

Cheltenham Borough Council
Cabinet – 9th November 2021
Corporate Health and Safety Policy Review

Accountable member	Councillor Rowena Hay
Accountable officer	Gareth Edmundson, Chief Executive
Ward(s) affected	
Key/Significant Decision	No
Executive summary	Employers are required by the Health and Safety at Work etc. Act 1974 to do what is reasonably practicable to ensure the health and safety of employees, members and others who may be affected by Council activities. The Act requires a written statement of policy which sets out the general intentions, approach and objectives which should be reviewed and updated on a regular basis. The current policy has been reviewed and updated to take account of changes to the role of Chief Executive.
Recommendations	That Cabinet approve the updated Corporate Health and Safety Policy.

Financial implications	None arising from this report Contact officer: paul.jones@cheltenham.gov.uk
Legal implications	The authority, as an employer, is required to have a written health and safety policy. Before implementing its policy, the authority/employer has a duty to consult with its employees. An authority/employer must also get help from a competent person to enable it to meet the requirements of health and safety law. A competent person is someone who has sufficient training and experience or knowledge and other qualities that allow them to assist it properly. The authority also has a duty to ensure that the policy is, where necessary, updated and that it complies with its health and safety duties. Contact officer: One Legal - legalservices@tewkesbury.gov.uk
HR implications (including learning and organisational development)	As there are no significant changes to the policy there are no direct hr implications arising Contact officer: julie.mccarthy@publicagroup.uk
Key risks	The document forms the basis upon which health and safety arrangements associated with Cheltenham Borough Council activities are developed and the correct application of these arrangements serves to reduce risk.
Corporate and community plan Implications	The policy supports the council with the safe delivery of its priorities as set out in the corporate plan and the health and safety of its staff. Contact Officer: Richard.gibson@cheltenham.gov.uk 01242 264280
Environmental and climate change implications	There are no environmental or climate change implications arising from the update to this policy.
Property/Asset Implications	There are no property implications arising from the update of this policy. Contact Officer: Louise.eite@cheltenham.gov.uk Contact officer: Garrie.dowling@cheltenham.gov.uk

1. Background

- 1.1 Every employer has a legal duty to have a written Health and Safety Policy. This health and safety policy sets out the Council's aims and objectives and the organisational structure and health and safety responsibilities of all employees.
- 1.2 The Council has an existing policy in place, however Health and Safety Executive guidance identifies the policy should be reviewed and updated on a regular basis. This updated policy further clarifies roles and responsibilities of all those people involved with the Councils activities.
- 1.3 This Corporate Health and Safety policy has been prepared to incorporate:
 - the relevant principles of The Health and Safety at Work Act 1974

- The legal requirements in the Management of Health and Safety at Work Regulations 1999

1.4 The policy formalises the responsibilities for managers and employees to ensure health and safety associated with the Council's activities are properly managed.

1.5 The implementation and ongoing application of this policy will be monitored by the Public Health and Safety Team who act as the required 'competent person' and will be reviewed in line with changes in legislative requirements.

2. Reasons for recommendations

2.1 The law says that every business must have a policy for managing health and safety:

The health and safety policy sets out the Council's general approach to health and safety. It explains how they, as an employer, will manage health and safety in their business. It must clearly state who does what, when and how.

As the Council employs five or more employees, the law states that the policy must be written down

The Council must share the policy, and any changes to it, with their employees. This will allow them to:

- State the Council's general policy on health and safety at work, including its commitment to managing health and safety. As the employer the most senior person in the company, should sign it and review it regularly.
- List the names, positions and roles of the people in the business who have specific responsibility for health and safety.
- Give details of the practical arrangements that the Council have in place, showing how they achieve their health and safety policy aims.

The Health and Safety policy should be reviewed regularly to ensure any changes of work practice or those responsible for Health and Safety in the organisation are updated. This reviewed policy reflects these requirements.

3. Alternative options considered

3.1 There are no alternatives to be considered as the Council as the employer must comply with the requirement to provide a written Health and Safety Policy

4. Consultation and feedback

4.1 Formal consultation has taken place through members of the Joint Liaison Forum which includes the two recognised trade unions, Unison and GMB, and representatives from HR and directorates. The document has also been distributed the Executive Leadership Team.

4.2 The Public Health and Safety Business Partners will brief the requirements of the policy to all senior management teams to ensure they understand their role in being compliant with the updated policy and the measures they need to put in place.

5. Performance management – monitoring and review

- 5.1 The implementation and ongoing application of this policy will be monitored by the Publica Health and Safety Team who are the required 'competent person' and will be reviewed in line with changes in legislative requirements and on a regular basis.

Report author	Contact officer: Barbara Cole, Health and Safety Business Partner, Publica Group, barbara.cole@publicagroup.uk , 01242 264359
Appendices	<ol style="list-style-type: none">1. Risk Assessment2. Reviewed Corporate Health and Safety Policy

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	<p>If there is no Health and Safety Policy in place the Council will fail in its legal duty under the Health and Safety at Work Act etc 1974 for employers to provide a Health and Safety Policy which outlines how they intend to manage the Health and Safety of their employees. The Council will then face risk of prosecution for failing in this duty.</p> <p>If employees do not have a current up to date policy which shows the commitment to health and safety by the council and specifically the Leader and the Chief Executive they may not follow the safe working practices and therefore put the Council at further risk of prosecution.</p> <p>This is the over-arching policy and is supported by further Health and Safety policies which fulfil</p>	Chief Executive	17.08.21	3	2	6	Reduce	Regular review and signing of the Corporate Health and Safety Policy	November 2021	Barbara Cole	

	obligations under further regulations in more detail. Failure to comply with legal duties can result in fines and prosecution by the enforcing authority										

Explanatory notes

Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)

Likelihood – how likely is it that the risk will occur on a scale of 1-6

(1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)

Control - Either: Reduce / Accept / Transfer to 3rd party / Close