

BROMSGROVE DISTRICT COUNCIL

CABINET

Wednesday 3rd June 2009

**Think about Health and Safety –
What Elected Members of Local Authorities Need to know**

| | |
|------------------------------|-----------------|
| Responsible Portfolio Holder | Cllr. G. Denaro |
| Responsible Head of Service | J. Pitman |
| | |

1. SUMMARY

- 1.1 To raise the awareness of Cabinet Members to their role and responsibilities in relation to health and safety, and to specifically share new IOSH (Institute of Occupational Safety and Health) guidance which provides timely and pertinent prompts for consideration when making decisions.

2. RECOMMENDATION

- 2.1 That all Members be required to attend a compulsory training session to familiarise themselves with the guidance.
- 2.2 That Councillor R. Smith be appointed as the Council's Corporate Health and Safety Champion.
- 2.3 That as a consequence of the guidance from IOSH, a section addressing Health and Safety considerations be included within the standard report format for Cabinet/Council meetings (Appendix 1).

3. BACKGROUND

- 3.1 The Institution of Occupational Safety and Health (IOSH) in association with LGE, WLGA, COSLA and HSE have produced this new booklet which outlines the health and safety roles and responsibilities of local authority elected members.

The formal launch took place at London's Living Room on Monday 2nd February 2009.

The guidance seeks to give Leaders, Portfolio Holders and backbench elected members a flavour of the issues they need to consider in fulfilling their responsibilities to ensure that health and safety is effectively managed

within the council. This is particularly important as the Corporate Manslaughter Act is now in force and the fines for health and safety breaches were raised significantly in January 2009.

Given the high profile nature and public scrutiny of health and safety within the public sector it is recommended that a Member Champion be appointed for health and safety purposes. Whilst this might normally be expected to fall to the Portfolio Holder for Human Resources, on this occasion it is felt that it would more be appropriately be Councillor Roger Smith, given his professional background as a Health and Safety Advisor.

It is also recommended that the corporate report template for Cabinet/Council reports be amended within the Risk Management section so that it extends to include "health and safety" implications. This will ensure that Members can be confident that they are aware of, and can consider, health and safety implications when they are being asked to make decisions. The revised standard report format will be introduced following the Members training sessions. In the meantime, a copy of the revised report template (to include signposting to Health and Safety implications) is appended to this report for information.

In addition, in order to ensure that Members are sufficiently aware of the IOSH guidance, and comfortable in their understanding of their responsibilities, it is proposed that training sessions be conducted by the Health & Safety Advisor, D. Ibbitson, and Cllr. Smith, as the recommended Member Champion for health and safety matters. Dates and times of the training (including refresher training) will be organised through the Modern Councillor Steering Group training programme, and notified in due course.

4. FINANCIAL IMPLICATIONS

- 4.1 The costs of successful prosecutions for failure to meet health and safety obligations can be varied, ranging from fines of £20,000 to unlimited fines. Prison is now also an option for nearly all offences.

5. LEGAL IMPLICATIONS

- 5.1 This can best be described at two levels – criminal law and civil law.

Criminal Law

All employers have a duty under the Health and Safety at Work Act to protect the health and safety of workers and members of the public who could be affected by their work/services – including contractors. In addition to the Health and Safety at Work Act there is a range of regulations linked to the provision of health and safety that must also be considered.

A much more recent legal implication is the introduction of the Corporate Manslaughter and Corporate Homicide Act which came into force in 2008.

In providing information, instruction and training to all employees (and anyone acting on their behalf), the Council is demonstrating that it is taking its responsibilities for Health and Safety seriously. However, training itself is not enough; the management of health and safety is a “hearts and minds” matter, and we must all take responsibility for ensuring that it is at the forefront of our minds when making decisions that affect the health and wellbeing of those that we are responsible for.

Civil Law

Local authorities have a “duty of care” to their employees and anyone else who is affected by what we do by way of delivering our services.

6. COUNCIL OBJECTIVES

- 6.1 As a health and safety enforcing authority, the Council is expected to be exemplars of health and safety and leading the way on achieving effective action on health and safety considerations and promoting best practice. The Council’s Corporate Objectives of continuous improvement of service delivery and quality will be demonstrated through its commitment.

7. RISK MANAGEMENT

Failure to manage health and safety at work effectively or meet legal requirements increases the risk of unlimited financial penalties being imposed by the courts under Statute Law. It can also lead to imprisonment. The threat of civil action against the Council is greater than in the past due to the introduction of the Civil Procedure rules, more recently the Corporate Manslaughter and Corporate Homicide Act 2007 and the revision of the Health and Safety Offences Act 2008.

Failure to give adequate consideration to health and safety matters, particularly where accidents have occurred as a consequence can also lead to negative publicity/organisational reputation and/or negative impact upon corporate assessments such as CPA (now replaced by CAA).

8. CUSTOMER IMPLICATIONS

- 8.1 Following the Cabinet meeting, it is proposed that the guidance booklet be distributed and communicated to all members of the Full Council by way of training sessions (see Recommendation 2.1). The Corporate Health and Safety at Work Policy and Procedures Manual will also be updated accordingly.

9. EQUALITIES AND DIVERSITY IMPLICATIONS

- 9.1 No diversity impact.

10. OTHER IMPLICATIONS

Please include the following table and spell out any particular implications in the relevant box. If there are no implications under a particular heading, please state 'None':-

| |
|--|
| Procurement Issues |
| There are no procurement issues arising from the content of this report or the associated IOSH guidance. |
| Personnel Implications |
| See body of report |
| Governance/Performance Management |
| By raising awareness of Members roles and responsibilities in relation to health and safety, the Council will enhance its overall approach to health and safety management (both to employees and residents/visitors to Bromsgrove). The Council will therefore be in a much stronger position to demonstrate that political decisions are made in the full knowledge of all health and safety implications. |
| Community Safety including Section 17 of Crime and Disorder Act 1998 |
| None |
| Policy |
| The Corporate Health and Safety at Work Policy and Procedures Manual will be updated as a consequence of this guidance. |
| Environmental |
| There are no environmental implications arising directly from this report, although environmental health is clearly an issue that must be given ongoing consideration. |

11. **OTHERS CONSULTED ON THE REPORT**

Please include the following table and indicate 'Yes' or 'No' as appropriate. Delete the words in italics.

| | |
|-------------------------------|-------------------|
| Portfolio Holder | Yes |
| Chief Executive | Yes at CMT |
| Corporate Director (Services) | Yes “ |

| | |
|---|-------|
| Assistant Chief Executive | Yes “ |
| Head of Service <i>(i.e. your own HoS)</i> | Yes |
| Head of Financial Services <i>(<u>must</u> approve Financial Implications before report submitted to Leader’s Group)</i> | Yes “ |
| Head of Legal, Equalities & Democratic Services <i>(for approval of any significant Legal Implications)</i> | Yes “ |
| Head of Organisational Development & HR <i>(for approval of any significant HR Implications)</i> | Yes “ |
| Corporate Procurement Team <i>(for approval of any procurement implications)</i> | Yes “ |

12. **APPENDICES**

Please list the appendices attached to the report as shown in the example below.

Appendix 1 – Updated standard corporate report format for Cabinet and Council meetings

13. **BACKGROUND PAPERS**

IOSH Guidance : Think about Health and Safety – What Elected Members of Local Authorities need to know

CONTACT OFFICER

Name: Dawn Ibbitson
E Mail: d.ibbitson@bromsgrove.gov.uk
Tel: (01527) 881398