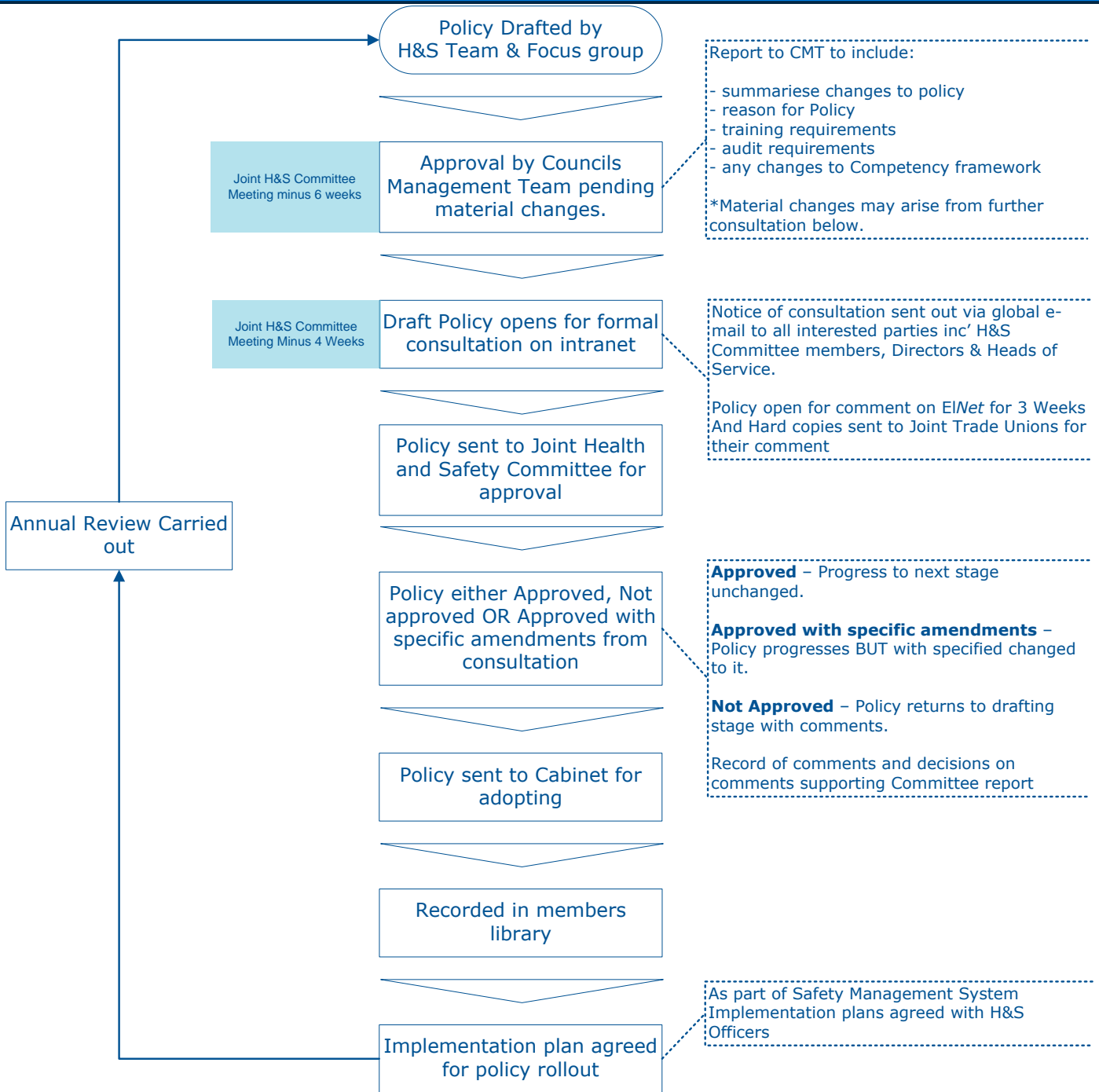
The Council will ensure that any concerns raised at one committee can be escalated or de-escalated up or down the committee structure dependent on its potential impact on Council activities.

## **3.8 Contractors**

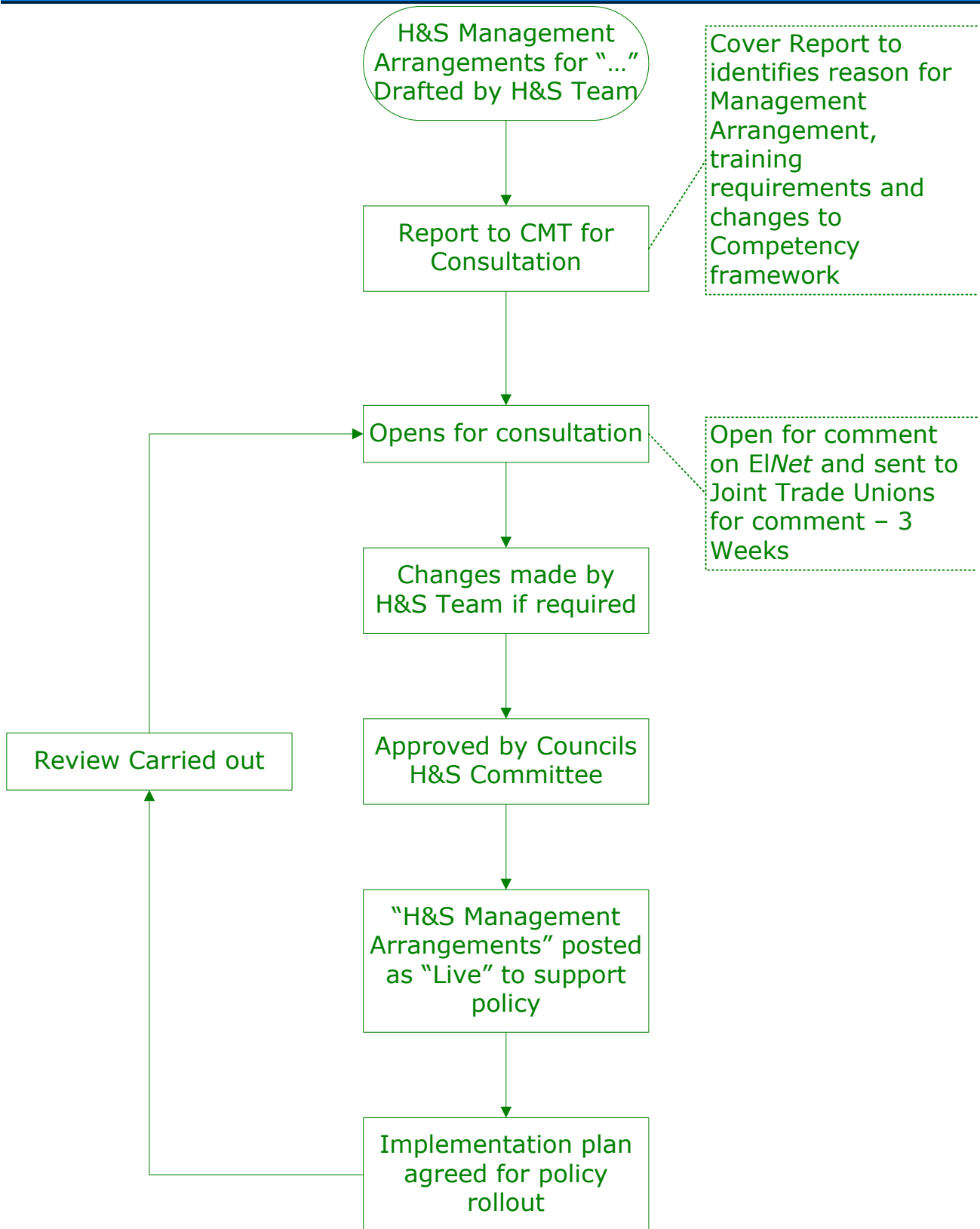
The Council will ensure that any contractors working on council property will be made aware of any risks to the contractor's health, safety and wellbeing. The Council will also ensure that the risks associated by contractors coming onto site will be identified and either eliminated or controlled with the findings made known to those employees affected.

## **3.9 Work Experience**

The Council will treat any person coming into the Council on work experience as an employee with regards to their health, safety and welfare. Those on work experience will be considered when risk assessments are being carried out; they will also be given such information, instruction, training and supervision as required.









## Appendix 2: Training and Competency Requirements

| H&S Subject Area         | Training available/Will be available. | Format of Training        | Competency Requirements |          |
|--------------------------|---------------------------------------|---------------------------|-------------------------|----------|
|                          |                                       |                           | ALL Employees           | Managers |
| Health and Safety Policy | Health and Safety Corporate Induction | Tutor Led Session         | Y                       | Y        |
|                          | Day One Safety Training               | Local Induction Checklist | Y                       | Y        |
|                          | Month One Safety Induction            | E-learning package        | Y                       | Y        |
|                          | IOSH Managing Safely                  | 4 Days over 2 weeks       |                         | R        |
|                          | IOSH Working Safely                   | 1 Day                     | A                       |          |

| Legend |  |
|--------|--|
| Y      | Course Required                                      |
| R      | Course Recommended                                   |
| A      | Course Available – can be used though not compulsory |