



Leicester
City Council

Finance, Resources & Equal Opportunities Scrutiny
Committee
CABINET

5 JULY 2001

16 JULY 2001

HEALTH & SAFETY ANNUAL REPORT

Report of the Town Clerk

1. PURPOSE OF REPORT

- 1.1 To submit the annual report of significant Health & Safety issues, and outline action being taken to improve arrangements. The Cabinet lead (Councillor Osman) has asked that the Scrutiny Committee's views be requested before the report is considered by the Cabinet.

2. SUMMARY

- 2.1 Health & Safety is an important matter which places statutory responsibilities on everyone within the Council. The adequacy of resources to meet the Council's obligations is a Member responsibility. I became responsible for the corporate Health & Safety function when the Human Resources Division transferred to my Department. The Directors' Board has nominated me its "*Health & Safety Director*" to champion risk management issues (without diminishing anyone's direct responsibilities). This anticipates imminent new guidelines from the Health & Safety Executive (HSE). Directors have gone one step further and are nominating "*Health & Safety ADs*" to mirror my role at departmental level.
- 2.2 I have reviewed the Council's Health & Safety arrangements and found that improvements are required to address weaknesses in certain aspects of:
- Communications, in particular the transfer of lessons learnt to all parts of the Council for appropriate action;
 - Monitoring and auditable evidence;
 - Systematically addressing the most significant risks.
- 2.3 The HSE has a similar view of these weaknesses following recent inspections and action is being taken.
- 2.4 The Directors' Board has considered the attached Annual Report, which summarises responsibilities and gives a broad indication of strengths and further action required. It has endorsed a project plan to completely review and

improve the Council's Health & Safety arrangements by 31 March 2002. This systematically tackles all areas, including:

- An updated Policy Statement (current version attached);
- Monitored action plans for the most significant risks (initially monitoring contractors; asbestos; water safety; stress; upper limb disorders);
- Clearer responsibilities, procedures and monitoring;
- Effective communication, including transferring lessons learnt across the Council;
- The adequacy of resources and training.

2.5 Safety Advisers have risen well to the challenge and are making good progress with the plan.

2.6 Finance, Resources and Equal Opportunities Scrutiny Committee on 5 July noted the report and asked Cabinet to explore ways to reward staff who reported Health & Safety concerns and/or identified ways to address such issues.

3. FINANCIAL AND LEGAL RESPONSIBILITIES

3.1 Failure to meet Health & Safety responsibilities and provide safe systems of work exposes the Council and certain individuals to the possibility of legal proceedings by the HSE and individuals who suffer damage.

3.2 Any resourcing issues will be identified in time for the next budget round.

4. RECOMMENDATIONS

4.1 That the issues and action being taken be noted.

4.2 That any resourcing issues are addressed in the next budget round.

4.3 That the views of the Scrutiny Committee be considered.

5. AUTHOR

Tom Stephenson
Town Clerk
Ext: 6300

LEICESTER CITY COUNCIL

HEALTH AND SAFETY POLICY STATEMENT

Draft Dated 18 May 2001

Everyone within the Council has Health & Safety responsibilities and they cannot pass them on to others. The Health and Safety at Work (etc) Act 1974 and Associated Legislation imposes a statutory duty on employers to ensure so far as is reasonably practicable the health, safety and welfare of their employees whilst at work. This duty also extends to others who may be affected by that work.

Employees also have a statutory duty to take care of themselves and others who may be affected by their acts or omissions whilst at work.

To enable these duties to be carried out, it is our intention to ensure that the organisation and arrangements for an effective Health and Safety management system are maintained at all levels within our organisational structure.

1. The Council, its managers and employees will, so far as is reasonably practicable, ensure that:
 - Safe systems of work are maintained and the working environment of all employees is safe and without risk to health, with adequate provision made for their welfare at work.
 - The place of work is safe and that there is safe access and egress within the work place.
 - Arrangements are in place to ensure that the use, handling, storage and the transportation of articles and substances for use at work are safe and without risk to health.
 - The provision and maintenance of all plant, machinery and equipment is safe and without risk to health.
 - All employees are provided with such information, instruction, training and supervision as is necessary to secure their safety and health at work and the safety of others who may be affected by their actions.
 - Adequate resources are provided so that proper provision can be made for health and safety.
 - Hazard identification and risk assessments are carried out and reviewed at least every two years and after a significant occurrence, claim or new working practice.
 - Where appropriate, health surveillance will be provided to employees.

LEICESTER CITY COUNCIL

HEALTH AND SAFETY POLICY STATEMENT

Draft Dated 18 May 2001

- Activities are undertaken to develop a culture of continual improvement with health and safety addressed in business planning and effective monitoring used to reduce risks.
2. It is the duty of all employees at work:
- To take reasonable care for the health and safety of themselves and of any other person(s) who may be affected by their acts or omissions at work, and to co-operate with management to enable them to fulfil their statutory duties.
 - Not to interfere with or misuse anything provided in the interests of health and safety.
 - To report any unsafe acts, or conditions to their manager.
 - To report all accidents, incidents and ill health to their manager at the earliest opportunity.
3. General:
- This Health and Safety Policy will be reviewed every three years and after any change which significantly affects it.
 - Communication of any such changes will be made known to all employees within the Council.
 - There are established and maintained procedures for consultation and communication between all levels of management and employees on all matters relating to health, safety and welfare.
 - Management will liaise and consult with Trade Unions Safety Representatives and attend Safety Committee Meetings when necessary.
 - The Council's Safety Officers/Advisers will monitor the effectiveness of this policy and advise on safe working practices within their own departments.

Signed:.....

R A R Green
Chief

Date:

Executive

ANNUAL REPORT ON THE MANAGEMENT OF HEALTH AND SAFETY

REPORT OF THE SENIOR HEALTH AND SAFETY ADVISOR

1. Purpose

To comply with the request made by the Board at its meeting on 27th March 2001, that the annual report be re structured to provide an overview of responsibilities, progress towards meeting them, and areas for further action. This report provides an overview, detailed action is contained in the Health and Safety Project Plan submitted separately by the Town Clerk and Director of Corporate Resources.

2. Summary

The responsibilities of the Chief Executive, Directors' Board and individual Directors are documented in Part A of the Safety Manual, and reinforced in the HSC Consultative Document "Health and Safety Responsibilities of Directors", copies of which were tabled by the Town Clerk and Director of Corporate Resources, at the meeting of 27th March 2001. It is of vital importance that they and their Senior Staff are familiar with these documents. To discharge the duties (though not the personal responsibility) of these named individuals they must be able to demonstrate compliance with the core responsibilities set out under the following heads. The difficulties which have been regarded as arising in the past are discussed in detail in the Report of the Town Clerk dated 20th March, 2001, (submitted to the Board on the 27th March 2001) and it is not thought useful to repeat the detail of those matters here.

In summary they are:

"The Council's systems need to be revised, even though they have avoided problems in the past better than she thought they would

The HSE have held back whilst we sorted things out after Unitary Status. Our time is up.

The Council is running risks for two main reasons:

- 1) Lack of dialogue between and sometimes within Departments (for example scalding risks identified by contractors had not been addressed in other establishments months later);
- 2) Inadequate monitoring: although this is a common fault in authorities, Judith Reilly said she could never find evidence of monitoring on her visits to Leicester."

Directors are therefore put on notice regarding areas that require particular attention.

The identification of the issue, the obtaining and implementation of the “Health and Safety Project Plan” are positive and progressive actions and reflect an increased awareness of these issues. These important points apply to all areas of responsibility set out below: they will not be repeated, but should not be forgotten.

Core Health and Safety Responsibilities

Chief Executive

Individual Responsibility

So far as is reasonably practicable to:

- Ensure that safety is considered at all times to be a critical management function and is included in Business Planning.
- Ensure proper arrangements are in place for effective planning, organisation, control monitoring and review of all reasonably necessary preventative and protective measures
- Record all measures stated above
- Appoint sufficient competent persons and ensure adequate time and resources are available to them.
- Keep up to date with safety issues as reported in relevant professional journals, and the Safety Manual.

Strengths

- Annual Report
- Safety Manual
- CHSU and Departmental Safety Advisors
- The appointment of a Director to champion H&S
- Statement of Safety policy.

Areas for Further Action

- Review effectiveness of strengths
- Revise the Council’s systems to ensure they address monitoring and communications.
- Review and reissue the Council’s Statement of Safety Policy, ensuring the commitment of all Board Members.
- Ensure consistent approach to safety in the Business Planning Process

Directors Board

Responsibilities as a body

So far as is reasonably practicable:

- Ensuring co-operation and communication within and between Departments, through Directors’ Board and other means to be identified and maintained by them.
- Monitoring performance and compliance throughout the Council

- Assisting and supporting the Chief Executive in respect of Corporate responsibilities as described above.
- Recording all the above measures
- Receiving an annual report on Health and Safety which co ordinates all Departmental Plans, showing performance against them and residual corporate issues.

Strengths

- Broadly as set out under Chief Executive

Areas for Further Action

- Broadly as set out for the Chief Executive, with particular emphasis on ensuring the effectiveness of communications of corporate issues.

Directors

Individual Responsibility

So far as is reasonably practicable

- Produce a Departmental Action plan
- Ensure that Safety is considered as a critical management function at all times and is included in Business planning
- Clarify the responsibilities of Assistant Directors profile training and resource requirements and implement them
- Have in place a system to enable those with responsibilities for risk assessment to report those risks that they cannot control locally at manager level and prioritise an action plan to address them
- Have in place a monitoring system to ensure all the above measures are carried out
- Resource Departmental safety advisors to enable them to work corporately, with particular emphasis at present on the “Health and Safety Project Plan”
- Ensure compliance with corporate systems of working unless exceptional and specific departmental circumstances justify
- Keep up to date with safety issues as reported in their professional journals.
- Familiarise themselves with section B of the safety manual and ensure the arrangements specified in that section do not conflict with section A.
- Review the communications style in Sections B and D of the Manual to ensure the documentation is accessible and usable
- Maintain records of organisational structures and responsibilities within them, training and maintenance of plant and equipment.

Strengths

- Control of Departmental Resources and management structures
- Departmental Safety advisors
- Access to CHSU, directly and through management/advisors

- Mutual support at Directors' Board level.

Area for Further Action

- Review effectiveness of strengths
- Be able to demonstrate that effective systems for communication and monitoring are in place

DMT Members.

Responsibilities as a body

So far as is reasonably practicable:

- To elect one of their number (usually the AD resources) to champion and co ordinate Health and Safety within their Department. The role mirrors that of the Health and Safety Director. It is acknowledged that this is still subject to approval.
- To ensure that Health and Safety is considered a critical management function and is included in business planning.
- To produce a Departmental Safety Action Plan and to monitor its implementation by arranging for six monthly progress reports to be submitted to DMT meetings by Departmental Safety Advisors.
- To report corporately issues which cannot be addressed at Departmental level or have implications for the Council as a whole.

Strengths and Areas for further Action

- The concerns relating communications and effective monitoring make it difficult to demonstrate either of the above. These issues are being addressed in the Health and Safety Project Plan.

Assistant Directors.

Individual Responsibility

So far as is reasonably practicable:

- To keep up to date with Safety issues as reported in their professional journals, the Safety Manual and any other guidance provided by the Employer.
- To know the limits of their own competency and obtain advice/assistance from their Departmental Safety Advisor
- To ensure that safety is considered at all times to be a critical management function and is included in Business Plans
- To specify those with responsibilities listed above
- To profile training and resource requirements and implement them
- To prepare a Divisional Safety Action Plan and monitor its implementation
- To report to DMT any issues which cannot be addressed within their Division, or may relate to the rest of the Department or the Council as a whole for inclusion in the Departmental Action Plan.

- To record all the above activities

All Managers

Individual responsibilities

So far as is reasonably practical to:

- Ensure that Safety is considered at all times to be a critical management function and is included in Business Plans
- Ensure that hazard identification and risk assessments are carried out and reviewed no later than annually and as part of dangerous occurrence/accident investigation or prior to the purchase of new equipment or machinery or change of working practices.
- Implement controls arising from this process immediately where the risk necessitates it, or to plan action training and expenditure, necessary where controls cannot be put in place immediately or the risk presented by the hazard does not present a threat to life and limb.

NB controls can include stopping work

- Report any risks outside their control to their Divisional Head for inclusion in the Divisional Safety Action. Also to report any issues that have Divisional /Departmental or Corporate implications to their Divisional Head
- Record all the above activities
- Keep up to date with safety issues as reported in their professional journals, the Safety Manual and any other guidance provided by the Employer.
- Co operate with the arrangements put in place by the Employer
- Know the limits of their own competence and obtain advice/assistance from their Departmental Safety Advisor.

Employees.

- To co operate fully with the arrangements put in place by the Employer to secure the safety of themselves and others in respect of training, information, safe systems of work including PPE and reporting faults

Departmental safety advisors

- To provide specialist advice
- To co ordinate and monitor Departmental Safety Action Plans
- Report progress to the CHSU at the 6 monthly review meetings
- Raise any corporate issues or those which have implications for the rest of the Council at the monthly meetings with the CHSU and at the 6 monthly reviews.

CHSU

- To chair the Council Wide Safety Committee
- To chair the monthly meetings of Departmental Safety Advisors
- To provide accident and attack statistics
- To co ordinate the Council's Safety Manual
- To facilitate on behalf of the TC& Director of Corporate Resources the 6 monthly meetings with Departmental safety Advisors and their managers

- To report to the TC & Director of Corporate resources progress by Departments on their Safety Action Plan and identify outstanding corporate issues together with suggestions for remedial action.
- To prepare an annual report to Directors' Board.

3) Financial and Legal Implications

- The issuing of Improvement Notices, Prohibition Notices, Prosecution of the Council and Individual criminal prosecution of Directors including the Chief Executive for offences by the corporate body of which they are in control. It should be noted that prosecution of individuals can include imprisonment and uninsurable fines.
- Resource implications are addressed in the Health and Safety Project Plan.

4) Recommendations

- That this report be accepted

5) Report Author

- Gwyneth Atkinson Senior Health and Safety Advisor