

**Health and Safety Policy review**

**Cabinet Member(s):** Cllr Margaret Squires  
**Responsible Officer:** Michael Lowe (Health and Safety Officer)

**Reason for Report:** To inform members on how the Council is meeting its statutory obligations under the Health and Safety at Work Act 1974 (HASAWA).

**RECOMMENDATION: Members are requested to recommend the actions in this report to Cabinet.**

**Relationship to Corporate Plan:** Health and safety impacts across all aspects of the Corporate Plan as there is an obligation on the Council to ensure that its activities do not adversely affect the health and safety of employees, members of the public, contractors and others with whom we interact.

**Financial Implications:** Failure to meet the Council's obligations could lead to serious financial implications. The maximum penalties for failing to discharge its duties are unlimited in addition to the costs involved in any litigation in the Civil Courts.

**Legal Implications:** Failing to comply with health and safety legislation and regulations could result in the Council being issued with Improvement/Prohibition Notices and/or prosecution. The Council would also be at risk of potential civil litigation.

**Risk Assessment:** Ensuring the Council has robust health and safety policies and procedures, which are proactively monitored, will ensure the health and safety of employees and those who are affected by its actions and also reduce the potential risk of legal challenges and civil litigation.

**1.0 Introduction**

- 1.1 Under the Health and Safety at Work Act 1974, Mid Devon District Council has a duty of care to ensure, so far as is reasonably practicable, the health safety and wellbeing of its employees and others affected by its actions.
- 1.2 The Council achieves this through the implementation of its Corporate Health and Safety policy and other related policies such as the Fire Risk assessment policy and Asbestos Policy which are published on SharePoint.
- 1.3 The current Health and Safety policy (see attached) is in the process of being reviewed to take into account the new management structure.
- 1.4 During the last three years there have been two major changes in legislation that affect the Council.
  - A) In February 2016 the sentencing guidelines for health and safety were amended to an unlimited fine and up to 2 years imprisonment (in July 2016 Havering Borough Council were fined £500,000 for an injury to an employee involved in a tree cutting accident)

B) In April 2015 the Construction (Design and Management) Regulations were amended and now include maintenance, small-scale building work and other works carried out in connection with business.

## 2.0 Summary of key points for the last 3 years

- 2.1 Following an internal audit of health and safety in 2013/14, their opinion was; “MDDC is insufficiently proactive about Corporate Health and Safety at present”. Subsequently, a full time Health and Safety Officer was appointed in December 2014 and set the objective of identifying if and where the Council may be at risk of not fulfilling its obligations.
- 2.2 All outstanding health and safety policies were reviewed and updated as required; there is now a schedule for future reviews to ensure these are carried out in-line with the HSE guidance “Managing for health and safety”.
- 2.3 A programme of work has been put into place to ensure all health and safety policies are being implemented through Service Safety Inspections. This has focused on the higher risk services of Property Services, Street Scene, Building Maintenance and Leisure. There have also been reviews of higher risk activities such as Asbestos, Working at Heights and Lone Working. These inspections result in recommended actions aimed at ensuring the service is operating to the appropriate Regulations and Approved Codes of Practice.
- 2.4 The review of lone working demonstrated that the Council was not fulfilling sufficiently a duty of care to employees during “out of hours”. This has now been rectified by partner working with Taunton Deane Helpline.
- 2.5 Reports from these service safety inspections are circulated to the appropriate senior officer, Head of Service and Health and Safety Committee.

## 3.0 Future actions

- 3.1 The health and safety policy will be reviewed following completion of the management restructure.
- 3.2 A training programme will be implemented to further improve the awareness and ownership of health and safety in the workplace. This will include an improved process for induction, especially in regard of non-office based employees.
- 3.3 The safety inspections will continue, with focus on the high risk services maintained.
- 3.4 The opportunity to create an income source will be further developed.

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**Circulation of the Report:** Members of Community PDG, Cllr Squires, Management Team

**List of Background Papers:** Health and Safety Policy  
Health and safety work plan 2016-17