

DUNDEE CITY COUNCIL

REPORT TO: Personnel and Management Services Committee - 18 June 2001

REPORT ON: Health and Safety

REPORT BY: Director of Personnel and Management Services

REPORT NO: 65-2001

1 PURPOSE OF REPORT

- 1.1 To review existing health and safety arrangements within the Council, to consider the implications of external factors, and to make recommendations for the future.

2 RECOMMENDATIONS

It is recommended that the Committee:-

- 2.1 notes the contents of this report;
- 2.2 approves the recommendations contained in this report.

3 FINANCIAL IMPLICATIONS

- 3.1 A number of the recommendations will require additional expenditure which will not be able to be contained within departments' current revenue budgets for 2001/2002. This expenditure will be financed from the allowance for contingencies included in the revenue budget.

4 LOCAL AGENDA 21 IMPLICATIONS

- 4.1 There are 2 key themes which impact on this report:-
 - 4.1.1 health is protected by creating safe, clean, pleasant environments and health services which emphasise prevention of illness as well as care for the sick;
 - 4.1.2 resources are used efficiently and waste is minimised.

5 EQUAL OPPORTUNITIES IMPLICATIONS

- 5.1 None.

6 EXISTING HEALTH AND SAFETY ARRANGEMENTS WITHIN THE COUNCIL

- 6.1 A variety of arrangements exist in which health and safety issues are discussed. Formal health and safety committees exist in 7 departments. In other departments, health and safety issues are discussed at management meetings and/or at the regular meetings with trade unions.
- 6.2 The Council Health and Safety Officer is based in the Personnel and Management Services Department. He is assisted by a Health and Safety Officer and a Health and Safety Assistant. Four other departments have employees dedicated to health and safety matters (Social Work, Environmental and Consumer Protection, Economic Development and Contract Services - the Contract Services employee also supports the Council Health and Safety Officer on a part time basis).
- 6.3 All other departments have employees who, in addition to their normal jobs, carry out the role of Safety Co-ordinator. These Safety Co-ordinators maintain regular contact with the Council Health and Safety Officer regarding issues in their departments.
- 6.4 Occupational health services are provided by Hawkhill Medical Centre and Xm Services Limited. These services range from medical examinations to physiotherapy to counselling.
- 6.5 The Council approved a Health and Safety Policy in 1996 (copy attached). This will be revised in light of this report, in consultation with the trade unions.

7 IMPLICATIONS OF EXTERNAL FACTORS

- 7.1 For a breach of health and safety law, the Council or a Council employee may be prosecuted. The court may impose a fine or prison sentence as punishment.
- 7.2 In June 2000, the Government and the Health and Safety Commission announced tough new targets and proposed legislation to reduce work-related deaths, ill health and injury. The targets are the centrepiece of the Government's 10 year vision for improvement in health and safety set out in the document 'Revitalising Health and Safety'. In launching the Strategy, the relevant Minister said, 'Health and safety is a priority issue for those at the top of all organisations and they must be prepared to face the consequences of ignoring the law; in future that could well mean prison'. The Health and Safety Commission (HSC) Chairman said, 'Health and safety should be a core requirement of business activity, not an inconvenient 'add-on'... Those who cannot manage health and safety cannot manage. We need to create a positive health and safety culture which sees business go beyond doing the statutory minimum'.
- 7.3 The Government also published (in July 2000) 'Securing Health Together' which sets out its occupational health strategy which seeks to combat the many work-related illnesses which occur in the modern workplace.

7.4 Government concerns about health and safety are illustrated by further recent developments:-

- Parliamentary Select Committee described the level of Health and Safety Executive (HSE) as 'totally inadequate' and concluded that there is an 'urgent need' to increase rates of investigation and prosecution.
- The HSE has issued a 'Revised Enforcement Policy Statement', the aim of which is to increase the number of prosecutions and the number of directors and senior officers prosecuted.
- The HSC has issued a draft Code of Practice for passive smoking at work.
- The next HSC report will contain a special report naming organisations and individuals convicted of health and safety offences.
- A directors' Code of Practice will ensure that a named person in every organisation will have statutory responsibility for health and safety matters.
- A Bill (England and Wales) has been drafted to create new offences of reckless killing by gross carelessness and corporate killing to replace the offence of manslaughter in cases where death is caused without the intention of causing death or serious injury. It is estimated that this will become law within the next 12 months. It is anticipated that a similar law will come into force in Scotland thereafter.
- Numerous health and safety related regulations (e.g. Management of Health and Safety at Work Regulations 1999, Fire Precautions (Workplace) Regulations 1999) have come into force in the recent past.

8 RECOMMENDATIONS FOR THE FUTURE

8.1 A formal arrangement should be put in place to allow health and safety matters to be discussed on a Council-wide basis. This could be achieved by having health and safety as a standing item on the agenda of each corporate joint consultative committee or, alternatively, by establishing a Council Health and Safety Committee. The Director of Personnel and Management Services will bring forward detailed proposals on this issue.

8.2 Every department will have a formal arrangement where health and safety issues can be discussed by and with departmental trade union representatives (this may be location-based rather than department-based). This recommendation does not affect existing arrangements where it is agreed by both management and trade unions that these arrangements are working effectively, nor does it mean that dedicated health and safety committees have to be set up in every case. For example, depending on the circumstances of the department concerned, it may be appropriate to discuss health and safety matters at regular management/trade union consultation meetings. All management/trade union discussions on health and safety matters will be minuted.

- 8.3 It is a legal requirement under the Management of Health and Safety at Work Regulations that all employers must appoint one or more competent persons (CPs) to assist them in complying with their health and safety legal obligations. According to the Regulations, a CP is a person who has sufficient training and experience or knowledge to enable him/her properly to assist in undertaking relevant preventative and protective measures. While there is no obligation for each department to have a CP, it is recommended that this should happen. In the bigger departments, it may be appropriate to have more than one CP; in the smaller departments, it may be possible to have CP cover provided by another department. In the majority of departments, the CP would also undertake his/her normal duties. The Director of Personnel and Management Services will produce a code of practice for all CPs. Safety Co-ordinators (please refer to paragraph 6.3 above) would no longer exist.
- 8.4 Trade union representatives and employees will be encouraged regularly to bring health and safety concerns and issues to the attention of management. These concerns and issues will be recorded by the supervisor/manager/Director and a note made of the decisions made. In addition, each department will maintain a comprehensive system of documentation on health and safety matters to demonstrate that necessary actions have been taken.
- 8.5 Departments whose activities regularly involve the use of mechanical or electrical equipment will have dedicated and qualified Health and Safety Officers (minimum qualification will be associate membership of the Institute of Occupational Safety and Health). These employees will also be CPs. Departments whose employees are regularly involved in manual handling activities will also have Health and Safety Officers. The Director of Personnel and Management Services will also give consideration to corporate co-ordination of health and safety matters and may bring forward proposals to this Committee.
- 8.6 Statistics of all industrial accidents, illnesses and diseases will be provided by departments and collated by the Director of Personnel and Management Services.
- 8.7 The Council Health and Safety Officer will continue to publicise health and safety issues and development and promote initiatives. Training courses on specific issues will be run by the Council Health and Safety Officer or, if appropriate, commissioned from external organisations.
- 8.8 All departments will continue to undertake risk assessments, having regard to the Health and Safety Executive's 'A Guide to Risk Assessment Requirements' and 'Five Steps to Risk Assessment' (copies of both attached).
- 8.9 Independent external audits of departments' health and safety management arrangements, systems, etc., will be commissioned. It is recommended that each department will be audited at least once every 3 years.
- 8.10 Increased use will be made of the occupational health services provided by Hawkhill Medical Centre and Xm Services including, for example, health promotion activities. In addition, departments will be encouraged to participate in "Scotland's Health at Work" which is facilitated locally by Tayside Health Board's Health Promotion Centre.
- 8.11 Departments will involve the Principal Insurance and Risk Management Officer, the Legal Division of the Support Services Department, and the Council Health and Safety Officer in discussions on health and safety matters.

9 **CONSULTATION**

9.1 The Chief Executive, Director of Finance and the Director of Support Services have been consulted in the preparation of this report, as have all trade unions.

10 **BACKGROUND PAPERS**

10.1 No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information), were relied on to any material extent in preparing this report.

11 **SIGNATURE**

J.C. Petrie
Director of Personnel and Management Services

Date

DUNDEE CITY COUNCIL

HEALTH AND SAFETY POLICY

GENERAL STATEMENT OF POLICY

It is the policy of the Council to take all reasonably practicable steps to ensure the health, safety and welfare at work of all its employees. The Council also acknowledges its responsibilities in respect of persons other than its own employees.

A high standard of health and safety performance is one of the Council's primary objectives and is recognised as an integral part of service delivery.

This standard will be achieved by:-

- a) creating and maintaining a positive Health and Safety culture which secures the commitment and participation of all employees;
- b) meeting its responsibilities to employees, to other people and to the environment in a way which recognises that legal requirements are the minimum standard;
- c) adopting a planned and systematic approach to the implementation of the Council's Health and Safety Policy to ensure:-
 - (i) the provision and maintenance of plant and systems of work that are, so far as is reasonably practicable, safe and without risks to health;
 - (ii) arrangements for ensuring, so far as is reasonably practicable, safety and absence of risks to health in connection with the use, handling, storage and transport of articles and substances;
 - (iii) the provision of such information, instruction, training and supervision as is necessary to ensure, so far as is reasonably practicable, the health and safety at work of its employees;
 - (iv) so far as is reasonably practicable, as regards any place of work under the Council's control, the maintenance of it in a condition that is safe and without risks to health and the provision and maintenance of means of access to and egress from it that are safe and without such risks;
 - (v) the provision and maintenance of a working environment for employees that is, so far as is reasonably practicable, safe, without risks to health and adequate as regards facilities and arrangements for their welfare at work.
- d) identifying and assessing the risks associated with all activities of the Council with the aim of eliminating or controlling the risks, so far as is reasonably practicable.
- e) allocating appropriate resources to meet the requirements of the Council's Health and Safety Policy.
- f) planning for health and safety including the setting of realistic short and long term objectives, deciding priorities and establishing adequate performance standards.

- g) monitoring and reviewing performance on a regular basis to ensure that high standards are maintained.
- h) developing a system of joint consultation with health and safety representatives and providing them with facilities and assistance to enable them to carry out their functions.

ORGANISATION

This Health and Safety Policy statement will be supported by departmental health and safety policies which detail the organisation and arrangements in force to ensure that the aims of this policy are met.

Responsibilities - Chief Executive

The Chief Executive, so far as is reasonably practicable, is responsible for ensuring the Health, Safety and Welfare at Work of all Council employees. This will be achieved by:-

- a) detailing the organisation in the Council through which the policy will be implemented and ensuring the implementation of the Policy within Departments by the Director or Chief Officer of each department;
- b) ensuring that adequate resources are made available to enable the Council policy to be implemented;
- c) ensuring that Health and Safety is an integral part of the overall management culture and developing a positive attitude to Health and Safety among employees by visibly demonstrating their own commitment to achieving a high standard of Health and Safety performance;
- d) appointing competent persons to assist the Council to apply the provisions of Health and Safety legislation;
- e) ensuring the establishment and maintenance of Health and Safety Management systems within Departments, which will ensure the assessment of risks and the effective planning, organisation, control, monitoring and review of the preventative and protective measures necessary to control the risks.

Responsibilities - Directors And Chief Officers

Directors and Chief Officers are, so far as is reasonably practicable, responsible for ensuring the Health and Safety and Welfare at work of all employees in their respective departments. In particular they should:-

- 1 prepare and revise, as often as necessary, a Departmental Health and Safety Policy;
- 2 set out the organisation within their Department through which the policy will be implemented, including the identification of a Safety Co-ordinator with whom the Council Safety Officer(s) can consult. A Chief Officer or Director may seek Council approval for a specific post to be designated Safety Co-ordinator or, alternatively, allocate safety co-ordination duties to an existing post;

- 3 set out the arrangements, which detail the means by which the aims listed in their Departmental Safety Policy Statement will be met;
- 4 ensure that adequate resources are made available to enable the Departmental Policy to be implemented;
- 5 visibly demonstrate commitment to achieving a high standard of Health and Safety performance within their departments and develop a positive attitude to health and safety among employees;
- 6 implement Health and Safety Management Systems within Departments, which will ensure the assessment of risk and the effective planning, organisation, control, monitoring and review of the preventative and protective measures necessary to eliminate or control the risks;
- 7 in conjunction with the Director of Personnel and Management Services, prepare an annual report evaluating the health and safety performance of their department.

Responsibilities - Director of Personnel and Management Services

The Director of Personnel and Management Services has been nominated by the Chief Executive to administer the Council's Health and Safety Policy.

Health and Safety Assistance

The Council will be advised on health and safety matters by the Council Safety Officer(s) who will be competent persons providing assistance within the meaning of Regulation 6 of the Management of Health and Safety at Work Regulations 1992. A Council Safety Officer will hold, as a minimum, associate membership of the Institute of Occupational Safety and Health.

Employees

All employees will be expected to co-operate in the implementation of the Council's Safety Policy by:-

- (i) acting in the course of their employment with due care for their own safety and that of others who may be affected by their acts or omissions at work;
- (ii) co-operating, so far as is necessary, to enable the Council to perform any duty or to comply with any requirements as a result of any Health and Safety legislation which may be in force;
- (iii) using correctly all work items (e.g. guards, personal protective equipment etc) provided by the Council in accordance with the training and the instructions they receive to enable them to use the items safely.

ARRANGEMENTS

The undernoted arrangements should be incorporated into Departmental Health and Safety Policies. Where necessary, they may be expanded or altered to meet the specific requirements of the Department concerned. This should be done in consultation with the Director of Personnel and Management Services and a copy of the amended version lodged with the Director of Personnel and Management Services.

Some arrangements will be specific to one department. The Director or Chief Officer of the Department concerned should develop these and lodge a copy with the Director of Personnel and Management Services.

Safety Culture

The Council will ensure that Health and Safety is an integral part of the overall culture of the Council and seek to develop a positive attitude to Health and Safety amongst employees by:-

- visibly demonstrating a clear commitment to improving health and safety performance;
- promoting co-operation by recognising that all employees have an important contribution to make to effective health and safety management and providing opportunities for participation and involvement in health and safety activities e.g. health and safety committees, quality improvement teams, risk assessment;
- ensuring the communication of necessary information throughout the Council;
- securing the competence of employees by:-
 - (a) including health and safety in recruitment procedures;
 - (b) implementing systems, which will identify health and safety training needs arising from recruitment or changes in staff, procedures or systems of work.

PLANNING

The Director of Personnel and Management Services will prepare a health and safety plan which will outline specific health and safety objectives with realistic timescales for their accomplishment. These objectives will be developed in consultation with Directors and Chief Officers and Trade Union Representatives.

These objectives will be set out following an initial status review which will:-

- compare existing arrangements against requirements of relevant legislation dealing with health and safety management issues;
- establish performance standards after a thorough analysis of the needs of the Department and of existing and potential risks;
- assess the effectiveness of existing resources devoted to health and safety.

The status review will be updated annually following which the plan will be reviewed.

MONITORING

The effectiveness of the Council Safety Policy will be monitored in the following way:-

(a) Accident Analysis

Accidents at the following levels of severity will be analysed by the Council Safety Officers with a view to determining and eliminating their causes:-

- (i) major injury/dangerous occurrence/occupational disease;
- (ii) lost time through accidents (3 days or more);
- (iii) other injury.

(b) Legal Compliance

Regular and systematic inspections will be carried out by management to ensure that the requirements of the Council Health and Safety Policy are being met.

Formal audits will be carried out by the Council Safety Officers.

(c) Random inspections by Council Safety Officers.

RISK MANAGEMENT

The Council will pursue progressive improvements which will lead to a reduction in injury and ill health by the development and implementation of a risk management strategy in relation to health and safety.

Risk assessments will be carried out to identify potential hazards, evaluate the risks from these and implement control measures to minimise the risks.

Trained departmental personnel will be involved in the Risk Assessment process which will be supported by the Council Safety Officer(s).

EMERGENCY PROCEDURES

Procedures, to be followed by any person at work if situations presenting serious and imminent danger arise, will be established in accordance with Regulation 7 of the Management of Health and Safety at Work Regulations 1992. These procedures will set out the role and responsibilities of competent persons nominated to implement any detailed actions and will ensure that other employees know who the competent persons are and understand their own role.

Where appropriate, they will also contain special action required for the evacuation of disabled persons.

ACCIDENT INVESTIGATION AND REPORTING

(a) Investigation

Every accident will be investigated by the injured person's supervisor and a report submitted (Council Form Ref. ARF1), containing, where reasonably practicable, recommendations to prevent a recurrence.

Serious incidents will be investigated by the Council Safety Officer(s).

(b) Notification and Recording

Every employee who suffers personal injury at work must give notice of any accident as soon thereafter as is practicable. The injured employee must ensure that details of the accident are entered in the Accident Book BI 510.

To ensure compliance with the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR 1995), the following will apply:-

(c) Appointment of Responsible Persons

The Director of Personnel and Management Services will designate responsible persons within his/her department who will notify the Health and Safety Executive of accidents, dangerous occurrences and occupational diseases which are within the scope of RIDDOR 1995 and who will keep records of them.

(d) Action Required in the Event of a death, Specified Major Injury or Condition, or a Dangerous Occurrence.

If any person, as the result of an accident arising out of or in connection with the work of the Council, dies or suffers a specified major injury or condition, or where there is a dangerous occurrence, the Head of Department will notify a Council Safety Officer. The Safety Officer will thereafter notify the Health and Safety Executive without delay.

(e) Action Required if, as a Result of an Accident at Work, an Employee is off Work for more than three Consecutive Days.

If, as a result of an accident at work, an employee is off work for more than 3 consecutive days (excluding the day of the accident but including days which would not have been working days), the responsible person will send a report of the accident to the Health and Safety Executive on the statutory form F2508 (Rev 1/96) within 10 days of the accident. One copy of the F2508 form will be retained by the Chief Personnel and Management Services Officer for a period of 3 years and one copy will be sent to the Department.

(f) Action Required in the Event of a Minor Accident

The departmental responsible person will ensure that an appropriate internal incident report form (ARF1 or ARF2) is completed for each incident which occurs in his area of control. One copy will be retained by the responsible person and one copy to the Director of Personnel and Management Services.

(g) Action Required when an Employee is Known to be Suffering from a Reportable Occupational Disease

On receipt of a written diagnosis from a doctor (e.g. on a medical certificate) which specifies that an employee is suffering from an occupational disease listed in Schedule 2 of the Regulations, the responsible person must ascertain if the

employee's current job involved the corresponding work activity specified in the schedule. If it does, the responsible person must notify the Health and Safety Executive on the statutory form F2508A. One copy of the F2508A form must be retained by the Director of Personnel and Management Services for a period of three years and one copy sent to the Department.

SAFETY REPRESENTATIVES

The Council will consult the relevant safety representatives with regard to:-

- (a) introduction of measures which may substantially affect the Health and Safety of employees;
- (b) arrangements for appointing competent health and safety advisers and persons to implement emergency procedures;
- (c) provision of health and safety information required under the relevant statutory provisions;
- (d) provision of health and safety training required under the relevant statutory provisions;
- (e) the health and safety consequences of new technologies introduced into the workplace.

The Council will provide such facilities and assistance as safety representatives may reasonably require to carry out their functions.

HEALTH AND SAFETY PROBLEMS

The following procedure will be followed as a means of solving problems involving health and safety:-

- Stage 1** Employee raises problem with their supervisor. **If it is not settled -**
- Stage 2** Employee raises problem with Safety Representative. The Safety Representative may be able to assure the employee that no hazard exists. **If not -**
- Stage 3** Safety Representative raises problem with Supervisor. **If it is not settled -**
- Stage 4** Safety Representative raises problem with the next level of management.

If the matter is still not settled, the action which follows may depend on the nature of the problem and the urgency with which a solution is sought. The problem may be referred to the appropriate department Safety Committee, a Council Safety Officer may be consulted, or the Safety Representative may involve a full-time trade union official whereupon the problem will become an industrial relations issue.

Safety Representative Inspections

Safety Representatives appointed by recognised Trade Unions are entitled to inspect workplaces every three months after consultation with departmental management. Departmental management will encourage Safety Representatives to carry out these inspections at agreed frequencies and a representative of local management will accompany them.

Access to Information

Safety Representatives appointed by recognised Trade Unions will be allowed to inspect any statutory document, as detailed in the Safety Representatives And Safety Committees Regulations 1977, which the Department is required to maintain and will also be given on request any information necessary to carry out their functions.

PRESENTATION AND REVIEW

This policy and any revision of it will be drawn to the attention of every employee of the Council. The contents of documents produced under this policy will be brought to the attention of all employees to which the contents are relevant.

This policy and any documentation produced under it will be added to or modified as required and will be reviewed annually.

Signed
Chief Executive

Date

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The appendix to this report is not available electronically. If you wish to view this document please contact Committee Services by telephoning (01382) 434075 or email committee.services@dundeecity.gov.uk