

Health and Safety Responsibilities



Introduction

The City Council as an employer and landlord has legal duties that must be complied with, to ensure the health & safety of its employees and those that are affected by its day to day activities. Every employee has a responsibility in law for the health and safety of themselves and of others who may be affected by their acts or omissions. These duties and responsibilities are recognised by the City Council, who have agreed and set out policies and procedures to ensure that health & safety is considered in the management of all its services.

The Council, through its policies and procedures and by consultation with its employees, aims to develop a culture of shared responsibility. Employees are encouraged to accept this responsibility, but also to recognise the limits of their own competence and where necessary obtain advice from the Council's Corporate Health and Safety Team.

The purpose of this document is to:

- set out the responsibilities of the City Mayor, Mayoral Team and Officers of the City Council who have specific responsibilities for health and safety;
- explain the arrangements for consultation on health, safety and welfare.

City Mayor and Mayoral Team (The Executive)

The City Mayor and the Mayoral Team (The Executive) have significant influence on the strategic direction of the organisation, the allocation of budgets and the policy decisions that are made, and therefore have a collective responsibility for providing effective leadership and direction.

The Executive must ensure that the decisions they make take account of health, safety and welfare issues, and that sufficient resources are allocated for the effective management of these matters.

The City Mayor has a key role, as the executive lead for the oversight of health and safety management by:

- reviewing health and safety performance, including any gaps or areas for improvement;
- ensuring that appropriate action is taken;
- being informed of any significant health and safety challenges, failures and outcomes of investigations;
- ensuring that the Executive are made duly aware of key health and safety issues;
- receiving information on monitoring and audit activities;

- ensuring health and safety implications are considered in all decisions.

Chief Operating Officer

The Chief Operating Officer has overall responsibility for:

- making arrangements for the effective management of health and safety throughout the Council; and,
- making arrangements for ensuring the implementation of this policy.

To ensure the organisation complies with the above, the Chief Operating Officer shall proactively lead and manage health, safety and welfare by:

- ensuring that the council has an appropriate health, safety and welfare policy (including organisation and arrangements) in place;
- ensuring that all Strategic Directors and Divisional Directors discharge their responsibilities;
- ensuring the Council has an adequate level of health and safety assistance and support to meet its legal responsibilities;
- ensuring that adequate financial and other resources are available to meet health, safety and welfare responsibilities within the constraints of budgets approved by the Executive (and advising the Executive where budget decisions could put health & safety at risk);
- being aware of the general requirements of health, safety and welfare legislation and the overall policies and expected standards of Leicester City Council;

In addition to their line management responsibilities, the Chief Operating Officer has a key role as the Corporate Health and Safety Champion in the oversight of health and safety management issues by:

- reviewing health and safety performance, including any gaps or areas for improvement and ensuring that appropriate action is taken;
- being informed of any significant health and safety challenges, failures and outcomes of investigations;
- receiving information on monitoring and audit activities.

Corporate Management Team (CMT)

CMT's role is to collectively and proactively lead and effectively manage health, safety and welfare by:

- ensuring that adequate financial and other resources are available to meet health, safety and welfare requirements;
- ensuring that health and safety matters brought before them receive appropriate attention;
- ensuring co-operation and communication between different parts of the Council;
- monitoring and reviewing health and safety performance;
- ensuring health and safety implications are considered in all decisions;
- assisting and supporting the Chief Operating Officer in respect of their responsibilities as described above.

Strategic Directors – Individual Responsibilities

In addition to their role as Corporate Management Team members, Strategic Directors have responsibility for ensuring that health and safety issues are considered in any strategies they are responsible for and in any programs, projects and activities they commission to deliver these strategies.

Strategic Directors are also responsible for the effective management of health and safety within the areas they line manage, and must:

- ensure health and safety implications are considered in all decisions;
- ensure that adequate financial and other resources are available to meet health, safety and welfare requirements, redirecting resources where appropriate within council policy;
- appoint one of their Divisional Directors as the Health and Safety Champion for all areas under that Strategic Directors control;
- ensure that Divisional Directors under their control understand their individual responsibilities (in relation to their teams, premises or services), and are adequately trained to carry out their responsibilities;
- be aware of the general requirements of health, safety and welfare legislation and the overall policies and expected standards of Leicester City Council.

Divisional Directors

In addition to their role as Corporate Management Team members, all Divisional Directors are responsible for ensuring that health and safety is managed effectively within the areas under their control by:

- ensuring that appropriate procedures and systems are formulated for any risks or work activities that are not specifically included within the Corporate health and safety policies and arrangements;
- ensuring health and safety implications are considered in all decisions;
- ensuring compliance with the Council's health, safety and welfare policies and procedures;
- ensuring that adequate financial and other resources are available to meet health, safety and welfare requirements, redirecting resources where appropriate within Council policy, and
- reporting to the Chief Operating Officer where they believe it is at risk due to lack of provision;
- ensuring arrangements are in place for the effective control, monitoring and review of control measures;
- ensuring that managers under their control understand their individual responsibilities (in relation to their teams, premises or services, etc.), and are adequately trained to carry out their responsibilities;
- ensuring adequate management representation at all health, safety and welfare committees, and that arrangements exist for Health and Safety Representatives to carry out their duties;
- being aware of the general requirements of health, safety and welfare legislation and the overall policies and expected standards of Leicester City Council.

Additional Responsibilities of Divisional Director of Estates and Building Services

In addition to their general responsibilities as a Divisional Director (listed above), the Divisional Director of Estates and Building Services shall co-ordinate the development and implementation of health and safety policy and strategy in relation to property by ensuring that:

- systems and procedures are in place to comply with current legislation in respect of property management and maintenance;
- systems and procedures are in place for the maintenance of all premises in the property portfolio;
- systems and procedures are in place to ensure that all potential risks during the construction phase of a project, and any future maintenance or demolition are addressed at the design stage.

- co-ordinate the development and implementation of corporate health and safety policy and strategy in relation to property .

Divisional Director Level Health and Safety Champions

In addition to their line management responsibilities, each Divisional Director nominated as Health and Safety Champion by their Strategic Director (for the area(s) under the Strategic Directors control), will act as that area's 'conscience' with regard to operational health, safety and welfare by:

- reviewing health and safety performance, identifying any gaps or areas for improvement and ensuring that appropriate action is taken;
- being informed of any significant health and safety challenges, failures and outcomes of investigations;
- receiving information on monitoring and audit activities;
- ensuring health and safety implications are addressed in all decisions;
- informing their Strategic Director of any key health and safety issues;

Heads of Service

Heads of Service are responsible for ensuring that health, safety and welfare is managed effectively within the area(s) under their control and shall:

- ensure that adequate financial and other resources are available to meet health, safety and welfare requirements, redirecting resources where appropriate within council policy, and reporting to their Divisional Director where budget constraints or other considerations could put health and safety at risk;
- ensure that managers under their control understand their individual responsibilities (in relation to their teams, premises or services) and are adequately trained to carry out their responsibilities;
- ensure that all managers have devised and implemented procedures and safe systems of work within their area of responsibility;
- ensure that appropriate risk management systems are implemented for the identification and control of all significant health and safety risks, within the areas under their control;
- ensure that managers are aware of the premises and personnel for which they are responsible;
- monitor and review health and safety within their area(s) of responsibility, and take remedial action as necessary;
- be aware of the general requirements of health, safety and welfare legislation and the overall policies and expected standards of Leicester City Council.

Managers, Team Leaders, etc.

All managers, team leaders, etc. are responsible for the effective management of health and safety within their area of control. In addition to any specific responsibilities outlined elsewhere in this document, they shall set a personal example by:

- being aware of the general requirements of health, safety and welfare legislation and the overall policies and expected standards of Leicester City Council;
- ensuring that adequate financial and other resources are available to meet health, safety and welfare requirements, and report any deficiencies to their line manager;
- co-operating with their manager or other responsible persons on health and safety matters;
- ensuring that all employees under their control understand their individual responsibilities, and are adequately trained to carry out those responsibilities (including ensuring that new employees receive health and safety induction training);
- ensuring that the relevant parts of the safety policy, systems and procedures are brought to the notice of and adhered to by all employees;
- ensuring that all accidents and incidents, etc. are reported, and that effective and timely accident / incident investigations are carried out;
- ensuring that sufficient risk assessors are trained and competent to carry out their duties;
- ensuring that suitable and sufficient risk assessments are carried out, reviewed, and any identified control measure(s) are implemented;
- responding appropriately to any safety concerns brought to their attention by employees;
- ensuring that health surveillance needs are identified, and where necessary arrangements are put in place and managed, all in line with Corporate policy and statutory legislation, in any area under their control;
- informing their line manager of any serious or significant incidents.

Building Responsible Officer

The 'Building Responsible Officer' is the nominated person at each property. This will be the most senior manager on the site (in most cases). They will be responsible for the day-to-day safety management of the premises.

In some cases (where determined by a specific contract), the site duty holder may be an external contractor.

Separate arrangements are in place for Centrally Located Administrative Buildings (CLABS), for example Sovereign House.

The Building Responsible Officer (Site Duty Holder) must:

- comply with the Council's policies and agreements relating to property management (health and safety policies, landlord / tenant agreement, etc.);
- report defects, breakdowns or other maintenance issues to their Property Helpdesk or equivalent as soon as possible, and ensure repairs are actioned;
- make sure procedures are in place for managing visitors, including contractors (e.g. a signing in procedure, assistance in a fire evacuation, etc.);
- keep premises records up to date (including records of asbestos and water hygiene monitoring, fire drills, etc.). These should also include an accurate record of contractors visits;
- ensure that emergency procedures are in place, (including arrangements for 'out of hours' emergencies, and that these are known and tested regularly (e.g. regular fire drills). Relevant information must also be readily available to the emergency services (e.g. by using a 'red box' risk information box);
- make sure employees and visitors to site (including contractors) are informed of relevant health and safety procedures, e.g. fire evacuation procedures, and any hazards they may encounter e.g. asbestos, fragile roofs;
- ensure that all contractors (including any maintenance staff directly employed by the Council) are shown, and sign to say that they have been given access to the site's asbestos register;
- notify the Estates and Building Services Division in writing before carrying out any building work (as landlord permission may be required);
- assist in the monitoring of any maintenance work carried out by contractors, by reporting any outstanding issues or unsatisfactory work;
- ensure that all the building's machinery, plant and other fixed services and systems are maintained (and also formally inspected as relevant), and that maintenance and inspection records are kept on site;

- ensure there is effective communication regarding health and safety issues between all services operating from the site, including ensuring there is a site forum / meeting with other services operating out of the site, where site management issues can be discussed.

All Employees

All employees, regardless of their role or position, are responsible for taking reasonable care for the health and safety of not only themselves, but also of other persons who may be affected by their acts or omissions at work. Therefore all employees must:

- co-operate fully with the Council's efforts to ensure compliance with health, safety and welfare legislation;
- not misuse, tamper or interfere with anything provided in the interests of health and safety;
- use plant, machinery, equipment, dangerous substances and other safety devices in accordance with health and safety information, instruction and training they have been provided with;
- report any work situation that they believe, represents a serious and immediate danger to health and safety, or a shortcoming in the Council's arrangements for the provision of health and safety to their line manager;
- where an imminent and significant risk to a person's health or safety exists, the activity being undertaken should be stopped and the line manager must be contacted immediately (as soon as safe to do so);
- immediately report accidents, violent incidents, near misses, dangerous occurrences, hazardous workplaces or defective equipment to their line manager;
- report any medical or physical condition which adversely affects their ability to conduct their work in a safe and healthy manner to their line manager.

The Corporate Health & Safety Team

The Corporate Health and Safety Team has a key role in the promotion of health and safety as an integral part of the general management function.

The primary responsibility of the Corporate Health and Safety Team is an advisory one, working with managers to ensure that they understand and comply with the requirements of relevant legislation.

The Corporate Health and Safety Team will:

- provide advice, support and direction on health and safety matters;
- produce and review health and safety strategy, policy and guidance;
- monitor the Council's management arrangements, including auditing and recommending corrective action;

- liaise with external bodies (e.g. HSE);
- produce and monitor the corporate Health and Safety Reports and Action Plans;
- liaise and consult with Trade Union Safety Representatives;
- identify / develop / deliver / commission relevant health and safety training;
- maintain an incident database and report on the quantity and nature of these adverse events;
- undertake formal incident investigations where requested or appropriate and advise upon preventative measures;
- identify, develop, contribute and promote the development of health, safety and welfare initiatives.

Elected Safety Representatives

Safety Representatives are appointed to represent their members (and employees more generally) in consultations on health, safety and welfare with the Council. An important part of this role is to promote and contribute to the development of measures to ensure the health and safety of employees and to monitor the effectiveness of such measures.

Individuals recognised by the Council as Safety Representatives in accordance with legislation and Council arrangements, will represent employees in safety related meetings and committees and, as part of their functions can:

- investigate potential hazards at the workplace;
- investigate complaints by any employee they represent;
- make representation to the employer;
- carry out inspections;
- represent employees in consultation with HSE Inspectors or other enforcing authorities;
- receive information from Inspectors;
- attend Safety Committee meetings.

Safety Representatives are entitled to inspect the workplace, or part of it, in the following circumstances:

- if they have not inspected it within the previous three months;
- where there has been substantial change in the conditions of work;

- after a notifiable accident, dangerous occurrence or notifiable illness, as specified in Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR).

Safety Representatives shall notify the relevant manager of their intention to carry out an inspection where it is reasonably practicable. The appropriate manager shall provide such facilities and assistance, including facilities for independent investigation and private discussion, as the safety representatives may reasonably require.

NB: It is worth noting that apart from the general duty placed on them as an employee, no Safety Representative is legally responsible for accepting the course of action taken by the employer. Nor is the representative in any danger of criminal proceedings being taken against them should they omit to carry out any of their functions. By the same token, it must be clearly understood that such protection will only be afforded to a representative whilst acting within their jurisdiction.

Occupational Health Service

The Council is committed to the provision of a comprehensive Occupational Health Service, as a fundamental part of its health and safety management system.

The Occupational Health Service is concerned with ensuring that individuals are fit and healthy in respect of their work, and that employees are not adversely affected by their job or vice versa. Occupational Health professionals support the Council in its aim to improve the health and wellbeing of employees and are responsible for:

- screening pre-employment forms and assessing fitness for work;
- ensuring management has appropriate and effective medical advice on a range of occupational health issues;
- carrying out health surveillance, and supporting the organisation to detect early signs of work-related ill-health among employees;
- the maintenance and retention of employees' health information in accordance with the relevant statutory legislation, ensuring confidentiality and compliance with the Data Protection Act at all times.

Consultative Arrangements for Health and Safety

Meetings will be informal in nature, but will abide by the rules of debate under the control of the Chair, who will ensure that all parties are heard.

All committees under these consultative arrangements are required to communicate outputs from their meetings to the committees above and/or below in order to share learning points where there is value in this.

Employee Consultative Forum

The Employee Consultative Forum (ECF) enables the City Mayor and the Executive to consult with recognised Trades Unions representatives of the workforce on strategic matters affecting the policy, direction and management of health and safety in the Council.

The ECF will receive from the Authority Wide Consultative Committee, matters of strategic policy which have emerged, that are not capable of resolution at a lower level and require the attention of the Forum.

Authority Wide Health and Safety Consultative Committee (AWH&SCC)

The Authority Wide Health and Safety Consultative Committee (AWH&SCC) is an officer level group, for strategic health and safety issues that do not require the involvement of the City Mayor and the Executive.

The purpose of the Committee, together with Divisional Health and Safety Committees, is to fulfil the requirements of the Safety Representatives and Safety Committees Regulations 1977 (as amended), particularly the general requirement on employers to consult with Trade Union Safety Representatives on significant matters of health, safety and welfare.

Where matters of strategic health and safety policy emerge that are not capable of resolution at the AWH&SCC, they may be referred to the Employee Consultative Forum, following agreement to do so by both sides of the AWH&SCC.

Where possible, meetings will be held quarterly and copies of minutes will also be distributed to Divisional Consultative Committees. In addition, a briefing note will be provided to the Authority Wide Consultative Committee who will make the decision to bring matters to the attention of the Employee Consultative Forum without undue delay.

Purpose:

- to receive reports of accidents and notifiable disease statistics and trends, with information on remedial action taken;
- examination of safety audits and reports, with information on remedial action taken;
- examination of information and reports received from the HSE and other authoritative bodies;
- consideration of reports from Safety Representatives;

- the development and monitoring of the arrangements for the implementation of the Council's health and safety management strategy, including the programme of hazard identification, assessments and controls;
- the development of the Council's health and safety arrangements, including commenting on new and revised corporate health and safety policies, standards, guidance, etc. at the draft stage;
- the constant appraisal of the effectiveness of health and safety training;
- the constant appraisal of the effectiveness of the communication of safety matters within the Council;
- to carry out independent inspections from time to time;
- to receive and advise on issues that have not been resolved at Divisional Health and Safety Committee level;
- to act as a conduit between the workforce and the Employee Consultative Forum on matters of employee attitude and morale.

The Committee may create Working Groups from time to time, to consider matters of detail, and to report back to the main Committee.

The Committee will have power to act insofar as the officers attending the meeting have authority within the rules of the Council.

Membership

- Constituent Trades Unions
- Chief Operating Officer or Divisional Director (Chair)
- Divisional Managers, who are able to contribute to discussions on corporate issues
- Corporate Health and Safety Team

The numbers on the management side are to not exceed the numbers from constituent Trades Unions.

Chair and Secretary

The management side shall appoint (from the management side) a Chair and Secretary for the group.

Meetings will be informal in nature, but will abide by the rules of debate under the control of the Chair, who will ensure that all parties are heard.

Divisional Consultative Committees

These committees are based on their service context and any relevant employee groups therein whilst ensuring that all employee groups are represented by a Divisional Committee. This does not preclude sections, operational teams or employee groups from organising their own local consultation arrangements.

The committees are consultative bodies and have no voting or other decision making mechanisms.

Each Divisional Committee is chaired by a Divisional Director on a rotational or priority basis.

All committees will operate under the same core terms and conditions (to be agreed).

All issues must have been raised with the relevant manager and a resolution sought before being considered by the committee. Issues that are not resolved by the Divisional Committee should be referred to the Authority Wide Health and Safety Consultative Committee as should any actions taken or lessons learned that may have a wider corporate implication.

The frequency of meeting is to be determined by each committee, but with a minimum of one meeting each quarter.

Membership

- Constituent Trades Unions
- Divisional Director (Chair)
- Respective Divisional Directors dependant on agenda items to be considered
- Corporate Health and Safety Team

The numbers on the management side are to not exceed the numbers from constituent Trades Unions.