

**REPORT TO:** EXECUTIVE  
**Date of Meeting:** 6<sup>th</sup> DECEMBER 2016

**Report of:** Paul Barton, Principal Health and Safety Officer  
Office of the Assistant Director Environment  
**Title:** EXETER CITY COUNCIL HEALTH AND SAFETY POLICY

**Is this a Key Decision?** No

**Is this an Executive or Council Function?** Executive

**1. What is the report about?**

The report details the Council's organisation and arrangements in respect of its statutory duty under the Health and Safety at Work Act etc. 1974 and other supplementary legislation. The report is known as the Exeter City Council Health and Safety Policy.

The Health and Safety Policy is reviewed every three years and is accompanied by a Health and Safety Policy Statement, which is also a legal requirement and must be displayed in all Council Buildings where the Council's employees are stationed.

There are minor changes to the Organisation and Arrangements, but no change to the Policy Statement other than to date it 2016.

**2. Recommendations:**

That the Council's Executive ratify the Health and Safety Policy.

**3. Reasons for the recommendations:**

To ensure the Council complies with its statutory duty under the Health and Safety at Work Act 1974 and supplementary supporting legislation..

**4. What are the resource implications including non-financial resources:**

Health and safety at work is equal to all other Council business.

**5. Section 151 Officer comments:**

There are no financial implications contained within this report.

**6. What are the legal aspects?**

Failure to comply with the provisions of the Act could result in the Council being prosecuted for organisational failings under the Health and Safety at Work Act 1974 and other supplementary supporting legislation. Clearly this would be extremely undesirable both in terms of financial impact and more importantly loss of reputation.

**7. Monitoring officer Comments:**

No comments.

**8. Report Details:**

The report is attached at Appendix I

**9 What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, Economy safety and the environment?**

No impact on these groups.

Paul Barton, Principal Health and Safety Officer  
**Local Government (Access to Information) Act 1972 (as amended)**

**Background papers used in compiling this report:**

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## Appendix I

# Health and Safety at Work



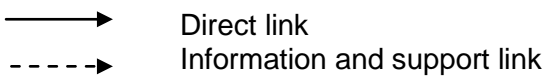
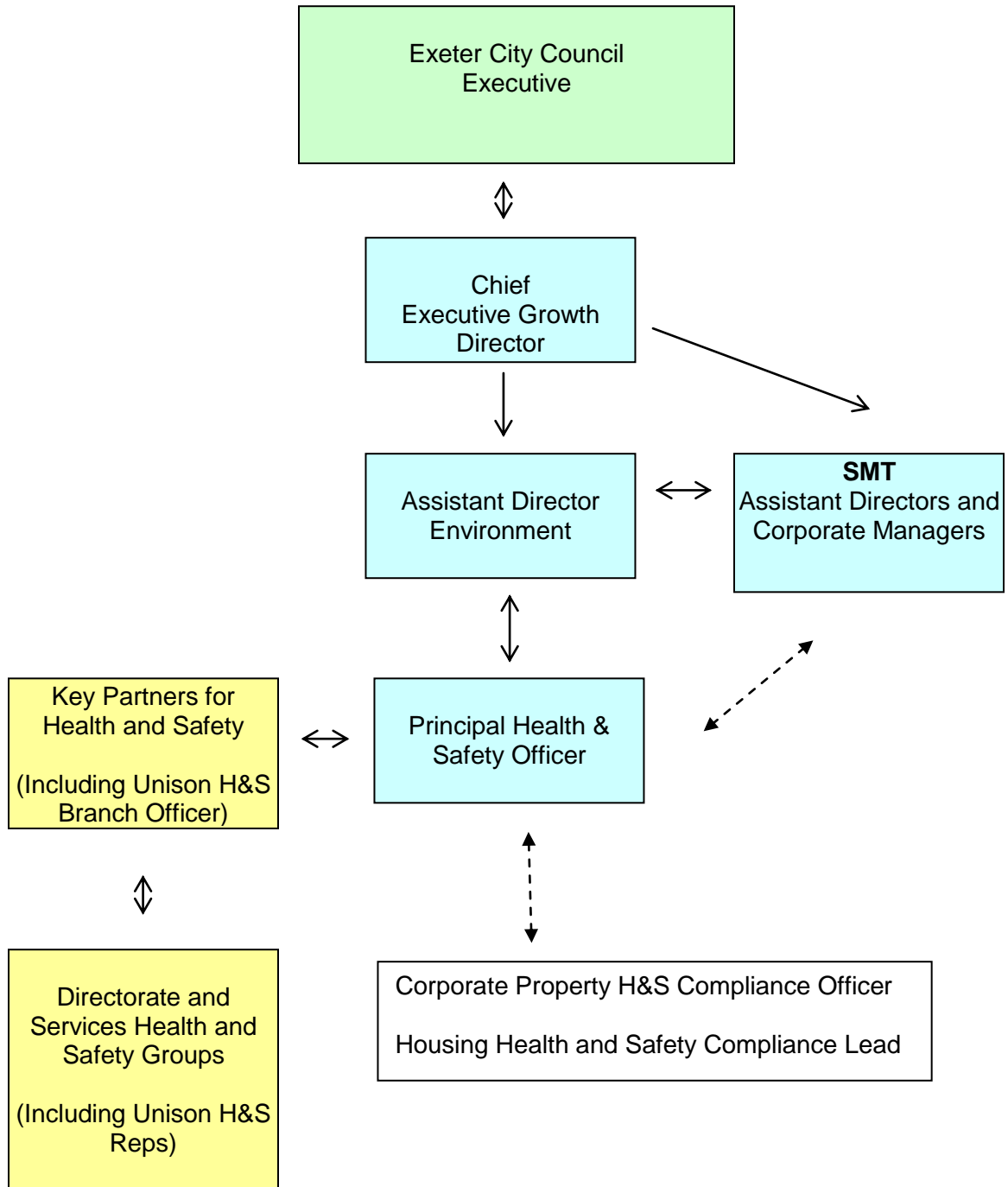
## Health and Safety Policy

### Organisation and Arrangements

1. The law requires that ultimate responsibility for health and safety rests with the highest level of management. The Council must comply with the Health and Safety at Work etc. Act 1974. In practice the Chief Executive with other key staff, are responsible to the Council for ensuring successful management of the Council's health and safety policy. Key staff responsibilities are set out in this policy and are reflected in job descriptions. A structure chart shows the line of management.
2. The Council's health and safety obligations and responsibilities fall within the terms of reference of its Executive Committee.
3. The Chief Executive is responsible for the implementation of the Council's Health and Safety Policy and ensuring compliance with the Council's legal duties.
4. The Assistant Director Environment is responsible to the Executive Committee for:
  - (a) Advice on the Council's duties under the Act; and
  - (b) Ensuring that the Health and Safety Policy is being implemented.
5. The Assistant Director Environment is responsible for advising the Executive Committee on the personnel aspects of advice and policy implementation under 4 above.
6. Assistant Directors are responsible to the Chief Executive for ensuring compliance with the Council's Health and Safety Policy within their Directorate including at all buildings, sites and activities for which they are responsible.

- 7 Corporate Managers are responsible to the Deputy Chief Executive for ensuring compliance with the Council's Health and Safety Policy within their services including at all buildings, sites and activities for which they are responsible.
8. The Corporate Manager Democratic & Civic Support is also responsible in the Civic Centre for compliance with the Council's Health and Safety Policy throughout the parts used in common, and for the communal building services.
9. The Assistant Director Environment will lead on the measures necessary to manage asbestos, and will advise on measures for the control of Legionella bacteria in water systems.
10. Each Assistant Director and Corporate Manager is responsible for ensuring that the Council's Health and Safety Policy is implemented within their own service area.
11. The Principal Health and Safety Officer acts as the Corporate Health and Safety Adviser. Health and Safety Compliance Officers are in place for Housing Services and Corporate Property, reporting to their respective Corporate Manager / Assistant Director, to underpin corporate compliance for these respective services.
11. The Assistant City Development Manager (Building Control) will provide technical assistance with the fire risk assessment process and help verify the adequacy of assessments.

## ORGANISATIONAL STRUCTURE



## *KEY RESPONSIBILITIES - THE COUNCIL*

The Executive Committee has responsibility for:

1. Ensuring the health, safety and welfare at work of all Council employees.
2. Taking all proper steps to ensure that no one else is exposed to risks to their health and safety, arising from any activity of the Council.
3. Ensuring that where the Council exercises control over any non-domestic premises, made available to anyone else as a place of work, they are safe and without risks to health. This includes access and exit pathways and any plant or substance supplied for use.

In order to meet these responsibilities the Committee shall:

1. Ensure there is an effective overall policy for the health, safety and welfare of employees and the health and safety of others.
2. Ensure that the policy is reviewed, at least every three years, sooner if there is a need, due to changes of law, guidance or activity.
3. Ensure that suitable and sufficient assessments of the risks to the health and safety of employees and others are made, recording the significant findings of the assessments.
4. Ensure that the preparation of additional topic specific policies and guidance, as appropriate to ensure effective health and safety management.
5. Ensure an annual Corporate Health and Safety Action Plan is approved by April each year.
6. Ensure that staff are fully consulted and informed on Health, Safety and Welfare matters.

7. See that reasonable steps are taken to investigate reported adverse events, e.g. accidents, incidents, reportable dangerous occurrences and reportable disease, and that the findings are taken into account in revising relevant risk assessments.
8. Ensure that appropriate health and safety information is included in an annual published report on the Council's activities and performance. Performance is to be assessed by a programme of monitoring and audit.

## **KEY RESPONSIBILITIES - CHIEF EXECUTIVE & GROWTH DIRECTOR**

The Chief Executive, as head of the paid service and Growth Director, will:

1. Take responsibility for the implementation of the City Council's overall health and safety policy and topic specific policies.
2. Ensure that the Deputy Chief Executive, the Assistant Directors, The Corporate Managers and Direct Reporting Managers fulfil their responsibilities for health, safety and welfare.
3. Ensure that the responsibilities for health, safety and welfare are properly allocated and accepted at all levels.
4. Plan for adequate staffing, finance and resources to meet the Corporate Health and Safety Action Plan.
5. Promote a positive culture of health and safety at work by taking a direct interest in the Corporate and Directorate Action Plans, and by lending support to the people carrying them out
6. Aim to reflect the 'Exemplar' status expected of a local authority enforcing health and safety in the commercial sector.
7. Ensure that appropriate liability insurance is put in place.

8. Review at least annually the implementation of the Corporate Health and Safety Policy and agree an annual action plan.
9. Ensure that reasonable steps are taken to investigate reported adverse events, e.g. hazards, accidents, reportable dangerous occurrences and reportable disease, and that the findings are taken into account in revising relevant risk assessments.
10. Ensure that appropriate health and safety information is included in an annual published report on the Council's activities and performance.

## **KEY RESPONSIBILITIES – DEPUTY CHIEF EXECUTIVE**

The Deputy Chief Executive will:

1. Actively promote a positive 'health and safety culture', by setting an example to others in all health and safety matters, at all times.
2. Be directly responsible to the Chief Executive for the implementation of Corporate Health and Safety Policies within his areas of responsibility.
3. Put systems into place, via delegation to the Corporate Manager for HR, to ensure that all Assistant Directors and Corporate Managers receive adequate training to enable them to co-operate in carrying out policies, and understand their own duties under the Act. Training will cover the purpose of 'risk assessment', the need for risk assessment and how to apply safe systems of work, e.g. 'safe working practices' and 'permit to work'. Details can be found in the Corporate Health and Safety Training Strategy.
4. Ensure consultation takes place with the Principal Health and Safety Officer and the relevant appointed health and safety representative before the introduction of a new or revised health and safety management strategy.



5. Ensure that an annual health and safety action plan is prepared for the Directorates reflecting both the needs of the Corporate Plan and of the individual Directorates, each year.
6. Take positive action when it can be demonstrated that health and safety rules have been broken. Disciplinary procedures should be considered in all cases.
7. Ensure that adequate first-aid provision is available to all staff across their service areas. This can take into account provision within other directorates.
8. Take an active part in the review of Council's Health and Safety Policies, as they affect the operations carried out within, or under the control of, their areas of responsibility.
9. Ensure that there is appropriate evaluation of all reported adverse events e.g. hazards, incidents, accidents, and reported ill-health, involving work activity, in their areas of responsibility where they involve actual or potential injury, health risks, loss or damage to City Council property, and risks to the public, ensuring that the findings are taken into account in revising any relevant risk assessment. Besides an evaluation by the Assistant Director or Corporate Manager for each reported event, a review of adverse events should take place at regular intervals by the relevant meeting structure within Directorates.
10. Ensure that Corporate Managers within his area of responsibility have implemented written safe systems of work e.g. 'safe working practices' and 'permit to work' in those areas of work where the 'risk assessment' indicates that a significant risk of injury or ill health will still be present despite existing controls.
11. Submit information where necessary to contribute towards the preparation of an annual report on the Council's health and safety activity and performance, for publication to the Principal Health and Safety Officer.

## **KEY RESPONSIBILITIES – ASSISTANT DIRECTORS and CORPORATE MANAGERS**

Assistant Directors and Corporate Managers will:

1. Actively promote a positive 'health and safety culture', by setting an example to staff in all health and safety matters, at all times.
2. Be directly responsible to the Chief Executive & Growth Director (Assistant Directors) and Deputy Chief Executive (Corporate Managers) for the implementation of Health and Safety Policies and appropriate guidance, contributing to fulfilment of the Directorate action plan in so far as it affects their Service.
3. Execute annual action plans for health and safety for their service(s) in consultation with the Chief Executive Growth Director (Assistant Directors) or Deputy Chief Executive (Corporate Managers)
4. Ensure that they and all other staff within their service(s) receive adequate information, instruction and training, to enable them to carry out their job without risks to their own and others health and safety. Training will enable staff to understand the purpose of 'risk assessment' and the need for and how to apply safe systems of work e.g. 'safe working practices' and 'permit to work'.
5. Ensure that there is a systematic approach to carrying out suitable and sufficient assessments of risks to health and safety of staff and others, for the purpose of identifying measures to comply with the requirements imposed by law. Risk Assessment is to be applied to all activities in the Service.
6. Initiate, as necessary, the preparation of written safe systems of work e.g. 'safe working practices' or 'permit to work' are prepared and implemented in those areas of work where the 'risk assessment' indicates that a significant risk of injury or ill health will still be present despite existing controls.

7. Consult with the Principal Health and Safety Officer and relevant appointed health and safety representatives before the introduction of a new or revised safe system of work.
8. Take positive action when it can be demonstrated that health and safety rules have been broken. Disciplinary action should be considered in all cases.
9. Evaluate all reported adverse events, i.e. hazards, incidents, accidents and reported ill health, involving work activity, within their Service where they involve actual or potential injury, health risks, loss or damage to City Council property, and risks to the public. Ensure that any findings are taken into account in revising any relevant risk assessment. Sign off all completed internal ECC Accident/Incident Report forms within their service(s) to demonstrate this has been done.
10. Ensure that a completed internal ECC Accident/Incident Report form is given to the Principal Health and Safety Officer, without delay, in all cases of adverse events, e.g. hazard, accident, ill health or incidents, arising in the course of Council activities in the Service.
  - i. A full procedure for reporting adverse events using the ECC Accident / Incident Report form is set out in CityNet Health and Safety pages. There is also a flow chart displayed on the wall of all Council buildings adjacent the Health and Safety Policy Statement.
  - ii. In the case of a fatality, 'dangerous occurrence' or 'major injury', arrange immediate contact with the PHSO, and with an appointed health and safety representative – trade union or non-union).
11. Ensure that the contractors they engage work safely and comply with health and safety legislation, policies and procedure. (A 'Health and Safety Code of Practice' for Contractors is available on City Net page 4682 or from the Principal Health & Safety Officer).
12. Contribute, as requested, towards the preparation of an annual report on the Council's health and safety activity and performance, for publication.

13. Additionally cooperate with the Internal Audit Manager in audits to check for compliance with health and safety legislation, council policies, etc.
14. Appoint 'key partners' from the directorates to work with the Principal Health and Safety Officer towards successful health and safety and risk management.

## **KEY RESPONSIBILITIES – ASSISTANT DIRECTOR ENVIRONMENT**

The Assistant Director for Environment will, in addition to normal responsibilities as an assistant director, be responsible for:

1. Implementing a programme of health and safety monitoring of City Council Activities, based on risk.
2. Ensuring that the Principal Health and Safety Officer effectively undertakes Health and Safety activities.
3. Advising the Chief Executive Growth Director on the health and safety implications of any unsatisfactory work practices or working conditions that affect staff or others that are not remedied as required.
4. Effective liaison with the Health and Safety Executive and occupational health advisers, as required.
5. Ensuring a report to the Health and Safety Executive of all reportable injuries, dangerous occurrences and cases of ill health.
6. Assisting the Corporate Manager Legal in provision of training for all staff on Health and Safety issues, in particular with the review of the Health and Safety Training Policy.
7. Ensuring that there is a systematic approach by managers to carrying out suitable and sufficient assessment of risks to the health and safety of staff and others, for the purpose of identifying measures to comply with requirements imposed by law.

8. Evaluating all reported adverse events e.g. hazards, accidents, incidents and reported ill-health, arising from the work activities of the Council where they involve injury, health risks, loss or damage to property, and risks to the public; ensuring that the findings are effectively communicated to others and that proposals to strengthen the risk control systems are made where necessary.
9. Advising on the content and review of Health and Safety Policies, action plans, and appropriate guidance.
10. The preparation of an annual report, for publication, covering the Council's health and safety activity and performance.
11. Advising the Council of the measures necessary to ensure successful management of any health and safety at work risk. This includes the content of any policy and the organisation and arrangements necessary to ensure, as far as is reasonably practicable, that the activities are conducted without risks to the health and safety of employees, customers and others.

#### *KEY RESPONSIBILITIES – CORPORATE MANAGER LEGAL & HR LEAD*

The Corporate Manager Legal and HR, in addition to the normal responsibilities of corporate managers, will be responsible for HR in:

1. Consultation and negotiation with representatives of the staff on those aspects of the policies affecting the staff and their conditions of employment.
2. Contributing to an annual report on the health and safety activities and performance of the Council by supplying statistical data. This will include total employee days lost due to all causes of workplace injury, physical and mental illness, disability or other health problems, and assistance in data for total cost calculations.

#### **KEY RESPONSIBILITIES - PRINCIPAL HEALTH AND SAFETY OFFICER**

The Principal Health and Safety Officer (PHSO) will be responsible to the Assistant Director Environment, to:

1. Prepare the Council's overall Health and Safety Policy, other topic specific policies and guidance, monitoring arrangements to implement them.
2. Keep the policy and implementation arrangements under review, assess effectiveness and recommend changes as necessary to discharge the Council's duties under the Health and Safety at Work Act 1974.
3. Promote suitable and sufficient assessments of risk to the health and safety of staff and others to identify the measures needed to eliminate or control risk, and to comply with health and safety law.
4. Advise Management at all levels on the Council's duties under the Act, including those for induction training.
5. Assist others in the risk assessment process, when necessary, and carry out proactive and reactive assessments over a range of Council activities to monitor the effectiveness of the management of health and safety.
6. Advise on preparation and implementation of risk control systems.
7. Carry out workplace inspections, at the request of (and with) appointed health and safety representatives (both union and non-union), to identify unsafe plant, premises or working conditions.
8. Consider a direction to anyone undertaking work for the Council, to stop work in extreme circumstances where there is an imminent risk of serious personal injury, or a dangerous occurrence ('extreme circumstance' means where in the opinion of the PHSO, an enforcement officer would consider service of a Prohibition Notice). Immediate contact will then be made with the appropriate Assistant Director, Corporate Manager or the most Senior Officer available in the Directorate for them to take control of the situation.

9. Advise on the safety, design and use of plant, equipment and materials.
10. Advise on the selection of protective clothing and all equipment.
11. Arrange for the reporting, recording and analysis of all reported adverse events, e.g. hazards, accidents, incidents, cases of ill health and relevant incidents arising in the course of Council activities; evaluating the report, investigating the circumstances, as necessary; ensuring the findings are effectively communicated to others and that proposals to strengthen risk control systems are made where necessary. Reporting includes forwarding statutory RIDDOR 2013 reports to the HSE.
12. Promote a health and safety awareness programme, to include training of staff and accident prevention techniques in conjunction with the Head of Human Resources.
13. Audit systems to monitor and evaluate the health and safety performance of prospective contractors and those employed by the Council on a proactive and reactive basis.
14. Give advice on standards, methods of work to be specified in contracts.
15. Advise Members and Strategic Management Team via a quarterly report, with a monthly report table of outstanding health and safety actions from the Performance Monitoring Table spreadsheet.
16. Promote proper arrangements to carry out risk assessment required by fire legislation, fire training and practical evacuations, engaging the Building Control Manager in the direct provision of technical advice regarding Council owned or occupied buildings and sites.
17. Collate the available information necessary for and prepare an annual report for publication on the Council's health and safety activities and performance.
18. Advise on assessments for suitable and sufficient provision of first aid and attend meetings of the First Aid Group.

*KEY RESPONSIBILITIES – ASSISTANT CITY DEVELOPMENT MANAGER  
(BUILDING CONTROL)*

The Assistant City Development Manager (Building Control) will in addition to his normal responsibilities provide:

1. Technical assistance to fire risk assessors to enable assessment of the adequacy of fire precautions in Council owned or occupied buildings and sites in so far as buildings comply with the Building Regulations.
2. Verify that the assessments are suitable and sufficient to meet the requirements of the Building Regulations.

These duties to be carried out in consultation with Principal Health and Safety Officer.



## **HEALTH AND SAFETY 'KEY PARTNER' GROUP**

Each Assistant Director and Corporate Manager will appoint one or more of their service(s) managers, or the Health and Safety Lead within their service, to act as a 'Key Partner' to assist in the review of and implementation of Health and Safety Policy and good risk management practice, aiming to promote the 'exemplar' status expected of a local authority enforcing health and safety in the commercial sector.

Each 'Key Partner' will:

- meet with the Principal Health and Safety Officer from time to time and effect liaison within their Directorate
- establish ownership of responsibility for health and safety and risk management in the Directorate, to assist in drawing up implementation plans for health and safety policy and risk management initiatives
- advise on the allocation of tasks and duties in the Directorate
- monitor progress in implementation of policies, good practice and initiatives

They may also, from time to time, be asked to assist other managers, towards achieving the Council's goal of successful health and safety management.

The 'Key Partner' Group will:

- Prepare an annual health and safety action plan including detail of specific areas for review for reference in the Corporate Risk Register, in agreement with Directorate Management Teams
- Receive and monitor reports from Units regarding progress in their health and safety, relevant risk management and insurance challenges. In particular in respect of high risk health and safety topics e.g. required annual tasks, risk assessments,
- Receive and address health and safety, relevant risk management, insurance issues,

- Report to the Directorate Management Teams any health and safety and risk management issues considered to be possible Corporate Risk register entries.

A list of current members is available from the Principal Health and Safety Officer on extension 5456.

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