

Health and safety in the council

Councillor workbook



Contents

Foreword	3
Introduction	5
Health and safety within the council	8
Enforcement of health and safety law	10
Responsibilities need to be understood	11
Good health and safety management brings benefits	15
Failure to manage health and safety can have serious consequences	18
The elected member's role in health and safety	21
Sources of health and safety advice within the council	23
A final word and next steps	26
Appendix A – Sources of information	28
Appendix B – Principal health and safety legislation	30



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Foreword

This workbook has been designed as a learning aid for elected members; both those who have been a member for some time and those who have been elected more recently. If you fall into the former category the workbook should serve as a useful reminder of the key elements of the health and safety system that operates within local government.

The workbook can be used as a stand-alone learning aid or as an addition to other material you may cover. It offers few firm rules for members as it is recognised that each individual must decide how best to use and develop their skills, based on individual preference and confidence. As such, the workbook should serve more as a direction marker than a road map.

In practical terms, the document will take between **two and three hours** to work through. You do not need to complete it all in one session and may prefer to work through the material at your own pace. The key requirement is to think about your own approach in influencing other people, how the material relates to your local situation, the people you serve and the council you represent.

This booklet is principally aimed at recently elected councillors, who will be new to the role and wish to develop their skills and knowledge to effectively represent their constituents. However, it will also be of value to those who may have ambitions beyond the backbenches. It will be useful to those who aspire to cabinet positions or higher as the health and safety roles and responsibilities of senior members are also discussed.

Health and safety is an important issue for councillors, particularly as a very high proportion of a council's workforce will be recruited from the local community served by the council. Therefore, by protecting the health and safety of the workforce, the council is also protecting the wider community and enhancing its reputation as a good employer.

As you work through the book you will find a number of features designed to help you think about health and safety and the councillor's role:



Guidance – this is used to indicate research, quotations, explanations and definitions that you may find helpful.



Challenges – these are questions or queries raised in the text which ask you to reflect on your role or approach – in essence, they are designed to be thought-provokers.



Case studies – these are 'pen pictures' of approaches used by other people or organisations.



Hints and tips – these represent a selection of good practices which you may find useful.



Useful links – these are signposts to sources of further information and support, outside of the workbook, which may help with principles, processes, methods and approaches. A full list of useful additional information and support is also set out in the appendix of the workbook.

Introduction

There are just under 400 councils in England and Wales and they employ around 2 million people. Councils deliver services to millions of people on a daily basis, either through their own employees, partners or contractors. Effective health and safety management is the way that we keep our people and our clients and service users safe. Councillors should therefore have an interest in the health and safety of employees, as this will impact upon residents and constituents who are affected by council services.

Officers and elected members have a role in ensuring that the health and safety of employees and others who may be affected by the council's activities is safeguarded. A serious injury to an employee or a service user of course causes pain and suffering and also results in significant costs to the authority as well as the possibility of reputational damage.



Exercise 1 – what do you know about safe activities in your area?

Think about the types of services that are carried out daily and weekly in your community and list some of the health and safety risks that you think the council might need to manage.

Activity	Health and safety issues

For example:

Refuse collection

Road risks from traffic

The importance of effective health and safety management has become even more crucial with the introduction of the offence of corporate manslaughter. This has established a direct link where breaches of health and safety laws that cause death can lead to a charge of corporate manslaughter. It is essential therefore that councils are confident that their health and safety governance arrangements stand up to scrutiny. Aside from the tragic loss of the individuals involved, a charge of corporate manslaughter would also bring with it significant reputational issues and is likely to damage the standing of councillors with their constituents.

There are also external forces influencing councils. Local government is expected to play its part in the delivery of national strategies which impact upon workforce health, safety, and wellbeing. For example, influencing the health and safety standards of contractors and suppliers when commissioning or procuring services, supports the HSE's supply chain initiatives.

The Health and Safety Executive's (HSE) strategy for health and safety in Great Britain, titled 'Be part of the solution'¹ was launched in June 2009, and at the launch ceremony Sir Steve Bullock, Mayor of Lewisham and Chair of the Local Government Association HR panel (now the Local Government Association Workforce Board) signed the strategy pledge on behalf of the LG Group. Local councils are also encouraged to sign the pledge.

In addition the government strategy 'Health, Work and Wellbeing – Caring For Our Future'² challenges employers to invest in the health and wellbeing of their employees to improve health outcomes, build resilience, and enhance productivity.

This theme has been further expanded by Dame Carol Black's review into health at work,³ and the Government's response to that review⁴.

1 Health and Safety of Great Britain: Be part of the solution, June 2009 www.hse.gov.uk/aboutus/strategiesandplans/index.htm

2 Health, work and wellbeing – Caring for our future, October 2005 www.dwp.gov.uk/docs/health-and-wellbeing.pdf

3 Working for a healthier tomorrow, March 2008 www.workingforhealth.gov.uk/documents/working-for-a-healthier-tomorrow-tagged.pdf

4 Improving health and work: changing lives, November 2008 www.workingforhealth.gov.uk/documents/improving-health-and-work-changing-lives.pdf



Integrating health, work and wellbeing strategies

In 2000 Wrexham County Borough Council was near the bottom of the league of Welsh councils when it came to employees' sickness levels. As an authority they knew that the health of Wrexham County Borough Council's employees was vital to the smooth running of services and therefore it needed to take a more proactive approach to the health of employees.

Policies already existed in relation to health and safety at work but the council wanted to be more pro-active and promote health and wellbeing to all staff. After assessing the challenges of wider health, work and wellbeing policies, an Employee Wellness Health Strategy was written. This strategy incorporated all activities, policies and decisions that affected the health of employees and could also importantly influence the health of their families.

The importance of workplace health is a key value that runs through all Wrexham council's corporate priorities – without staff to deliver the priorities they simply could not be achieved.

In 2001 the council began to integrate health and safety with health promotion and to work towards achieving a level of the Corporate Health Standard (CHS). By achieving the standard it would show that the council was working on the right things to improve the health of its employees.

The council was awarded CHS Silver Award in 2002 and has been regularly in the upper quartile for sickness absence levels since. This was followed by the Gold Award in 2007 and it continued to be one of the best Welsh councils for sickness absence levels in 2007/08 and 2008/09 and remained in the upper quartile in 2009/10.

The Corporate Health Standard, run by the Welsh Assembly Government, is the quality mark for workplace health promotion in Wales.

Health and safety in the council

Taking a sensible approach to health and safety is important. This is all about practical steps to protect people from real harm and suffering; not creating bureaucratic steps to cover your back and avoid responsibility. If you believe some of the stories you hear, health and safety is all about stopping any activity that might possibly lead to harm. This is not what the law requires or what your council should be aiming for. The HSE advocates seeking a balance between the unachievable aim of absolute safety and the kind of poor management of risk that damages lives and the economy. As a councillor you can play an important role in promoting a sensible approach to health and safety.

There are essentially three drivers for effective health and safety management: moral imperative, business case and legal compliance.

Staff should not be injured or made ill by their work. Councils ensuring this does not happen will also reduce staff turnover and improve morale and engagement and improve productivity. Safe and healthy employees will have a direct impact upon the ability of staff to deliver services to constituents and the wider community. Also consider the impact on the family of the injured person, people who may be your constituents. There may be loss of income and additional caring responsibilities.

While accident rates within local government stand favourable comparison with other sectors such as health services, in 2008/09, five employees were killed at work, 1803 were seriously injured and 8206 were injured severely enough to require more than three days off work. Accidents and injuries bring significant costs to the organisation, not to mention the pain and distress suffered by those who are injured. Even minor accidents can have significant implications for those involved and councillors should aim to prevent workplace accidents by risk assessment and the application of sensible controls. Workplace accidents and occupational disease which require medical or even hospital treatment are placing additional avoidable burdens on local health services which can impact upon others who are waiting for treatment.

In serious situations where someone is killed at work it can devastate co-workers and colleagues and paralyse the organisation while the investigation for possible corporate manslaughter progresses. Over the period 2002-09 the activities with the highest number of fatalities were construction/maintenance (12), refuse (12) and elementary occupations eg labourers, cleaners (10).



Manual handling passport schemes

Welsh local authorities have developed an All Wales Manual Handling Passport Scheme to provide consistency and standards to manual handling training for all council employees. Similar schemes exist across other parts of the country. The scheme has assisted councils to develop training to reduce the risk of injury through manual handling and includes:

- specialist training for those required to handle people in social care settings; this is particularly useful as the health care staff receive similar standard training which helps with joint-working in the community
- tailored training for refuse collectors to pick up bags, bins and boxes safely
- general training for those that are required to handle and move inanimate objects when working in kitchens, offices, schools, and out in the community.

It is also important to consider ill health. Research⁵ in 2009 identified that over 40 per cent of long-term sickness absence in councils is attributed to stress (including, common mental health problems) and musculoskeletal disorders (including back problems). While not all of this sick leave can be attributed to work, there is significant potential for these conditions to have been caused by or made worse by work. A significant health issue is the presence of asbestos in premises owned and operated by councils including offices, schools and houses. Both accidents and ill health cause significant financial losses and most of this cannot be insured against.

It is a statutory duty under Health and Safety at Work etc Act 1974 to secure, so far as is reasonably practicable, the health, safety and welfare of employees and others who may be affected by a council's activities. All elected members will therefore have an interest in the impact of health and safety management on their constituents, whether they are council employees, service users or clients. The delivery of services which do not place people at excessive risk should be of paramount concern to all councillors.

There are also individual responsibilities under the Act. Failure of individuals and organisations to comply can lead to unlimited fines and possible imprisonment.

As previously discussed, the Corporate Manslaughter and Corporate Homicide Act introduced a new offence of corporate manslaughter. Convicted organisations will face unlimited fines, which will be significantly greater than those for a death caused by less significant health and safety breaches.

⁵ Local Government Sickness Absence Levels and Causes Survey 2008-2009

Enforcement of health and safety law

Health and safety law is enforced in local government by the HSE. It can proactively inspect premises or activities through their risk-based inspection programme. Inspectors have wide ranging powers including power of entry, the ability to take statements and confiscate property.

They may also visit to investigate reported accidents or complaints.

Definitions

Inspection is the process carried out by HSE-warranted inspectors which involves assessing relevant documents held by the duty holder, interviewing people, and observing site conditions, standards and practices where work activities are carried out under the duty holder's control. Its purpose is to secure compliance with legal requirements for which HSE is the enforcing authority and to promote improving standards of health and safety in organisations.

Investigation is a reactive process which includes all those activities carried out in response to an incident or a complaint to:

- gather and establish the facts
- identify immediate and underlying causes and the lessons to be learned
- prevent it happening again
- detect breaches of legislation for which HSE is the enforcing authority
- take appropriate action, including formal enforcement.

An investigation may range from an enquiry by a single inspector about a minor incident or complaint to a large enquiry involving a team of inspectors.

Enforcement means all dealings with dutyholders that result in the serving of notices; the withdrawing of approvals; the varying of licences, conditions or exemptions; the issuing of formal cautions; prosecution; and the providing of information or advice, face-to-face or in writing.

Prosecution is the taking of punitive action against a dutyholder following a decision-making process which is impartial, justified and procedurally correct.

Inspectors can prosecute where there are breaches of legislation. They can also serve notices. An improvement notice requires the breach to be rectified within a specified period of time. A prohibition notice will stop an activity from continuing or prevent it starting. Failure to comply with notices is an offence.

Some councils are also enforcing authorities for health and safety legislation. Their inspectors have the same powers as HSE inspectors but they inspect different types of premises.

When someone is killed, investigations for possible corporate manslaughter will be undertaken by the police supported by HSE inspectors. HSE inspectors will continue the investigation into health and safety breaches if the police consider that there is insufficient evidence to continue an investigation for corporate manslaughter.

Responsibilities need to be understood

The principal duty holder under the Health and Safety at Work etc Act is the employer. However, the council through the leader and cabinet will set the direction for health and safety, through its strategy and policy, and allocate resources to make the strategy a reality. The strategy and policy will be implemented by officers and overseen by the chief executive as head of paid service and the senior management board made up of departmental directors. The chief executive and council leader will provide overall leadership on health and safety for the council and will sign off the health and safety policy statement.

Line managers have a responsibility to manage the health and safety of the people in their team in the same way they would manage performance, discipline and attendance.

All individual employees from the chief executive down are responsible for their own health and safety, that of other employees and others who may be affected.

Emphasis is placed upon actions of leaders and senior managers as the new offence of corporate manslaughter makes a direct link between senior management failure to manage health and safety and a death. It is likely that in addition to senior officers, portfolio holders will be involved in investigations should someone be killed as a result of management failures.



Understanding the risks

The management of health and safety is based upon the premise of risk assessment.

What is risk assessment?

A risk assessment is simply a careful examination of what, in your work, could cause harm to people, so that you can weigh up whether you have taken enough precautions or should do more to prevent harm. Workers and others have a right to be protected from harm caused by a failure to take reasonable control measures.

Don't overcomplicate the process. In many organisations, the risks are well known and the necessary control measures are easy to apply. You probably already know whether, for example, you have employees who move heavy loads and so could harm their backs, or where people are most likely to slip or trip. If so, check that you have taken reasonable precautions to avoid injury.

When thinking about your risk assessment, remember:

- a hazard is anything that may cause harm, such as chemicals, electricity, working from ladders, or an open drawer
- the risk is the chance, high or low, that somebody could be harmed by these and other hazards, together with an indication of how serious the harm could be.

Extracted from 'Five steps to risk assessment' – HSE leaflet INDG 163(rev3), revised 06/11.



A council's health and safety policy

- The council's policy statement will provide the structure and processes of how health and safety will be managed within the council.
- It will need to demonstrate leadership within the council, but also identify the roles that everyone can play in managing health and safety.
- Everyone will have a responsibility within the policy – senior managers, managers, supervisors and staff.
- The health and safety manager or team don't 'do' health and safety – that is the responsibility of managers. They do provide the competent advice as required by law, support and expertise that councils need to meet their legal obligations. In a sense this is the same as accountants; they don't spend the money but ensure that those who do have the support to do so properly and legally, and that it is effectively managed, monitored and audited.
- The policy will be supported by good practice guidance to assist those responsible to carry out their duties under the policy.



Exercise 2 – risk assessment process

Think about risk assessment as a process, and consider an activity within the council that you are familiar with.

What hazards exist in this service area?

Think about what people do in their jobs and how they do them. How are they affected?

Who could be at risk in this service area? Remember this might not be just employees.

Evaluate the risks. How likely is an incident to happen and how serious could the outcome be? Think about two of the most serious possibilities.

Take one of the risks you have identified and consider how the risk might be controlled to an acceptable level.

When would it be appropriate to review a risk assessment? What sort of things may make you think the latest assessment is no longer valid?

Good health and safety management brings benefits

Effective health and safety management brings with it significant benefits to the organisation and individuals, both employees and service users as constituents. Some benefits are obvious, others less so. Obvious benefits for the organisation include fewer accidents and cases of occupational ill health resulting in lower employment costs, reduced absence, fewer accident investigations and fewer prosecutions. For individuals, reduced pain and suffering, less absence, a safe and healthy working environment and being able to be an active member of the workforce.

However, less obvious is the impact on staff engagement. Research has indicated that health and safety is a key component for securing staff engagement. An engaged workforce is more productive and innovative.



Getting health and safety right – sensible risk management

“We want to focus our attention on practical steps that protect people from real risks that can lead to injury and even death. We do not want to stop people from living their lives.”

Geoffrey Podger, Chief Executive, HSE

Health and safety is often used as a convenient but false excuse to **prevent** something from taking place. However, risk assessment correctly applied by competent people can do the opposite and ensure that appropriate and sensible controls are put in place to **allow** activities to take place.

For example, it would be wrong to cancel a community event because you don't want to spend extra money on access for people with disabilities. People who use wheelchairs are able to abseil down cliffs because the risks have been properly assessed and controlled, so this is no excuse.



Training of refuse workers

Denbighshire Council was one of the first councils to provide specialist training for their refuse and recycling workers who collect the bins bags and boxes from households.

Following the training the authority reported a reduction in injuries and absenteeism. It was also noted that the workers themselves were much happier in their work.

The workers put this down to the council valuing them and their work, and investing time in providing them with relevant training to help them do their job more safely, which also made it quicker and easier to perform their tasks.



Exercise 3 – good health and safety management brings benefits

Think about health and safety management within a specific council activity, the people involved and the people it serves.

What are the clear and obvious benefits of effectively managing health and safety of the councils' employees?

What are the other benefits which are less obvious?

How are these benefits important during the current economic climate?

What could happen if the council failed to manage health and safety effectively? Think about the council as an employer and consequences for individuals.



Sensible risk management

Risk management is about identifying significant risks and taking practical action to reduce them. Sensible health and safety risk management is about:

- making sure that workers and the public are properly protected
- balancing benefits and risks, with a focus on reducing real risks – both those which come up most frequently and those with the potential for serious consequences
- enabling innovation and learning, not stifling it
- making sure that those who create risks manage them responsibly
- helping people understand that, as well as the right to protection from employers, they also have a responsibility for themselves and others.

Sensible health and safety risk management isn't about:

- creating a totally risk-free society
- generating endless paperwork
- scaring people by exaggerating or excessively publicising trivial risks
- stopping important recreational and learning activities for people where instead the risks could be managed
- reducing the protection of people from risks that could cause real harm.

Elected members have a significant role to play in demonstrating their support for sensible health and safety, sensibly applied. Constituents would not be pleased to see community events cancelled because of poorly-thought through health and safety decisions. Or worse still, health and safety being used as a convenient excuse to cover up the real reason for cancellation. It is important that if an event or activity is not to go ahead because of genuine health and safety concerns, they should be effectively articulated to the organisers.

Reasons must stand up to examination and evidence should be provided to support the position, in writing. It is proposed that citizens should have a route for redress and unfair decisions could be referred to the Ombudsman, where a fast track process to overturn decisions within two weeks is to be implemented. If it is not possible to reinstate an event the Ombudsman will have the power to award damages⁶. Councils should work positively with organisers to ensure that health and safety is effectively managed to allow events to take place.

⁶ 'Common Sense – Common Safety', HM Government, 2010



Exercise 4 – ensuring safe and successful community events

There is talk of a popular community event being cancelled because of 'health and safety reasons'. What kinds of information might you want to know before supporting or challenging the decision to cancel the event? Who might you want to help you ensure a safe and successful event?

Failure to manage health and safety can have serious consequences

Managing the real risks and not being distracted by trivia is critical for protecting employees and the public from real harm and suffering. There are serious consequences for both organisations and individuals when health and safety management falls below the required standard. Breaches of the Health and Safety at Work etc Act 1974 and associated regulations and non-compliance with enforcement notices can result in substantial fines and imprisonment. Clearly, the impact of trial and sentence on an individual, including elected members, would be enormous.

Furthermore, where senior managers have failed to the extent that it amounts to gross breach of the duty of care and someone dies, the council could be prosecuted for corporate manslaughter. The fine upon conviction could run into millions of pounds together with other sanctions available to the court. Provisions exist for health and safety and corporate manslaughter charges to be tried in parallel.

If the conduct of an individual employee or elected member amounted to gross negligence and caused a persons death, then they individually could be prosecuted for gross negligence manslaughter. The maximum punishment is life in prison.



Accident statistics for local government employees 2008/09

Fatal	5
Major (for example, a serious fracture)	1803
Those needing more than three days off work as a result of the injury	8206

Also consider the impact of a prosecution in terms of individual and collective reputations and possible outcomes in terms of attitudes of the local electorate. It could clearly damage the relationship between councillors and their constituents. A very large fine may also take money away from services.

In addition to any fines, the HSE is trialling and will roll out a scheme to recover all of the costs of an inspection/investigation at which a serious, material breach in standards has been discovered, together with the costs of any follow-up work.



Examples of prosecutions

- A city council was fined £125,000 plus £40,000 costs after a refuse lorry killed an 11-year-old girl.
- A county borough council was fined £60,000 plus £22,000 costs after a man died in a care home. Poor maintenance and training was blamed.
- A metropolitan borough council was fined £400,000 and over £30,000 costs following a death.
- A district council was fined £18,000 plus £7,000 costs after problems with asbestos exposure at a leisure centre.



A landmark case – Barrow Borough Council

In 2002, an outbreak of legionnaires' disease at an arts and leisure centre run by Barrow Borough Council led to the deaths of seven people. Nearly 200 people were infected.

A case against the council for corporate manslaughter was dismissed under previous law. The council pleaded guilty under the Health and Safety at Work Act. Mr Justice Burnton said that he would normally have imposed a fine of more than £1 million, but he was reluctant as it would have had a direct impact on taxpayers and service provision. Even so, he fined the council £125,000 plus £90,000 costs.

“One of the purposes of a financial penalty is to demonstrate to those council taxpayers, to the electorate and to councillors the gravity of matters such as this.”

In his summing up of the case, he stated:

“The failings were not only at the lowest levels [...] those failings went all the way, I am afraid to say, to the top of the council in terms of its serving officers.

It is likely they went beyond the officers to the councillors, because there is no evidence that there was proper attention given to health and safety within the borough.”

Barrow Borough Council leader Bill Joughin said:

“We had policies written on paper but [...] it was not part of the culture of the organisation, and there was no chain of command. We ticked all the boxes, but there was not a procedure which ensured it was all adhered to.”

The elected member's role in health and safety

It is important to understand that elected members are not expected to be health and safety experts. The council is legally required to appoint competent health and safety advisors to help managers and members understand the technical and legal issues. The role and level of responsibility will also depend upon position held by the elected member.



The elected member's roles in practice

“Competence is not just knowledge, but the ability to apply that knowledge sensibly and proportionately, without being buried in paperwork.”

Judith Hackitt, HSE Chair

“Councillors shouldn't micromanage, but should satisfy themselves that risks are being sensibly managed.”

Councillor Ceri Jones, elected member at Gloucestershire County Council

“We need to engage with chief executives locally on the real issues; at the moment 'bad news' incidents are what catch their attention.”

Councillor Apu Bagchi, elected member at Bedford Borough Council and Deputy Chair of the LGA HR Panel 2006-2010



Briefing of elected members on health and safety responsibilities

Bath and North East Somerset Council wanted to start engaging their elected members on health and safety issues. They brought in a national policy adviser and held a series of daytime and evening briefings. The briefing lasted two hours (including a break and question and answer session) and covered the following issues:

Drivers for improved health and safety governance

- business case
- Corporate Manslaughter and Corporate Homicide Act
- implications for local government of corporate manslaughter
- other government strategies.

Local government reaction to drivers for improvement

- health and safety responsibilities
- management response to corporate manslaughter
- officer and member leadership on health and safety
- elected member responsibilities on health and safety
- learning from mistakes.

To demonstrate a strong commitment to health and safety, the council leader would be expected to sign off the safety policy statement along side the chief executive. They should demonstrate leadership on health and safety by setting an example to council staff and the wider community in what they say and do. This is particularly important in terms of ensuring a sensible approach to risk management, which is proportionate to the risks faced. They should understand the health and safety policy statement and their role on delivering its objectives. It is crucial that they have an appreciation of the strategic risks run by the council and the broad control measures in place to ameliorate the risks. The leader should be informed of significant health and safety issues (for example, serious accidents, investigations, potential and actual enforcement action including the serving of notices and prosecutions). The leader and the chief executive should work closely together to jointly promote a positive culture around health and safety within the council and its employees. Councils should aim to be exemplars in health and safety risk management.

The cabinet – together with leader, and advised by officers – should take ownership and endorse the council’s health and safety improvement strategy. The strategy will set out where the council wants to go and how it will get there. It should contain objectives and milestones, including leading and lagging indicators including accident and occupational ill health figures. Members should receive regular reports from officers on progress.



What is leadership?

Health and safety leadership is all about accountability. It means taking ownership of risk and accepting responsibility for managing it. A health and safety leader is the person who drives cultural change by winning the support of directors, managers, workers and contractors. A leader fundamentally alters the corporate ethos so that health and safety becomes ‘the way we do business around here’.

“...it’s about common sense, personal responsibility and integrity...Leadership comes from actions not words...”

Judith Hackitt, HSE Chair, Annual Rivers Lecture, 18 March 2009

The cabinet should also be made aware of significant health and safety issues, immediately where necessary, and in cabinet reports portfolio holders should also ensure that adequate resources are allocated when setting budgets to secure the health and safety of the workforce and others who may be affected.

The cabinet will ensure that mechanisms are in place to consult with trade union safety representatives and other staff representatives on health and safety issues.

Portfolio holders should seek to demonstrate health and safety leadership within their departments. They should be aware of the significant risks within their area of responsibility and the measures in place to reduce risks. They should know who to approach for competent health and safety advice. Additionally, safety implications of decisions should be flagged up by officers within option papers.

The full council will approve the health and safety strategy and the scrutiny committee should be satisfied that the strategy is implemented and audited, and can question cabinet members on health and safety implications of policy decisions.

Elected members and in particular the leader, deputy leader and cabinet members should receive suitable and appropriate training on health and safety to ensure they understand their role and responsibilities.



Leadership in practice

In 2009 HSE launched The Health and Safety of Great Britain and many individual councils have signed the pledge to 'Be part of the solution' to deliver the strategy.

Local authority health and safety managers have been working with HSE to develop a simple Strategy Delivery Framework (SDF) to help councils demonstrate progress on delivering the GB Strategy goals.

The package includes:

- a vision – a local authority perspective on implementation of the GB strategy
- a self evaluation tool to assess the council's contribution
- a self evaluation matrix focusing on the GB strategy goal of leadership.

It is important that councillors support the principles of sensible risk management and seek to ensure that the council does not make health and safety pronouncements which go beyond what is required in the circumstances. All councillors should challenge officers and fellow elected members on health and safety decisions if they appear out of proportion. Using health and safety as a lazy reason to cancel events, for example, can make the council look bad in the eyes of the local community and attract very unwelcome national media interest, which could serious damage the reputation of the council. Furthermore, poor health and safety decisions will undermine the community's confidence in the ability of officers and councillors to effectively manage the real risks and their ability to effectively secure public safety. Sensible risk management on the other hand will enhance the council's reputation for pragmatic decision-making and protecting their community.

Sources of health and safety advice within the council

The first port of call when looking for advice on health and safety should always be your council's competent health and safety adviser. Councillors may also want to raise any broad health and safety issues they have with the relevant chief officer who may then seek technical advice.



Exercise 5 – elected member roles in health and safety management

What crucial role do you think the leader of the council has in relation to health and safety? What actions should a leader take to fulfil this role?

What should the council leader know about health and safety within the organisation?

What should a cabinet member know about health and safety within their area of responsibility?

What is the role of scrutiny and backbenchers in management of health and safety within the council?

Where can councillors get health and safety advice? Is there a legal requirement to have access to health and safety advice?

The competent adviser should have a detailed knowledge and understanding of the council's health and safety risks and the measures in place to control them. This person will usually either be a chartered member of the Institution of Occupational Safety and Health (IOSH) or be working towards chartered status. The adviser should understand the limits of their expertise and recognise when it may be appropriate to seek expert external advice on a particular issue.

Other sources of internal advice include trade union health and safety representatives. Some councils have environmental health officers (EHOs) employed as health and safety inspectors. EHOs can also formally provide the competent advice to the council as required by law as well as acting as health and safety regulators for local business.

It is a legal requirement for the council to have access to competent health and safety advice.



Civil liability

Civil liability gives a person rights to obtain redress eg sue for damages for personal injury, from another person.

For there to be an award of damages the injured party has to demonstrate that there was duty of care owed, that there was a breach of care and that they have suffered a loss as a result.

Public liability insurance and employer's liability insurance cover the costs of such claims for damages. The council's insurance provider can be another source of expert advice on managing risk.



Exercise 6 – civil liability costs

Do you know how many civil claims have been made against your authority in the last few years?

How many went to court and how many were settled out of court?

How much has legal action cost your authority?

Final word and next steps

The intention of this booklet is not to turn elected members into health and safety experts. It is to broadly outline how health and safety responsibilities impact upon councillors in fulfilling their role as an elected representative.



Exercise 7 – where do you go from here?

Look back over the material contained in earlier sections of this workbook and consider the following:

What key action points can you identify to improve the way that you support the management of health and safety in your council? What three or four things might you start doing, keep doing or stop doing?

1 _____

2 _____

3 _____

4 _____

Have you identified any gaps in your knowledge or shortcomings in your personal skills in this area? If so, set these out below and identify how any further training or development might help you. For example, further reading/research, attending courses, coaching, mentoring, or work shadowing.

Councillors will also appreciate that as they achieve higher office their role will change and they will need to work more closely with officers to ensure they have the appropriate overview and appreciation of their role in health and safety leadership and management.

Health and safety of council employees will impact upon the services provided and also the local community because councils recruit from the community they serve.

It is important to appreciate that an appropriate system for managing health and safety risks is seen as an enabling tool which when properly applied, allows things to happen. Health and safety should not be used as an excuse to curtail events or activities. Events should only be stopped if they present a risk so great that even with the advice of a competent person it is not possible to provide adequate control measures. Councils, their employees and councillors must ensure that a sensible approach is taken to health and safety at all times.

The aim should be to effectively control the real risks; that is the ones that could lead to serious injury. It is not possible – nor desirable – to create a risk-free society, but real risks must be managed.

Appendix A – Sources of further information

Publications

‘Think about health and safety, what elected members of local authorities need to know’, IOSH, 2009

<http://tinyurl.com/chqnext>

‘Leading health and safety at work’, IoD/HSE, 2009

www.hse.gov.uk/leadership/

Councillor’s Guide 2012/13

<http://tinyurl.com/c8en673>

Websites

www.hse.gov.uk

The Health and Safety Executive (HSE) is the regulator whose inspectors visit and inspect local authorities for compliance with health and safety legislation. The HSE website contains the latest news, events, guidance and publications on health and safety. It should be the starting point when searching for health and safety information for the UK.

www.wlga.gov.uk

The Welsh Local Government Association (WLGA) represents Welsh local authorities, though there are some functions which are undertaken by Local Government Employers on behalf of Wales. The WLGA website contains information on workforce issues including health, safety and wellbeing.

www.local.gov.uk

Local Government Association (LGA). The LGA is the national voice of local government and their mission is to support, promote and improve councils. The LGA website contains information on workforce issues including health, safety and wellbeing.

www.dwp.gov.uk

Health and Safety reform – information about the latest proposals and progress.

www.iosh.org

The Institution of Occupational Safety and Health (IOSH) is the professional body which represents health and safety practitioners. The IOSH website includes news items, events and current campaigns as well as useful tool kits.

www.gmb.org.uk

The GMB is the general union which has significant membership in the local government sector and a significant number of safety representatives working within councils. The GMB website contains information on health and safety which is used by their safety representatives and their members.

www.unison.org.uk

UNISON is the largest public sector union and has many members and safety representatives working in local government. The website contains a health and safety section.

<http://osha.europa.eu/en>

The European Agency for Health and Safety at work is based in Bilbao, and works with governments, employers and workers to promote a risk prevention culture. Its website contains detailed information on health and safety issues within Europe including the European strategy for health and safety. There is also information that supports current health and safety campaigns.

www.legislation.gov.uk

This website brings together all UK legislation, including all acts and regulations relating to health and safety.

www.britsafe.org

The British Safety Council (BSC) is a major provider of health and safety training and audit. They are also strongly committed to training young people and provide free training for school children as part of their charitable activities. The BSC website contains information relating to their courses and training.

www.rospace.com

The Royal Society for the Prevention of Accidents (ROSPA) is a major provider of occupational health and safety training and audit. ROSPA is also a campaigning organisation and involved in preventing accidents in the home, on the road, and in leisure activities. The ROSPA website contains information regarding all their activities.

Appendix B – Principal health and safety legislation

Health and Safety at Work etc Act 1974

The act sets out the general duties of employers to secure, so far as reasonably practicable, the health, safety and welfare of its employees and others who may be affected by the council's activities including clients, service users and the general public. The act also applies duties to individuals to protect their own health and safety and that of others. It also outlines the powers of inspectors including issues relating to enforcement action such as serving improvement and prohibition notices.

Management of Health and Safety at Work Regulation 1999

The regulations introduce the requirement to assess the risks affecting employees while they are at work, as well as the risks affecting other people which arise from the work activity. Adequate controls must be put in place to reduce risks to an acceptable level and the significant findings of the assessment must be recorded. They also include the requirement for employers to have access to competent health and safety advice.

Health and Safety (Display Screen Equipment) Regulations 1992 (amended 2002)

The regulations lay down minimum standards for the design, and adjustment of work stations incorporating display screen equipment (DSE), which essentially means areas with computers. They also include provisions for eye tests for DSE users and training in how best to position equipment.

Manual Handling Operations Regulations 1992 (amended 2002)

The regulations require that hazardous manual handling activities be avoided where reasonably practicable and if this is not possible, manual handling operations should be assessed and measures put in place to reduce the risks associated with the activity.

Workplace (Health, Safety and Welfare) Regulations 1992

The regulations lay down minimum standards for workplaces including heating, ventilation, lighting, cleanliness, working space, pedestrian and vehicle traffic routes, and sanitary provision.

Provision and Use of Work Equipment Regulations 1998

The regulations lay down the minimum standards for any equipment used at work. Work equipment should be suitable and safe for the intended use, inspected and maintained in a safe condition and users should receive adequate training.

Control of Substances Hazardous to Health Regulations 2002 (as amended)

The regulations require that that an assessment is carried out to determine the risk presented by hazardous substances that are used or present in the workplace and identify the measures needed to control that risk. Other provisions require health monitoring air monitoring, provision and maintenance of control measures and adequate training for staff.

Electricity at Work Regulations 1989

The regulations lay down standards for ensuring safety in the use of electricity at work, including means of isolation, earthing, competency of persons working on electrical systems, testing and live equipment.

Work at Height Regulations 2005 (as amended)

The regulations apply to all work at height where there is a risk of a fall liable to cause personal injury. They require that measures are put in place to prevent people falling.

Safety Representatives and Safety Committees Regulations 1977 (as amended)

The regulations apply to workplaces where there is a recognised trade union. Employers should establish a safety committee, allow the election of trade union safety representatives and consult with safety representatives on issues relating to health and safety.

Health and Safety (consultation with Employees) Regulations 1996 (as amended)

The regulations provide for consultation with employees in workplaces which are non-unionised or who are not covered by representatives from a recognised trade union.

Corporate Manslaughter and Corporate Homicide Act 2007

This Act introduces a new offence for prosecuting companies and other organisations for gross failures in the management of health and safety with fatal consequences.



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