

Corporate Policy and Strategy Committee

10.00am, Tuesday, 28 March 2017

Council Health and Safety Policy

Item number 7.6
Report number
Executive/routine
Wards

Executive Summary

The new Council Health and Safety Policy (Policy') sets out a commitment to protecting the health and safety and welfare of our employees and third parties, recognising that this is the starting point to delivering a thriving, sustainable capital city.

The Policy replaces the existing Corporate Health and Safety Policy. It takes into account the new structural arrangements and provides greater clarity on health and safety roles and responsibilities, and sets out accountability for both non-housing and housing Property related health and safety matters.

Links

Coalition Pledges
Council Priorities
Single Outcome Agreement

Council Health and Safety Policy

1. Recommendations

- 1.1 It is recommended that the Council Health and Safety Policy is approved.

2. Background

- 2.1 The Health and Safety at Work etc. Act 1974 requires employers to prepare in writing a statement of their general policy with respect to the health and safety at work of their employees; and the organisation and arrangements for carrying out the policy. It also requires the statement to be brought to the attention of all employees.

3. Main report

- 3.1 The Policy replaces the existing Corporate Health and Safety Policy. It takes into account the new structural arrangements and provides greater clarity on health and safety roles and responsibilities.
- 3.2 The Policy applies to all employees and third parties who interact with Council services but are not employees. The safety of adult residents in receipt of care is provided for elsewhere by the Clinical and Care Governance Framework. Public event safety is also provided for elsewhere by the Events Planning and Operations Group Process.
- 3.3 The Policy Statement sets out the Council's commitment to health and safety, recognising that this is the starting point to delivering a thriving, sustainable capital city.
- 3.4 The Policy content sets out Policy requirements for health and safety which must be met.
- 3.5 The Policy also sets out roles and responsibilities for health and safety, taking into account the new structural arrangements.
- 3.6 The key changes compared with the existing Corporate Health and Safety Policy are as follows:

3.6.1 Policy Statement

In the Policy, the Policy Statement is set out at a higher level. The Policy requirements are now in a separate section (Policy content).

3.6.2 Policy content

The Policy sets out additional requirements including: legal compliance as a minimum standard, defined and communicated roles and responsibilities, first-aid and emergency response procedures and explicit inclusion of 'near misses' and occupational ill health reporting.

3.6.3 Roles and responsibilities

The health and safety (H&S) roles and responsibilities in the Policy reflect the new Council structure, and provide greater clarity on roles and responsibilities for key roles, including those with responsibilities for property related health and safety. Responsibilities for contactor management have also been added. Other changes include:

The H&S champion role has been deleted (replaced with the SMT member on Council H&S Group);

H&S co-ordinator role has been deleted;

New role of Site/Building H&S Responsible Person;

New role of Multi-occupied Building H&S Responsible Person;

H&S responsibilities for third parties included;

H&S responsibilities for Head of HR included; and

Roles and responsibilities for the Council-wide H&S Groups included.

3.6.4 The Policy has been subject to external and independent legal review.

4. Measures of success

4.1 Measures of success include improved health and safety performance, and a good safety culture where everyone knows what is expected of them and what they can expect from others to manage health and safety effectively.

5. Financial impact

5.1 The Policy does not affect the existing financial impact.

6. Risk, policy, compliance and governance impact

- 6.1 The potential impact of failure to manage health and safety and welfare includes: death, injury, ill health, in addition to legal liabilities, regulatory censure, financial losses, business disruption and reputational damage.

7. Equalities impact

- 7.1 There are no equalities issues arising from this Policy.

8. Sustainability impact

- 8.1 There are no sustainability issues arising from this Policy.

9. Consultation and engagement

- 9.1 Consultation and engagement has taken place with Trade Unions.
- 9.2 Consultation and engagement has taken place with key H&S role holders, and with stakeholders in the services areas.

10. Background reading/external references

- 10.1 N/A

Hugh Dunn

Acting Executive Director of Resources

Contact: Susan N Tannahill, Council Health and Safety Manager

E-mail: susan.tannahill@edinburgh.gov.uk | Tel: 0131 553 8336

11. Links

Coalition Pledges

Council Priorities

Single Outcome Agreement

Appendices

Appendix 1 – Council Health and Safety Governance Framework

Appendix 2 – Council Health and Safety Policy

Council Health and Safety Policy

Implementation date: 3 April 2017

Control schedule

Approved by	
Approval date	
Senior Responsible Officer	Susan N Tannahill
Author	Susan N Tannahill
Scheduled for review	April 2018

Version control

Version	Date	Author	Comment
0.1	28 March, 2017	Susan N Tannahill	The existing Corporate Health and Safety Policy will be superseded.

Committee decisions affecting this policy

Date	Committee	Link to report	Link to minute
28 March 2017	Corporate Policy and Strategy Committee		

Council Health and Safety Policy

Policy statement

- 1.1 Protecting the health and safety and welfare of our employees, and our third parties including members of the public, contractors, service users and pupils, is the starting point to delivering a thriving, sustainable capital city.
- 1.2 Accordingly, we will manage health and safety and welfare in a way that:
 - takes all reasonable steps to protect the health and safety and welfare of our employees and third parties;
 - demonstrates our commitment to continually improve health and safety performance;
 - complies with health and safety statutory and regulatory requirements, and all relevant approved codes of practice and guidance.
- 1.3 This Policy should be made available to all persons working under the control of the Council and made available to interested parties on request.

Scope

- 2.1 The Council Health and Safety Policy ('Policy') applies to all employees. In addition, the Policy extends to third parties who interact with Council services but are not employees such as members of the public, contractors and service users.
- 2.2 The safety of adult residents in receipt of care is provided for by the Clinical and Care Governance framework.
- 2.3 Public event safety is provided for by the Events Planning and Operations Group Process.

Definitions

- 3.1 **Accident** – An accident is a type of incident. It is a work-related event during which injury, ill health or fatality actually occurs.
- 3.2 **Adequate controls** – Controls deemed to be suitable and sufficient by a 'competent' person.

- 3.3 **Audit** – An audit is an evidence gathering process. Audit evidence is used to evaluate how well audit criteria are being met. Audits must be objective and independent, and the audit process must be both systematic and documented.
- 3.4 **Building or Site H&S Responsible Person** – Building or Site H&S Responsible Person is allocated to the most senior role holder in building, e.g. Head Teacher, Care Home Manager, Depot Manager. For some locations, a nominated Building or Site H&S Responsible Person may be required.
- 3.5 **Competent person** – A competent person is someone with the necessary skills, knowledge and experience in relation to hazard identification, risk assessment and the determination of necessary controls, and includes knowledge of legal and regulatory requirements.
- 3.6 **Contractor** – Person or business that provides goods or services to an organisation and who is not an employee of that organisation.
- 3.7 **Enforcement Action** – Enforcement action includes action taken by enforcing authorities, including:
- a) Issuing of an advisory / warning letter
 - b) Serving of Notices
 - c) Prosecution
- 3.8 **Incident** – Work-related event in which an injury, ill health or fatality occurred, or could have occurred.
- 3.9 **Near miss** – A type of incident which injury, ill health or fatality could have occurred, but did not actually occur.
- 3.10 **Multi-occupied Building H&S Responsible Person** – Corporate Property and Facilities Management will take responsibility for the Multi-occupied Building H&S Responsible Person for designated buildings as follows: Lothian Chambers, City Chambers, Waverley Court, and Parliament Square. In addition, they will take on this role for the Central Library.
- For all other multi-occupied buildings, the most senior role holder in the building in the Service Area with greatest number of employees based in the building will take on the role. For some locations, a nominated Multi-occupied Building H&S Responsible Person may be required.
- 3.11 **Risk** – Combination and likelihood of an occurrence of a hazardous event and the severity of injury or ill health that can be caused by the event.
- 3.12 **Work related ill health** – Adverse physical or mental condition; must be identifiable and caused or aggravated by a work activity or a work situation.

Policy content

- 4.1 We implement health and safety management systems aimed at legal compliance as a minimum, and take all reasonably practicable steps to ensure that:
 - the health and safety and welfare risks of our employees and third parties are identified and eliminated or reduced to an acceptable level.
 - safe and healthy working environments and equipment are provided and maintained.
- 4.2 We consult with employees and recognised Trade Unions, and encourage their commitment to and engagement in health and safety matters.
- 4.3 We set objectives to continually improve our health and safety management system and performance.
- 4.4 We provide adequate resources to meet our objectives.
- 4.5 We define and communicate the roles and responsibilities for health and safety.
- 4.6 We provide suitable information, instruction, training and supervision.
- 4.7 We have first-aid and emergency response procedures in place to minimise the impact of incidents on our employees and services.
- 4.8 We report, and review all incidents, including occupational ill health and significant 'near misses' to minimise the likelihood of a recurrence.
- 4.9 We regularly review our health and safety performance, including carrying out health and safety audits, to drive continuous improvement and regularly report performance.
- 4.10 We comply with all applicable legal and regulatory requirements, including guidance and approved codes of practice.

Implementation

- 5.1 Implementation will be effective from 3 April, 2017.
- 5.2 This Policy supersedes the Corporate Health and Safety Policy dated 2013.

Roles and responsibilities

6.1 Council

- Council has responsibility to ensure adequate funding and resources are provided to effectively implement the Policy.
- Collectively, the role of Elected Members is to support the implementation of the Policy and strategy, and to consider the health and safety and welfare implications of all business decisions referred to them for approval.

6.2 Chief Executive

- Corporate Leadership Team (CLT) member with ultimate responsibility for ensuring health and safety risks are managed effectively;
- Overall responsibility for implementation of the Policy, and has delegated the primary duties to Executive Directors of each Service Area and Heads of Service who are direct reports; and
- The Chief Executive has delegated responsibility for setting the Health and Safety strategy and monitoring performance against the strategy and this Policy to the Council Health and Safety Group.

6.3 Corporate Leadership Team

The Corporate Leadership Team has specific responsibilities for health and safety:

- To demonstrate visible commitment to health and safety and welfare, and promote a low risk tolerance;
- To review the Council's health and safety performance at least annually and after any major incident;
- To ensure the effectiveness of the governance and assurance processes; and
- Be kept informed about any significant health and safety failures and outcomes of the investigation, and direct action where required.

6.4 Executive Directors

- Accountable for implementation and compliance with the Policy across their Service Areas, and areas of responsibility;
- Provide leadership for health and safety and welfare, promoting health and safety proactively throughout their Service Areas, and championing health and safety and welfare initiatives;
- Ensure adequate resources are provided to effectively implement this Policy;

- Ensure H&S roles, responsibilities and accountabilities are communicated, understood and executed in their Service Areas, and areas of responsibility (including cross-service roles & responsibilities), and are included in personal objectives;
- Ensure effective arrangements for planning, organisation, controlling, monitoring and reviewing preventative and protective measures for health and safety and welfare;
- Require a H&S Plan to deliver the Policy, strategy and objectives;
- Ensure that health and safety training needs analysis is carried out, and is delivered within the timescales, including induction training and refresher training where deemed appropriate;
- Ensure governance processes, and oversight, for H&S are effectively executed in their Service Area;
- Ensure consultation in their Service Areas with employees and Trade Unions, and encourage their commitment to and engagement in health and safety matters;
- Review health and safety performance, on a regular basis and following any major incident, directing action where required;
- Ensure incident escalation arrangements are in place and communicated;
- Oversee the H&S Plan, and action plans to mitigate gaps identified; and
- Assure the CLT that the Policy is fully complied with.

Executive Directors are also responsible for ensuring that their Service Area is represented at the Council Health and Safety Group by a member of their Senior Management Team (SMT) who has full decision making authority on behalf of the Service Area.

6.5 Heads of Service

Responsible for overseeing all aspects of the day-to-day operation of the Policy within areas under their control, to support the Executive Directors and CLT in the execution of their accountabilities for health and safety. Responsible for:

- The H&S Plan to deliver the Policy, strategy and objectives;
- Ensuring health and safety hazards are identified and risks are assessed and eliminated or controlled;
- Ensuring that appropriate health and safety training is provided to management and employees;
- Ensuring that a Building / Site H&S Responsible Person is appointed for all properties under their area of responsibility;
- Ensuring that a Multi-occupied Building H&S Responsible Person is appointed for all multi-occupied properties where their Service Area has the greatest number of employees based in the building; and
- Assuring the Executive Director that the Policy is being complied with.

6.6 Head of Property and Facilities Management

The Head of Property and Facilities Management has overall accountability for non-housing Property related health and safety matters, except for properties managed by third parties on our behalf, and leased properties:

- Responsible for the design, construction, installation, security, maintenance, inspection, decommissioning, demolition and refurbishment of the Council's property portfolio, ensuring compliance with health and safety requirements including statutory obligations;
- Ensure that all persons and contractors engaged in the Council's property portfolio are competent and aware of their responsibilities in relation to health and safety whilst on Council property; and
- Ensure that roles and responsibilities are set out and adhered to in lease and sub-lease agreements, including maintenance and repair obligations.

6.7 Head of Place Development

The Head of Place Development has responsibility for housing Property related health and safety matters:

- Responsible for the design, construction, installation, security, maintenance, inspection, decommissioning, demolition and refurbishment of the Council's Housing portfolio, ensuring compliance with health and safety requirements including statutory obligations;
- Responsible for the provision of information and guidance to occupiers of the Council's housing portfolio to ensure their safety;
- Ensure that all persons and contractors engaged in the Council's housing portfolio are competent and aware of their responsibilities in relation to health and safety whilst on Council property.

6.8 Executive Director of Resources

The Executive Director of Resources reports to the Chief Executive on the development of strategies that support the Policy. In particular, the role has responsibility for:

- Advising CLT on current and future health and safety requirements;
- Ensuring that the Policy, strategy and objectives reflect the Council's business priorities;
- Ensuring that a safety management framework is in place, to enable the appropriate health and safety policies and procedures to be developed, maintained, monitored and reviewed;
- Ensuring that sufficient competent health and safety resources are provided to enable the development of the Policy, strategy, supporting H&S policies, provision of technical advice and management of incidents;

- Ensuring that appropriate general health and safety information and training is provided to management and employees including training to update and refresh;
- Keeping the Chief Executive informed on health and safety performance, and significant incidents and issues;
- Ensuring the Council Risk Management Framework and the Annual Assurance process includes the Policy; and
- Ensuring that the Council policies and supporting mechanisms for managing risk facilitate the management of health and safety risks and identification of non-compliances.

6.9 Head of Human Resources

The Head of Human Resources has responsibility for:

- Ensuring the adequate provision of Occupational Health services, including pre-employment health screening, medicals, vaccinations and health surveillance;
- Ensuring the adequate provision of Employee Assistance support;
- Ensuring that appropriate people policies and procedures are developed, maintained and monitored for work related stress, violence and aggression, driving at work, alcohol and drugs, fatigue and other physiological and psychological stresses;
- Ensuring that mandatory training for employees is defined, communicated and its completion is monitored and reported.

6.10 Corporate Health and Safety

6.10.1 Corporate Health and Safety Manager

- Responsible for defining content of this Policy, and reviewing on an annual basis and after any major incident, and updating as necessary;
- Responsible for defining content of supporting H&S policies, and updating as necessary;
- Responsible for providing guidance, interpretation and materials as required, to help achieve compliance with this Policy;
- Responsible for defining the minimum required compliance information / metrics that should be used to continually evaluate compliance, and reporting onwards appropriately;
- Responsible for maintaining a well-sighted 'opinion' on compliance with the Policy across the Council;
- Responsible for ensuring consultation with employees and their representatives on health and safety matters;
- Be the primary 'competent person' for health and safety matters, with authority to engage other competent people as appropriate to ensure appropriate expertise; and
- Be the primary point of contact with external regulatory bodies.

6.10.2 Corporate Health and Safety Advisors

- Supporting and advising the Service Areas and Localities as ‘competent persons’, including provision of H&S training;
- Responsible for monitoring compliance with this Policy by collating compliance information and metrics, and reporting onwards appropriately;
- Responsible for undertaking H&S audits to evaluate compliance with this Policy, and recommending action required to meet the required standards; and
- Responsible for investigating incidents, accidents, injuries, work related ill-health as appropriate, and liability claims, with specialist input where required.

6.11 Building or Site H&S Responsible Person

At building / site level, the ‘H&S Responsible Person’, working under the direction of the Heads of Service, is responsible for overseeing all aspects of the day-to-day operation of the Policy within the areas under their control, and:

- Ensuring all health and safety and welfare risks under their management are identified, assessed and controlled, with specialist input from H&S Advisers and others where required;
- Ensuring that the requirements in this Policy are communicated and followed by all employees and third parties including service users and pupils;
- Ensuring H&S training needs analysis is carried out, and delivered within the timescales, including induction training;
- Ensuring they promote the reporting of all incidents (including ‘near misses’), accidents, injuries and work-related ill-health, and any hazards, damage or defects;
- Ensuring that workplace inspections are carried out each quarter (termly in schools), and that these are documented and required remedial action is acted upon in a timely manner;
- Ensuring that regular documented checks of the premises are carried out and required remedial action is acted upon with appropriate speed of response;
- Ensuring that incident escalation arrangements are in place and communicated;
- Ensuring investigations are carried out for incidents (including ‘near misses’), accidents, injuries and work-related ill-health, and any hazards, damage or defects with specialist input where required, and required remedial action is acted upon with appropriate speed of response; and
- Ensuring that roles and responsibilities are set out for let agreements and out of hours access to Council premises to third parties.

6.12 Multi-occupied Building or Multi-occupied Site H&S Responsible Person (in Council Buildings/Sites occupied by multiple Council Service Areas)

Responsible for the co-ordination and co-operation where required of health, safety and fire responsibilities that cross Service Area boundaries in the building or site, including:

- Fire alarm testing
- Fire / other evacuations
- Fire wardens
- First-aiders
- H&S records (e.g. fire safety, asbestos, water safety, electrical safety, statutory testing of equipment)
- Incident escalation

6.13 Line managers

Responsible for:

- Ensuring that the Policy and supporting policies are understood and followed by their direct reports and others under their control;
- Ensuring that health and safety goals and/or measures are set for direct reports and others under their control;
- Ensuring all health and safety risks under their management are identified, assessed ¹and controlled, with specialist input from H&S Advisers and others including Occupational Health where required. Where the risks cannot be adequately controlled the activity should not proceed;
- Ensuring that all H&S training is conducted for their direct reports and others under their control, and records are maintained; and
- Ensuring adequate supervision and monitoring of their staff to ensure their safety and welfare.
- Investigating incidents (including 'near misses'), accidents and work related ill-health, with specialist input from H&S Advisers and others including Occupational Health where required.

¹ Risk Assessments must be reviewed at least annually.

6.14 **All employees**

Responsible for:

- Taking care of their own health and safety and welfare, and that of others who may be affected by their actions or omissions;
- Co-operating with management and following instructions, safe systems and procedures;
- Reporting any hazards, damage or defects immediately to their line manager; and
- Reporting any personal injury and work related ill health, and accident or incident (including 'near misses') immediately to their line manager, and assist with any subsequent investigation, including co-operating fully with the provision of witness statements and any other evidence that may be required.

6.15 **Third parties**

Responsible for:

- Taking care of their own health and safety and others who may be affected by their actions or omissions;
- Co-operating with Council instructions, safe systems and procedures;
- Reporting any hazards, damage or defects immediately to the person in charge; and
- Reporting any personal injury and work related ill health, and accident or incident (including 'near misses') immediately to the person in charge and assist with any subsequent investigation, including co-operating fully with the provision of witness statements and any other evidence that may be required.

6.15 **Contractor management**

It is the responsibility of the Contract Owner within the Service Area / Department to:

- Ensure that contractors have undergone appropriate and robust checks, and are deemed competent and suitable to undertake work for the Council;
- Provide contractors with all necessary information including the Policy and relevant procedures;
- Ensure that contractors have provided the necessary H&S control documents (e.g. H&S risk assessments and method statements);
- Plan, manage, resource and supervise the work, proportionate with the level of risk; and
- Ensure that all contractor personnel co-operate with any incident investigation on the part of the Council, including by the provision of witness evidence.

6.16 Council Health and Safety Group

- Reviews and recommends the Policy, and the Risk Appetite Statement and Tolerances for approval;
- Approves the Council H&S strategy and Council-wide programmes;
- Provides oversight for health and safety across the Council; and
- Monitors H&S performance and compliance with the Policy, directing action where required.

6.17 'Council Health and Safety Group' Members specific responsibilities for their Service Area

Council Health and Safety Group members who represent a Service Area are individually responsible for:

- Promoting visible commitment to the health and safety agenda;
- Leading the implementation of the Policy in their Service Area;
- Incorporating Council Health and Safety strategy, relevant deliverables, KPIs and targets into Service Area Plans;
- Ensuring decisions and actions from the Council Health and Safety Group are cascaded to their SMT;
- Ensuring that their SMT is updated on H&S performance and risks & issues in their Service Area;
- Reporting health and safety performance and risks & issues to the Council Health and Safety Group, on a quarterly basis; and
- Ensuring that the Council Health and Safety Group is provided with all necessary H&S information, to enable it to fulfil its remit.

6.18 Employee participation

The Council recognises the importance of joint consultation with its recognised Trade Unions, and the valuable input of Safety Representatives and the Council Health and Safety Consultation Forum to promote a low risk tolerance for health and safety risk.

The remit of the Council Health and Safety Consultation forum:

- To promote a low tolerance approach to health and safety risks;
- To consider, review and make recommendations to the Corporate Health and Safety Manager and/or Council Health and Safety Group on health and safety matters;
- To assist in the development of Council policy, procedures and guidance on matters relating to health and safety at work; and
- To raise awareness of Council Health and Safety initiatives.

Related documents

7.1 Corporate Health and Safety Governance Framework.

Equalities impact

8.1 There are no equalities issues arising from this Policy.

Sustainability impact

9.1 There are no sustainability issues arising from this Policy.

Risk assessment

10.1 The potential impact of failure to manage health and safety and welfare includes: death, injury, ill health, in addition to legal liabilities, regulatory censure, financial losses, business disruption and reputational damage.

Review

11.1 In line with the Council's Policy Framework this policy will be reviewed annually or more frequently if required.