

Appendix 1

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PART 1 Statement of general commitment towards health and safety at MDDC

Mid Devon District Council is committed to ensuring high standards of health, safety and welfare for its employees. It is also committed to ensuring that Council activities do not adversely affect the health or safety of members of the public, contractors and others with whom we interact. Specific health and safety policies and procedures on specific areas of health and safety are listed in Appendix 2.

The Council regards compliance with statutory requirements as the minimum standard. Policies may extend beyond the legal standard if this is agreed. This general policy sets out the steps that will be taken to ensure compliance with the Health and Safety at Work Act 1974 and other statutory provisions, which should lead to a progressive improvement in health and safety standards over time in accordance with the principles of good health and safety management described in HSG65 (www.hse.gov.uk/managing/index.htm).

The Council believes that minimising risks to people, equipment and premises is an essential part of offering quality services in a cost conscious and competitive environment. The successful implementation of this policy requires the commitment and co-operation of management and all employees at all levels within the organisation. The Council delegates the responsibility for day to day operational health and safety management to the Chief Executive, Heads of Service, and Line Managers through the normal line management structure (Appendix 3). All managers, supervisors and staff have responsibility for the health and safety of persons and facilities within their designated areas of control.

All employees should take note when reading this policy that they also have their own legal obligations under the Health and Safety at Work etc. Act 1974. Under this law there is the duty to take reasonable care of their own health and safety and that of others who may be affected by their acts or omissions at work. Failure to do this could result in prosecution and a fine. Employees are also required to work in accordance with the provided training and instructions and to report situations that could be considered unsafe and report shortcomings in health and safety.

The Chief Executive and Management Team will be supported in their efforts by provision of competent health and safety advice from the Corporate Health and Safety Officer. Effective

communication will be maintained with staff and union safety representatives e.g. through the Link, H&S Committee and Core Briefings. The Council will maintain and improve competence in health and safety through staff training and development.

This policy will be monitored to ensure that the objectives are achieved. It will be reviewed regularly and changes made as may be necessary.

PART 2: Organisation

General

This section sets out the range of duties and responsibilities throughout the Council for the implementation of this policy.

Service specific policies and operating procedures will be required to supplement this policy to ensure that the specific risks associated with the activities of each Service are identified and controlled within a diverse range of the Council's activities.

The following management process will be applied (HSG65) in managing health and safety:

- Plan what it is you want to do
 - Policy
 - Planning
- Carry out risk assessment first then implement it
 - Risk Profiling
 - Organising for health & safety
- Check that the risk assessment is effective
 - Measuring performance
 - Investigating incidents
- Act by learning from experience
 - Reviewing performance
 - Learning Lessons

1. Elected Councillors

Elected members cannot be responsible on a practical level for the implementation of Health and Safety arrangements within the Council – this is a responsibility of the Chief Executive and his senior managers. Members however are required to ensure that overall health and safety arrangements are in place through the scrutiny process and the receiving of committee reports e.g. relating to the auditing and performance of the Council's health and safety management system. This will also be monitored through the Health and Safety Committee on which an elected member is nominated. Any resultant reports that require a decision will be passed through the Executive route.

To assist them, the Chief Executive and Service Managers will provide Councillors with professional advice and guidance. This is also available from the Corporate Health and Safety Officer where needed.

2. Chief Executive

The Chief Executive is responsible for:

- The overall implementation of Corporate Policy decisions, day-to-day operations and as head of the Management Team will review and decide upon matters within the Council's Corporate Policies.
- Ensuring that the Council has an effective Health and Safety Committee and for responding to its recommendations.
- Encouraging a positive Safety Culture throughout the organisation by providing leadership and commitment to high standards of health and safety.
- Appraising the effectiveness of this policy and making changes where appropriate.
- Ensuring that the attention of Councillors is drawn to information regarding health, safety and welfare where this has a bearing on their decisions.
- Ensuring the Council provides adequate resources to implement and maintain the effectiveness of the this Policy, and that measures are in place for joint consultation regarding safety between employee and member representatives in accordance with the Safety Committees and Safety Representatives Regulations 1977.
- Ensuring that a sufficient number of competent persons are available to give advice on the application of the provisions of health and safety law as it applies to the activities of the Council towards compliance with Regulation 7 of the Management of Health and Safety at Work Regulations 1999.

The Chief Executive will be informed by the most appropriate method of any incident, accident or deviation from this policy.

The HSE gives the following definition of what a health and safety culture is:

The safety culture of an organisation is the product of individual and group values, attitudes, perceptions, competencies and patterns of behaviour that determine the commitment to, and the style of and proficiency of, an organisation's health and safety management.

Organisations with a positive safety culture are characterised by communications founded on mutual trust, by shared perceptions of the importance of safety and by confidence in the efficacy of preventive measures.

3. Heads of Service

Heads of Service will be responsible for:

- The implementation of the Council's health and safety policies including the monitoring and review of the safety performance of each Service within their Service; and
- When required, to report back to the Chief Executive on the performance of those arrangements;
- Where they are identified, implementation of the specific arrangements in Part 3 of this Policy.
- Managing the health and safety performance of their service in accordance with the management process outline above.
- Encouraging and sustaining a positive safety culture as described above within their specific Service.
- Establishing risk assessment as a positive approach to the management of their Service's activities.
- Ensuring that arrangements are made within their Service for all staff to be kept informed on matters of health and safety.
- Seeking to ensure, and where necessary document, that adequate resources are made available within their Service to implement and maintain the Council's policies for health, safety and welfare.
- Ensuring that for all work and places of work under their control, risk assessment processes are applied with equal importance to all other management functions.

- Dealing with any wilful disregard by employees of health and safety arrangements including, where necessary, the use of the Council's disciplinary procedure.
- Working with their managers and team leaders towards ensuring that health and safety performance requirements are objectively set, monitored and reviewed.
- Reporting any known deviance from this Policy to the Chief Executive.

4. Line Managers/Team Leaders

Managers and Team Leaders are responsible to their relevant Head of Service for the health and safety performance of their respective areas. In this they will be required to:

- ✓ Have sufficient knowledge of the activities under their control and the Council's policies relating to them to be in a position to assure their competency in managing the Council's Health and Safety Policy and provide positive leadership on health and safety;
- ✓ Work with the Chief Executive and Heads of Service in achieving a positive safety culture throughout the authority;
- ✓ Manage the day to day operations based on safe systems of work with a considered proactive approach towards managing risks;
- ✓ Where they are identified, implementation of the specific arrangements in Section 3 of this Policy.
- ✓ Ensure through the provision of training and selection that each employee involved is competent to undertake safely the responsibilities given to them BEFORE they carry them out;
- ✓ Ensure that sufficient instruction, information and supervision is given to individual staff under their management based on the level of risk to which they may be exposed and that employment of their staff includes the necessary elements of competency (in accordance with Regulation 13 of the [Management of Health and Safety at Work Regulations 1999](#));
- ✓ Be responsible where required for making returns and reports to the Corporate Health and Safety Officer – including reports of near misses, accidents or dangerous occurrence;
- ✓ Ensure that, before the issue of contracts, orders, or services adequate checks are made to confirm the suitability of the contractor's health and safety policies, method statements and risk assessments (Contractor Arrangements Section). This will include assessment of their arrangements to provide adequate welfare facilities and ability to manage all the activities they will undertake for, or on behalf of, the Council. All arrangements must be consistent with those required by the Council for its own staff;
- ✓ Ensure that policies, safe systems of work and risk assessments specifically tailored to control the hazards for their functions or work areas are created, implemented, recorded, monitored, and reviewed as necessary. Employees will be briefed on any risk assessment that affects their work and given the opportunity to contribute in the assessment e.g. through 'Toolbox talks' before work begins;
- ✓ Ensure that all statutory records of test/inspection/maintenance pertinent to their service area are maintained, and create and record as necessary routine maintenance arrangements;
- ✓ Ensure that all new work places and work activities are subject to a risk assessment and that all identified hazards are documented and measures taken to minimise or control the risks as far as is reasonably practicable e.g. using SPAR;
- ✓ Ensure that before employment - a Young Person's Risk Assessment is carried out on any employee who has not yet reached their 18th birthday in accordance with Regulation 19 of the [Management of Health and Safety at Work Regulations](#) and its Approved Code of Practice. (This is intended to identify whether the individual is suitable for the tasks they may be given and to limit those tasks where necessary and what training and supervision will be required to ensure their competency and safety whilst at work).
- ✓ Consult with the Corporate Health and Safety Officer regarding specific Health and Safety training needs and, where needed, risk assessments.
- ✓ Ensure their staff, as far as is reasonably practicable, apply all legal, corporate and directorate requirements relative to the work of their specific function that may affect health, safety and welfare at work.

- ✓ Ensure the provision of welfare facilities (clean water, seating, toilets and washing facilities) for all work situations under their control and ensure that first-aid, to the standards required by law, is available and made known to all their staff and periodic checks are made of first-aid equipment. First aid arrangements can be assessed using the free HSE tool available on the www.hse.gov.uk website.
- ✓ Ensure that employees are fully aware of procedures to be followed in the event of a fire.
- ✓ Ensure that, in circumstances where the use of Personal Protective Equipment (PPE) has been identified, the type and quality selected will be appropriate and will adequately protect that person from the hazards encountered. Supervisors must ensure that those who are required to wear PPE have been given adequate training in its use, care and maintenance of such PPE and, where appropriate, keep the appropriate records.

5 Technical Officer

Responsible for:

- Fire and evacuation procedures for council buildings
- Fire Risk Assessments
- Fire drills
- Maintenance and testing of safety equipment

6 Corporate Health and Safety Officer

The Health and Safety Officer is responsible for providing advice, support and information on the application of health and safety legislation within the Council to comply with [Regulation 7 of the Management of Health and Safety at Work Regulations 1999](#). In particular, the Health and Safety Officer will:

- Assist the Council in establishing and maintaining appropriate monitoring and auditing systems for health and safety;
- Carry out internal 'Health and Safety Status Reviews' of each Council Service;
- Provide information and advice on request to management and staff on all aspects of health and safety, including fire safety;
- Advise management on the formulation, development and implementation of health and safety policy and procedures in line with legal requirements and guidance such as that available from the Health and Safety Executive and other relevant bodies.
- Advise on the need for health and safety training, including induction, and to be a key participant in developing and, where necessary, delivering such training;
- Work with management and staff to ensure that we meet our legal requirement to carry out risk assessments;
- Advise management on the steps needed to achieve adequate control of risks to health and safety;
- Work with managers, staff and safety representatives to ensure that we carry out a programme of regular safety inspections;
- Advise management on systems for recording and reporting accidents and ill-health and be responsible for the maintenance of adequate records;
- Where required, make RIDDOR reports to the HSE;
- Investigate accidents and cases of reported ill-health in order to recommend actions to avoid a recurrence;
- Liaise on health and safety with external bodies and enforcing authorities.

7 Safety Representatives

Recognised Trades Unions have, in consultation with the Council, identified employees to represent the employees on matters relating to Health, Safety and Welfare at work. Their duties are defined in part 3 but as representatives on the Corporate Health and Safety Committee they may:

- Investigate potential dangers and hazards.
- Examine the cause(s) of accidents.

- Investigate complaints relating to Health, Safety or Welfare at work.
- Inspect the scene of an accident, dangerous occurrence/near miss or reported case of disease if it is safe to do so (after consultation with the Corporate Health and Safety Adviser)
- Carry out formal inspections of the workplace or part of the workplace. The maximum frequency of formal inspections will be quarterly, except by written agreement of the Chief Executive.

8. Health and Safety Committee

The Health and Safety Committee will be the principal forum for the Council to consult both its employees and the Union on measures taken to ensure, as far as reasonably practicable, their health, safety and welfare. The Committee will be administered in accordance with the [Safety Committees and Safety Representatives Regulations 1977](#) and [Health and Safety \(Consultation with Employees\) Regulations 1996](#). In its operation the Health and Safety Committee will assist the Council to discharge its general obligations under the Health & Safety at Work etc. Act 1974.

The Health and Safety Committee will monitor and review the operation of the Council's safety policy and any related arrangements and procedures, receiving reports of incidents and trends and remedial action taken and where necessary make recommendations to the Council and or other relevant Council Committees regarding any revisions or additions that may be required. Minutes of meetings and agreed actions will be kept.

The Health and Safety Committee will consider and make recommendations to the Chief Executive and the Elected Council Members as appropriate, concerning priorities and the strategic direction for MDDC to achieve compliance with statutory obligations and continually improve performance.

An elected member, who acts as the Elected Member's Health and Safety Champion, will be a member of the Health and Safety Committee.

The Corporate Health and Safety Committee will specifically consider the Councils overall position and performance in relation to the Corporate Manslaughter and Corporate Homicide Act 2007.

9. Employees

The Council commits itself to providing suitable and sufficient health and safety information, instruction and training as is appropriate to the activities employees carry out.

Individual responsibilities of all employees are as follows:

- In accordance with Section 7 of the Health and Safety at Work etc. Act 1974, it is the duty of every employee while at work to take reasonable care for the health and safety of themselves and of other persons who may be affected by their acts or omissions at work and;
- As regards any duty or requirement imposed on the Council under health and safety law, to co-operate with the Council so far as is necessary to enable it to comply and;
- Not to intentionally or recklessly, interfere with or misuse anything provided in the interests of health, safety and welfare by the Council e.g. fire or safety equipment.

Note that as the above are statutory duties and failure to comply with the above will not only result in investigation and where proven, disciplinary action but also may lead to investigation and prosecution by the Health and Safety Executive.

PART 3: Arrangements

The Council is required by Regulation 5 of the Management of Health and Safety at Work Regulations 1999 to make and give effect to such arrangements as are appropriate, having regard to the nature of its activities and the size of its undertaking, for the effective planning, organisation, control, monitoring and review of its preventive and protective measures, and to put these arrangements in writing.

Effective management of health and safety will depend, amongst other things, on the robust application of proactive risk assessment and leading from this, the implementation of reasonable risk controls to prevent, avoid or minimise the risk of injury. The law requires a written summary be kept of the risk assessments. At MDDC this would be using the SPAR system.

Separate corporate policies on health and safety are listed on SharePoint under Corporate Health and Safety.

A Risk Assessment

Heads of Service will take responsibility for the completion, implementation, monitoring and review of Risk Assessments for their area of responsibility. Collectively this will cover all activities of the Council. In practical terms this process will need to be broken down and delegated to competent individuals who will be in a position to assess the risk of significant hazards that exist within each work area and report back to the relevant Head of Service who will retain overall responsibility for ensuring the risk assessment process is completed. The Corporate Health and Safety Officer through his routine auditing will monitor performance and report back to the H&S Committee any findings.

The Council will apply HSE guidance on Risk Assessment including adoption of the '5 Steps to Risk Assessment' approach for all new assessments and reviews. The 5 steps are as follows:

- Step 1: Identify the Hazards**
- Step 2: Decide who might be harmed and how**
- Step 3: Evaluate the risks and decide on precautions**
- Step 4: Record your findings and implement them**
- Step 5: Review your assessment and update if necessary**

The findings of the risk assessments will be recorded on SPAR.

Action required to remove/control risks will be approved by the Head of Service who will, if necessary, take them to Management Team and Chief Executive.

Line Managers will be responsible for ensuring the required actions are implemented as part of their day-to-day management supervision.

The Corporate Health and Safety Officer will check that the implemented actions have removed/reduced the risks as part of his routine auditing and accident/near-miss investigations. Feedback will be provided to the relevant Head of Service including the need for a review, which they must act on without delay.

Assessments will be reviewed every 12 months or when the work activity changes, whichever is soonest.

B Consultation with employees

Consultation is through the Health and Safety Committee (see above). The Council recognises Unison and the Employee Representatives are:

- Catherine Marlow cmarlow@middevon.gov.uk
- Michael Parker mparker@middevon.gov.uk Pam Evans unison@middevon.gov.uk

C Safe plant and equipment

Heads of Service will be responsible for identifying all equipment/plant needing routine maintenance and for identifying who is responsible within their Service for ensuring effective maintenance procedures are drawn up and implemented.

Any problems found with plant/equipment must be reported to the relevant Line Manager.

On request, the Corporate Health and Safety Officer can check that new plant and equipment meets health and safety standards before it is purchased e.g. CE marking.

D Safe handling and use of substances

The Council will comply with the requirements of the Control of Substances Hazardous to Health Regulations 2002 (COSHH).

Hazardous substances include:

- Substances used directly in work activities (e.g. adhesives, paints, cleaning agents)
- Substances generated during work activities (e.g. fumes and dust)
- Other substances that can be a hazard that employees may come into contact with during their work e.g. blood, vomit and faeces containing biological agents such as bacteria and other micro-organisms e.g. viruses.

A COSHH Assessment process is detailed under a separate Policy. Responsibility for its implementation, monitoring and review rests with the individual Head of Service and individual Line Managers for their particular area. The initial priority will be to have an overview of what substances require assessment and obtaining the relevant Product Data Sheet for each chemical purchased from the manufacturer/supplier.

The COSHH Regulations require the Council to prevent exposure to substances hazardous to health, if it is reasonably practicable to do so. In achieving this, the Council may:

- Change the process or activity so that the hazardous substance is not needed or generated;
- Replace it with a safer alternative;
- Use it in a safer form e.g. pellets instead of powder, gels instead of liquids etc.;

If prevention is not reasonably practicable the Council will introduce control measures identified by the COSHH Assessment. These will be applied in the following order of priority:

1. use appropriate work processes, systems and engineering controls, and provide suitable work equipment and materials e.g. use processes which minimise the amount of material used or produced, or equipment which totally encloses the process;
2. control exposure at source (e.g. local exhaust ventilation) and reduce the number of employees exposed to a minimum, the level and duration of their exposure, and the quantity of hazardous substances used or produced in the workplace;
3. provide personal protective equipment (PPE) including face masks, gloves, protective clothing but only as a last resort and never as a replacement for other control measures which are required.

Following the assessment a written record of any findings and control measures will be retained and employees provided with suitable and sufficient information, instruction and training to minimise any identified risk to their health. The Corporate Health and Safety Officer will audit each Service on COSHH and provide feedback.

E Information, instruction and supervision

A Health and Safety Law poster will be displayed at each Council building.

Health and Safety advice is available from the Corporate Health and Safety Officer:

Michael Lowe Tel 07714 680171 Email mlowe@middevon.gov.uk
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Supervision of young workers/trainees will be arranged/undertaken/monitored by Line Managers.

The Council has a duty to provide relevant health and safety information to its employees in **any reasonably foreseeable circumstance**. It is for Line Managers to be aware of this as part of their Risk Assessment e.g. who needs to know what information? This is of particular importance where Council employees are working off-site e.g. at locations under the control of another employer where information may be provided to their employees but not to ours. Where informed, the Corporate Health and Safety Officer can provide advice on the information required.

F Competency for tasks and training

Human Resources will provide induction training for all employees in liaison with Heads of Service.

Line Managers will arrange job specific training in liaison with the Council's Training and Development Officer.

Training records will be kept by each Service and will be audited by the Corporate Health and Safety Officer.

Training on health and safety will be identified, arranged and monitored by Heads of Service through their risk assessment process (see above).

G Accidents, first aid and work-related ill health

Under Regulation 6 of the Management of Health and Safety at Work Regulations 1999 the Council will ensure that all its employees are provided with health surveillance as is appropriate having regard to the risks to their health and safety. The need for health surveillance and its appropriate level, frequency and type will be identified as part of the Council's Risk Assessments taking into account current HSE guidance.

Where the assessment requires it, the relevant Head of Service for the activity will arrange for appropriate health surveillance in liaison with Human Resources who will maintain a Health Surveillance Record with the employee's other personal information.

Names of employees identified as requiring health surveillance will be passed to the Corporate Health and Safety Officer for his information and audit.

First aid kits will be provided at each Council building and, subject to risk assessment, appropriate first aid equipment will be maintained in Council owned vehicles.

The Council will maintain an appropriate level of First Aiders in addition to the minimum legal requirement of identifying Appointed Persons. The level of cover will be set within a specific First Aid Policy.

All accidents and cases of work-related ill health are to be recorded on an Accident Report Form and reported under RIDDOR where necessary. A separate Accident Reporting Procedure will be maintained by the Corporate Health and Safety Officer (found under Corporate Health and Safety on SharePoint). In addition to this - If there is an accident connected with work and:

- the employee, or a self-employed person working on Council premises is killed or suffers a major injury (including as a result of physical violence); or
- a member of the public is killed or taken to hospital;

the relevant Service Manager must notify the Health and Safety Executive without delay by telephoning 0845 300 9923 or reporting online using the www.hse.gov.uk website. They will ask for brief details about the Council, the injured person and the accident. The Corporate Health and Safety Officer must also be informed by telephone and a record of what was reported to the HSE sent to him using the Council's Accident Report Form. Details of other reportable incidents must be passed to the HSE within 15 days of when the incident happened, using www.hse.gov.uk.

H Monitoring

To check our working conditions, and ensure our safe working practices are being followed, we will:

- carry out regular workplace inspections
- investigate any accidents or reports of ill health

The Corporate Health and Safety Officer will be responsible for this.

The Human Resources department, in liaison where necessary with the Corporate Health and Safety Officer, are responsible for investigating work-related causes of sickness absences. The relevant Head of Service is responsible for acting on investigation findings to prevent a recurrence.

I Emergency procedures – fire and evacuation

The Technical Manager is responsible for:

- ensuring the fire risk assessment is undertaken and implemented for all Council managed buildings including arrangements for effective emergency evacuation of Council premises;
- Where escape routes are identified in the assessment these will be checked daily by the Technical Manager or his deputy;
- Fire safety arrangements and the maintenance of equipment;
- Emergency evacuation of Council buildings will be tested randomly but at a minimum of once every 12 months.