

REPORT TO EXECUTIVE

Date of Meeting: 9 April 2024

REPORT TO COUNCIL

Date of Meeting: 23 April 2024

Report of: Director Net Zero and City Management

Title: The Council's Health and Safety at Work Policy

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

1.1 The Council's Health and Safety at Work policy has been revised to reflect changes to the council structure, legislation, and best practice. This report highlights the main revisions that have been made. A copy of the proposed revised policy, is provided at Appendix A.

2. Recommendations:

2.1 Executive supports the recommendation to Council to approve the proposed Corporate Health and Safety Policy.

2.2 Council adopts the Corporate Health and Safety Policy.

3. Reasons for the recommendation:

3.1 The Council is responsible for ensuring there is an effective overall policy for the health, safety and welfare of its employees and others as defined under the Health and Safety at Work etc. Act 1974 (Chapter 37).

3.2 It is a requirement that the Council ensures that the Policy is reviewed every three years, or sooner if there is a need due to changes in law, changes in guidance or changes in the Council's activity.

4. What are the resource implications including non financial resources

4.1 The revised policy provides clear guidance for Service Leads and Managers on the role of Workplace Safety Representatives and the duties required and expected of these representatives, particularly to undertake safety inspections of their workplaces and working practices during normal working time.

4.2 The revised policy provides guidance for Premises Managers on their responsibilities under health and safety and is aimed to aid them in resource planning for this requirement.

5. Section 151 Officer comments:

5.1 There are no financial implications for Council to consider arising from the report.

6. What are the legal aspects?

6.1 This report informs Members of the Council's organisational arrangements for health and safety at work in compliance with the Health & Safety at Work etc. Act 1974 and Regulation 5 of the Management of Health and Safety at Work Regulations 1999.

6.2 Section 2 of the 1974 Act states that it is '...the duty of every employer to ensure, as far as is reasonably practicable, the health, safety, and welfare at work of all his employees'.

6.3 In accordance with section 2(3) of the Health and Safety at Work etc Act 1974 the Council must have a written health and safety policy. This policy needs to contain a statement of general policy with respect to the health and safety at work of its employees and the organisation and arrangements in force for carrying out its policy. The statement must be brought to the notice of all of its employees.

6.4 In accordance with Regulation 3 of the management of Health and Safety at Work Regulations 1999, the Council is required to make a 'suitable and sufficient assessment of the risks to the health and safety of his employees to which they are exposed whilst they are at work and the risk to the health and safety of persons not in his employment arising out of or in connection with the conduct by him of his undertaking' in order to identify the measures that need to be taken to comply with the 1974 Act and related legislation.

6.5 Regulation 5 of the Regulations states that employers are obliged to make and give effect to '...such arrangement as are appropriate, having regard to the nature of [their] activities and the size of [their] undertaking, for the effective planning, organisation, control, monitoring and review of the preventative and protective measures. These arrangements must be recorded where the employer employs five or more employees.

7. Monitoring Officer's comments:

7.1 Members attention is specifically drawn to the legal aspects set out in paragraph 5 above.

8. Report details:

8.1 An effective health and safety policy will set a clear direction for the Council to follow, it will contribute to all aspects of business performance as part of a demonstrable commitment to continuous improvement. It will demonstrate a shared common understanding of the Council's vision, values and beliefs. A positive health and safety culture is fostered by the visible and active leadership of senior managers. This is reflected within the policy

8.2 The Council's Health and Safety at Work Policy has been reviewed and minor changes have been made to reflect service changes and changes in guidance and legislation. The main changes are as follows:

- Minor changes to post titles and telephone numbers, references to various documents on the Intranet – throughout the document as consequential changes.
- **Pages 9 and 10** Organisational Structure Chart.
- **Appendix A** Policy dates.
- **Appendix C** Update to arrangements for the Health and Safety Committee which is now part of the Strategic Management Board Meeting schedule. Minor changes to reflect arrangements. Health and Safety will be at the beginning of the agenda to facilitate Union attendance.
- **Appendix F** Updating of Fire arrangements and Designated Premises Managers, addition of Leisure Centres

8.3 The Policy provides details on the Council's organisation and arrangements for health and safety at work, as required by law.

8.4 It should be noted that the Health & Safety Policy is the framework for the Council's Health & Safety response and that there are many other supporting documents such as risk assessments, safe systems of work and operational procedure.

9. How does the decision contribute to the Council's Corporate Plan?

9.1 The Corporate Health and Safety Policy contributes to the delivery of active and healthy communities and excellent service delivery.

10. What risks are there and how can they be reduced?

10.1 Failure to effectively manage health and safety risk increases the likelihood of injury and ill health to staff and others during council activities. Significant failure may lead to a catastrophic event that causes multiple injuries or fatalities to staff and the public.

10.2 Failure to comply with statutory obligations increases the risk of prosecution. Any work practices that result in ill health or injury could result in legal action against the council, financial loss and negative publicity leading to reputational damage.

11. Equality Act 2010 (The Act)

11.1 Under the Act's Public Sector Equalities Duty, decision makers are required to consider the need to:

- eliminate discrimination, harassment, victimisation, and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

11.2 In order to comply with the general duty authorities must assess the impact on equality of decisions, policies, and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

11.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and

new and breastfeeding mothers, marriage, and civil partnership status in coming to a decision.

11.4 In recommending this proposal no potential impact has been identified on people with protected characteristics as determined by the Act because the council's Corporate Health and Safety Policy aims to ensure the protection of employees and anyone else who may come into contact with our activities and services. This includes people at particular risk, for example people with disabilities, pregnant women, and vulnerable service users. The policy helps to enhance Exeter City Council's reputation as a good place to work and live and aims to protect employees and service users taking regard of age, disability, ethnicity, faith/belief, gender, and sexual orientation.

11.5 The policy also supports the council in meeting its statutory public sector equality duties and compliance with the range of employment (equality) regulations.

12. Carbon Footprint (Environmental) Implications:

12.1 Important to complete this section in light of the Council declaring a Climate Emergency. Consider whether the recommendations you are making in the report will help, hinder, or have no direct impact on delivering our carbon reduction target (carbon neutral by 2030).

12.2 You should think about things like:-

- Travel (and, if travel is unavoidable, whether lower carbon options will be pursued e.g., walking, public transport, electric car);
- Infrastructure (e.g., LED lighting, energy efficient heating/hot water, solar panels, electric car charging points);
- Waste (e.g., recycling, composting, reducing non-recyclable waste); and
- Any other specific carbon reduction initiatives.

12.3 No direct carbon/environmental impacts arising from the recommendations.

13. Are there any other options?

13.1 The Corporate Health and Safety Policy is required by law and must be reviewed every three years, or sooner if there is a need due to changes in law, changes in guidance or changes in the Council's activity.

Director Net Zero Exeter & City Management, David Bartram

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Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

None

Contact for enquires:

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