

| Classification | Item No. |
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| Open | |

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| Meeting: | Health and Safety Joint Consultative Committee Overview & Scrutiny Committee Cabinet |
| Meeting date: | 21 st June 2023 3 rd July 2023 12th July 2023 |
| Title of report: | Health and Safety Annual Report & Policy |
| Report by: | Cllr. Tahir Rafiq, Cabinet Member for Corporate Affairs and HR |
| Decision Type: | Non Key |
| Ward(s) to which report relates | All |

Executive Summary:

In accordance with the Health and Safety Executive (HSE) best practice the Council produces an annual Health and Safety Report. This report sets out key health and safety activity over the 2022/23 financial year alongside a summary of reported health and safety incidents. It goes on to propose a set of Health and Safety Priorities for the 2023/24 financial year.

As part of the annual reporting process the Council's Health and Safety Policy has also been reviewed (in-line with HSE Best Practice) and the Policy is also included for approval.

Recommendation(s)

Health and Safety Joint Consultative Committee is asked to consider and provide feedback on the Health and Safety Annual Report & Policy

The Overview and Scrutiny Committee is asked to consider and provide feedback on the Health and Safety Annual Report & Policy

Cabinet is asked to Approve the 2022/23 Annual Health and Safety Report and revised Health and Safety Policy

Key considerations

1.0 Health and Safety Annual Report

- 1.1 The 2022/23 Health and Safety Annual Report is appended below (Appendix 1) for consideration and approval. This report reflects the significant work undertaken to strengthen the Council's health and safety management arrangements, governance and culture over the past 12 months. It provides the detail on reported health and safety incidents as well as an update on implementation of the outcomes from audits and investigations undertaken over the past year.
- 1.2 The latter part of the last financial year saw three significant RIDDOR reportable incidents within the Operations Department. Full investigations of each incident were undertaken to identify response actions, which are now being progressed. Given the nature and seriousness of these incidents and external review of health and safety arrangements within the Operations Department has been commissioned to provide further assurance and identify areas for improvement. Members have contributed directly to this review. Supporting action in response to the review will be a key priority for 2023/24, both in terms of practical improvements to systems, processes and ways of working and the wider cultural work noted above.
- 1.3 As noted above, there has been significant progress in strengthening the Council's health and safety management arrangements over the past 12 months. This, however, remains very much work in progress and the need for a continued and increased focus here to ensure the Council's organisational culture and in particular, management attitudes and approaches are health and safety aware will be a key area of focus for the year ahead.

2.0 Health and Safety Policy

- 2.1 In January 2022 the Employment Panel agreed a new Health and Safety Policy for the Council. In-line with HSE guidance, this policy is reviewed annually as part of the annual reporting process. The policy has therefore been reviewed and remains broadly unchanged with the exception of a small number of amendments to ensure clarity and reflect roles and responsibilities in the context of the Council's new leadership structure.
- 2.2 Members are reminded of their responsibilities in line with the Council's Health and Safety policy as both members of the Council community and specifically:

Bury Council expects our employees, agency workers, consultants, contractors, partners, suppliers, and Elected Members to:

- Take personal responsibility for their own safety and the safety of those around them, considering risks and highlighting concerns through the management line or to the Council Health and Safety team.
- Undertake relevant health and safety training as required by the Council

- Cooperate in adhering to the standards and expectations laid out in this policy
- Ensure that they carry out their work, so far as is reasonably practicable, without putting themselves or others at risk
- Ensure any tools, materials, and equipment which they may use are safe and free from defects
- Co-operate with any health and safety investigation and prioritise the delivery of identified actions
- Report any hazards that they become aware of; any shortfalls in health and safety management arrangements; any accidents that happen at work and any illness that they believe has been caused or made worse by work
- Assist in the development, implementation and maintenance of health and safety management arrangements when asked to do so

Elected members are responsible for providing leadership on issues of health and safety and ensuring the provision of adequate resources.

A member of the Cabinet will have specific responsibility for the occupational health and safety portfolio and will ensure this policy is promoted and that occupational health and safety issues are brought to the attention of Cabinet when appropriate

Elected Members are responsible for:

- Providing leadership on issues of health and safety
- Adoption of policies, strategies and plans that are within the spirit of this policy and which allow it to be implemented in practice
- Provision of adequate resources to enable the implementation of occupational health and safety policies, plans and strategies
- Scrutiny
- Carrying out Council roles and duties in line with the standards, arrangements and guidance covered by this policy.

Community impact/links with Community Strategy

Health and Safety is an important component to the Council's overall management system and arrangements which support our community to remain safe and well when engaging with Council services or on Council premises.

Equality Impact and considerations:

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) *eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) *advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) *foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.

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| Equality Analysis | <i>Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.</i> |
| An Equality Assessment of the Council's Health and Safety policy was undertaken at the time of its original approval and no negative impacts identified. | |

Assessment of Risk:

The following risks apply to the decision:

| Risk / opportunity | Mitigation |
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| The lack of a robust Health and Safety Policy which aligns with HSE guidance poses a risk to staff safety as well as legal challenge | Policy approval, communication and continuous review |
| Lack of compliance with the organisation's Health and Safety Policy | Engagement and training to be rolled out following policy communication. |
| Lack of clear governance and priorities for health and safety | Agreement of this report and close and continuous joint working with the Trade Union |

Consultation:

The Council follows the Health and Safety Executive guidance and produces an annual report for Members consideration, this report is also considered and agreed by the Council's Executive Team and Health and Safety Joint Consultative Committee (JCC).

Legal Implications:

This report requests members to approve the Health and Safety Annual Report, this report is to update Cabinet on the Council’s Health and Safety performance over the last 12 months, the report sets out national priorities and the priorities for the next 12 months. As an employer the Council has statutory responsibilities to carry out our undertaking (all activities) so far as is practicable in a safe and healthy working environment for our employees, contractors and partners. In addition, as an Authority we have a duty under s 18 of the Health and Safety at Work Act 1974 to make adequate provision for health and safety regulations in our area.

Financial Implications:

Whilst the production of the annual report and the review of the health and safety policy in themselves do not have any financial consequences, any actions or recommendations identified may have. These may include the external review of health and safety arrangements within the Operations Department which was commissioned to provide further assurance and identify areas for improvement following three serious incidents or additional training or signage as a consequence of reported incidents. However, like all audits and risk assessments the health and safety audits have the potential to mitigate and avoid future potential costs to the Council by preventing accidents from happening.

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Background papers:

Report to Employment Panel: January 2022 – Health and Safety Policy
<https://councildecisions.bury.gov.uk/ieListDocuments.aspx?CId=329&MId=2983&Ver=4>

Report to Cabinet: July 2022 – Health & Safety Annual Report
<https://councildecisions.bury.gov.uk/ieListDocuments.aspx?CId=126&MId=3151&Ver=4>

Please include a glossary of terms, abbreviations and acronyms used in this report.

| Term | Meaning |
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| HSE | Health and Safety Executive |
| HST | Health and Safety Team |