

EAST HERTS COUNCIL

HUMAN RESOURCES COMMITTEE – 15 APRIL 2009

REPORT BY GRAHAM MULLY, RISK ASSURANCE OFFICER

5. HEALTH AND SAFETY AUDIT

WARD(S) AFFECTED: All

'D' RECOMMENDATION - that the attached report and action plan be received and adopted.

---

1.0 Purpose/Summary of Report

1.1 The purpose of this report is to remind Members of the Council's statutory obligations regarding Health and Safety, and to inform of a review of health and safety practices. Members are asked to consider the report and agree the action plan, which has been updated since Local Joint Panel on 18 March 2009.

2.0 Contribution to the Council's Corporate Objectives

**2.1 *Fit for purpose, services fit for you***

Deliver customer focused services by maintaining and developing a well managed and publicly accountable organisation.

3.0 Background

3.1 The Council commissioned a Risk Consultant from its Insurer to undertake an audit of health and safety practices in September 2008, as it was recognised that compliance with legislation and common law expectations is inconsistent. The facilitator was asked to identify strengths and deficiencies within the Council's Health and Safety Policy and related practices, and to suggest ways that the Council could make paperwork simpler for Officers.

3.2 Twelve Officers were interviewed, supporting evidence was gathered and policies and procedures reviewed. The result is a comprehensive overview of compliance.

3.3 Areas where the Council must improve have been identified. An Action Plan **Appendix A pages XXXXX** covering each recommendation or issue has been produced. Work has already started to address these issues, with a target date of March 2010.

#### 4.0 Report

4.1 The Health and Safety at Work Act 1974 imposes certain obligations on an employer not only to take reasonable actions to safeguard the health and safety of their employees, but also to be able to show that they are doing so by producing written policies and procedures. Related legislation imposes similar duties of care.

4.2 The Council has been commended for a number of actions, and the facilitator identified a good awareness of the wide range of responsibilities and duties applicable. Extensive supporting documentation and guidance was provided. However there was no evidence of strategic or structured approach to the management of health and safety. This was recognised and addressed during the restructuring of the Internal Services Directorate in 2008.

4.3 The audit was arranged to coincide with the restructure to provide responsible Officers with clear objectives. The policies and procedures cannot be introduced overnight, and Safety Committee believes that the timetable within the action plan is appropriate and realistic. Senior management must ensure that the practices are embedded across all areas of the Council.

#### 5.0 Consultation

5.1 Twelve Officers covering a wide variety of posts and voluntary assessor roles met with the facilitator, and are acknowledged in the Zurich report. UNISON has also been involved.

5.2 The Zurich report has been presented at CMT. The report and action plan were subsequently presented at Safety Committee on 26<sup>th</sup> January 2009 where targets were agreed, and Local Joint Panel on 18<sup>th</sup> March 2009. Both documents were supported.

5.3 The attached action plan was updated after Safety Committee on 1<sup>st</sup> April 2009, to capture progress and the Committee's decisions.

5.4 Issues that are specifically the responsibility of Human Resources and Facilities Management will be addressed by those teams.

## 6.0 Legal Implications

- 6.1 Individual employees and Members may face prosecution under the Health and Safety at Work Act 1974, and related legislation, in the event of a breach and their negligence being proven. The Authority may also be prosecuted and fined under the Corporate Manslaughter Act.
- 6.2 By coincidence, a booklet entitled 'Think about Health and Safety; what elected members need to know' is about to be sent to all Local Authorities. This has been produced by the Institute of Occupational Safety and Health (IOSH) supported by the Local Government Employers, the Welsh Local Government Association, the Convention of Scottish Local Authorities, the Health and Safety Executive (HSE) and local government trade unions. The content will also require consideration.

## 7.0 Financial Implications

- 7.1 Failure to manage health and safety adequately may lead to increasing numbers of accidents and illness, and therefore sick leave and / or insurance claims. Insurance premiums will increase if more claims are pursued, and a greater percentage succeeds. The Council could also be fined for any significant breaches if investigated.
- 7.2 The cost of implementing the agreed / accepted recommendations will be within existing budgets.

## 8.0 Human Resource Implications

- 8.1 In addition to a potential reduction in sick leave, staff morale and the Council's reputation may suffer in the event of a preventable incident involving a colleague or member of the public. By having a robust health and safety policy and infrastructure, staff will be assured that the organisation cares about their welfare.
- 8.2 Under the current processes, completing the necessary risk assessments and other paperwork is time-consuming for Heads of Service and numerous other Officers. Whilst re-writing the Health and Safety policy and redrafting the risk assessment process has resulted in a significant increase in workload for two Officers, it is hoped that subsequent processes will be much simpler for colleagues, resulting in time saved and greater compliance.

- 8.3 Simpler procedures and greater support may encourage more Workstation Assessors and Safety Liaison Officer. These voluntary roles have significant responsibility and have always been difficult to fill.
- 8.4 Future regular reviews of the policy and reporting on compliance will be far more straight forward, and the percentage of health and safety related complaints should reduce.
- 9.0 Risk Management Implications
- 9.1 The risks are identified within paragraph 6, 8 and 9. The upside or positive risks must also be considered. There is potential to reduce sick leave and the (slim) risk of prosecution, whilst saving money and maintaining or improve staff morale.
- 9.2 It has been decided that the new Operational Risk Management Group receive a quarterly report about the compliance of each Directorate with the risk assessment processes. It is proposed that these statistics are also referred to Local Joint Panel and HR Committee.

### Background Papers

Appendix A - Final report from Helen Aston of Zurich Risk Services issued 16 December 2008.

Appendix B - Action plan updated by Risk Assurance Officer following Safety Committee on 1 April 2009.

Contact Member: Councillor M Tindale.

Contact Officer: Simon Drinkwater, Director of Neighbourhood Services (Chair of Safety Committee)

Report Author: Graham Mully, Risk Assurance Officer.  
Extension 2166.